

2012-13

PAPUA NEW GUINEA

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MINUTES OF PROCEEDINGS

OF THE

NATIONAL PARLIAMENT

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No. 48

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Thursday, 18 July 2013

- 1 The Parliament met at ten o'clock a.m., pursuant to adjournment. The Speaker (Mr Theo Zurenuoc) took the Chair.
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*Absence of quorum:* The Speaker reported to the Parliament that a quorum of Members was not present and announced that he would again take the Chair at the ringing of the Bells.

*Suspension of sitting:* At ten o'clock a.m., the Speaker left the Chair.

*Resumption of sitting:* At half past ten o'clock a.m., the Speaker resumed the Chair and a quorum of Members being present, and in accordance with Standing Order 34, invited Mr Ati Wobiro (Governor for Western) to say Prayers.

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- 2 **QUESTIONS:** Questions without notice being asked -  
*Suspension of standing orders – Extension of time for questions without notice:* Ms Delilah Gore (Member for Ijivitari) moved – That so much of the standing orders be suspended as would prevent the time for questions without notice this day, being extended by twenty minutes.  
Question – put and passed, with the concurrence of an absolute majority.  
Questions without notice continued.

**3 TREATY DOCUMENTS - PAPERS AND STATEMENT – MOTION TO TAKE**

**NOTE OF PAPER:** Mr Rimbink Pato (Minister for Foreign Affairs and Immigration), pursuant to Section 117 (3) of the *Constitution*, presented the following Treaty Documents: -

- (i) Agreement between the Government of the Independent State of Papua New Guinea and the Government of the Republic of the Indonesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to taxes on Income, dated 12 March 2010.
- (ii) Agreement between the Government of New Zealand and the Independent State of Papua New Guinea for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to taxes on Income, dated 29 October 2012.

and, by leave, made a statement in connection with the papers.

Mr James Marape (Leader of Government Business) moved – That the Parliament take note of the paper, and was granted leave to continue his speech when the debate is resumed at a subsequent sitting.

**4 TREATY DOCUMENTS – MOTION TO WAIVE SECTION 117 (3) OF THE**

**CONSTITUTION:** Mr James Marape (Leader of Government Business), by leave, moved – That in accordance with Section 117(5) (a) of the *Constitution*, this Parliament waives Section 117(3) of the *Constitution* which requires a treaty document to be presented to Parliament for at least ten sitting days before Papua New Guinea can be bound as a party to it, insofar as that provision applies to the following Treaty Documents namely: –

- (i) Treaty between the Government of the Independent State of Papua New Guinea and the Government of the Republic of the Indonesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to taxes on Income, dated 20 March 2010.
- (ii) Treaty between the Government of New Zealand and the Independent State of Papua New Guinea for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to taxes on Income, dated 29 October 2012.

Question – That the motion be agreed to – put.

Ordered – That the Bells be rung.

The Parliament voted (The Speaker, Mr Theo Zurenuoc, in the Chair)

**AYES, 87**

**NOES, 1**

And so it was resolved in the affirmative with the concurrence of an absolute majority as required by the *Constitution*.

- 5 **SUSPENSION OF STANDING ORDERS - REARRANGEMENT OF BUSINESS:** Mr James Marape (Leader of Government Business), by leave, moved – That so much of the standing orders be suspended as would prevent notice Nos. 52, 47, 48 and 78, Government Business, being called on forthwith.

Question – put and passed.

- 6 **SUPERANNUATION (GENERAL PROVISIONS) (AMENDMENT) BILL 2013:** Mr Don Polye (Minister for Treasury), pursuant to notice, presented a Bill for an Act to amend the *Superannuation (General Provisions) Act 2000* to provide for voluntary savings for retirement by persons other than as employees of an employer and for related purposes.

Bill read a first time.

Mr Don Polye moved – That the Bill be now read a second time.

Debate ensued.

Question – put and passed – Bill read a second time.

Leave granted for the third reading to be moved forthwith.

On the motion of Mr Don Polye, the Bill was read a third time.

- 7 **TREASURY BILLS (AMMENDMENT) BILL 2013:** Mr Don Polye (Minister for Treasury), pursuant to notice, presented a Bill for an Act to amend the *Treasury Bills Act* (Chapter 135) to provide authority for the Minister to issue Treasury Bills and for related purposes.

Bill read a first time.

Mr Don Polye moved – That the Bill be now read a second time.

Debate ensued.

Question – put and passed – Bill read a second time.

Debate adjourned (Mr James Marape - Leader of Government Business), and the resumption of debate made an order of the day for a subsequent sitting.

- 8 **ATTORNEY-GENERAL (AMENDMENT) BILL 2013:** Mr Kerenga Kua (Minister for Justice and Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Attorney-General Act 1989* to provide for –

(a) the establishment of the Office of the State Solicitor and its powers, functions and responsibilities; and

(b) the provision of the appointment process of the State Solicitor,

and for related purposes.

Bill read a first time.

Mr Kerenga Kua moved – That the Bill be now read a second time.

Debate ensued.

Question – put and passed – Bill read a second time.

The Parliament resolved itself into a Committee of the whole.

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In the Committee

Bill, by leave, taken as a whole.

On the motion of Mr Kerenga Kua, the following amendment was made -

**Clause 6 – Page 3, new sections 13A TO 13E**

“13B. FUNCTIONS OF THE STATE SOLICITOR.”

In subsection (1) omit the words and figures

“**Despite Section 8(4)**”.

The remainder of the Bill, taken together and agreed to.

Bill to be reported with an amendment.

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The Parliament resumed, Mr Gordon Wesley (Deputy Speaker), reported accordingly.

On the motion of Mr Kerenga Kua, the Parliament adopted the report.

Mr Kerenga Kua moved – That the Bill be now read a third time.

Question – That the Bill be now read a third time – put and passed – Bill read a third time.

- 9 **CRIMINAL CODE (AMENDMENT) BILL 2013:** Mr Kerenga Kua (Minister for Justice and Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Criminal Code Act* (Chapter 262) to add provisions relating to people smuggling and trafficking in persons and for related purposes.

Bill read a first time.

Leave granted for the second reading to be moved forthwith.

Mr Kerenga Kua moved – That the Bill be now read a second time.

Debate ensued.

*Closure:* Mr Patrick Pruaitch (Minister for Forestry and Climate Change) moved – That the question be now put.

Question – put and passed – Bill read a second time.

Leave granted for the third reading to be moved forthwith.

Mr Kerenga Kua, by leave, moved – That the Bill be now read a third time.

Debate ensued.

Question – That the question be now put - put and passed.

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

Ordered – That the Bells be rung.

The Parliament voted (The Speaker, Mr Theo Zurenuoc in the Chair).

**AYES, 52**

Mr Amkat Mai	Mr Joseph Yopyyopy
Mr Anton Yagama	Mrs Julie Soso Akeke
Mr Asik Tommy Tomscoll	Sir Julius Chan
Mr Ati Wobiro	Mr Kelly Naru
Mr Ben Micah	Mr Ken Fairweather
Mr Benny Allan	Mr Kerenga Kua
Mr Bire Kimisopa	Mr Koi Trape
Mr Bob Dadae	Mr Leo Dion
Mr Charlie Benjamin	Mrs Loujaya Toni
Mr Daniel Mona	Mr Louta Atoi
Mr Davis Steven	Mr Mao Zeming
Mr De Kewanu	Mr Mogerema Sigowei
Ms Delilah Gore	Mr Nixon Mangape
Mr Douglas Tomuriesa	Mr Noah Kool
Mr Francis Marus	Mr Patrick Pruaitch
Mr Garry Juffa	Mr Pesab Jeffery Komal
Mr Gisuwat Siniwin	Mr Peter O'Neill
Mr James Gau	Mr Powes Parkop
Mr James Marape	Sir Puka Temu
Mr Jeffery Kuave	Mr Rimbink Pato
Mr Jim Miringtoro	Mr Ron Ganarafo
Mr Jim Simatab	Mr Ronny Knight
Mr Joe Koim Komun	Mr Solan Misirim
Mr Joe Lera	Mr Titus Philemon
Mr Joe Sungi	Mr Wera Mori
Mr John Simon	Mr Westley Nukundj

**NOES, 0**

And so it was negatived as an absolute majority as required by the *Constitution* had not voted in its favour. Bill lapsed.

- 10 **CRIMINAL CODE (AMENDMENT) BILL 2013 - RECISION OF RESOLUTION:** Mr James Marape (Leader of Government Business), by leave, moved – That the resolution of Parliament this day, on the question – That the Bill be now read a third time, be rescinded and made an order of the day for a subsequent sitting.

Question – put and passed.

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- 11 **PAPUA NEW GUINEA NATIONAL COMMISSION FOR UNESCO, AN ENHANCEMENT CAPACITY BUILDING – MINISTERIAL STATEMENT – MOTION TO TAKE NOTE OF PAPER:** Mr Gisuwat Siniwin (Vice Minister for Education) made a ministerial statement on the programs and activities of the UNESCO office in Papua New Guinea.  
Mr James Marape (Leader of Government Business) moved – That the Parliament take note of the paper.  
Debate adjourned (Mr James Marape - Leader of Government Business) and the resumption of debate made an order of the day for a subsequent sitting.
- 12 **ADJOURNMENT:** Mr James Marape (Leader of Government Business) moved – That the Parliament do now adjourn.  
Question – put and passed.

And then the Parliament at ... adjourned until tomorrow at ten o'clock a.m.

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**MEMBERS PRESENT:** All Members were present (at some time during the sitting) except Mr Anderson Agiru, Mr Beldan Namah, Mr Boka Kondra, Mr Ereman Tobaining Jnr, Mr Gordon Wesley, Mr John Hicky, Mr Johnson Tuke, Mr Labi Amaiu, Mr Mehrra Minnie Kipefa, Mr Paul Isikiel, Mr Paul Tiensten, Mr Richard Mendani, Mr Sam Basil, Mr Steven Kamma, Mr Tobias Kulang, Mr William Duma and Mr William Tongamp.

**VELA KONIVARO**  
Clerk of the National Parliament