

FIFTH DAY

Tuesday 20 February 2024

DRAFT HANSARD

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PARLIAMENTARY DEBATES

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KENNETH SEBEPMIN

Acting Principal Parliamentary Reporter

FIFTH DAY

Tuesday 20 February 2024

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

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

Sitting suspended.

The Acting Speaker again took the Chair at 11.15 a.m., and invited Member for Moresby North East, **Honourable John Kaupa**, to say prayers:

'Thank you, Heavenly Father, you gutpla na antap tumas. Tudei em narapla wik gen bai yumi go insait lo miting. Mi askim blessing blo yu mas kam lo dispela haus na mipela iken debate na harim tok tru blo yu. Long Matthew 7:7, yu tok 'yu shall ask na yu mas kisim'. Tudei dispela truth mas kam lo dispela Parliament bikos taim mipla move nau lo go insait lo Vote of No Confidence, igat Opposition na Gavman yu yet setim aninit lo law. As mipela debate na go through, truth must prevail in this House. Yu yet yu allowim dispela Gavman mipla stap, tasol provisions blo law liok aninit lo 18 months imas gat check na balance. That's why na Opposition ikam na mipla idebate na tok tru mas kamap. Blessing blo yu mas kam lo mipla olgeta membas bilong dispela Parliament na truth mas prevail. Igat planti hevi lo dispela kantri, kain kain crisis ikam tasol yu yet yu appointim mipela disla 110 membas stap lo Parliament lo wokim decision for the good of 10 million plus pipol bilong dispela kantri. As mipela go insait lo dispela wik yu mas stap wantaim mipela na redim heart bilong mipela na the truth must always prevail on the Floor of Parliament, na greed bai inoinap overtakim but truru alone em bai savim dispela beautiful kantri. Olsem na mi askim lo intervention blong yu kam lo dispela Parliament lo wan wan individual membas, Opposition Leader, Prime Minister, Speaker, husait iparticipate lo dispela Parliament lo tok tru mas always prevail. Wanem dispela mi askim lo Heavenly Father stap namel lo mipela na dispela prei yu sa lainim lo mipela. Amen!

QUESTIONS

Ratification of Referendum Result – ABG

Ms FRANCESCO SEMOSO – Thank you, Mr Acting Speaker, my question is directed to the Minister for Bougainville Affairs and the Prime Minister can take note.

We are now in the new year and the second month of this year 2024. We all know that there was a commitment made by the Government and the ABG that 2023 would be the time for the ratification of the 97.7 per cent independence vote by the people of Bougainville. Since last year there has not been any meeting between the two governments; the ABG and the National Government.

Can the Minister advise the people of Bougainville, because they would like to know where we are in this matter and why it has not been conducted?

Thank you, Minister for Bougainville Affairs and Prime Minister.

02/05

Mr MANASSEH MAKIBA – Thank you, Mr Acting Speaker, for the opportunity to update the National Parliament and the people of this country on this issue. I would like to thank the Member for North Bougainville for this very important question asked as to the update on the talks regarding the ratification of the referendum result for Bougainville.

I would like to inform the Parliament that the issue of the decision to take on the referendum is a very important and serious decision that is facing our country and the government. This 11th Parliament will be called upon to decide to settle the future political status of Bougainville after a ratification procedure is adopted by this Parliament.

On this point, I would like to say that on the 13th of June 2023, I proposed to this Honourable House in my last ministerial statement, the procedure for ratification by way of a sessional order for the members of this Honourable House to deliberate and debate on. I believe it is on record that a draft proposed sessional order has also been proposed to this Honourable House.

After I proposed the sessional order, several issues were raised by the Autonomous Bougainville Government about the contents of the sessional order. And therefore, on the 31st of July 2023, a joint supervisory body meeting was called upon to address that. In that JSB meeting held at the APEC Haus, Port Moresby, a resolution was reached. In that resolution, a sessional order would be the procedure by which the ratification is to be held.

Secondly, the sessional order is to be adopted by a simple majority vote. And the other resolution was for the two ministers; myself and Minister Ezekiel Massat at the ABG to settle on the contents of the sessional order.

Thereafter, I am happy to report to the House that on the 20th of January, Minister Ezekiel Massat and I met and resolved the three specific issues that were raised.

The first issue is regarding the two-thirds majority that will be required to decide on the substantive decision on the referendum result.

The second issue is the number of meetings that are to take place for debates which was to be not less than two meetings of the Parliament.

The third issue was the manner of voting which is whether the voting should go by a secret ballot or open ballot.

I am happy to report that two issues have been resolved which are the debates of meetings and the manner of voting. We have resolved that the debates and the manner of voting should progress according to the normal practice of Parliament where the Chair will administer. However, we were not able to resolve the issue on the two-thirds majority for the substantive decision.

On the 8th of February, we met again and allowed for the legal team from both the ABG and the State Solicitor; the lawyers from the Office of the Minister for Justice and Attorney General to settle. Our position was that the substantive decision had to be made on the referendum result by a two-thirds majority vote.

03/05

The simple reasons are that it is the State Solicitor's advice to the government and the other reason is that when the referendum was held for Bougainville –

Mr Allan Bird – Point of Order! The Member asked a very simple question as to when this is going to happen. We do not need a big lecture, we just need a response, thank you.

Mr ACTING SPEAKER – Honourable Governor, I take note of your Point of Order, but I will ask the Minister to continue.

Mr MANASSEH MAKIBA – Thank you, Governor, of East Sepik, for the Point of Order. I think the matter is quite complex and serious, therefore, this Honourable House has to deliberate on it before we make a decision for the people of Bougainville and this country. This is part of the awareness so that the House can grasp the gravity of the issue that is at hand.

I was trying to explain that the only issue that we have is the two-thirds majority vote that is required. The lawyers are trying to resolve it but the reason put forward was that the referendum was only allowed for the Bougainvilleans to be heard which is sanctioned by part 14 of the *Constitution* as well as the Bougainville Peace Agreement.

Unfortunately, the rest of the country was not allowed to have a say on the political future of Bougainville, therefore, we were of the view that the representatives of the people of Papua New Guinea, who are all seated here, should have a say on the results of the referendum.

However, the *Constitution* does not prescribe or provide for such a matter so from the advice of the State Solicitor, we will settle on the minimum requirement which is two-thirds majority. But the ABG's position is that it should not be the two-thirds majority but only a simple majority, so that is the issue.

I will make a statement bring forward the update and propose a revised and final sessional order and it is up to this Parliament to deliberate, debate, and adopt the appropriate majority to take that decision. So, as soon as the two ministers and the technical team meet again to resolve the two-thirds regard majority, we will have another joint supervisory advisory meeting to endorse that issue.

After the JSB, we will flag it across the NEC for endorsement and I will have it proposed in this House in the next session. We hope that this 11th Parliament will decide on the referendum this year.

Once, the Parliament adopts the sessional order, it will be in effect for the rest of the term of the 11th Parliament until the 11th Parliament is terminated or discontinued by dissolution of parliament, or maybe a prorogation of parliament, or when Parliament goes for the next general elections.

Thank you, Mr Acting Speaker.

Supplementary Questions

ABG Referendum Result

Sir PUKA TEMU – Thank you, Mr Acting Speaker. My questions are as follows;

(1) Can the Minister agree or deny that the Government failed its promise to the people of Bougainville to sort this issue of sessional order in 2023?

04/05

Mr Acting Speaker, the second question is regarding the question asked by the Member for North Bougainville, which the Minister has not answered.

(2) What is the Government's program for 2024 to address this issue?

The Minister has not answered that question.

Mr MANASSEH MAKIBA – Thank you, Mr Acting Speaker. I thank the Member for Abau for raising those questions. I think I have substantively answered the question. For the benefit of the Member, let me say this; in regards to the adoption of the sessional order and the delay in the ratification of the referendum results, under the Era Kone Agreement; the ratification of the referendum result is supposed to have been done last year.

But the problem is, as I have raised in my previous statement, *section 342* of the *Constitution* and *section 311* of the Bougainville Peace Agreement do not specify a procedure for ratification by Parliament to deliberate on, debate, and follow to decide on the referendum result. That is the reason I proposed in my last statement on 13th June for Parliament to adopt the sessional order so that the procedure for ratification has to be put in place before this Parliament makes a decision. That is why the Parliament could not make a decision or ratify the referendum result last year.

To answer the second supplementary question, I think the program for this government regarding the Bougainville Referendum is to adopt and put before this Parliament, the sessional order that I have just spoken about. It is the ratification procedure. That is the only issue that we have to conclude the long-standing Bougainville peace process.

After the Ministers meet and resolve the two-thirds majority required vote, we will flag it before the next joint supervisory body meeting and then it will come before the NEC for

endorsement, and then to the Parliament for endorsement. That is what we are going to be doing this year.

Sir Puka Temu – Point of Order! With the greatest respect to the Honourable Minister, he is focusing purely on the legal component of the ratification process, but all of this year 2024 there are other provisions like consultations and those programs need to be displayed. You must announce what you are going to do. You are just talking about a parliamentary process called sessional order and your government has not sorted it out, but there are other provisions in the *Constitution* that strictly recommend in the consultation process.

Apart from the two governments consulting, the educational information for the members of Parliament has not been processed yet and that's what I'm asking. For this year, what are you going to do? –

Mr ACTING SPEAKER – Honourable Member for Abau, I take note of your Point of Order, but it seems you are trying to make a statement regarding the issue.

Mr Minister, this is question time and we have taken much time on this question. I'd like to ask you to get to the point and allow for other questions to be raised. Thank you.

Mr MANASSEH MAKIBA – I think the good Member is repeating the same question. I think what we are doing this year is the consultation that is still ongoing. Ratification is what is required for this Parliament and the Government to do at this moment.

05/05

The meetings and everything else are part of the consultation that is required in the *Constitution* and the Bougainville Peace Agreement. There's nothing else to do. The only thing that is left for this Parliament to do is to ratify the referendum. Thank you.

Mr LUTHER WENGE – Mr Acting Speaker. My questions are directed to the Honourable Minister for Health and I understand that he is also responsible for Agriculture and quarantine inspection. I also ask the Minister for PNG Customs and PNG Ports to take note of this series of questions.

Mr Acting Speaker, before I raise these questions, I will give you the circumstances which led to these questions. I would like to inform the honourable members of Parliament that Papua New Guinea is currently consuming certain illegal rice products which do not meet PNG food safety standards as required under the *Food Sanitation Act of 1991* and its regulation of 2007.

Mr Acting Speaker, I'm flabbergasted to learn that this rice was imported and sold by a foreign company to Papua New Guinea citizens without meeting the Papua New Guinea laws that I mentioned.

Furthermore, Mr Acting Speaker and members of the Parliament, it is disheartening to learn that two government department officials were facilitating this illegal rice import without following the established procedure for approval.

Mr Acting Speaker, I have been reliably informed that a foreign company imported certain illegal rice into the country without the required health compliance certificate. The certificate is normally issued by the Food Sanitation Council under the National Department of Health. The company has so far imported a total of 200 kilograms of rice, this rice is illegal and supplied illegally for the consumption of Papua New Guinea including members of Parliament, who may have eaten it.

(Laughter in the Chamber)

Mr LUTHER WENGE – Mr Acting Speaker, as the political head of Morobe Province and as Prime Minister said and I concur always with his opinion, that we are more than a million population and secondly, we host two rice factories in this country – Trukai Rice and the Homestead Corporation Limited Rice.

Mr Acting Speaker, I am concerned because rice is a major staple food for many Papua New Guinean families, they eat rice every day. Therefore, those state agencies must fully have a responsibility to comply with the law to make sure the rice that is imported into this country and supplied to the citizens for their consumption must comply with the laws of this land.

Mr Acting Speaker, I have supplied the questions that I'm going to ask the honourable minister so I'm sure he has read the statement and the questions and I am confident today that he will answer those questions. Mr Acting Speaker, the series of questions I'm going to ask are as follows;

(1) Minister, are you aware that officers within the Department of Health are facilitating this illegal rice to enter Papua New Guinea and left to the consumption of Papua New Guinea citizens?

This practice by a foreign company shows its lack of respect for Papua New Guinea laws.

(2) What is your department going to do to ensure that this company complies with the relevant Papua New Guinea laws I have cited to you?

06/05

Mr Acting Speaker, public servants are collaborating with the company and violating PNG laws. We look upon public servants to implement and enforce our laws, policies, and rice standards so people are protected.

(3) What are you going to do with these public servants, if found guilty of breaching the PNG laws?

(4) What is your department going to do in terms of illegal rice products currently in circulation in this country?

Dr LINO TOM – Mr Acting Speaker, I take this opportunity to thank the good Governor of Morobe for these important questions raised today.

Before I respond, I also take this opportunity to thank the good Prime Minister for giving me this opportunity to represent the government as the Minister for Health.

Mr Acting Speaker, rice and other products exported to this country are being monitored by the government through a strict compliance regime. This means that products like rice before being imported to this country need to meet certain standards before a Health Compliance Certificate is issued.

But in terms of rice, it goes through a process called a rice fortification process. Rice in its natural form comes with some trace elements or vitamins that are quite necessary for the human body, but when it goes through processing it loses some of these vitamins.

Therefore, before any overseas companies export rice to PNG they have to include these vitamins back and that process is measured. Once those laboratories test those rice specimens and are adequately leveled with these trace vitamins, which are essential for our body like Vitamin B1, B2, and even iron then Health Compliance Certificates are issued.

Coming back to the question raised by the good Governor of Morobe of a company that imports rice to PNG; I am fully aware of this issue because the Ombudsman Commission has also written to my office and we are looking into this matter. What happened was that when that particular company imported that rice to PNG, the Health compliance team took some samples. When rice is imported to our country, a couple of things need to be sorted out first; they have to have the Certificate of Analysis, which prescribes the levels of these trace vitamins I mentioned, and a Certificate of Health Compliance. This involves our inspectors or those inspectors prescribed by some international body going to the factory to make sure they meet the minimum requirements that are needed.

In this case what purportedly happened was that when the rice came to our country, it came with a certificate of analysis but not with a Health Compliance Certificate.

07/05

So, what the Health Department decided to do was to send some samples to Australia. However, when the samples were sent down to Australia, there was another independent team that went and did an assessment of the facilities in Taiwan. Actually, the rice is originally from Thailand but exported to Taiwan for packaging and when the team went there, they realized that there were a lot of compliance issues. But when the sample results from Australia came they realized that the vitamin and iron levels were within the minimum requirements that the country needs. So basically, a certificate of compliance was issued based on that result from Australia. The rice containers were cleared and being sold but whilst they were being sold the compliance team decided to check again and when they checked, they realized that there were some, issues of compliance in the processing facility. So, I think last year the Health Secretary wrote to them stating that we would stop the sale of that rice once we get further clarification from our team.

So, my good Governor, this case is actually before the health and food sanitation regulations. They never complied with the *Food Sanitation and Regulations Act*. So, what we are doing right now is that we will be issuing a statement in the media but before we do that the council has to meet and give us the direction. The Health Department cannot act on its own. It has to go through the Food Sanitation Council and that council has to issue us an order for us to go to the media to say that this rice is currently illegal. What has transpired so far is illegal and we want to follow the established process by our laws. We will be getting a report from the council soon and

when the report comes out the Health Department will then go out to the media and publish it based on the report whether that rice should be legally sold in this country or according to our standards it should be deemed illegal. Thank you.

Supplementary Question

Rice Testing – Stricter Control Measures

Mr GARRY JUFFA – Thank you, Mr Acting Speaker. What measures will the Department of Health take to make sure that this does not happen again? I mean, in this instance, the rice should never have been allowed into the consumer markets. The testing process should have been completed before the rice was allowed into the consumer market. So, can the Minister explain whether the Department of Health is going to ensure that this does not happen again by putting some relevant control measures in place so that the testing is done before the rice is released into the market on all imports of rice? Thank you.

Dr LINO TOM – Thank you, Mr Acting Speaker. Let me thank the good Governor for the supplementary question. We subscribe to international standards so the companies who are sending rice here have gone through the process and cleared them but we've received some complaints so we have decided to do our independent checks on the quality of the rice. We sent those samples down to Australia which came back stating that the samples were okay. But then the production of rice needs to happen in a facility that meets those standards. Unfortunately, we can't travel to all the countries to check their facilities. We depend on internationally sanctioned organisations to do that. Unfortunately, that organisation in Thailand failed its part, Governor. So, that's where we are, but on our part, in terms of international trade and because of globalisation, we depend on each other, and the international organisation, unfortunately, failed because of business interest and some other companies who have business in rice decided to go and do their diligence to check and they realised that some critical things were not right and needed to be reviewed, so we asked an independent team to check and our results have come back.

08/05

So like I said, international testing standards meet ISO standards. They do their testing there and when they approve, it comes to our shore and we've done our due diligence. And because

we did our due diligence by sending samples again for an independent assessment, we found that the rice, although it met standards, the condition of the facility where the rice was being produced has a lot to be asked. So those things are being looked at by the department right now. So to cut a long story short, we have a good team that is in the country who are doing their jobs. If they didn't we wouldn't have the second verification report that we received.

Escalating Law and Order Issue

Mr BELDEN NAMAHA – Thank you, Mr Acting Speaker.

Mr Acting Speaker, before I ask my question, I would like to ask if you could adjust the sand-timer that shows how much time we have left for debates or questions, et cetera so that we can see how much time we have to debate or ask a question.

My question is directed to the Prime Minister.

Mr Acting Speaker, last week Thursday the government brought on the motion to vote on the law declaring Papua New Guinea as a Christian country on 18 February 2024, while the Prime Minister was busy worrying about his political numbers in recruiting the Governor for Milne Bay.

(Members interjecting)

Mr RAINBO PAITA – Mr Acting Speaker, can the member ask the question and not deviate? What he's mentioning is not part of his question, I believe, so he should stick to his question, Mr Acting Speaker.

Mr ACTING SPEAKER – Honourable Minister, your Point of Order is in order. Honourable Member for Vanimo-Green, it is the prerogative of any Member of Parliament, therefore, it's not good to use it in your questions. I will allow you to continue.

Mr BELDEN NAMAHA – Thank you, Mr Acting Speaker. My point is that while all these things were happening, there was a mass massacre of more than 64 people in the Sikint and Kaikint tribes in Wapenamanda, Enga province.

Mr Acting Speaker, let me just take us back and refresh our minds about another massacre that happened in July 2019, just six weeks after the Prime Minister got elected as the Prime

Minister in Munima Karira Village, Tagali LLG, in Tari-Pori district, Hela province. In that massacre, more than 24 people, innocent men, women, and children, were massacred. That massacre was strongly condemned by the United Nations on 19 July 2019. The Prime Minister also sent a very strong warning and I quote “I am coming for you”.

Mr Acting Speaker, since then, there have been mass killings, and senseless killings in the Enga and Hela provinces and also in some parts of our country.

09/05

From what I can recall, I have not heard any reports in this Parliament as to what the government has done to those murderers or so-called warlords.

Mr Acting Speaker, the massacre on Sunday 18th of February 2024, just two days ago, is another dark moment in our nation’s history.

Mr Acting Speaker, from my expert view as a former military officer, that particular massacre is seen to be a well-planned operation whether it was an ambush, where the enemy tribes were lying in wait or it was a full-on assault with high-powered military weapons.

Mr Acting Speaker, my questions to the Prime Minister are as follows;

(1) What is your government’s policy on combating law and order situations and the tribal warfare that are spiralling out of control in our country?

(2) Can the Prime Minister inform this Parliament and the people of our country what his government has done so far in combating the law and order situation and tribal warfare in our country?

(3) Can the Prime Minister inform this House and the people of our country how many of those murderers and so-called tribal warlords have been arrested and brought to justice? And if not, then why not?

(4) Can the Prime Minister also inform the Parliament and the people of this country what level of combat readiness is our military? I say our military because our military has been constantly deployed for the state of emergency up in the highlands of Papua New Guinea.

(5) What is the force readiness of our Police Force to combat the law and order situation in our country that is escalating almost daily?

(6) What is the operational readiness of both disciplinary forces?

(7) What is the level of the morale of the disciplinary forces?

If the morale and the discipline of our disciplinary forces are down, it will be very difficult for them to be deployed and effectively discharge their operational duties. That sort of assessment must be done so you know the level of readiness of your three disciplinary forces.

(8) What level of resources and manpower has the government expended and deployed throughout the country in the SOEs? I want the Prime Minister to provide this House with facts and figures. What are the government's plans and strategies to stop this nonsense?

We have declared ourselves as a Christian country and we are heading towards becoming the richest black Christian country on planet Earth and yet in the last five years, our law and order situation has not been that of a Christian community.

10/05

(9) Can the Prime Minister, inform the Nation of his plans and strategies to stop these murderers, tribal warlords, and people who are trading illegal arms in the country and how is he going to address these issues?

Mr Acting Speaker, I have on many occasions called on the Government to table the Singirok Guns Report in this Parliament, have it debated, and have its recommendations implemented but nothing has been done to date.

(10) Does the Prime Minister and his Government have an intelligence network that is readily available to be able to trace who is trading the guns or where the ammunitions are brought in from? PNG is a small country and we must have this information at our fingertips.

(11) What has happened to the Intelligence Organization in the Military, the Police force, and the National Intelligence Organization, and what are his plans to strengthen the intelligence agency and intelligence apparatus in the country?

Mr Acting Speaker, earlier in 2022, when I was appointed the Chairman of the Permanent Parliamentary Committee on Foreign Affairs, Defense and Immigration, I made certain proposals to the Prime Minister.

My proposal to the Prime Minister to deal with the law and order situations in the country; and with the tribal warfare in the country was to establish a Ministry of PNG Homeland Security and its department. The proposal was meant for this ministry to deal with the law and order situations in our country.

(12) Can the Prime Minister take my proposal into serious consideration and decommission one of those ministries that have no utility and establish a ministry and department of homeland security, where you will have the top-notch soldiers, policemen, immigration officers, NIO, and all these security apparatuses put into this particular ministry and the department to deal with law and order issues once and for all.

Mr Acting Speaker, why don't we adopt and establish this ministry, take advantage of our Defense Corporation with the US, and implement the policies that we want to deal with the law and order situation?

Mr Acting Speaker, my concerns are that if we do not deal with that –

Mr ACTING SPEAKER – Honourable Member, we have only three more minutes before Question Time lapses so I would like you to summarize your question and let the Prime Minister respond before time lapses.

SUSPENSION OF STANDING ORDERS – EXTENDED TIME FOR QUESTIONS

Motion (by **Mr Belden Namah**) put –

That so much of the *Standing Orders* be suspended would prevent the time for questions without notice this day being extended by 20 minutes.

Motion negatived.

Mr BELDEN NAMAHAH – Thank you, Mr Acting Speaker. What plans does the Prime Minister have to put a stop to these murderers and tribal warlords from infiltrating into other peaceful towns and cities of our country?

11/05

With this Connect PNG, these people will be leaving their homes and running for safety to peaceful towns and cities with their culture and they will go and destroy these other towns and cities and it has already happened in Western Province.

Mr Acting Speaker, what are the Prime Minister's plans, the all-raging security plans when dealing with the law-and-order situation, and the tribal warfare in our country? Thank you, Mr Acting Speaker.

Mr JAMES MARAPE – Mr Acting Speaker I would like to give a very big thanks to the Member of Vanimu-Green for raising this very important question that concerns all of us. I want to also appreciate the question itself.

Mr Acting Speaker, I want to say that it pains all of us, especially myself as the face of our country. You know when we get this sort of report where lives have been lost, left alone 50-plus lives, it is not joyful news. It continues to pain and bleeds us with such news that we have deaths as a result of people killing each other. With that, I want to sincerely and foremostly pass my condolences to the families of those who are currently bereaving lost their children and youths. When you saw the pictures they were mostly youths who engaged in those exchanges that showed their lives had been lost.

I want to say that those questions asked by the Member for Vanimu-Green are serious and in the last I counted I think up to nine questions. If the leader can be kind enough to furnish to me with details of all his questions today, I will get a very detailed response on what we are doing as a government because we saw again on January 10 where lawlessness abounded. We saw it here that lawlessness abounds and I want to assure this House that it does not mean we have not been doing anything.

Just to give you all some snapshots, since 1975 we have been changing police commissioners as if we've been changing our underwear up till this point in time. No police commissioners have had long-term tenure in office. I give you one period in our recent past from 2011-2018 we've had four police commissioners; Wagambie, Kulunga, Vaki and Commissioner Baki. We have had four police commissioners in eight years.

You don't expect discipline, enforcement, structure, and efficiency in a very key constitutional office when heads of this important constitutional institution that is supposed to safeguard our country. Erosion has taken place in our police force over many years but I have taken full responsibility as head of this Government going now almost into five years. Our country deserves to know exactly what we are up to.

The signing of the bilateral security agreement with Australia, and the Agreement with the Defence Corporation with the USA is all in the interest of ramping up capacity and interventions in the security apparatus of our country. As well as our government in the last three years has consistently ramped up budgetary support like never before. I give you one sect of the law and justice sector; the magisterial services before 2022 have been receiving under K8 million a year for its recurrent expenditures.

Now, why do I bring the magisterial services into the discussion on police matters? Mr Acting Speaker, where do you process those who are arrested or supposed to be arrested? The answer is simple, you process them into the magisterial services and later you funnel them upwards for serious crimes into the higher courts. In doing so, we have taken a holistic look into the entire law and justice sector allocation. Our government has a rent-up allocation to the sector. Police have received today's second year back-to-back, in 2023 and 2024. If we parcel these two financial years together that's over K400 million would have been allocated to the police.

12/05

Never before in our nation's history has this sort of resource been allocated to police. All because we know that the number one threat facing us is lawlessness. The economic growth and everything else that is happening will be redundant without securing the security of our country. And so, Mr. Acting Speaker, I want to give respect to the good question asked by the good Member for Vanimo-Green whilst, on politics, he may have a political undertone, remove that political undertone, his question is a correct series of questions. He's asked an important question for our nation and he deserves a fair answer and a correct answer as the head of this Government, with the assistance of the Deputy Prime Minister who has a handle on the law and justice sector and he's been doing a wonderful job on this space, and our Police Minister who will construct a reply and if I could preserve first right of reply tomorrow morning to answer these questions that is in our national interest.

In the meantime, for this event or the atrocity that has happened in Wabag, we classify them as domestic terrorism and I want to encourage our youths up there, at no time must you encroach into another tribal land. Why do you encroach onto another tribal land? First and foremost, people must take serious responsibility for themselves. I repeat this statement many times – the easiest and the best contribution our people can make to this country, which is free is

respect for the rule of law. We have been working on this matter in Enga province as well as Hela and others.

For the inference or reference to the matter that took place at Karita village in my electorate, I want to inform this House that certain community arrests have been made and certain people who have perpetuated this have found their way into the grave by their doings. I want to commend the local councillor in that area, Councillor Oli, who needs to be mentioned on this Floor. Councillor Oli said not to fight and three years on he has maintained this stand. This sort of leadership is required of all community leaders right across the length and breadth of our country. In my electorate, one council president is behind bars today for being searched in his own house where ammunitions were found.

So, Mr Acting Speaker, I want to indicate to this House that we work to the best of our ability but in the current deficiency of the entire police structure, we are trying our absolute best to arrest. Tomorrow I will indicate where we are including the ramp-up of police training that is taking place right now with the focus on the special elite police force that is trained to handle domestic terrorism. This matter happening in England and elsewhere we classify them as domestic terrorism. We are also restoring police leadership in Enga province and the Western command with new leadership. There is a proposal for us and the Police Commissioner has been on the lookout on the market for a special police officer to be deployed into Enga province with local knowledge as well as expertise at a senior level that is being looked upon to stabilise Enga in a new way. I want to give assurance to this House that tomorrow when I respond to all the good questions that the leader for Vanimu-Green has asked, I think that could bring further clarity on what we are doing. Full assurance to this House on both sides, to our country, to our investors that law and order remains our number one focus. The reason for us appointing Commissioner Manning back-to-back is to establish for the first time one commissioner for eight years. So that stability could cascade down into the structure and under his watch over 300 police have been disciplined today. They were removed from the force for ill-discipline. That sort of removal from the force has never taken place before. That's because someone has continued into –

Mr Douglas Tomuriesa – Point of Order! Mr Acting Speaker, I think the Prime Minister has already made it clear that tomorrow he will give a proper response and sit here, I am yet to hear an answer to all of the nine questions being asked. So, since the Prime Minister has already

given assurance that tomorrow all of the nine questions are being asked so since the Prime Minister gave the assurance that he will answer tomorrow then we should leave it at that instead of lecturing this room.

13/05

Mr ACTNG SPEAKER – Honourable Opposition Leader your Point of Order is out of order so allow the Prime Minister to finish off.

Mr JAMES MARAPE – Thank you, Mr Acting Speaker, it demands all of us to be aware of all these issues and I appreciate the Opposition Leader, in his electorate he lost 32 people who died from bush knives wounds right after the elections. And places like Milne Bay we had issues with lawlessness and Kokopo is emerging and I don't sleep well at night knowing that in good places like Milne Bay and Kokopo these problems are occurring and we are very serious about this matter also. So, we appreciate the Opposition for their concern on this issue because it's sad and it's a bipartisan concern. So tomorrow I will respond to the nine questions asked by the Member for Vanimo-Green but be reassured that the Minister for Internal Security and all of us are working to find short and long-term solutions quickly.

MOTION BY LEAVE

Mr RAINBO PAITA (Finchhafen – Minister for National Planning) – I seek 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 Notice Nos 84, 85, 88, and 89 Government Business being called on forthwith.

ARBITRATION DOMESTIC BILL 2023

First Reading

Bills presented by **Mr Pila Niningi** and read a first time.

Second Reading

Leave granted to move the Second Reading forthwith.

Mr PILA NININGI (Imbonggu-Minister for Justice and Attorney General) – I move –

That the Bill be now read a second time.

Mr Acting Speaker and Members of this Honourable House, it gives great pleasure to introduce the Arbitration Domestic Bill 2023, the bill repeals and replaces the *Arbitration Act 1951*.

14/05

Mr Acting Speaker, Papua New Guinea acceded to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention) in 2019 which now enables PNG to domesticate the Arbitration Rules of the United Nations Commission on International Trade Law (UNICTRAL).

Mr Acting Speaker, arbitration is a dispute-settlement mechanism that is a complete alternative to ordinary litigation. It is both consensual and private in nature and operation, resting largely on party autonomy whereby parties enjoy a very substantial amount of freedom in laying down their preferred rules to resolve an arbitral dispute. This freedom is granted to physical and legal persons by formal law under national legal systems. It is in that respect that despite its private nature, arbitration operates more meaningfully through state-sanctioned enforcement whereby national courts are prepared to enforce arbitration agreements and to lend their assistance in enforcing awards that are not complied with voluntarily. Courts and domestic law must also be prepared to assist where party autonomy proves insufficient such as when the process of appointing arbitrators breaks down. Arbitration must therefore always take into account the existence of national legal systems and the limits or interference that may derive from them.

Existing Legal Framework

Mr Acting Speaker, the law governing arbitration in PNG is the *Arbitration Act 1951*. This pre-independence law in its current form is not conducive and compatible to cater to both domestic and international arbitration in PNG. It is not consistent with international best practices which have developed through international instruments such as the New York Convention and the UNCITRAL model law, which has come to be adopted by many jurisdictions.

Mr Acting Speaker, having acceded to the New York Convention in 2019, it is only appropriate for PNG to now reform its existing law to provide an up-to-date framework for both domestic and international arbitration. A dualist approach is taken to PNG's reformed legal framework which sees two separate laws. There will be an Arbitration Bill which will deal with domestic arbitration, whilst the Arbitration (International Bill) shall deal specifically with international commercial arbitration.

Purpose of the Arbitration (Domestic) Bill 2023

Mr Acting Speaker, the purpose of the Bill is to:

- (a) Make provision for the commencement and conduct of domestic arbitration;
- (b) Provide a framework for the enforcement of arbitral awards; and
- (c) to repeal and replace the Arbitration Act 1951,

15/05

Scope of the Arbitration (Domestic) Bill 2023. Mr Acting Speaker, the scope of the proposed Arbitration (Domestic) Bill 2023 is intended to cover domestic arbitration that takes place in PNG as opposed to international arbitration. Domestic arbitration involves where the subject matter of the contract is in PNG, the merits of the dispute are governed by PNG law, or where the procedure of the arbitration is also governed by PNG law. The intention is to provide a framework, in which procedural rules chosen by parties to govern their arbitration, can operate and may fill gaps not addressed in the rules.

Features of the Arbitration (Domestic) Bill 2023

Mr. Acting Speaker, the following are the prominent features of the Bill:

- (1) emphasize the importance of the arbitration agreement by laying down the formal requirements for the agreement, particularly that it be in written form;
- (2) establish arbitral matters;
- (3) establish procedural rules for the commencement and conduct of arbitral proceedings, including court referrals to arbitration. These rules include principles of fairness and equal treatment of parties, hearings and written proceedings, representation, and expert involvement;
- (4) establish rules on the arbitral tribunal, including the number of arbitrators, grounds and procedure for challenging the appointment of an arbitrator, and liability and immunity of arbitrators;
- (5) establish the competence of the arbitral tribunal and its powers relating to interim measures and preliminary orders;
- (6) establish rules on an arbitral award, including the power of the courts about an award; and
- (7) establish court powers exercisable in support of arbitral proceedings, particularly where parties seek interim injunction or other interim measures.

Mr Acting Speaker, finally, I would like to acknowledge the Judiciary for recognizing the significance of this important reform and leading the work for the development of this Bill together with the Arbitration (International) Bill 2023. I would like to also acknowledge the contribution of all who have assisted with the accession process to the New York Convention and the drafting of the Bills. I thank you all for the effort put into coming this far.

16/05

Mr Acting Speaker, with that, I now commend the Arbitration Domestic Bill 2023 to this honourable House. Thank you.

Mr LUTHER WENGE (Morobe) – Thank you, Mr Acting Speaker. I rise to support the Bill sponsored by the Minister for Justice and Attorney General on the law of arbitration in this country. I want to make it very clear that this country is an independent country and not a colony of another country.

The Arbitration Law was passed in 1951 when we were a colony of Australia. This law was designed to make sure that if there is a dispute in Papua New Guinea between the parties in a contract, the matter can only be arbitrated by arbitrators of a foreign country.

For instance, if any dispute is not agreed upon by the parties and taken to court, and the court in its wisdom when applying the rule of law, decides that this matter should be arbitrated by the arbitrators, they recommend a foreign arbitrator to arbitrate on the matters in disagreement.

Mr Acting Speaker, I thank the Minister for his wisdom in doing the right thing to introduce an amendment to the *Arbitration Act of 1951*. If a contract is about matters in this country and there is a breach of contract by the parties involved, they will use Papua New Guinea laws to arbitrate.

Mr Acting Speaker, when the matter goes to the National Court or whatever court in PNG and if the court rightly considers that this matter be dealt with through arbitration, then it must be dealt with by arbitrators who live in PNG and are appointed to deal with those matters.

So the Bill intends to make this thing happen. With all due respect to us all, we Papua New Guineans do not have the luxury of having a lot of money so there are disputes that need to go to the National Court or whichever court and referred by arbitration, and if the Arbitration Law of 1951 continues to exist, then we are required to employ arbitrators from outside to come and arbitrate, which is a very expensive exercise.

Mr Acting Speaker, there are so many disputes that the National Court and other courts refer for arbitration which has not been arbitrated because the *Arbitration Act of 1951* says to get an arbitrator from outside. Many of the claimants have died while waiting for their disputes to be settled by an arbitrator as ordered by the National Court or whichever court.

Mr Acting Speaker, as I have said from the outset, it is a very expensive exercise. For a Papua New Guinean who does not have a lot of money, he has a genuine cause of action for the breach of contract, is taken to the National Court, has little amount of money, and that claim could maybe be valued at K1 or K2 million or whatever it may be.

17/05

But, when it is taken to the National Court, the National Court sees fit to say that this matter should be dealt with Arbitration and refers it. These Arbitrators are from overseas and it will cost a lot of money to get his matter arbitrated and eventually recommend to the national court, to agree on the decision of the Arbiter either on or more than two; it depends on the order of the national court or whatever court that maybe.

So, Mr Acting Speaker, the Attorney-General's Bill is fitting at this point in the history of this country. We change the laws so that any contract or whatever dispute about any contract is done in the country and the National Court or whichever court referred for Arbitration should be arbitrated by Arbiters who live within this country, Papua New Guinea. As the Minister said, then is to make sure that there is a fair dealing of whatever matters are to be referred.

Mr Acting Speaker, we can trust the arbiters because they are Papua New Guineans so they will understand us better. It may be custom interference or whatever interference which led to the breach of the contract or whatever that may be so the Bill must be supported.

Secondly, about international contracts; contracts between two countries applying international law, then of course, we can allow for the international arbitrators to arbitrate on those contracts which are very few that are like that.

Otherwise, the majority of the contracts about work done in this country are about matters that occurred in this country and therefore our rule of law, Papua New Guinean law must apply not international law. But, as relevant to the matter or the agreement Papua New Guinea laws must apply, Papua New Guinea Constitution must apply, or Papua New Guinea contraction law or whatever law that may be appropriate for the circumstances of the case which has been referred for Arbitration, Papua New Guinea laws must apply.

For a long time, many cases that have been referred for arbitration have not been dealt with in satisfactory prompt time and many of the parties in the cases have died living behind their rights not well enforced.

Therefore, I rise to support the Honourable Minister for Justice and the Attorney-General, that the Bill is salient and the Government and event in the Opposition, you might not know that one day this law will help you when you are a parliament member or even when you are not a parliament member but as it applies to you and as the court directs it will become relevant to you.

So, therefore, I urge the Opposition and the Government without reservations to support it and give pride to the Nation and the sovereignty that our country gained independence and we must use our laws to apply to the circumstances which are more appropriate to us.

Mr Acting Speaker, thank you for allowing me to speak.

18/05

Mr KERENGA KUA (Sinasiona-Yongamugl) – Mr Acting Speaker, the reform suggested by the Attorney General here will provide a very important platform for the future of business and commerce, both domestically and internationally going forward. Therefore, all of us here in the Opposition, support and commend the Attorney General for bringing this Bill to the Floor of this Parliament.

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

Motion – That the Bill be now read a second time – agreed to.

Bill read a second time.

Third Reading

Leave granted to move the third reading forthwith.

Motion (by **Mr Pila Niningi**) proposed –

That the bill be now read a third time.

Mr JAMES MARAPE (Tari-Pori – Prime Minister and Minister for Treasury) – Mr Acting Speaker let me rise to give support to this timely Bill that the Minister for Justice and

Attorney General has brought in the Arbitration Domestic Bill of 2023 modernizes our country and gives support to our Judiciary. We are operating under the *1951 Arbitration Act* and I want to commend the Opposition's spokesman on this matter to give support on this Bill.

Mr Acting Speaker, this gives assurance not just to ourselves in our economy but more importantly the major investors and all the investors that are coming into our country. This should be pronounced to everyone and I want to recognize the investors who are in our country. This is an alternate form of dispute resolution.

Arbitration is now brought into our country instead of us going to arbitrate overseas as in Singapore or other countries, we have it now in our country.

Mr Acting Speaker, today in our country, we have the four big global super conglomerates in our country as we speak. The two leading companies in oil and gas, namely; ExxonMobil and Total, and the two leading mining companies, namely; Newmont and Barrick. They are consolidating their business base in our country. They have trust in our country's law and the legal systems and this Bill that we are amending might seem small but it also adds value to our credibility as a good safe and secure investment destination.

Any disputes that we may have in our country can be arbitrated. This one now gives rise to a modern arbitration platform that investors outside from far and wide can look in and say PNG has arrived at a stage where the Judiciary is sound and secured so the arbitration process is upgraded and secured and modernized as the United Nations sanction and based.

I want to thank all members of Parliament for your support. It may seem small but an important contribution to modernizing the ambiance of our law and justice sector system. Thank you, Mr Acting Speaker.

19/05

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

Motion – That the Bill be now read a third time – put.

The Bill requires an absolute majority of 60 members as required by the *Constitution*. Mr Acting Speaker ordered that the Bells be rung.

20/05

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

AYES - 91

NOES - 0

The Bill passed with the concurrence of an absolute majority as required by the *Constitution*.

Bill read a third time.

21/05

ARBITRATION (DOMESTIC) BILL 2023

First Reading

Bills presented by **Mr Pila Niningi** and read a first time.

Second Reading

Mr PILA NININGI (Imbonggu – Minister for Justice and Attorney General) – I move –

That the Bill be now read a second time.

Thank you, Mr Acting Speaker for giving me this opportunity to present to this Honourable House and the people of Papua New Guinea this important Bill to provide a comprehensive framework for international arbitration.

Mr Acting Speaker, arbitration is a dispute-settlement mechanism that is a complete alternative to ordinary litigation. It is both consensual and private in nature and operation resting largely on party autonomy whereby parties enjoy a very substantial amount of freedom in laying

down their preferred rules to resolve an arbitral dispute. This freedom is granted to physical and legal persons by formal law under national legal systems. It is in that respect that despite its private nature, arbitration operates more meaningfully through state-sanctioned enforcement whereby national courts are prepared to enforce arbitration agreements and to lend their assistance in enforcing awards that are not complied with voluntarily. Courts, and domestic law, must also be prepared to assist where party autonomy proves insufficient such as when the process of appointing arbitrators breaks down. Arbitration must therefore always take into account the existence of national legal systems and the limits or interference that may derive from them.

Mr Acting Speaker, Papua New Guinea acceded to the Convention on the recognition and enforcement of Foreign Arbitral Awards (New York Convention) in 2019 which now enables PNG to domesticate the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL).

22/05

Decision number 263/2023 NEC approved the drafting of the Arbitration Bills.

Mr Acting Speaker, the law governing arbitration in PNG is the *Arbitration Act 1951*. This pre-independence law in its current form is not conducive and compatible to cater to both domestic and international arbitration in PNG. It is not consistent with international best practices which have developed through international instruments such as the New York Convention and the UNCITRAL Model Law, which has come to be adopted by many jurisdictions.

Having acceded to the New York Convention in 2019, it is only appropriate for PNG to now reform its existing law to provide an up-to-date framework for both domestic and international arbitration. A dualist approach is taken to PNG's reformed legal framework which sees two separate laws. There will be an Arbitration Bill that will deal with domestic arbitration, whilst the proposed International Arbitration Bill shall deal specifically with international commercial arbitration.

Arbitration International Bill 2023

Mr Acting Speaker, International Arbitration is widely regarded as the preferred means of resolving commercial and other disputes throughout the world. Commercial parties are attracted to international arbitration for the speedy expertise confidentiality and mortality of the arbitral process as well as for the worldwide enforceability of foreign arbitral awards. Enacting

international arbitration reform can attract foreign investment to PNG by providing assurance stable and predictable legal environment to foreign investors.

Scope of Arbitration

Mr Acting Speaker, the scope of the Bill is intended to cover international arbitration and also establish PNG as a potential seat of arbitration. The intention is to provide a framework in which procedural rules chosen by parties to govern their arbitration can operate and may fill gaps not address them in the roots.

Features of Arbitration International Bill 2023

Mr Acting, the following are the silent features of the Bill:-

- (1) It gives effect to PNG's obligations under the New York Convention and incorporates substantially the UNICTRAL Model Law;
- (2) Establishes PNG as a potential seat of arbitration;
- (3) Establishes the recognition and the reinforcement of arbitration arrangement;

23/05

- (4) Enables the recognition and enforcement of foreign awards in PNG.

(5) Emphasise the importance of an arbitration agreement by laying down the formal requirements for the agreement, particularly that it may be in written form.

- (6) Recognises the autonomy of parties to shape the arbitral processes.

- (7) Provides for default rules regarding the arbitral process.

Purpose of the Arbitration International Bill 2023

Mr Acting Speaker, the purpose of the Bill is to;

- (1) Make provision for the conduct of international arbitration.

(2) Encourage and facilitate the use of arbitration as a matter of resolving disputes using international arbitration.

- (3) Facilitate the recognition and enforcement of arbitration agreements and awards.

(4) Give effect to the United Nations Convention on the recognition of enforcement of foreign arbitral awards 1958.

Mr Acting Speaker, finally, I would like to acknowledge the Judiciary for recognising the significance of this important reform and leading the work for the development of this Bill together with the Arbitration Domestic Bill 2023.

I would like to also acknowledge the contribution of all who have assisted with the association process to the New York Convention and drafting of the bills. I thank you all for the efforts put in to come this far.

Mr Acting Speaker, with that, I now commend the Arbitration International Bill 2023 to this Honourable House. Thank you.

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

Motion – That the bill be now read a second time – agreed to.

Bill read a second time.

Third Reading

Leave granted to move the Third Reading forthwith.

Motion (by **Mr Pila Niningi**) proposed –

That the bill be now read a third time.

The Bill requiring an absolute majority of 60 members as required by the *Constitution*, Mr Acting Speaker ordered that the Bells be rung.

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

24/05

(Voting in Progress)

25/05

AYES - 88

NOES - 0

The Bill passed with the concurrence of an absolute majority as required by the *Constitution*.

Bill read a third time.

26/05

PROTECTED AREAS BILL 2024

First Reading

Bill presented by **Mr Simo Kilepa** and read a first time.

Second Reading

Leave granted to move the second reading forthwith.

Mr SIMO KILEPA (Lufa – Minister for Environment, Conservation & Climate Change)

– I move –

That the Bill be now read a second time.

Mr Acting Speaker, the Protected Areas Bill 2023 aims to implement PNG's biodiversity conservation strategy. The PNG National Policy for Protected Areas 2014 provided a term of reference for the framework of this Bill. Using this framework, the bill was formulated in collaboration and consultations with stakeholders through an extensive process including four

regional meetings, formal submissions were provided to CEPA, the Chamber of Mines and Petroleum, the PNG Forest Authority, the Department of National Planning and Monitoring, Department of Treasury, from donors such as JICA and NGOs such as Foset based in East New Britain had some informal discussions have been undertaken. Several national policies support the development of this Bill including the explicit commitment to environmental sustainability contained in Vision 2050. The PNG Development Strategic Plan 2010-2030 and the National Strategy for responsible sustainable development for PNG and lately, the Medium-Term Development Plan three and now four. Mr Acting Speaker, in the discharge of PNG's international law, obligations under the United Nations Conservation on Biodiversity Diversity, UNCBD, to achieve a target of 17 per cent area of land and 10 per cent of marine as protected areas by 2030.

27/05

In the discharge of its mandate from the NEC in Decision: 325/2014, CEPA has consulted widely with the communities doing protected areas in all regions during 2016, (refer to point 23) and with affected government offices, agencies, and departments, in a lengthy dialogue. The bill has taken into account community input from these dialogues.

Mr Acting Speaker, this bill follows closely the structure, text, and spirit of the NEC-approved Papua New Guinea policy on protected areas, 2014.

The Bill now before the Parliament balances constitutional authority shared between the National Provincial and Local Level Governments under the Organic Law on Provincial and Local Level Government, with the reality of the customary ownership of much of the land in PNG, and landowner rights, to achieve a workable framework for conservation and protected areas. It addresses issues of customary landowner marginalization through access to justice mechanisms.

Mr Acting Speaker, the bill provides mechanisms to allow the National Government, through its lead agency the CEPA, to engage with the Provincial and Local-level Governments, who share lawmaking powers over parks, etc, and the local environment under the Organic Law on Provincial and Local Level Government.

Similarly, the bill provides mechanisms (Deeds) for CEPA to contract directly with customary landowners (some of whom through the ILG process will in future hold freehold title, while others hold under custom) on terms to be agreed, as part of a negotiated process to be

achieved with full free prior informed consent and landowners represented by lawyers of their choice.

Mr Acting Speaker, the bill includes dispute resolution mechanisms:

- A model that favours cooperation in conservation and protected area business;
- Binding agreements with other affected government bodies to ensure uniformity of overall policy, planning, and implementation to clarify management processes with government and non-government bodies or persons to avoid disputes;
- Mediation and arbitration as the preferred models of dispute resolution; and
- Access to the courts for the persons aggrieved.

Mr Acting Speaker, the work within CEPA has been facilitated under the Global Environment Fund, part of PNG's terms of the CBD, administered in this country through the United Nations Development Program. This is an ongoing process delivering institutional stability, conformity with international obligations and standards, and the likelihood of long-term support, including the seeding of the Biodiversity Fund when developed at a later date.

Mr Acting Speaker, the Protected Areas Bill 2023 went through the CACC vetting process. After vetting, the CACC endorsed the Protected Areas Bill to go to the NEC. The NEC endorsed the drafting instructions for the CCMA in NEC Decision # 39 of 2022. The First Legislative Counsel has finalized the Bill which will be presented to you today.

Mr Acting Speaker, I would therefore appreciate the support from Honourable Members of this House for this important bill.

I recommend the Protected Areas Bill 2023 to this Honourable House.

Thank you, Mr Assistant Speaker.

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

Motion – That the Bill be now read a second time – agreed to.

Bill read a second time.

28/05

Third Reading

Leave granted to move the third reading forthwith.

Motion (by **Mr Simo Kilepa**) proposed –

That the Bill be now read a third time.

Mr GARRY JUFFA (Northern) – Thank you, Mr Assistant Speaker. I wish to debate this bill. This is a very important subject that sometimes we tend to overlook because we are all very eager to develop our country by liquidating all our natural resources and making significant profits for the multi-national companies and forget the very fact that it's this environment that ensures we survive and thrive now and into the future.

I want to thank the Minister and commend him. This Bill has been in the pipeline for so long. Some NGOs and various concerned persons have been contacting me whenever there is a Parliament session, asking me when this Bill will be tabled so Minister, thank you very much for bringing this Bill to the House.

I have a few points to make but before I make those points, I want to quote a very important statement made by the Secretary General of the United Nations in New York in July 2023, where he coined the term 'global boiling' to replace what we have known as global warming. Because of the severity of the situation facing humanity and mankind, you will note that it has been getting hotter everywhere you go. The nights are hotter even in the mountain areas where it is traditionally cool and misty. There are heat waves, rising sea levels, and depleting beaches, and coastal shores. Some of our atolls are inhabitable. People cannot live in the atolls anymore. The Carteret Island is a classic example, the first climate change refugees in the world. We are now having to relocate them onto the mainland because they can't live there anymore. But we are still marching on, ignoring all these realities and depleting our natural resources as if there is no tomorrow. It's fine we should be able to make way for the growth of our populations, the spread of mankind and humanity, and whatnot, but we should also take stock of what is happening that threatens our very future.

Today, geologists term the age that we are living as the Anthropocene age, where man's activities affect nature, whereas in the past nature's activities affected mankind and how we live.

29/05

Today it's the other way around and we are very irresponsible in how we are behaving.

The world is recording the hottest months ever recorded in history since humanity existed, it's very frightening. This natural environment is what protects us, us forest people, Papua New Guinean. 7 per cent of the world's biodiversity is in this country, on this island. It's the third-largest rainforest in the world. But what are we doing to protect this? These rainforests are bio stations, they produce air, they cleanse water systems and they house bio-systems that contribute to life on Earth. Organizations like CEPA and others are charged with the responsibility of protecting this environment, these structures ensure that we survive and thrive. But I can tell you that these organizations are not functioning as they ought to. We are going to pass more laws again and so forth into the future, we will no doubt pass more laws but are these laws being enforced? I ask members to go through your local districts, and your provinces, and take a walk to some developments taking place by some companies. In many instances, they are doing so well and are abiding by the many laws that we are passing here. What's the point of passing laws if we cannot enforce them?

In my province, we have taken several cases against logging companies for example. We just won one recently in an area called Ifane on behalf of the landowners. The company had been encroaching in that area they had been logging in the inclined areas and the waterways. You're not supposed to be logging in those areas, yet they were doing so. No one turned up to check even though reports after reports were submitted by landowners were submitted by landowners, the provincial government, and concerned community members. And this is a case all over the country and it's not just logging companies but other activities that are undertaken by various individuals and companies. Yes, we want development, but they must abide by our laws and the organization charged with enforcing and administering these laws has to do its job. That's why they're called authorities, they are authorized to do these jobs, they are authorized to enforce the law and they are not doing this. Many of them have become mercenary entities, just there to procure a permit or a license for whoever turns up with a bag of money, this is the reality we are facing now. And the people of this country deserve to be protected, their future, the future generations, they deserve

to be protected. But they are not getting the protection. We are very enthusiastic about developing our natural resources but it should not come at a greater cost to our future generation where they are not afforded the natural environment that we are fortunate to take for granted today. I

I commend the Minister he has done a great job since he took up that ministry. Every time I ask him questions, he always makes sure that he has prepared his answers, he has turned up, and he has delivered. But more needs to be done and we have to assist our Minister this is where I feel that we need to take a very serious look at who we are appointing to head these organizations. We must appoint fearless patriotic Papua New Guineans who are not timid or who are not going to sell out, who are not weak, or who are not easily bribed or influenced by foreign companies' multinational companies, even Papua New Guinean citizens. They have to protect Papua New Guinea 24/7 all the time. They swore an oath to serve without fear or favor. They have to do that explicitly; they have to protect the interest of this country jealously. That's not happening. So many of these organizations are not performing the duties and ministers you preside over these ministries you have to take a walk through these organizations and find out what they are doing. They're going to con you, they'll buy you a vehicle, a ticket to go to Singapore and you will forget about what you are supposed to be doing. You'll think everything is okay, everything is not okay.

So while I commend the minister, I just want to say that there's a lot of work that needs to be done so that your organization can fulfill its role and responsibilities to the people of Papua New Guinea by actually getting out there and conducting audits and inspections. They are not enough for those that are taking place. They are constantly holding workshops and forums. This is a favorite activity of a public servant.

30/05

A lot of the budget of ministries, departments, and statutory organisations had taken up in workshops, forums, hire cars, travel allowances, hotels, and overseas conferences, to do what? They should be out there inspecting, auditing, and keeping an eye on the developers of this country whether they are abiding by our laws or not. And they should not hesitate to find and hold them accountable.

The ordinary citizen of this country cannot afford a lawyer, but these people have lawyers at will and whim that they can send to court and they tie up cases in court for days, weeks, months, and even years.

We have a classic case in Wanigela where while we were in court, ships were still shipping out logs every month. And when we went to court, they took out a court order. We do not like to criticise the courts but sometimes they need to take note of these things and hasten their decision-making. While they are taking their time and deliberating over what is right and wrong, legitimate or not, a lot of these activities are still going on. Trees are still being cut, holes are still being dug, ships are still sailing out, and the beche-de-mer are still being caught and illegally shipped out.

Where are those who are supposed to protect this country, the guardians and guard dogs of this nation? They are not home, so where are they? Selling this country is what they are doing.

I urge the ministers to take stock of what is happening in your ministries, and departments. I am not being critical of you, but encouraging you to make an effort to take a walk through your government departments and find out where the problems are. Assess your CEOs. Many are not vigilant or patriotic. They are busy following the ministers around when they should be managing the departments and ensuring that the department is enforcing the laws to protect this country and its citizens.

The PNG Conservation and Environment Protection Authority (CEPA) is one of the most unfortunately toothless organisations in this country in a long list of toothless organisations. We need to empower them so that they can get out there and do their work.

And here is one for the Treasury. When these government departments come to you with their budgets, there is a very important line item for enforcement, investigations, and prosecution. For some reason, the Treasury always cancels these areas and they never get the funds that they require to go out there and carry out these activities.

So that is one area that needs to be seriously looked at. If we want these organisations to function, we need to empower them by funding them. We also need to allow them to be self-funding. They can retain a percentage of the revenues that they raised through fines and penalties that they imposed or the permits and licenses that they issue.

More than 90 per cent of our people live in rural areas. They depend on the natural environment; the forest, land, oceans, lakes, and rivers and we need to protect these so that it can protect them and they can continue to live a decent and normal life and give that type of life to their children and their future generations.

It is up to us to make that happen. If we do not do that, then we are failing not only our people of today but our children of tomorrow as well. Thank you.

Mr DOUGLAS TOMURIESA (Kiriwina-Goodenough – Opposition Leader) – Thank you, Mr Assistant Speaker. I also want to join Parliament to debate on this very issue. I will be very short but if I go over my time, you can stop me.

Mr Assistant Speaker, this is an important Bill and as mentioned by the Governor of Northern Province, it has taken a long time to come to this House. It has now come at a time when we are ready to take it through.

Mr Assistant Speaker, I want to talk about two things. Firstly, the population of Papua New Guinea is not shrinking but growing at a very fast phase.

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This year when the Census comes through we will know whether we have nine million people or 13 million people.

Mr Acting Speaker, now with the increase in our country's population and if you were born in the 70's and 80's you will realize that some places where people did not live are now occupied. There are areas where sago is grown for food consumption now have been cut down and people are living there because there is a shortage of land so the population in our country is becoming a problem. In the past, we saw there was plenty of land but now shrinking.

So, it is good that the Minister has brought forward a bill that will protect certain identified areas in our country that we should regard as taboo areas and not touch.

Mr Acting Speaker, the other area of concern that I should speak about with regard is to this bill is the fast development that is encroaching into areas that were once never touched such as where roads are being constructed, wharves being constructed, and passages that a destroyed so that ships can come in and now, you look at the corals and reefs being destroyed in the pretext of development. Many areas are being made into log ponds and passages linking villages have destroyed some of the corals, reefs, and habitat of the marine resources that cannot be replaced anymore or are irreplaceable.

So, I think that this bill presented today will help us in developing certain departments for that matter to take into consideration these important areas that need conservation and protection.

Mr Acting Speaker, I take note of road construction in our country. Road construction that are going into areas that have greater bio-diversity, areas that were once protected so that people

can go hunting and cut materials for their houses are now being destroyed in the name of development, road construction and so and so...

Mr Acting Speaker, I am happy that the Minister for Works is here in this debate so he can take note, as the Prime Minister and other ministers are concerned.

In the definition of road construction, when we build a road through a virgin forest, firstly a pre-survey needs to be conducted so that you establish where these flora and fauna are. And, if you have to redesign the roads so that the roads go around that protected area it should happen. Many times we think that if we build the road around it will be longer but we have to cut out that nonsense and look at protecting these areas.

Secondly, I think that we should also be looking at the historic areas.

Some 40, 000 years ago the first discoverers landed in Papua New Guinea and they had areas where they lived, they left their clay pots and some building materials which remain in these areas so many tourists come to our country to see these areas because we are one of the last Nations in the world that still holds historic significant here in our country.

Many tourists come to explore these areas but when they come development has already taken those things away.

Mr Assistant Speaker, I will give you a very good example; a few years ago we had a road construction on the Island of Kiriwina.

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As they were building the road, the bulldozer accidentally cut through a cave and they discovered old clay pots and stone axes. Since the discovery, they had to come back to get the administration to go and look at it. We had to protect that area because some people had already gone in to get some of these artifacts.

These are histories that are sitting down in this country and we need to protect those areas. Mr Assistant Speaker, I thank the Minister in his wisdom has brought forward a paper to us. It is significantly an important paper for us to take into consideration.

Mr Assistant Speaker, let me finish by saying this, it's not far from this Parliament House you just have to drive down to Motu-Kia, towards Porebada and you will find out that the mangroves there are been destroyed. Where is the Bill? Where is the protection that we have in this country that should conserve those areas instead of destroying them in the name of

development? When high waves come they wash right through because we removed the protection that nature has provided for us. We are destroying the reefs which are nature's protection for mankind.

That is why Mr Assistant Speaker, you don't have to look far to see developments that are happening, whether it's a development in the village or development at the national level, we need to somehow legislate to protect our biodiversity. I do agree with what many people are saying that 7 per cent of fauna in the world is found here. You may see seven per cent to be very small, but I tell you it is significant!

With that, I want to say thank you Mr Assistant Speaker for allowing me to speak.

Mr JIMMY MALADINA (Esa'ala – Minister for Petroleum) – Thank you Mr Assistant Speaker for giving me this time to join the debate.

I have only two points to make. Firstly, I'd like to commend the Minister for Environment Conservation and Climate Change for bringing this very important Bill to this House which has been pending for a very long time. This is because of some of the very critical issues that were raised by the NGOs, environmental advocates, and industries, but I commend your leadership and your ministry to resolve all these issues and finally bring to this Floor the final Bill to be passed.

We have many conservation laws that govern the environment and conservation in this country; the *Conservation Act*, and the *Flora and Fauna Act*, and our country signs up to many international environmental conventions and also regional conventions. In so far as regional targets and our national targets are concerned all countries in the region have their targets, but for our country for terrestrial landmass conservation, we must conserve 17-20 per cent of our terrestrial landmass by 2030 and at least 10 per cent of the marine environment. Despite this, our performance so far has been limited we have not performed to match other countries in the region to put a strong focus on conservation efforts in this country.

So far we have conserved 3-5 per cent of our terrestrial landmass. You'll see all these back-down and rundown protected areas in the country. In the past, in the 1970s we have many conservation areas in this country but now they have been rundown. Rangers have no jobs, locals are not able to sell their produce and sustain themselves and there are no visitors. Those protected areas have run down because we are not able to sufficiently fund those conservation areas.

This Bill will improve our efforts in this space because it wants to address those challenges in a coordinated fashion.

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It will ensure that we have an effective network of protected areas in this country and there has to be effective coordination between landowners, provincial governments, and the government as a whole with sufficient could be provided for by the Government and NGOs so that we can be able to finance those protected areas in the country. Likewise, in the marine space, we are supposed to conserve 10 per cent of our marine environment within the 12 nautical miles within the EZ but we are not able to conserve. Our performances have been dismal. We have conserved less than one per cent. So, this Bill provides for the legal framework for us to empower all stakeholders involved and I also note that there's a provision for the establishment of a biodiversity trust fund.

One of the key reasons why we don't advance conservation efforts in this country is because the government continues to fund less than K10 million every year. With all the competing interests in the oil and gas, mining, and forestry sectors, the landowners cannot give away land. So that's why this Bill paves the way for this and a provision of a biodiversity trust fund is very important. Minister, I encourage you to bring the biodiversity trust fund legislation or regulation to this Floor so, we must legislate for sustainable financing of protected areas in this country. We must raise revenue in the LNG sector, the mining sector, the forestry, and all sectors, at least they must pay some form of levy into the biodiversity trust fund.

So, we must be able to conserve our marine environment as well as our terrestrial environment and meet those targets and even advance that further because that is very important for our future generations. We can't continue to exploit and plunder natural resources because they are the sustenance of our lives. We must maintain quality for us, maintain quality water systems and we must maintain quality biodiversity in this country because if we don't, it will affect the sustenance of our lives. We must also note that while we talk about oil and gas, forestry, and all other resources in this country, biodiversity and the tropical rainforests that we have produce tonnes of fresh air is a global asset. And there will come a time when we will commercialise those services that biodiversity provides. You will see that the monetary value of the services that we provide in this country, our environment, and our biodiversity is very huge.

So, Minister with that I'm glad to see you mention the biodiversity. Please bring in the biodiversity trust fund legislation and I encourage the House for us to legislate levies to be collected in all sectors because we must be able to substantially finance protected areas in this country including our marine protected areas. Thank you, Mr Acting Speaker.

Sir PUKA TEMU (Abau) – Thank you Mr Acting Speaker. I will be very short but I want to take the cue from those who have spoken before me, particularly the Honourable Minister for Mining who has expressed excellently the issues that the country needs to sort out. I thank the minister for the work that he has done and congratulate you. This one issue that I would like to highlight, is the outstanding matter of sorting out the customary land issues in the country. While this important legislation is critical, I think the issues mentioned in the Minister's Statement about the recognition of customary landowners in the country and the processes prescribed or the frameworks that will be determined later must protect the customary landowners but I must say that we don't have the customary land legislation at the moment. And so, to me, that is an outstanding matter and it will truly complement our minister's effort. So, the two must come hand in hand because if you look at the land issue in the country, the arbitration process is so long, that it takes many years to solve land issues. I'm glad that our Deputy Prime Minister who is the Minister for Lands is also taking the lead on this so, I strongly recommend that the two agencies of State complement each other

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One area the Minister has mentioned in his statement concerns the ILG process. I understand the Deputy Prime Minister and Minister for Lands and Physical Planning publicly announced the review of the ILG process and must be stopped and we must move into a new formulization as in clans, because ILG is a foreign concept.

But clans must be recognized also under the recognition of the Organic Law on Provincial and Local-level Governments. We have been arguing about the role of the District Development Authorities in the process rather than just the Local-level Governments.

There are a few areas to be sorted out and Minister excellent job, thank you very much for the good work that you have done. I strongly recommend in this debate that the customary land issues be also picked up so that we can complement this important development program.

I come from a coastal village and there is a little Bay there, 50 years ago when I was 20 years old, I could throw a stone to the other side of the bank. Today I can't the stone falling in the middle of the sea because the sea has widened and the sea level has risen.

And two weeks ago, when the high tide came it hit the floors of the houses for the first time. The issues are real and it's a global concern but as one country in the world which can promote the preservation of green energy with advanced technologies now available, I think that we have an opportunity to showcase in the world that we are pro-conservation by not cutting down our forest but we want to preserve them which will contribute in protecting the world from boiling state.

Thank you, Mr Assistant Speaker.

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

Motion – That the Bill be now read a third time – put.

The Bill requires an absolute majority of 60 members as required by the *Constitution*, Mr Assistant Speaker ordered that the Bells be rung.

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(Voting in progress)

36/05

AYES - 82

NOES - 0

The proposed Bill passed with the concurrence of an absolute majority as required by the *Constitution*.

Bill read a third time.

**REGULATORY STATUTORY AUTHORITIES
(APPOINTMENT TO CERTAIN OFFICES) ACT 2004**

First Reading

Bill presented by **Mr Joe Sungi** and read a first time.

Second Reading

Leave granted to move the second reading forthwith.

Mr JOE SUNGI (Nuku – Minister for Public Service) – I move –

That the Bill be read a second time.

Thank you, Mr Acting Speaker.

Firstly, on behalf of the people of Nuku, I would like to convey my sincere condolences to the late Minister for Education, Honourable Jimmy Uguro, and the people of Usino Bundi, and Madang province.

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Mr Acting Speaker, the *Regulatory Statutory Authorities Act 2004* known as the *RSA Act* establishes the appointment process for agency heads whose appointments are made subject to the *RSA Act*.

In 2013, amendments were made to the *RSA Act* to provide a basis for the re-appointment process for agency heads which was further expanded in the *RSA Regulation 2014*. However, these amendments were annulled by the Supreme Court case of *Kereme vs O'Neill* of 2019 filed as PGSC7; SCI 781 for non-compliance with procedures under *Section 14* of the *Constitution*.

Mr Acting Speaker, due to the silence in the *RSA Act* and the annulment of the regulation, the re-appointment process for RSA heads follows the 'contract renewal clauses'

in their contract of employment which requires the re-appointment to be started three months before the expiry of the initial contract term.

Mr Acting Speaker, the issue at hand concerns re-appointments that are completed after the lapse of the initial contract term. The process under the contract provides that the re-appointment must be conducted no later than three months before the expiry of the contract period. However, the clauses do not clearly state the timeframe within which a re-appointment must be completed. Therefore, when the contract lapses, there is no basis for a re-appointment and this creates an issue with the re-appointment of agency heads that fall within this category under the *RSA Act*.

Mr Acting Speaker, the Department of Personnel Management is the department responsible for facilitating contracts of employment for the respective heads of statutory authorities. The re-appointment process is commenced within the initial contract term as required by the contract renewal clauses in the contract of employment.

However, the NEC decisions recommending the re-appointments were done after the initial contract term had lapsed. The proposed amendment to the *RSA Act* will incorporate a clarifying provision that will state that reappointment is valid if the re-appointment process is completed after the lapse of the initial term, as long as the performance assessment was commenced within the initial contract term of the agency head.

The rationale for the proposed amendments was to ensure that the National Executive Council's appointments are protected and the process is compliant to protect the State.

Mr Acting Speaker, I am confident that this amendment will bring improved management and leadership by agency heads of statutory authorities.

Therefore, on behalf of the Marape-Rosso government, I commend the passing of this Bill. Thank you, Mr Acting Speaker.

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

Motion – That the Bill be now read a second time – agreed to.

Bill read a second time.

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Third Reading

Leave granted to move the third reading forthwith.

Motion (by **Mr Joe Sungi**) agreed to –

That the Bill be now read a third time.

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

Motion – That the Bill be now read a third time – agreed to.

Bill read a third time.

Mr JELTA WONG (Gazelle – Minister for Fisheries and Marine Resources) – Thank you, Mr Acting Speaker. I would like to thank the Government and the Opposition for helping us pass these bills. These bills are pertinent to key out the future of our great country, I thank all the members of the House.

ADJOURNMENT

Motion (by **Mr Jelta Wong**) agreed to –

That the Parliament do now adjourn.

The Parliament adjourned at 2.20 p.m.