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Be safe from COVID-19.

Always wash your hands before touching your face, mouth and nose.

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Emergency Committee to report to the House in June 3

“The new coronavirus disease is attacking societies at their core, claiming lives and people’s livelihoods.

COVID-19 is the greatest test that we have faced together since the formation of the United Nations.”

United Nations Secretary General  
Antonio Guterres

*This Members Weekly is a weekly publication that will be covering developments around the Bougainville House of Representatives on a weekly basis. You can find copies of the weekly in your pigeon holes every week.*

*Stories published in the Members Weekly will be posted also on the BHOR website @ [www.bougainvillehouseofrepresentatives.com](http://www.bougainvillehouseofrepresentatives.com)*

## Welcome Preparations Underway for New House



Senior Officers engaged with the Bougainville House of Representatives currently preparing to welcome the new House and preparing for the induction of the newly elected Members of the fourth House.

Following the announcement by the Bougainville Electoral Commissioner George Manu of the tentative 2020 ABG General Elections Schedule, the staff of the Bougainville House of Representatives are currently doing preparatory work to welcome the new House.

The senior management team under directives from the Clerk and the Deputy Clerk have taken the responsibility to mobilize and delegate tasks to Parliamentary Service staff to host the following events;

1. Issue of Writs

2. Return of Writs

3. Swearing in of the President and Caretaker BEC

4. First Meeting of the 4th House and Swearing in of the newly elected Members

5. Induction of Members, and

6. Induction of political appointees (Secretaries, Research Officers and Executive officers)

As the head of Parliamentary Service, the Clerk Robert Tapi said the forthcoming events call for the involvement of his officers in programs that will be delivered at the Parliament

House or a venue to be decided by the incoming government.

The Bougainville Events Committee will also play an important role in facilitating funding and overseeing the preparations for the incoming government.

As far as the Members and Ministerial staff programs are concerned, the Clerk stressed the importance of the content of information and how it will be disseminated to the Members during the induction.

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### Editor's Note

*Hello Everyone and welcome to the first issue of the Members' Weekly for this year 2020.*

*I apologize for the publication being put on hold towards the end of last year until now. This was due to certain situations beyond our control.*

*So much has happened last year and the main event that most of us have been engaged in and has taken so much of our time and efforts was the referendum vote which to our satisfaction produced very good results.*

*This year 2020, we are being faced with the Coronavirus Pandemic or COVID-19, that forced the country and Bougainville to go into a State of Emergency.*

*Upon directives from the State of Emergency Controller, public servants have now resumed official duties and the Bougainville Government is now preparing again for the 2020 ABG General Elections.*

*In this issue, we will bring to your attention the preparatory work that staff of the Bougainville House of Representatives are engaged in as they prepare for the swearing in of the fourth Bougainville House of Representatives.*

*Looking back: Moving Forward is a new area of focus that we will be publishing in each issue.*

*This is a weekly publication and I look forward to bringing you more news and updates about the Bougainville House of Representatives and its Members.*

*Until next week.*

*Happy Reading!!!!*

## Looking Back: Moving Forward (Part 1)

### Background

When Parliament adjourned for the last time on Friday March 20 this year, the Speaker of the House Hon Simon Pentanu went on air via Radio Ples Lain and announced that he will be issuing writs for the 2020 election of the Bougainville House of Representatives on Friday, March 27 2020 in consistent with Section 107 of the Bougainville Constitution.

The Speaker mentioned that his decision is subjected to any court injunction that may be pending in court.

After being briefed and given an election schedule by the Bougainville Electoral Commissioner George Manu, the Speaker was also conscious that Bougainvilleans and the general public will be aware that the President of the Autonomous Bougainville Government and the Bougainville Executive Council have filed a Special Supreme Court Reference challenging the validity of sections 89(2), and 91(4) (f) of the Bougainville Constitution.

The reference also seeks a ruling as to whether the provision of section 55(5) (b) regarding the lawful status of former combatants of the House impacted on the outcome of a vote to amend Sections 89(2) and 91(4) (f) on February 21, 2020.

The Speaker sought legal ad-

vice regarding his authority to set the dates for the election. The advice that he received confirms that a filing of a Special Reference to the Supreme Court does not prevent the election of the Bougainville House of Representatives from taking place.

The advice that he received also confirmed that for the purpose of the election, the seats reserved for former combatant members under Section 55(5) (b) of the Bougainville Constitution should be included in the issuing of the writs. This is because until such a time as a final decision on the outcome of the referendum is made by the National Parliament under Section 342 of the National Constitution, the referendum process is not included.

A Special Supreme Court Reference also does not override the Constitutional authority of the Bougainville Electoral Commissioner to conduct the election, nor the Speaker's obligation to issue the writs.

In light of this, the Speaker of the Bougainville House of Representatives has considered it appropriate that the election proceed, consistent with the Constitution, and the principles of the democratic law.

### Declaration of the State of Emergency

The declaration of the State of

Emergency by the National Government followed by the declaration of the Bougainville Emergency by the BEC due to COVID-19 has changed the political events in the country and the Autonomous Region of Bougainville.

The Speaker's announcement on the issue of election writs on March 27, 2020 was superseded by an Emergency Order preventing the Speaker from exercising his authority to cause the conduct of the 2020 ABG General Elections. The conduct of the elections was downgraded by a State of Emergency to protect the people of Bougainville against the Corona Virus pandemic.

The Electoral Commissioner, acting on strong advice from the Elections Steering Committee, informed the Speaker to defer the issue of writs for the 2020 ABG General Elections indefinitely.

While the Speaker has resolved the Supreme Court Reference in terms of the conduct of the elections, he was in a state of uncertainty in exercising his constitutional obligation to issue the election writs during a State of Emergency.

### Request for Legal Opinion on Bougainville Emergency and its legal and constitutional implications on the conduct of the 2020 ABG general elections

**"ONLY A MAN WHO KNOWS WHAT IT IS LIKE TO BE DEFEATED CAN REACH DOWN TO THE BOTTOM OF HIS SOUL AND COME UP WITH THE EXTRA OUNCE OF POWER IT TAKES TO WIN."**

**MUHAMMAD ALI**



## Looking Back: Moving Forward (Part 1)

The Speaker then sought legal advice to questions arising in reference to Section 107 of the Bougainville Constitution regarding the Bougainville General Elections.

(1) A Bougainville General election of the President and of Members of the House of Representatives, shall be held,

(a) In the first instance, in accordance with the provisions of Section 236 (first Bougainville General election); and

(b) Thereafter, subject to Subsection (4);

(i) Within a period of three months before the fifth anniversary of the day fixed for the return of writs for the previous general election; or

(ii) If after the fourth anniversary of the day fixed for the return of writs in the previous general elections, the office of the president becomes vacant under Section 94(2) (vacation of office of president)

(iii) If the House of Representatives, by a three quarters absolute majority vote so decides.

(2) Subject to Subsection (4), the Speaker, acting with, and in accordance with the advice of the Bougainville Electoral Commissioner, shall fix the first and the last days of the period during which polling shall take place at a Bougainville general election and the day by which the writs for the election shall be returned.

(3) Subject to Subsection (4), in advising the Speaker under Subsection (2) and in conducting the election, the Bougainville Electoral Commissioner shall endeavour to ensure

(a) In a case to which Subsection (1)(b)(i) applies, the day for

the return of writs is fixed as nearly as may reasonably be to the fifth anniversary of the day fixed for the return of the writs in the previous Bougainville general election; and

(b) In a case to which Subsection (1)(b)(ii) applies the day fixed for the return of writs is as soon as may reasonably be after the office of the president becomes vacant; and

© In a case to which Subsection (1)(b)(iii) applies the day fixed for the return of writs as soon as may reasonably be after the date of the decision of the House of Representatives.

(4) A Bougainville General Election shall not be arranged to be held during the holding of a general election of the National Parliament (being the period commencing on the day of the issue of writs for a general election to the National parliament ending on the day fixed for the return of writs in such election) and where in accordance with Subsection (1)(b) a Bougainville general election falls to be held during that period, it shall be deferred until after the completion of that period and the Bougainville Electoral Commissioner shall advise the Speaker accordingly.

(5) General elections to other levels of formal government under Section 49 (other levels of formal government) including Regional Government under Section 50 (Regional Government) shall be held at the same time as the Bougainville general election.

In noting the above, the following questions form an instruction for written legal advice for the Speaker;

**The Authority of the Speaker of the House to issue writs**

The Speaker only exercises this authority in consultation with the Electoral Commissioner who determines the scheduled dates for the election. It is likely that the Electoral Commissioner may be reluctant to issue schedules for the elections including the election dates for the issue and return of writs.

In such a situation, what are the Speaker's options in relation to his authority to issue writs?

### Obtaining a Court Order

In relation to the above, can the Speaker cause the Electoral Commissioner to conduct the elections by way of a Court Order sought and obtained by the Speaker?

### State of Emergency

Considering that Bougainville is in the State of Emergency, would this be impediment to the Speaker seeking and obtaining a court order requiring the Electoral Commission to conduct the elections? What is the Speaker's authority to issue writs during the State of Emergency?

### Legislation to extend the term of the House

As an option, perhaps a last resort, can the Bougainville House of Representatives pass legislation to extend its current term in considering the circumstances that we are in the State of Emergency? Note, no such provisions exist in the Bougainville Constitution where as it does in Section 246 of the National Constitution.

### No elections held by 8 June

If the Speaker does not issue the writs, what happens if the general elections are not held by June 8, 2020;

**Other specific questions that**

**arise;**

(i) On June 8, 2020, what becomes of this government?

(ii) What legitimacy does this government have to continue to govern on and beyond June 8, 2020?

(iii) Or is a caretaker government that comes into existence?

(iv) Who heads the caretaker government?

(v) What is the composition of the caretaker government?

The decisions that the House will make have some legal basis and the Speaker trust that the Members will have the wisdom to resolve some of the matters and importantly maintain the people's confidence on the current leadership.

### Acknowledgement

The Speaker is indebted to Young and Williams lawyers for their quick response to his request by providing a satisfactory legal opinion which was also circulated, as information to the Executive Government.

The worst disease in the world today is corruption.

And there is a cure: transparency.

Bono



## Staff Urged to Improve On Performance



*Speaker of the 3rd House Hon Simon Pentanu (right) and the Clerk of Parliament Robert Tapi posed for the camera before receiving a petition from the Ruko-Upe Council of Chiefs at the Bougainville House of Representatives precincts on June 13, 2018.*

Staff of the Bougainville House of Representatives have been urged to improve on their work performances by the Clerk of

Parliament and the Senior Management Team.

Speaking during a general staff

meeting last Wednesday, May 13, 2020, the Senior HR and Development Officer Chris Lus

performances to ensure the highest institution is well served.

He stressed on the importance of being punctual, that the dress code of staff should complement the institution that they are serving, and that staff must be committed in carrying out their responsibilities as per their job descriptions.

Mr Lus encouraged Parliament staff to change their attitude and to work together to improve their work performances.

“You must have work plans in place,” he said.

“Have weekly things to do schedule so you can take responsibility and do things at the right time.”

The clerk who was the chair in that meeting spoke in support of Mr Lus and urged all staff to perform to the best of their abilities as per their job descriptions.

### From Page 1

He said the induction will also allow officers to introduce themselves to the Members so the Members will know which officer is in charge of core functions of Parliament.

“I want to ensure my staff take responsibility and take ownership of the information they have. We want to ensure Members are given the confidence that Parliament staff are there for them when Parliament is meeting, and when the Parliamentary Committees are engaged on their oversight functions,” Mr. Tapi said.

Mr Tapi stressed that the induction will also showcase the

different professions and how they perform in the administrative and legislative functions of the Bougainville House of Representatives.

The Induction Program, according to the Clerk will also deliver key messages on duties and responsibilities of Members.

Experts from other departments will also be invited to share their experiences during the Members' induction.

The Clerk is confident given the time of preparation, we can achieve good results with our planned preparations on forthcoming events.

**As we look ahead  
into the next century,  
leaders will be those  
who empower others.**



Bill Gates  
[www.geckoandfly.com](http://www.geckoandfly.com)

## Emergency Committee to Report to the House in June

The fate of the Bougainville State of Emergency now hangs in the balance and depends entirely on the report and recommendations to be tabled in the Bougainville House of Representatives by the Parliamentary Emergency Committee in June 9, 2020.

The Parliamentary Emergency Committee was established by the House on April 8, 2020 as a result of the imposed National Emergency and Bougainville Emergency on the global coronavirus or COVID-19 pandemic. The Bougainville Emergency was declared by the Bougainville Executive Council under the Bougainville Emergency Act 2006.

The Parliamentary Emergency Committee is chaired by the Member for Haku Robert C Tulsa. The other Members of the Committee are Fidelis Semoso (Tsitalato Constituency), Steven Topesi (Kongara Constituency), Isabel Peta (Regional Women Rep South), and Christopher Kena (Lato Constituency). The Committee is being assisted by parliamentary services officers Ignatius Hamal, Donald Misang and Wesley

Porake.

The Parliamentary Emergency Committee travelled widely, conducting consultations in the three regions with stakeholders on the National Emergency and Bougainville Emergency and how the emergencies have affected their social and economic wellbeing. The Committee was on Nissan Island on Saturday May 16, 2020.

The Committee met with the Bougainville Emergency Controller Francis Tokura, the Health Secretary Clement Totawun and the Bougainville Electoral Commissioner George Manu regarding the 2020 ABG General Elections.

Beginning at the northern tip of the island, the Emergency Committee had consultations with the stakeholders in North Bougainville.

The Committee's consultations involved representatives from the Community Governments, women and youth organizations.

From Buka, the team travelled down to Arawa and met with ex-combatants, women leaders,

youth and the general public including mothers selling fresh produce in front of the main Arawa Market.

The team then travelled on to Buin. In Buin, the Emergency Committee met with stakeholders, involving representatives from women, youth groups and chiefs at Unity conference room.

After the consultations, the team met with the South Bougainville COVID-19 Taskforce and were briefed on what the taskforce has done so far in preparation and response to COVID-19.

The Committee also had the opportunity to visit the quarantine centre for North Bougainville at Suhin, in Hagogohe Constituency as well as the isolation centre at the Youth Centre in Hahela.

The committee found out through the consultations that pre-triage centers have been set up in the three hospitals in the region for cough testing. Coronavirus as explained by health experts is a respiratory syndrome so when people are diagnosed with cough or flu

symptoms at these triage centres, they are advised to stay at home for further monitoring or are referred for further testing if symptoms worsen.

Unfortunately, Arawa does not have an isolation centre, but land has been made available to build an isolation centre.

The Parliamentary Emergency Committee has been travelling around the region as per the Committee's terms of reference to monitor how the Bougainville Emergency is being managed by the Bougainville Emergency Controller and the health department.

The Committee has been consulting with people to see whether the orders of the National Emergency and the Bougainville Emergency are followed or have been abused, or whether the Bougainville Emergency should be lifted or extended.

The presentation of the Committee's brief preliminary findings to the ministerial taskforce has resulted in some of the SOE orders being relaxed by the SOE controller.



*Buka Island is surrounded by outer lying smaller islands and the main route of transport between these islands and especially between small Buka and mainland Buka is by banana boats. Pictured are Manus Islanders showcasing their traditional attires and dancing to one of their famous traditional songs called "Meri Manus Yu Stap We" on the Buka passage.*



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*By the People, For the People*



HOUSE OF REPRESENTATIVES

## About the Bougainville House of Representatives

The Bougainville House of representatives was formed in 2005 after the Bougainville Crisis. As a post-conflict parliament, our vision is to provide the best Parliamentary Services to the Members of the House of Representatives and Parliamentary Committees and strive to become the best Parliament in Papua New Guinea and the Pacific.

Our mission is to serve, support and strengthen the Bougainville House of Representatives.

The Bougainville House of Representatives consists of a total of 41 members; 33 constituency members, three women members representing women in the three regions, three ex-combatant members representing ex-combatants in the three regions, the President and the Speaker who is elected from outside.

For more information or if any Members have constituency reports that can be published under the Constituency Focus column, please refer to the contact below.

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Normal is the routine for Parliamentary Staff when it comes to preparing for big events.

Pictured are Parliamentary Services Officers (From L-R) Richard Vatoro, Donald Misang, Hansol Patol, Trainee Rudolf, James Komei, John Abba and Alfreda Kabui taking a breather from cleaning and cutting grass around the Parliament precinct.

Such events also allows for stronger working relationships as staff get to know each other as they work together to achieve the main goal for the organised activity.

## Upcoming Events

- June 09, 2020 - Emergency Meeting of the Bougainville House of Representatives
- June 17, 2020 - Issue of Writs
- Sept 15, 2020 - Return of Writs
- Sept 16, 2020 - Swearing in of the President and Caretaker BEC
- Sept 22, 2020 - First Meeting of the 4th House and Swearing in of the newly elected Members