



**Consultative
Implementation and Monitoring
Council**



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**Law and Order Sectoral Committee Meeting
Minutes**

Date:	Monday 02 April 2007
Time:	10.00am
Venue:	Institute of National Affairs Conference Room, 5 th Floor Mogoru Moto Building
Present:	Mr. Dominic Tomar (Acting Chairman), Mr. Graham Ainui (RIC), Mr. Nigel Agonia (JAG), Mr. Baka Bina (National Court Registry), Ms. Anastasia Lagasa (DJAG), Ms. Katherine Yuave, Ms. Tanya McQueen (AusAID), Mr. Gary McPherson (Peace Foundation Melanesai), Mr. Lawrence Newell (PNG Law Society), Mr. Wilfred Arikapu (CLRC), Mr. Michael Gene (M Gene Consultancy), Ms. Iva Kola (LJSS), Mr. Romias Waki (AusAid), Mr. Alphonse Krau (SIA), Mr. Willie Kumanga (DNPM), Mr. Joab Mangae (RPNGC), Mr. Graham Ainui (RIC), Mr. Steve Kariko (LLG-Moresby South), Mr. Alois Francis, (CIMC), Michael Geelhoed (TIPNG Representatives), Mr. Paul Barker (INA)
Invited/Observer/s	Mr. Mathew Damaru (RPNGC Fraud Squad), Mr. Simeon Namunu (Manager, Policy/Planning - Ombudsman Commission), Mr. Joab Mangae (RPNGC – Director Corporate Planning)
Apologies:	Mr. Ron Barton (Chairman), Mr. Herman Buago(DJAG), David Kawow (UP&OJ), Ms. Emily Taule (TIPNG), Mr. Lawrence Newell, Kari Powai (PNG Law Society), Mr. Zachery Sitban (CJLU)

Main Discussion	Follow up Actions
<ol style="list-style-type: none"> 1. Meeting began at 10.30am. 2. The Chair could not attend the meeting due to an urgent commitment at work. He sent his apologies and asked if the Committee could nominate someone to chair the meeting. 3. Mr. Tomar was nominated to chair the meeting which he accepted. Mr. Tomar asked if all members could introduce themselves as new members were in attendance at the meeting. 4. The Secretariat informed the meeting that the purpose of the meeting was to discuss progress reports on the work of the technical working groups as per 	

their work plans. It was also to invite AusAID to present to the Committee the next phase of Australia's support to PNG's law and justice sector.

Minutes of last meeting (16:02:07): Mr. Agonia moved for the minutes to be accepted seconded by Mr. Ainui.

Matters arising from last meeting:

5. **Urban Safety Advisory Committee within NCDC:** The Secretariat mentioned that work on reviving the Urban Safety Advisory Committee need to be pushed, even though many of the YLMP projects are being implemented at the moment as planned initially.
6. Ms. Kola mentioned that the LJSS has planned a visit to the NCDC Management within the next month and proposed that this be done through this arrangement.
7. **Proceeds of Crime Legislation- setting up of FIU:** Mr. Barker commented that the Act applies to all financial companies especially all lending institutions right down to the micro finance companies, hence it is an impediment if there is going to be a hold up in the setting up of the FIU.
8. Mr. Newell mentioned that the Act limits any transaction to K10,000, but if above that amount than it will be checked and reported.
9. **Provincial Engagement Strategy of LJSWG:** Mr. Tomar mentioned that the LJSWG is trying to engage with the provinces through its Provincial Engagement Program, and within this ambit the sector is trying to reach out to the other sectors in the provinces. According to the initial feedback received from the community and stakeholders visited in the provinces so far there have been a lot of exciting responses received.
10. A lot of things are happening and people are calling for all agencies to move right down to the lower levels (districts, etc). The last one visited so far was Morobe Province and the key message that is coming out is that law and justice must be a normal issue that the provincial administration must tackle head on. Some of the provinces will be putting in place law and justices plans and include these in their annual budgets starting next year and organise regular meetings with representatives from the community and private sector.
11. **Security (Protection) Industry Act – implementation:** Mr. Krau mentioned that implementation of the Act is ongoing. To date 2018 companies have registered with the Security Industry Authority (SIA). Both small to medium size companies have registered, more will be forthcoming in the next few months. The aim of the SIA is to ensure there is an equal level playing field for all security companies in the country
12. **On the appointment of two representatives of the industry to the Security Industry Council (SIC),** Mr. Krau mentioned that the matter is with the

The Secretariat to see how Urban Safety Advisory Committee can be revived with NCDC Management

Secretariat to talk to Ms. Kola and work out how this can be achieved.

Assess what other options are available to

Minister for Internal Security, who has said that the SIC and SIA should consider engaging the Electoral Commission to appoint 2 members temporarily to the SIC.

13. The Secretariat commented that this will take time with the elections coming around the corner.
14. Mr. Gene mentioned the SPA needs to get itself organized. The process of appointment stipulated by the Act is by way of an election. A letter was sent to the Electoral Commission to assist with this process. The problem is that the SPA is representing only the interests of the bigger firms and SIA is trying to give equal opportunities to all small, medium to big firms in the industry to participate.
15. A comment was made regarding the spirit of the legislation which is whilst it tried to regulate the industry and create fair and open field for participation by all companies it was also intended to minimize inefficiency and unprofessionalism in the industry so that clients receive quality services for better and affordable prices.
16. A suggestion was made for at least a member each from the big companies and a member representing big companies who hold licenses already to sit in as interim members of the Council.

make temporary appoint of 2 members from the industry to the SIC

This possibility to be assessed with SIC and SIA, with the possibility of raising this with the Minister through a letter.

Australian Aid Program Assistance to PNG's Law and Justice Sector Strategy Development 2008 onwards

17. Mr. Waki mentioned that the Law & Justice Strategy – Position Paper aims to outline the framework within which the Government of Australia (GoA) will engage with and support the law and justice sector in PNG during its next phase of assistance. The next phase will draw on the lessons and experience of almost twenty years of Australian support to the sector. In particular, it will consolidate and build on the current law and justice programs, particularly the Law & Justice Sector Program (LJSP), the Justice Advisory Group (JAG) and the Enhanced Cooperation Program (ECP), that have been in operation since 2003.
18. The strategy will outline the aid program's approach to supporting the law and justice sector in the context of the new, overarching policy framework provided by the White Paper on the Australian Government's Overseas Aid Program (the White Paper) and the PNG-Australia Development Cooperation Strategy 2006-2010 (DCS). The strategy will aim to articulate Australian whole-of-government consensus and coherently address all aspects of Australian support to the sector, including the ECP and relevant regional programs. Taking account of the views and feedback from key stakeholders in PNG and Australia, this Position Paper will form the basis of a revised Law & Justice Strategy for Australian development assistance to PNG.
19. Mr. Waki whilst mentioning that the strategy was very broad, called for all

Mr. Romias Waki's

stakeholders, especially the business sector and community to ensure their comments on the draft strategy to be forwarded to AusAID. Future support from AusAID will be aimed at placing emphasis on performance, monitoring and evaluation, etc. After this a design specialist will be contracted to develop a design for program to be ready for delivery by 2008.

20. Mr. Krau and Mr. Tomar commended AusAID for the strategy document and encouraged all members to provide their written comments to AusAID. Mr. Waki's email contact will be circulated to members by the secretariat
21. Mr. Tomar suggested if all comments will be sent to the Secretariat to collate and send to AusAID.
22. Mr. Francis mentioned that he would be away during the week of April 10- April 28 so need to be mindful of the coordination that is required for this. Members were encouraged to send their comments directly to Mr. Waki at AusAID.

Workplan Implementation – status on progress

23. *Police Review Recommendations-implementation analysis:* Mr. Manage corrected that there were only 61 recommendations (not 64). He stated that the Committee tasked to oversee the implementation of the Police Review Recommendations headed by Mr. Jim Wan, Deputy Commissioner Operations usually have monthly meetings to update Police hierarchy on progress of implementation of the recommendations. Whilst tabling a report which was presented by the former Internal Security Minister to Parliament, he mentioned that a lot more needs to be done to accurately reflect the status of implementation of each recommendation. A second report was presented in Cairns Australia recently at the BCPNG meeting.
24. Mr. Ainui asked if Mr. Mangae could ask Mr. Kulunga to detail what sort of assistance is needed by the Secretariat so that the WG and others can assist them. Mr. Magae mentioned that there was talk of an Australian Advisor going in to assist but this has not materialized. At the member no dedicated officer to help with follow up and progressing of implementation of each of the recommendations.
25. The Secretariat needs support in terms of Office computer, a dedicated officer preferably with a degree level qualification in relevant policy related fields.
26. The CIMC Secretariat and TWG should assist in seeking funding for the Secretariat

27. **Database on Compensation Cases and Claims:** The Working Group on this has done a brief which was tabled. The brief outlined what needs to be done in order for the exercise to be carried out. But first scope of work must be done and funding must be identified
28. Mr. Barker mentioned that this is related to reforms proposed by the National Land Development Task Force (NLDTF) and assumes that land tenure is not

email contact to be circulated to members for comments on the strategy.

All comments to be collated and presented at next meeting of Committee at end of April 07.

Write to Commissioner to rescind his decision to move Jim Wan from Management Services to Operations and have him back at Management Services to help with the implementation of the Police Review Recommendations, esp. the work he has begun.

Ask what sort of funding assistance is needed by the Secretariat and seek funding (TWG to be in charge of this)

Exact work to be done to be worked out and funding to be sought.

secure enough and that compensation issues are making it difficult to attract investment, etc.

29. Mr. Tomar suggested that before we go to the donors, let us look at whatever systems or processes we have within PNG at the moment. Let's ask the agencies such as DJAG/Dept. of PM & NEC/DNPM, within whose jurisdiction does this fall under and then go from there.
30. Mr. Tomar further asked if DNPM/Finance could brief the Committee on what it is doing in terms of the MTDS and especially its plans to combat the excessive compensation claims that are out there.
31. Mr. Kumanga replied that the Integrated Financial Management System (IFMS) implemented by Dept. of Finance with World Bank's assistance will help to alleviate this problem.
32. Mr. Bina commented that the problem I am hearing is that the Lands Department is not able to sort the problems out and they are still there so first it is important to address its archival system.
33. There are the tax credit schemes under logging and mining projects such as RH, Oil Search etc managed by Dept of National Planning. They need to get these database operational for their purposes so may be willing to fund it.
34. Mr. Agonia suggested us looking at how the Working Group can get all the relevant agencies together to achieve this task effectively. It was resolved that the following steps were to be taken by the WG:
 - Request all relevant agencies to provide information on this
 - Prepare a submission for resourcing or funding to cabinet
 - Invite Courts, Land Title's Commission, DJAG, DPLGA to meet to discuss the way forward on how to establish a database
35. Mr. Gene suggested that it would be helpful to get an agency, maybe Dept. of Lands or Courts to lead this exercise rather than relying on CIMC so there is ownership of this later on.

Other business

36. **PNG Law Society:** A workshop is to be held in preparation for 2007 Elections especially to deal with the expected backlog of election petitions etc. Also the NPF case the Law Society is to move on this and put pressure on lawyers who have been implicated in some way by the inquiry. Also there will be an amendment to lawyers for mandatory CLE.
37. Mr. Bina asked if big law firms can provide pro bono representation in court and CLE for people less fortunate and can not afford big legal costs charged by firms
38. As there were no other issues to discuss under other business the meeting was closed by the Acting Chairman
39. Meeting ended at 11.30am. Next meeting to be held on 1st week of May 2007.

**The WG to request all relevant agencies to provide information on this, prepare a submission for resourcing or funding to cabinet, Invite Courts, Land Title's Commission, DJAG, DPLGA to meet to discuss the way forward on how to establish a database
WG to report to Committee on its work. Identify Lead Agency to coordinate exercise.**