

THIRD DAY

Thursday 12 November 2020

DRAFT HANSARD

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PARLIAMENTARY DEBATES CORRECTIONS TO DAILY DRAFT HANSARD

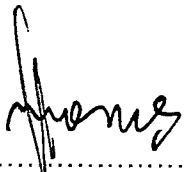
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Corrections maybe marked on a photocopy of the Daily Draft Hansard and lodged at the Office of the Principal Parliamentary Reporter, A123 (next to the Security Control Room).

Corrections should be authorised by signature and contain the name, office and telephone number of the person transmitting/making the corrections.

Amendments cannot be accepted over the phone.

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.....
Mr Harry Momos

Acting Principal Parliamentary Reporter

THIRD DAY

Thursday 12 November 2020

The Deputy Speaker (**Mr Koni Iguan**) took the Chair at 10 a.m.

There being no quorum present, Mr Deputy Speaker stated that he would resume the Chair after the ringing of the Bells.

Sitting Suspended.

The Deputy Speaker (**Mr Koni Iguan**) again took the Chair at 11 a.m., and invited the Member for Chuave and Minister for Environment, Conservation and Climate Change, **Honourable Wera Mori**, to say Prayers:

‘God almighty, we thank you that we are able to gather here and we also thank you for the fact that we have been chosen by the people that you have created and have given us the mandate to come and deliberate on affairs and issues that will affect their lives and also contribute to their wellbeing. Father, we pray this morning for your wisdom so that we may not depart from what you chartered us to do. Lord we seek to take your wisdom so that the laws we pass and the policies we put in place must contribute towards the wellbeing of the people and this country. This morning I pray for the Prime Minister his Deputy, the Speaker and also the Opposition Leader and all Members of Parliament so that with your conviction we may speak and deliberate on issues so that the final outcome will be according to will. Lord we praise you and thank you for the privileges that you have given us and the abundant resources of this country. In Jesus Name, we pray. Amen’.

DEATH OF FORMER MEMBER (Sir Akepa Miakwe) – STATEMENT BY THE DEPUTY SPEAKER

Mr DEPUTY SPEAKER – Honourable Members, I have to inform this Parliament of the death of Sir Akepa Miakwe, on 2 October 2020, a former Member for Goroka and Unggai-Bena Electorate. He was first elected to the Third House of Assembly/First National

Parliament for Goroka Open electorate from 1972 to 1982, and was re-elected to the Second National Parliament for the Unggai-Bena Open Electorate from 1977 to 1982.

During those times, he was appointed Minister for Corrective Institutions and Liquor Licensing from 1980 to 1982.

As a mark of respect to the memory of the late honourable gentlemen, I invite all honourable members to rise in their places.

I thank the Parliament.

02/03

QUESTIONS

PNG LNG Benefit Sharing

Mr PETER ISOAIMO – Thank you, Mr Deputy Speaker for reserving me the right to ask two questions to the Minister for Petroleum. My questions are as follows;

(1) Does the Minister have any plans or intentions to review the UBSA and LBSA agreements which are a decade old, especially with regard to benefit sharing?

One of my districts has not received any benefits from it. By convention, as per law under *section 98 of the Organic Law on Provincial Government*, benefits are only spelled out for provincial governments and the LLGs including Hiri Special Purpose Authority, while my DDA government has completely missed out.

(2) Will the Minister review the benefit sharing agreement to include the District Development Authority as a beneficiary?

Mr Deputy Speaker, the second question is in relation to my people of Hisiu, Oro, Yule island, Waima and Kivor; the people in waterways of Cape Suckling to Cape Possession.

(3) Can the Minister explain to these people whether they are entitled to the pipeline benefits, are they captured under the benefit sharing agreement?

Some of the ILG members from these areas have received contradicting information from certain Ministers stating that these lands are within the buffer zone and so these people are entitled to benefit; however, on a political level, I have previously raised this question and was informed that this was not the case.

Can the Minister clarify this issue once and for all?

Mr KERENGA KUA – Thank you, Mr Speaker. I thank the Member for Kairuku-Hiri for raising some very important questions.

In regard to the first question regarding the review of UBSA and LBSA, I know there are review provisions within that agreement but I am not sure off the cuff exactly when, so I will answer that question tomorrow.

The second question was in relation to DDAs missing out on project benefits, this is true. This is because of the history of the DDAs. The PNG LNG projects commenced prior to this Parliament passing the DDA Act. So, when the PNG LNG Gas agreement was made, they accommodated authorities and institutions that were already in place at that time and subsequently the DDA board came into existence that is why within the existing framework of the Oil and Gas Act and the UBSA and LBSA framework, the DDA board was not captured.

So that is one of the important developments that we need to accommodate in any subsequent reforms we want to do. We must include the DDA board in the benefit sharing scheme so that the provincial governments, DDA board and the LLG can all share the responsibility of governing their people and their area.

I thank the Member for raising this question and I take note of it. I will include it in the future reforms that I will bring so that we are fair towards the DDA board.

In regard to the third question, the pipeline benefits, I know that in all projects the impacted landowners are entitled to receive some benefits. I also know that all project land owners, pipeline landowners and facility landowners are receiving and have received some benefits; however, I'm not too sure if they have all received their benefits. So, I will also respond to this question tomorrow.

03/03

Usually, those that receive benefits depends on the land owner identification that was done before the project agreement. Those land owners determined by the Minister do benefit. Those people who were not identified in the land owner identification exercise don't benefit because they live outside the pipe line, license or well head area. To be qualify for benefits, you have to be within the license area.

So, on that note, I know that some people from Kairuku-Hiri have benefited but for those that did not, I will find out and answer it tomorrow.

Thank you, Mr Deputy Speaker.

Funding for Menyamya

Mr BENJAMIN PHILIP — Thank you, Mr Deputy Speaker. I direct my question to the Deputy Prime Minister. Before that, I thank the Government for appointing the Honourable Member for Bulolo to be the Deputy Prime Minister of the country.

I shouldn't ask this question on the Floor of Parliament but over the past four months I have been trying to contact the Minister but he has been avoiding me so I would like to ask on the Floor of this Parliament.

I am aware that the Deputy Prime Minister has made some commitments in Menyamya and also made promises to the supporters of his United Labour Party. He also committed some money from the PIP funds when late Thomas Pelika was the Member for Menyamya. One of those commitments was the K500, 000 for the water project.

When you were Planning Minister, you mentioned that there were also other PIP programs listed for Menyamya in the Budget and further promised commit some funds.

When I was elected in May this year, we met twice and I was promised the K500, 000 for the water project which would be pick up in Lae. The other time the Minister have advised me to pick the same cheque up in Por Moresby –

Mr Kobby Bomoreo – Point of Order! Honorable Member, go straight to your question, you are dragging time for other Members.

Mr Deputy Speaker — Honorable Member for Tewai-Siassi, when you raise a point of order, you must wait for the order from the Chair to allow you speak, don't just rise up and speak. However, your point of order is in order and I will ask the Member to go straight to the question.

Mr BENJAMIN PHILIP — Thank you, Mr Deputy Speaker. My questions are as follows:

(1) Does the Minister still have the promised K500,000 cheque for the district water supply, if yes, will it be given to the district? Tell the people of Menyamya on this Floor of Parliament the status of the cheque;

(2) Is the Minister aware of other PIP programs for Menyamya; if so, can he inform the people of Menyamya on this Floor?

04/03

Mr SAM BASIL – Thank you, Mr Deputy Speaker I thank the Member for Menyamya, Honourable Benjamin Philip for his questions.

Just a brief rundown on what normally transpires back at the Provincial Centre; the Tutumang Haus, every time when the Governor calls for meeting, all Members attend the Tutumang. After the Tutumang, we all sit and discuss on all the programs and projects for the Province.

Since the time you got elected, you never attended a single Tutumang. Therefore, I appeal to you to attend meetings, otherwise, the Governor will remove you from Tutumang.

(Laughter in the Chamber!)

Mr Benjamin Philip – Point of Order! In the last Tutumang, I was informed late on meeting date and I also had other commitments.

Mr DEPUTY SPEAKER – Honourable Member, your point of order is out of order. You can't use the Parliaments time to explain your provincial matters.

Mr SAM BASIL – Yes, the Honourable Member can sort it out with the Governor on how he will attend the Tutumang in future.

Mr Deputy Speaker, with that, commitments have already been done by the Department of National Planning, and I believe that cheque is with the department waiting for the Member.

I also want to inform all the Members of this Parliament that if you have any queries don't make appointments or ring because sometimes Digicel network doesn't work properly and at times you blame us Ministers. This applies to both the Opposition and Government members. If you have issues concerning your electorates just walk in, we will never say no to you.

If Parliament rises today, can come, it's just a few kilometres down the road.

Your cheque is, there so pick it up and provide services to the people of Menyamya.

Supplementary Question

Issuing of Cheques

Mr PETER ISOAIMO – I have a similar issue and I thank his Ministry for allocating funds for water programs.

The confusion is the District Treasury officers raised this same amount to one company for a water project, which they had already submitted to the National Planning office.

I got frustrated with it and put a stop to it. I wrote a letter to the Honourable Deputy Prime Minister to clarify whether this cheque was for the company or the DDA to use in my electorate.

Mr DEPUTY SPEAKER – Thank you, Honourable Member. The Deputy Prime Minister has explained it clearly that for any issues concerning your electorate, please walk in any time to his Department for a response.

But Minister, it's a Supplementary Question so you can respond to it.

Mr SAM BASIL - I thank the Member for Kairuku-Hiri for his question. We had similar issue which the PIP cheques were for the districts but the program was hijacked. But in such a situation, it's the relationship between you and your CEO to work hand in hand to bring services.

But if they are raising cheques without approval from you as the DDAs chairman then you have to sort it out with your District CEO. But there is no jurisdiction for us to step in when the need arise. But if this payment had problems then the officers can re-write the cheque again, the onus is on you to sort out the administrative issues at your district first.

Covid-19 Pandemic Status Update

Mr CHARLES ABEL – Thankyou Mr Deputy Speaker. I want to direct my series of questions to the Minister for Health. Who recently resumed his duties. He is very experienced in that field and I know he would pick up these issues fairly quickly.

It's in relation to the Covid-19 pandemic, the much serious pandemic which has caused chaos, disruption and fear in people's lives in PNG and around the world in making us to react and impose all sorts of restrictions on our people.

05/03

But, it would seem that today, Mr Deputy Speaker, we've gone very quiet about it, yet our people still remain so much restricted in their daily lives in relation to the fear of this virus.

I just want to give opportunity to the Health Minister to inform and update this House in summary, I know he wouldn't have the detail necessarily before him. This House and the country want to know exactly the status of the Covid-19 pandemics is in Papua New Guinea in relation to the number of deaths, infections, and recovery.

(1) Had there been expected impacts on our people as actually projected? (2) Do we know perhaps why Papua New Guinea is not affected in same way that the other countries have been affected?

(3) Can this apparent resistance to Covid-19 in Papua New Guinea inform us as to perhaps some solutions in relation to what is happening to the rest of the world? In places like United States, there are 1000 deaths per day, why is Papua New Guinea not having similar sort of impact.

(4) Are we still operating under the Pandemic Act or State of Emergency and thus utilizing provisions in that Pandemic Act to do such thing as bypass the Public Finance Management Act?

(5) Are we unnecessarily restricting the movements and the lives of our people? (6) What are we doing after understanding the actual impacts of the Coronavirus and to return the country to normalcy and to support the economy struggling at the moment?

Thank you.

Mr PUKA TEMU – Thank you, Deputy Speaker. I thank the Honourable Member for Alotau for the series of questions on Covid-19.

I will present a statement to fully inform the nation and the honourable House on the status of the Covid-19 in the country. But for the purposes of the questions and to give you an update, we receive updates everyday in terms of Covid-19. There are 599 cases. We still only have seven death related to Covid-19. As you recall, the number seven has been with us for last three months and so, we have not had another death. So, we hope and pray that it will remain at seven.

Mr Deputy Speaker, on average we are now registering positive cases at the rate of zero and one, so that's very low at this stage.

In terms of the number of cases, we have 15 province that have detected Covid-19. The province with the largest number is NCD with 346 out of 599 the cases, Western Province is the second highest with 203, Eastern Highland has 13, West New Britain with 10, Central with 7, Morobe has 5, East Sepik with 3, East New Britain with 2, Milne Bay with 2, New Ireland has 2, Enga has 2, while Sothern Highland, West Sepik, Autonomous Region of Bougainville and Hela have 1 each totaling to 599.

You can argue fairly that because we do not have the high rate of testing in the country we may not be detecting the numbers that we should be detecting. But at the same time, I can give comfort and assurance to the country that we are not seeing a high rate of facility-based respiratory illnesses that we are recording. We are not recording a high rate of health facility-based deaths particularly in the hospital settings.

So, that gives us little bit of comfort and there must be something contributing to the low rate of community-based transmission because our country is now under WHO registry as one country which has community-based transmission of Covid-19.

Why it is low in the country, that is the subject of some research we will undertake and that research has to be long to medium term.

06/03

Some research that we had to undertake and that research had to be medium to long term.

I have also heard good news globally, the third phase of vaccine trials are now yielding very good results. Some of you are watched it on the internet, the rates are 90 percent plus.

The Pfizer group of companies have already announced that it is looking very positive plus a number of pharmaceutical companies around the world where Covid-19 has taught us to work together and pour money into some of these very important health issues and the development of the vaccine. There is some good news that the vaccine could be available before the end of the year, some are even predicting the end of this month.

So remember when Covid-19 first came? We took the hard road through the current Prime Minister's leadership. We shut down flights, we did a State of

Emergency but I think we have now learnt a lot of lesson so we are now under the Covid-9 legislation rather than a State of Emergency Legislation.

But the Controller still has the control and there is a committee established under the *Pandemic Act*, if you recall the bill we passed. That committee is made up of Treasury, Planning and Health and that committee decides in unison rather than the controller by individually. The committee decides on the priority procurement the areas where we still need to do to make sure that we comply with the *Public Finance Management Act*.

I can assure the Honourable House and our people that in terms of complying with the *Public Finance Management Act* under the State of Emergency situation under the *Pandemic Act* that we structure the law to make sure that there is a body of people that assess the requirements so that we comply with the Public Finance Management requirements.

As for the reasons for having a low rate of Covid-19 cases and related deaths in the country, at the moment, we really have no evidence because Covid-19 is a new disease. There's not much knowledge globally on why some countries in this part of the globe, particularly have low rates in the Pacific, unlike America, Malaysia and Philippines and our neighbour Indonesia. Those numbers are still going up. But why we have been spared, science has not yet yielded the research that is required so I am unable to inform the Honourable House on the results of those research.

But as a nation, through our Institute of Medical Research and our other well renowned scientific research bodies here in the country, we are now having a conversation on getting our Medical Research Advisory Committee to structure a medium to long term study on the reasons why PNG is not seeing an increase in Covid-19 cases.

In my opinion as a person with a medical background, a possible explanation could be the large proportion of younger population in PNG. Most of the deaths you reported around the world are elderly and those in the nursing homes. Secondly, I think and it is yet to be proven which is that from childhood up we are always exposed

to many bacteria and viruses very early on. Therefore, our level of immunity is higher than other people in other parts of the world.

Those has to be proven through a very well-structured scientific study so that when the results are announced the scientific body around the world accepts those results and then they can then contribute to the global knowledge of Covid-19 in the world.

I am now managing a process where we now have a transition plan to move away from the National Coordination Centre (NCC) for Covid-19. We have a transition plan to bring it back to Health Department. It will become a major health program and hopefully when Parliament agrees and that amendment comes, the Controller post can be moved away from our current very hard working Police Commissioner to the Health Secretary or his Deputy

07/03

I am of the opinion that we can live with Covid-19. We must not be afraid, we must learn to live with the pandemic. Through the leadership of the Prime Minister, we have allowed the economy to open up, we have allowed the markets to open, we have allowed the PMVs to operate. But we must make sure that, we wear our masks, wash our hands and still keep social distance. The new norm now has been instilled into our children who have all become used to the new normal. I am just disappointed this morning that we are all not wearing masks, including myself and we are not social distancing.

All these issues like wearing of masks, maintaining social distancing particularly in confined areas like our House of Parliament and washing of hands must still be observed. While we maintain that, the economic impact when we are on lockdown are far worse than the health impacts because our rates are low. I believe that this balance in act under the leadership of the Prime Minister is right and we are now continuing to do business.

Mr DEPUTY SPEAKER – Ruling

Sir PUKA TEMU – I hope I answered the questions.

Supplementary Question

Covid – 19 Vaccine Production and Trial Protocols

Mr MEHRRA MINNE KIPEFA – Thank you, Mr Deputy Speaker. Let me also ask this question without notice in relation to the pandemic issue regarding the scientific research on Covid-19 that was undertaken by our Government few weeks ago.

As far as science is concerned, any research that is undertaken by a country needs legislation in relation to biotechnology of any cutting edge research. So far in the country we don't have any scientific protocols, we also don't have any biotechnology legislation in place to use scientific equipment. We have no accredited laboratory technology. This is an area where the Government needs to focus on. Therefore, all these things need to be in place first.

My question to the Health Minister is what is the Government's plan of action in relation to an organisation that discovers a cure and how will the results will be tested, and accepted through the scientific body both in PNG and abroad?

Sir PUKA TEMU – Thank you, Deputy Speaker I thank the Honourable Member for Obura-Wonenara for that question.

The decision that the National Executive Council made on the company's proposal, through the Prime Minister's leadership are processes that we will normally go through in terms of research studies particularly in medical research. For example, taking samples from the body of an individual and therefore those research protocols which are overseen by the country's medical research advisory committee. The Institute of Medical Research is our premier research institution in terms of medical research and those protocols are available.

08/03

In terms of the Cabinet decision on the research on the Covid-19 therapeutic modalities that they have studied, and in relations to the University Department of Chemistry and Medical Research Advisory Council and IMR, we are now guiding that process so that they comply in structuring these research, they comply with the scientific requirements, so that, the results can be accepted.

The Ministry of Higher Education, Research Science and Technology is the Ministry which houses the Research and Science Technology office and the policy on scientific research is under that ministry at the moment. Once the policy is formalized through the

Cabinet process then that will guide the direction under which similar scientific research can be taken in the country and that will require legislation.

I have been an advocate myself and I discussed with the Prime Minister that in terms of research and development, this is one area that our Government needs to pick up rather than pack it and mix it up with the Higher Education. It may require a separate ministry by itself, so there is leadership in terms of developing the right policy and research, development coming to Parliament for the right legislation.

There is a policy ready so I will ask the Minister for Higher Education to look into that so it can come to Cabinet so that we progress our policies, bills and structures.

Thank you, Mr Deputy Speaker.

Mr NAKIKUS KONGA – Thank you, Mr Deputy Speaker, for your acknowledgement. I congratulate you for the position which this current Government has given to you and I would like to congratulate Member for Wau-Bulolo whose leveled up to Deputy Prime Minister of Papua New Guinea.

I have shortened my question to the Minister of Environment, Conservation and Climate Change and the Minister for Mining to take note.

This is the third time I am asking this question. Firstly, I thank the Minister because he has been to Sinivit Goldmine. A mine belonging to us, it was headed by New Guinea Gold, six years ago. I am thankful for Minister for Mining because he has been there twice trying to solve our problem, likewise, the Minister of Environment, Conservation and Climate Change, has been there twice too.

They have given my provincial government a lot of assurance, let me explain what has happened six years ago. It was MRAs fault to have appointed a small miner to come and develop the project; the Sinivit Gold Mine or Wild Dog. Now they have been on the project for the past 4 to 5 years ago and the Wild Dog, I believe are now operating in somewhere around Wau-Bulolo, and these two ministers are well aware of this. What happened is, the developer, New Guinea Gold has taken MRA to court so that they won't touch the goldmine, I was then left with 18 vats.

Two years ago, there was a big rainfall in that area and the first vats which flows to the Warangoi River was eroded and a lot of fish died and it affected the fish in the sea as well.

09/03

In the catchment area there is about 45 thousand people living there.

The river is very important because it involves the people of Gazelle Open, Pomio and also Kokopo District. There are about 45 thousand people living along the river.

When I went up there with the Minister for Mining some three months ago, the other vat which is now flowing down to the Kerevat River because of heavy rainfall will affect the people in the Gazelle Electorate living along the river.

My questions to the Minister are;

(1) When will he clean up the mess that is happening in the Sinivit Gold Mine?

(2) When will he be able to talk with the Minister for Mining to sort this issue?

Thank you.

Mr WERA MORI – Thank you, Mr Deputy Speaker. I would like to take this opportunity to thank the Governor of East New Britain for asking his questions.

Firstly, I have not received anything from Wild Dog or Sinivit as it is known in my capacity as Minister, but I was drilling the Wild Dog project in 1990 and 1991.

Mr Deputy Speaker, it is so unfortunate and I am thankful to the Honourable Governor for expressing his concern. It is a major problem because we have a cyanide waste exposed. Unfortunately, they have marked the creek that flows down the Warangoi River system which is a small creek. It is not able to dilute to the extent where you and me could expect it to be safe.

Coming back to your question, I have written to the Prime Minister and I have raised it to the relevant Cabinet Ministers on a need to put a budget in 2021 to fund this important mine.

I will assure the Honourable Governor that at the end of the Parliament meeting, I will visit East New Britain so that we will be able to scope how it could be removed because, cyanide is not another ordinary waste. It is very toxic if you breath it in, so we need an aerial surveillance where we will work out how much it will cost to remove those waste that are up there at Wild Dog.

I would like to emphasise a point by answering this question because of the climate change that we are experiencing; the heavy rainfall will not help us. It will make the problem more serious.

At the earliest I will attend to that and I am sure that the Government will put some money for us to look at that.

Thank you.

10/03

**-- SUSPENSION OF STANDING ORDERS --
EXTENDED TIME FOR QUESTIONS**

Motion (by **Mr John Kaupa**) put –

That so much of the *Standing Orders* be suspended as would prevent time for Questions Without Notice this day being extended by 20 minutes.

Motion Negatived.

Mr JOHN KAUPA – Mr Deputy Speaker, I direct my question to the Prime Minister. This question is in relation to so many members concerns that have been expressed on this Floor in regards to foreign-owned businesses.

I ask the ministers for Commerce and Industry, Migration and Labour and Employment to take note and the Prime Minister to give his directions regarding this question because I am not satisfied with the pronouns directives and answers to this question.

Mr Deputy Speaker, last time I launched in my electorate Small Medium Enterprises program, I take this time to thank the Prime Minister for accepting my invitation to be present with me to launch this program at the Sir John Guise Stadium.

Mr Deputy Speaker, my challenge is the Micro – SME business that I want to roll out to the womenfolk of my electorate down 8 Mile to 9 Mile. I have personally witnessed Chinese, Bangladesh and foreigners who have gone and started up their trade store and half of the womenfolk in my electorate who have qualified for the Micro – SME are competing with these foreigners who are financially sound.

Mr Deputy Speaker, these foreign businesses going into the settlements are challenging the sustenance of the womenfolk and it is not beneficial competing against these foreigners.

Mr Deputy Speaker, my question to the Prime Minister is what is the Governments stand in protesting business for locals, businesses who are being challenged by foreigners to

start up their businesses? This is an important question and I urge the Prime Minister to give directives to his line ministers to look into these issues and implement some corrective measures to free up our citizens to carry out their ordinary businesses.

Mr JAMES MARAPE – I thank the Member for Moresby – North East for his very important question. I also apologise for not supporting him on his motion to extend question time because we have a very important Bill which our nation has been waiting for us to pass, the Independent Commission Against Corruption Bill Law. But your question is very important.

Mr Deputy Speaker, let me give assurance that there are many related laws in place that restrict foreign businesses that cannot go down to certain levels. I can say that we are not effectively policing those laws and we are allowing the foreigners to participate in businesses like a tucker-box store, retail business and fast food chain stores.

I am directing the Ministers for Immigration, Labour and Employment and Commerce and Industry to sit down together and enforce these policies.

The Labour and Employment Honourable Jeffery Karma, has already started some work already and is checking on foreigners who are occupying Papua New Guinea citizens jobs and also foreigners who are engaged in businesses reserved for Papua New Guineans.

Mr Deputy Speaker, this Government is not discouraging foreign investors but is encouraging them to come in at a certain level where they can do business in this country.

We cannot go to Australia, China or overseas countries and partake in businesses reserved for their own citizens.

I am grateful to the Minister for Commerce and Industry who is at the forefront working tirelessly to keep order on these issues.

I urge my government to see this as a very important question and will take it into account to ensure that those laws are enforced and the rights of our citizens are protected. We as Government must make interventions that we need to make.

Mr Deputy Speaker, this is a signal to those foreign-owned businesses that are operating in businesses reserved for nationals to be investigated by a joint taskforce team from the relevant departments and ministries that will be put together.

I assure the good Member when Parliament resumes, we can come back and report on the status of these concerns.

There are three relevant Bills regarding these issues that have been brought to Government notice and it is for Parliament to define it better to deliver a product when employments or business that are classified for locals are being utilised and that foreigners engage in these activities classified for them.

11/03

**TREATY DOCUMENTS – RATIFICATION OF THE UNITED KINGDOM
AND PACIFIC INTERIM ECONOMIC PARTNERHIP AGREEMENT (UK-
PACIFIC) – PAPER AND STATEMENT – PAPER NOTED**

Mr PATRICK PRUAITCH (Aitape-Lumi – Minister for Foreign Affairs and International Trade) – Mr Deputy Speaker, pursuant to statute, I present the following paper:

‘Treaty Documents – Interim Economic Partnership Agreement between United Kingdom of Great Britain and Northern Ireland of the one part; and the Pacific States of the other part.’

I ask leave of Parliament to make a statement in connection with the paper.

Leave granted.

Mr Deputy Speaker, it is an honour for me as the Minister for Foreign Affairs and International Trade in this auspicious Government to stand in this prestigious house and introduce to you all, the United Kingdom and Pacific Interim Economic Partnership Agreement (UK-Pacific IEPA).

More importantly, it is my duty and priority as the Minister for Foreign Affairs and International Trade to inform you of the status of the UK-Pacific IEPA and seek your support and endorsement on the ratification of this very important Agreement.

The Interim Economic Partnership Agreement between the United Kingdom and Pacific

Mr Deputy Speaker, the Interim Economic Partnership Agreement is a Trade Agreement between the United Kingdom of Great Britain and Northern Ireland of the one Part, and the Pacific States of the other Part. Currently, the Pacific States consists of the

Papua New Guinea and Fiji, and is open to other Pacific States who may wish to become party to it in the future.

This Agreement is a replica of the current European Union - Pacific Economic Partnership Agreement (EU - Pacific EPA).

In essence, the Interim Economic Partnership Agreement provides duty free and quota free access into the UK for goods originating from Pacific States and it also provides for a gradual reduction of duties in the Pacific States for goods originating in the UK. The Agreement is intended to provide continuity of rights and obligations of the UK and the Pacific to each other under the EU - Pacific EPA.

Mr Deputy Speaker, the Agreement was signed by Her Excellency Ms Winnie Kiap on behalf of the Government of Papua New Guinea on the 14th of March, 2019, in London, United Kingdom. The signing of the Agreement was done in anticipation of Britain exiting the European Union (EU) which has already happened, and the transition phase will end when we reach the 31st of December 2020. On that date the preferential trading relations PNG has with UK under the current EU - Pacific EPA will cease to apply.

Mr Deputy Speaker and distinguished members of Parliament, the UK -Pacific EPA is an essential Agreement that needs to be operationalized as soon as practical to cushion the economic shock caused by the Covid-19 pandemic. PNG needs such an arrangement to allow continuation of trade through favourable market access preferences, promote business and investment confidence, and strengthening its position as a trading nation.

Trade Relations between Papua New Guinea and the United Kingdom

Mr Deputy Speaker, the United Kingdom is a significant trading partner to Papua New Guinea. PNG exports coffee, tea, copra, palm oil, coconut oil, palm kernel, cocoa beans, copper ores, concrete, rubber and sawn timber to the United Kingdom, and imports from UK, chemicals, pharmaceutical products, machinery and mechanical appliances among other goods that are important to the development of PNG.

Whilst there is a trade imbalance between Papua New Guinea and Fiji in favour of Fiji of a value of US\$17.31million; PNG enjoys a trade balance surplus of US\$82.8 million with the United Kingdom according to the United Nations International Trade Statistic (UN COMTRADE) 2018 data.

This Agreement seeks to ensure that there is continuity of preferential trade relations between UK and the Pacific States, including PNG and Fiji.

Benefits of the Interim Economic Partnership Agreement

Mr Deputy Speaker, if Parliament ratifies this Agreement, we will see our small and medium size businesses continue to flourish with continuous increase in employment, income and improvements in livelihoods for our people.

The UK - Pacific Interim Economic Partnership Agreement with its Trade Partnership Program will assist our technical agencies and our exporters to broaden their knowledge, capacity and skillsets on the best practices to meet Sanitary and Phytosanitary measures, Rules of Origin, packaging and storage and transportation requirements for export.

12/03

In this regard, I am committed to ensure that Papua New Guinea continues to venture into similar arrangements with other trading partners to enhance our economy and create opportunities for our people to sustain their families and simultaneously contribute to the development of this country.

Potential Loss to PNG if the United Kingdom and Pacific Interim Economic Agreement is not ratified

Mr Deputy Speaker, as it is important to note the Interim Economic Partnership Agreement's benefits to Papua New Guinea, it is equally important to note the imminent consequence that lies ahead if Papua New Guinea does not ratify the said Agreement.

If not ratified by the 31 December, 2020, PNG businesses and investment will lose preferences that were negotiated in the existing Interim Economic Partnership Agreement. This would include tariff rates returning to the WTO's most favored nation treatment and PNG may see a reverse in benefits derived from trade flows.

Furthermore, additional duties will be absorbed by businesses and passed on to consumers in the form of higher prices, and interrupt trade patterns. For instance, UK consumers will switch from high priced but quality products from PNG to cheaper and low-quality products from other parts of the world. This will negatively impact business competitiveness and employment opportunities in Papua New Guinea.

Mr Deputy Speaker, to conclude it is also important to note that all parties including the United Kingdom, PNG and Fiji must ratify the agreement and notify each member for the agreement to be enforceable under international law.

Therefore, Mr Deputy Speaker and distinguish members of Parliament, I

would like to make a motion to waive the requirements of *Section 117(3)* of the *Constitution* and appeal to all members of Parliament to support the ratification of this important agreement.

Thank you, Mr Deputy Speaker.

Motion – That the question be now put – agreed to.

Motion – That the Parliament take note of the paper – agreed to.

MOTION BY LEAVE

Mr PATRICK PRUAITCH (Aitape-Lumi – Minister for Foreign Affairs and International Trade) – I ask leave of the Parliament to move a motion without notice.

Leave granted.

MOTION TO WAIVE *SECTION 117(3)* OF THE *CONSTITUTION*

Motion (by **Mr Patrick Pruaitch**) proposed —

That, in accordance with *Section 117 (5)(a)* of the *Constitution*, this Parliament waives *Section 117 (3)* of the *Constitution* which requires a treaty document to be presented to the Parliament for at least ten sitting days before Papua New Guinea can be bound as a party, insofar as that provision applies to the ratification of the Interim Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland of the one part, and the Pacific States of the other part.

The motion requiring an absolute majority of 56 Members as required by the *Constitution*, Mr Deputy Speaker ordered that the Bells be rung.

13/03

(voting in progress)

The Parliament voted (the Deputy Speaker, **Mr Kobby Bomoreo**, in the Chair) –

AYES – 97

NOES – 0

Motion so agreed to.

14/03

MOTION BY LEAVE

Mr RAINBO PAITA (Finschhafen – Minister for Finance and Rural Development)

– I ask leave of Parliament to move a motion without notice.

Leave granted.

**SUSPENSION OF STANDING ORDERS –
REARRANGEMENT OF BUSINESS**

Motion (by **Mr Rainbo Paita**) agreed to –

That so much of the *Standing Orders* be suspended as would prevent Order of the Day No. 174, Government Business, being called on forthwith.

**ORGANIC LAW ON THE INDEPENDENT COMMISSION
AGAINST CORRUPTION 2019**

Third Reading

Second required opportunity for debate and second vote from 3 June, 2020 (See page...)

Mr DEPUTY SPEAKER – Honourable Members, pursuant to statute, I present the following report:

Permanent Parliamentary Committee on Constitutional Laws, Acts and Subordinate Legislation – Report to Parliament on the Organic Law on the Independent Commission Against Corruption Law, 2019.

Sir PETER IPATAS (Enga – Chairman of the Permanent Parliamentary Committee on Constitutional Laws and Acts and Subordinate Legislations) – I ask leave of the Parliament to make a statement in connection with the report.

Leave granted.

Thank you, Mr Deputy Speaker, I take this opportunity to present this report of the Committee on Constitutional Laws, Acts and Subordinate Legislation and Committees on the examination of the proposed Organic Law on ICAC. The Proposed Law once passed by Parliament will establish the Independent Commission against Corruption.

Mr Deputy Speaker, corruption is everywhere in PNG, in the public sector, private, NGOs and including the churches. It has affected the entire administrative and political structures in our country. Literature on corruption in the country speaks volumes about how bad it has been. The outcome of every entire corruption policy is left in the two hard baskets, while work of entire corruption agencies become disbanded for unknown reasons or failed to function due to resource constraints.

For instance, the Investigation Task Force Sweep; how long can corruption continue to thrive on failed politicians and disbanded and not functioning agencies. With ICAC insight

this gives hopes for the country and its people that the government is serious about fighting corruption now and into the future.

Mr Deputy Speaker, the committee concluded its inquiry to examine the proposed Organic Law in an open and transparent manner. There were seven submissions received by the committee. The submission received were very much supportive of the proposed Organic Law except for the Ombudsman Commission who were critical of the ICAC establishment because Ombudsman Commission argues that ICAC duplicate the functions of the Ombudsman Commission.

Mr Deputy Speaker, the following issues were considered by the committee during the examination of the proposed Organic Law.

15/03

(1) The committee took special attention on the views expressed by the Ombudsman Commission (OC). The OC held that their recommendations during the initial consultation process in the drafting of the proposed law have not been considered. Ombudsman Commission held that ICAC will duplicate its functions. OC further claims that much of what is in the proposed *Organic Law* was 'cut and paste' work. The committee, however, finds that the jurisdiction of ICAC is provided in the *Constitution* through the Constitutional Amendment of 2014. This gives ICAC its independence as an institution as well as mandated functions to fight corruption, apart from the existing anti-corruption agencies including the Ombudsman Commission.

(2) Mr Deputy Speaker, the committee observed that central to this investigative powers of ICAC is the concept of corrupt conduct. Corrupt conduct is the conduct of a public official who is dishonest, abuse official functions, not impartial, misuse of information or an interference with the administration of justice. The committee further observed that ICAC will deal with the proceeds of crime to which the committee understands that an enactment of proposed regulations will provide for what actions to take against act of proceeds of crime. The committee finds that the investigative powers of ICAC will not be focused on certain individuals, groups or people but everyone who is in one way or another is found to be involved with corrupt conduct. This differs from the Ombudsman Commission where it is more focused on the application of the Leadership Code. Mr Deputy Speaker, with the prosecution powers the committee noted that ICAC will not cover some offences but those that are criminal in nature. However, with the consent of the Public Prosecutor, ICAC can do

otherwise. It is within ICAC discretion to decide which cases it wishes to investigate as well as those it wishes to refer to other authorities.

(3) As with the protection of witnesses, the committee was of the view that it is important that the identity and the personal details of witnesses are kept secret and confidential. The protection of witness remains a key factor with the work of ICAC. Witnesses are essentially important in ensuring those responsible for corrupt conduct are held accountable. The proposed law has provided for the protection of witnesses along with the *Whistle Blowers Act 2020* and will go a long way in giving witnesses enough protection as they work to assist ICAC in the investigation. While it is important to protect the witnesses, it is also important to reward them. The committee observed that the proposed law contains no provisions on rewarding members of the public including public officials who actively cooperate with the ICAC in not only reporting corrupt conduct but providing evidence. ICAC will impose a duty obligation to the public to report corruption and this duty should match by incentives and rewards for justice. Payments made to members of the public who will risk their employment and lives to report on corruption.

16/03

The Committee finds that the proposed Organic Law has no provision for this. Therefore, the rewarding of witnesses can be considered by ICAC in its operations as a means to give confidence to its work.

Mr Deputy Speaker, with the ICAC appointment and oversight committees, the committee notes the following;

Firstly, the Membership of ICAC Appointment Committee must be reviewed with a view to replacing the PNG Council of Churches

Secondly, it is important for a confederation for ICAC to have a commissioner who is a non-citizen and two nationals as deputy commissioners because of our culture and family ties tend to have influence on the delivery of public goods and services. With the ICAC oversight committee, the committee understands that the oversight committee will play an important role at reviewing and reporting on the work of ICAC

Mr Deputy Speaker, finally, the committee observes that the Public Service Commission has the authority to which ICAC must consult in the engagement and recruitment of staff. This is not proper because ICAC will be a public and state institution. It

is proper that the Department of Personnel Management should be consulted for the engagement and recruitment of its staff.

Mr Deputy Speaker, the committee makes the following recommendations;

(1) The Parliament pass the law on Independent Commission against Corruption

(2) Further investigation powers of ICAC should be established through an enactment of a Regulation

(3) The witness protection is of paramount concern with ICAC investigations, therefore, it needs to be strengthened and accessible

(4) The membership of ICAC Appointments Committee be reviewed and consider replacing the PNG Council of Churches

(5) A non-citizen be appointed as the commissioner and two nationals as the deputy commissioners

(6) That the ICAC should consult the Department of Personnel Management for the engagement and recruitment of staff sources

Mr Deputy Speaker, the proposed Organic Law is an important legislation to come before this Parliament and it will remain a legacy of this Parliament and Government. I commend the Committee's report along with its recommendations to this Honourable House.

Thank you, Mr Deputy Speaker

Mr DAVIS STEVEN (Esa'ala – Minister for Justice and Attorney General– Mr Deputy Speaker, in accordance with *Standing Order 222 (f)* that the proposed law be now read a third time and commence the second opportunity required to debate

Mr Deputy Speaker and Honourable Members of this House, in this second opportunity for debate on this important proposed Bill for our country's first Organic Law on Independent Commission Against Corruption, I have the privilege to inform this Honourable House that this Bill has been supported very well by both sides of this Honourable House

Mr. Deputy Speaker on 3 June 2020 in that session of Parliament.

17/03

Mr Deputy Speaker, on 3 June 2020, in that sitting of Parliament, I delivered the governments position on the revision for this bill to be passed in our generation in this term of Parliament.

Mr Deputy Speaker, I am heartened by the report of the Parliamentary Committee on Constitutional Laws that has now been delivered by the Honourable Sir Peter Ipatas, Governor of Enga and Chairman of the Committee.

It is indeed clear to this Honourable House and to our people that the support for this bill is without question but the debate that has ensued on 3rd June 2020 raised important issues that must be included now in the ICAC Legislation and in the function of ICAC as we go forward.

Leaders from both sides of the house raised and emphasized the need to ensure in legislation or through regulation that qualified expatriates from common law jurisdiction and jurisdiction in countries that seem to know our system of government be allowed to head the Independent Commission Against Corruption. Leaders have expressed that there must be a high emphasis on quality Change Management System to avoid duplication, unfair and unjust outcomes in the functions of ICAC.

Leaders have expressed that ICAC staff must be appointed, bearing in mind, the need for integrity and outcome therefore, the resourcing. There must be a careful operation of ICAC to ensure that there is no conflict or duplication in the functioning of ICAC in relation to other Governance Agencies.

Mr Deputy Speaker, I do take this opportunity to thank the leaders from both sides of this House and in particular, the Prime Minister for his leadership in ensuring that following the Second Reading on 3 June 2020, further opportunity was given to my department and officials to look at the points raised by the honourable leaders in the Bill. I am grateful that the report of the Parliamentary Committee on Constitutional Laws Acts and Subordinated Legislation, have highlighted some of those issues. Let me point out, that these issues have now been taken into consideration, drafting is now underway to include important points that have been raised including the amendments required to ensure that for the first few years of the operations of ICAC we will have expatriates on the ICAC Commission and in the administration itself, especially in leadership.

Mr Deputy Speaker, we have legislation that is currently prepared to ensure that the question of un-explained wealth of not just leaders but people in civil service must be dealt with.

18/03

It is no point in having an ICAC that does not question how people become rich overnight. That is an important issue that was raised during the debate in this House, for which I am very grateful. Because, it highlights to our people that their leaders in this Honourable House are at work. They are researching, comparing and assessing how this organization is going to work within our country.

We have sought constitutional law experts on these issues and we are working to ensure, that the points raised by the committee are now identified in the debate in this honourable House are accommodated, both in subsequent legislation and the in the regulation that is currently formulated.

My Deputy Speaker, one needs to look at the text of the proposed bill to see that the argument that there will be duplication in powers and functions of existing governance, organisations; including the Ombudsman Commission, the Public Prosecutors Office and the Royal PNG Constabulary, that argument stems is unfounded and mis-guided the best.

Mr Deputy Speaker, the agreement stands from ignorance, because when you look at the mechanisms that are already in place in this bill; there will be no prosecutions by ICAC without express written approval of the Public Prosecutor.

ICAC is focused on public official corruption and conduct that is defined in the proposed bill itself. Its focus, as the honourable Governor for Enga has stressed and clarified is much broader.

ICAC is a relief to us who sit in this honourable House. Out of ignorance our people lay blame at elected leaders and forget that the elected leaders work in conjunction with appointed leaders. So that appointed leaders to executive positions, both within our civil service and our statutory organizations hold and execute enormous powers belonging to our people.

In determining ICAC's jurisdictions, the proposed *Organic Law* now defines very clearly how ICAC should function in relation to other agencies.

Mr Deputy Speaker, as I have said we are ensuring the scope for the arrest powers under the proposed *Organic Law* is only limited to indictable offences relating to corrupt conduct as clearly defined in the bill.

The power to commence criminal proceedings or prosecutions is limited only to this category of offences. In other words, ICAC will only deal with the most serious or systemic

cases of corruptions and refer other issues; less serious crimes or matters of discipline to other relevant agencies for appropriate actions

Another safeguard in the proposed *Organic Law*, is that ICAC can only conduct criminal proceedings upon the express written approval of the Public Prosecutor of this country.

19/03

Another safeguard in the proposed Organic Law is that ICAC can only conduct criminal proceedings upon a written consent from the Public Prosecutor.

Mr Deputy Speaker, as I said early, the composition and appointment of commissioners is an issue that we have taken very seriously, the regulations are now written to ensure that in the first few years in the operation of ICAC until Parliament decide otherwise.

The ICAC will be dominated by independent expatriates in leadership position in leadership.

Mr Deputy Speaker the ICAC Law has been in the making for almost 20 or more so years. Since the first reading in this honourable Parliament it has taken another few months to do further consultation to listen, not only to the leaders, but those concerned about the future and direction of our country.

In other words, this Government has done what we can do. But no law is perfect except the laws which was given on Mt Sinai to Holy Moses. This is one of the laws that is not written on tablets of clay thereby it can be amended because we have the political will to pass it today and to make sure proceedings be aligned and corrected to serve its purpose.

Mr Deputy Speaker, lessons from the consultations and international best practice is that for an anti-corruption agency like the one proposed to be effective, it must be independent from the Executive Government of Government. In other words, the principles of separation of powers enshrined in our *Constitution* must be observed. This is why we are very careful to ensure the appointment and the operation, the functions, the decisions, the starting, the resources are insulated against the incursion of the three arms of government. Therefore, I take note of the Committees proposal in that regard.

In order for ICAC to function well in our country we must have a strong Whistle Blower protection to encourage public confidence to report corruption.

This Honourable Parliament passed the *Whistle Blowers Act* in this term of Parliament and it gives me great satisfaction as a national leader that our leaders didn't just adopt the *Whistle Blowers Act* that has been circulated by international organisations like IMF and all these other United Nations driven and motivated organisations.

In the peculiar circumstances of our country Whistle Blowers can abuse protection. They can become a danger and a threat to the proper function of ICAC and our governing agencies. We know from our own experiences that if we do not control how far and how much space we give they will still not be responsible.

Therefore, if you look at our *Whistle Blowers Act* there is a provision intentionally inserted and approved and endorsed by this Parliament that he who reports must be responsible and held accountable for his reporting. False reporting will be punished and the punishment is prescribed in the legislation.

Mr Deputy Speaker, when a strong accountability framework under the ICAC legislation is extended to the Whistle Blowers who are also required to ensure this legislation works.

The proposed ICAC will complement and not duplicate the functions of existing agencies. Yes, it was argued that ICAC is introduced on top of existing organisations which are badly needing funding and support and we acknowledge that. But under our national strategy against corruption which was approved by NEC in the last few weeks.

20/03

We want to use ICAC to build confidence to hold confidence of our people and do the reform work that are necessary to get our Police Force, if active and professional that our court systems are working, get our agencies like the Attorney General Office properly resolve, we are bringing ICAC after 45 years of independent that we know very well that our system of government required reform, series reform that in other words we cannot expect better outcomes from CC systems without repairing them.

Mr Deputy Speaker, in the proposed Organic law on the ICAC will complement and strengthen the current Government's broader anti-corruption efforts while assisting in implementing Papua New Guinea's international obligations to tackle corruption preservation in our country as I said, the Prime Minister has given public assurance in his many public speeches that ICAC is one amongst reforms that we need in as government, reforms in our economic spaces, reforms in our revenue Laws.

Mr Deputy Speaker, such as the reforms were passed on the Floor of Parliament yesterday to ensure that our Oil and Gas revenues are concern in better positions going into the future, I urged the Honourable Leaders to look at ICAC in the same way.

Mr Deputy Speaker, the most important incentive that the cabinet have approved now going forward in the five-year implantation plan of ICAC, is to cover the period of 2020- 2025, these Strategic includes plans to review and to amend related Laws and ensure the consistence between our Organic Laws on the ICAC on other Laws. The next of reforms that the government are committed to complete if allow, will be focus on assurance that we build our governance frame work and strategic.

Mr Deputy Speaker, I'm very pleased to announce that our development partners, the European Union has approved funding for support the work established of ICAC and going into next three years. On behalf of the Government of Papua New Guinea, I thank our partners, our biologic and most biologic partners has express their support for the implantation of ICAC, I assure the Honourable House the Department of Justice is ready to ensure the necessary collaboration with other government agencies is heard to ensure ICAC are operating within 12 months after the Bill are passed, by expressing my appreciation to the Prime Minister who have lead in bringing these important bill to this pointing time and I want to also express my gratuity to pass Leaders and the Prime Ministers during those time in the important work were done to bring the Bill to where it is to-date.

I now commend these important Bill, the *Organic Law* to establish the independent Commission Against Corruption to this Honourable House, thank you.

Motion – That the question be now put – agreed to.

The second vote requiring two-thirds absolute majority of 74 Members as required by the *Constitution*, Mr Deputy Speaker, ordered that the Bells be rung.

21/03

(Voting in progress)

Mr DEPUTY SPEAKER – Clerk, I also add my vote in support of it.

22/03

The Parliament voted (the Deputy Speaker, **Mr Koni Iguan** in the Chair) –

AYES – 96

NOES – 0

Motion so agreed to.

The Proposed *Organic Law* read a third time.

Mr RAINBO PAITA – Mr Deputy Speaker, I want to congratulate the Government for this very momentous occasion in passing this very important legislation and most of the hard work goes to AG plus Prime Minister, Deputy Prime Minister, Cabinet Ministers, and that would not have come about if this House didn't support the legislation that we just passed.

So, on this occasion as Leader of Government Business I want to thank that side of the House, Acting AG who was consulted in bringing this and shadow AG and the Members from that side of the House, thank you for your support. This is a very important legislation that goes past beyond our petty politics as well.

So, I thank the Opposition members as part of this Government, party leaders, individual members, ministers and governors for your full support in passing this important piece of legislation. And I hope that this legislation can serve its intended purpose.

On that note, Mr Deputy Speaker, I thank you as well for casting your vote on this important occasion Your vote has weight, so, thank you.

ADJOURNMENT

Motion (by **Mr Rainbo Paita**) agreed to –

That the Parliament do now adjourn.

The Parliament adjourned at 1.11 p.m.