

CLRC Advances Underlying Law Mandate Through Jiwaka Custom Recording



CLRC Team posing with the custom recording participants and traditional singing groups after the official launching program in Banz, Jiwaka Province

The Constitutional and Law Reform Commission (CLRC) has successfully completed an intensive two-week custom recording exercise for Jiwaka Province, marking another significant milestone in the Commission's ongoing efforts to strengthen its special mandate in the development and monitoring of the Underlying Law of Papua New Guinea, as provided under the Constitution, Underlying Law Act 2000, and the CLRC Act 2004.

Throughout the two-week exercise, CLRC consulted with and documented the customs of the four main language groups in Jiwaka Province. These include the Kuma Language Group (comprising both South and North Waghi Districts, bordering the eastern township of Kudjip); the Eknii Language Group (covering parts of South and North Waghi Districts in the Middle Waghi area); the Melpa Language Group (South Waghi District, bordering Western Highlands Province); and the Narak Language Group (Upper, Middle and Lower Jimi Districts bordering Madang Province).

Participants involved in the custom recording exercise were carefully identified with the assistance of the Jiwaka Provincial Administration. These participants included village elders, village court chairmen, magistrates, peace and good order officers, and respected village leaders.

The customs recorded from the four language groups covered a broad range of customary laws and traditional practices governing leadership and societal structures, family relations, land ownership, sorcery, criminal and civil wrongs, contract arrangements, maritime matters, and other important customary values and practices. The exercise was guided by CLRC's comprehensive questionnaire framework, designed to ensure all relevant customs were thoroughly captured, documented, and linked to existing gaps identified during the recording process.

As part of the exercise, the Commission also undertook further cultural research to better understand the unique traditional artefacts used by the different language groups and their specific cultural significance, including a special visit to the Koskala Cultural Site in the province.

CLRC is now in the process of refining and vetting the raw information into a legally structured document. Upon completion, the report will be presented to Parliament as a customary law report for declaration as the recognized customs of the respective societies. Once recognized, the courts may apply these customs, in accordance with the Constitution and the Underlying Law Act 2000, in determining cases and progressively developing the principles of the Underlying Law.

Read more inside!

LAW REFORM UPDATES

From Page 1..

Jiwaka Province Custom Recording Highlights



Above: Traditional headdresses worn by locals in Jiwaka Province. Photo taken at the Koskala Cultural Centre.

Right: CLRC Chairman Hon. Saki Soloma addressing the locals at the Koskala Cultural Centre, on the work of CLRC in the monitoring and development of the Underlying Law in PNG.



CLRC Launches Review of Laws Relating to the District Development Authorities in Papua New Guinea

The Constitutional and Law Reform Commission (CLRC) launched the Issues Paper for Terms of Reference (TOR) No. 26 – Review of the Laws on the District Development Authorities (DDAs), marking the commencement of a nationwide review of the legislative framework governing DDAs.

The Issues Paper provides the foundation for public consultation by outlining the current enabling laws, identifying key challenges affecting the operation of DDAs, and presenting questions to encourage informed discussion from stakeholders and the wider public.

TOR 26 was endorsed and gazetted by the Minister for Justice and Attorney General early this year, assigning CLRC to enquire into, report and recommend on the systemic development and reform of the laws relating to DDAs in PNG. CLRC will review key pieces of legislations surrounding DDAs to ensure its law reform proposals are extensive and inclusive.

While Papua New Guinea's decentralised system of government was restructured under the Organic Law on Provincial Governments and Local-level Governments in 1995, the current DDA Act was enacted in 2014 to strengthen district-level service delivery. Since its enactment, the Act has undergone amendments, reflecting ongoing efforts to improve the effectiveness and governance of DDAs. However, as a result of long-standing controversies on the performance of DDAs, CLRC had undertaken pre-stakeholder engagements to support its comprehensive desktop research into the effectiveness of DDAs. The Issues Paper is the culmination of these discussions and research.

TOR 26 aims to assess whether the existing laws continue to effectively support service delivery, accountability, transparency, and good governance at the district level

in line with Papua New Guinea's evolving development priorities.

Speaking at the launch, CLRC Commissioner Hon. Isi Henry Leonard highlighted the importance of the review, and CLRC's core mandate in taking up this task.

"Where gaps, inconsistencies or weaknesses exist within the current legal framework, it is incumbent upon the Constitutional and Law Reform Commission, as the nation's mandated law reform agency, to thoroughly investigate these issues and formulate appropriate law reform proposals to strengthen the DDA system."

He added that review presents an important opportunity for all stakeholders to contribute towards strengthening the legal framework governing DDAs for improved service delivery and sustainable development.

"However, CLRC cannot undertake this important task in isolation. Meaningful and lasting reform can only be achieved through broad-based consultation and collaboration with government agencies, provincial administrations, district authorities, civil society organisations, development partners and, most importantly, our people."

The Commission encourages government agencies, provincial administrations, district authorities, civil society organisations, development partners and members of the public to participate in the consultation process by providing their views and recommendations.

As part of CLRC's law review and reform process, the Commission will commence its provincial consultations to gauge the views of Papua New Guineas to ensure its law reform recommendations regarding TOR 26 are comprehensive and applicable in a contemporary Papua New Guinea.



From L-R: CLRC Commissioner Hon. Isi Henry Leonard, MP; CLRC Chairman Hon. Saki Soloma, MP; Commissioner Hon. John-son Wapunai, MP; Deputy Chairperson Ms. Martha Kokiva; Commissioner Rev. Dr. Jack Urame, PhD; and Commissioner Dr. Dora Kuir-Ayius, PhD, posing with the Issues Paper for TOR 26 after the launch. Inset: CLRC Secretary Dr. Mange Matui speaking during the launch program.

CLRC Concludes Consultation on Review of Laws Relating to the Monitoring and Evaluation of Public Funds

The Constitutional and Law Reform Commission (CLRC) has concluded the consultation phase for Terms of Reference No. 23 – Review of the Laws Relating to the Monitoring and Evaluation of Public Funds, following a stakeholder seminar held in Port Moresby.

The seminar marked the final stage of the Commission's consultation process, bringing together key government agencies, stakeholders and members of the public to share their views on the findings and law reform recommendations contained in CLRC's draft report.

The forum provided stakeholders with the opportunity to ensure the final report delivers practical and effective law reform proposals aimed at strengthening the monitoring, evaluation and accountability of public funds in Papua New Guinea.

Participating stakeholders included the National Economic and Fiscal Commission (NEFC), Department of Provincial Government and Local-level Government Affairs (DPGLGA), Department of Implementation and Rural Development (DIRD), Consultative Implementation and Monitoring Council (CIMC), PNG Tourism Promotion Authority (PNGTPA), PNG Science and Technology Secretariat, National Energy Authority (NEC), Department of Information and Communications Technology (DICT), National Narcotics Bureau, Department of Treasury, Office of the Public Solicitor, together with representatives from other institutions and members of the public.

The draft report presents law reform recommendations addressing seven key areas identified throughout the review. These include the regulation of Service Improvement Funds (SIPs), Constitutional Grants, the District Development Authorities Act, the jurisdiction of the Auditor-General, and the effectiveness of budget and audit committees at the district level, among other legislative and institutional

issues relating to the monitoring and evaluation of public funds.

In his opening remarks, CLRC Secretary Dr. Mange Matui reaffirmed the Commission's statutory mandate to review and reform the laws of Papua New Guinea in response to emerging national challenges.

"Under the Constitutional and Law Reform Commission Act 2004, the Commission is entrusted with the responsibility of reviewing and reforming the laws of Papua New Guinea to ensure they remain relevant, effective and responsive to the changing needs of our nation."

Dr. Matui said the review was particularly timely as Papua New Guinea continues to invest in key development sectors.

"As Papua New Guinea celebrates fifty years of Independence, our nation continues to pursue ambitious development priorities through significant public investment. Every year, substantial funding is committed towards improving infrastructure, education, healthcare, law and justice, agriculture, rural development and many other sectors that directly affect the wellbeing of our people."

Dr. Matui added, "The recommendations arising from this review are intended to assist Government in strengthening legislative and institutional arrangements that support evidence-based decision-making, improve transparency and reinforce public confidence in the management of public resources."

The seminar concludes CLRC's consultation process for TOR No. 23. Feedback and recommendations received from stakeholders will assist the Commission to vet its law reform proposals before the final report is submitted to Government and tabled in Parliament for consideration.



Stakeholders, participants and CLRC Staff posing for a group photo after concluding the seminar for TOR 23. Inset: National Economic and Fiscal Commission Chairman and CEO Mr. Alphonse Malipu giving his input during the seminar.

CLRC Reviews Wills Probate & Administration Act 1966 and Insolvency Act 1951

The Constitutional and Law Reform Commission (CLRC), under its Colonial Laws Review Program (CLRP), has conducted a comprehensive stakeholder workshop to review the Wills Probate & Administration Act 1966 and the Insolvency Act 1951.

The review of these two legislations falls squarely within CLRC's mandate under the CLRC Act 2004, which requires the Commission to examine pre-Independence laws and assess their relevance, effectiveness, and suitability in contemporary Papua New Guinea.

Both Acts have been in force for over five decades and are colonial in origin. The Wills Probate & Administration Act 1966 serves as the foundational law governing succession in Papua New Guinea, providing legal mechanisms for the transfer of property from a deceased person to beneficiaries or appointed individuals under both testate and intestate succession.

Similarly, the Insolvency Act 1951, which has its origins in the Insolvency Ordinance 1912, provides for the administration and distribution of the estates of insolvent debtors among creditors, as well as the release of such debtors from their liabilities.

Despite their continued application since Independence in 1975, both Acts have not undergone substantial reform to reflect the evolving legal, social, and economic realities of Papua New Guinea.

During the workshop, CLRC identified and presented a number of key issues for stakeholder deliberation, including outdated terminology; provisions referencing colonial administrative structures; obsolete figures such as rates, fees, and timeframes; overly verbose provisions; policy gaps; and sections that have been overtaken by amendments to related legislation.

As part of the Commission's consultative approach to law reform, key stakeholders and implementing agencies were invited to provide views and recommendations to inform the review process. Participants included the Department of Justice and Attorney General, BSP Financial Group

Limited, the Public Solicitor's Office, Kina Bank, the National and Supreme Courts, the Office of the Public Trustee, and the CLRC team.

Stakeholders provided valuable insights and practical perspectives that will guide the Commission in formulating relevant and effective law reform recommendations.

CLRC Secretary Dr. Mange Matui underscored the importance of the review process and the Commission's ongoing efforts to modernise Papua New Guinea's legal framework.

"As society evolves, our laws must evolve with it. This is why we are undertaking the review of these pre-independence laws."

He added, "Our laws must also align with current national policies and development priorities."

Dr. Matui further acknowledged the critical role of stakeholders in the reviewing of these colonial laws.

"CLRC cannot undertake this task in isolation. Your participation ensures that our reviews are comprehensive, practical, and reflective of the realities on the ground."

He noted that more than 300 colonial laws remain subject to review, and since 2022, the Commission has reviewed a significant number of them with support from implementing agencies. While acknowledging the magnitude of the task, Dr. Matui reaffirmed the Commission's commitment to continuing its engagement with stakeholders.

The ongoing review of pre-independence laws is aimed at ensuring that Papua New Guinea's legal framework reflects national values and aligns with the aspirations of the National Goals and Directive Principles, as set out in the Preamble of the Constitution of Papua New Guinea.



CLRC Secretary Dr. Mange Matui (Front, second from left) with key stakeholders during the opening session of the Colonial Law Review Workshop. Inset: Public Trustee Mr. Jacob Popuna speaking during the program.

CLRC Meets with Stakeholders to Discuss the Review of the PHA Act



CLRC officers and key stakeholders after the first meeting for the Technical Working Group on the review of laws relating to Provincial Health Authorities (PHA).

The Constitutional and Law Reform Commission (CLRC) met with key stakeholders to discuss the legal and administrative issues surrounding Provincial Health Authorities (PHAs), established under the Provincial Health Authorities Act 2007.

Stakeholders from the National Department of Health (NDoH), Department of Provincial and Local Level Government Affairs (DPLLGA), Department of Finance (DoF), and the Department of Justice and Attorney General (DJAG), attended the meeting as members of the Technical Working Group tasked to support CLRC's review of the legislative and operational framework governing PHAs.

The discussions focused on identifying the legal, administrative, and institutional challenges affecting the effective implementation of the PHA model and its

mandate to improve public health service delivery through a decentralized, locally managed, and accountable health system.

CLRC values the valuable insights and first-hand experiences shared by stakeholders regarding the operations and effectiveness of PHAs. These contributions will assist the Commission in developing a comprehensive understanding of the issues and inform its approach to reviewing the existing legislative framework.

The first Technical Working Group meeting sets the basis for continuous dialogue that will guide CLRC's potential review of the laws relating to PHAs. The Commission will continue to engage with stakeholders as it progresses more discussions on this important law reform initiative.



Discussions on Provincial Health Authorities (PHAs) in session at the CLRC Training Room.

COMMISSION UPDATES

A Proud Literary Milestone for CLRC

In a significant and proud moment for the Constitutional and Law Reform Commission (CLRC), Commissioner Hon. Johnson Wapunai and Secretary Dr. Mange Matui officially launched their first books, making meaningful contributions to Papua New Guinea's growing body of literature and scholarship.

Hon. Wapunai launched his book titled "Biography of My Journey", an inspiring account of perseverance, resilience, and dedication in overcoming life's adversities on his journey to becoming the Member for Ambunti-Drekikir. Beyond a personal memoir, the book chronicles the rich history and culture of the May River Basin and the Sepik Region, recounting life during the colonial era and tracing the early history of the Upper Sepik, including pre-discovery accounts and early encounters with European explorers dating back to the sixteenth century. Above all, the book seeks to inspire younger generations to pursue their aspirations and realise their full potential. Commissioner Hon. Wapunai's book was launched by CLRC Chairman Hon. Saki Soloma and Mr. Joseph Auli.

Secretary Dr. Matui, in his book titled "Shareholder's Role in Corporate Governance in Papua New Guinea", examines the role of shareholders in protecting their interests and exercising their rights as owners and investors in corporations. The publication provides a comprehensive discussion of the various stages in the life of a corporation - from its formation and governance structures to the appointment of directors, shareholder meetings, corporate decision-making, amalgamations, and ultimately liquidation. Importantly, the book cites more than 150 court decisions, providing readers with a rich body of case law that demonstrates how courts have interpreted and applied shareholder rights and corporate governance principles in a range of circumstances. Launching Secretary Dr. Matui's book was CLRC Chairman Hon. Saki Soloma and Investment Promotion Authority (IPA) Deputy Registrar Ms. Manila Apawa.

In his remarks, CLRC Chairman Hon. Saki Soloma

congratulated both authors for producing such important publications.

I am confident that these publications will make significant contributions within their respective fields and will continue to inspire many Papua New Guineans in the years to come,"

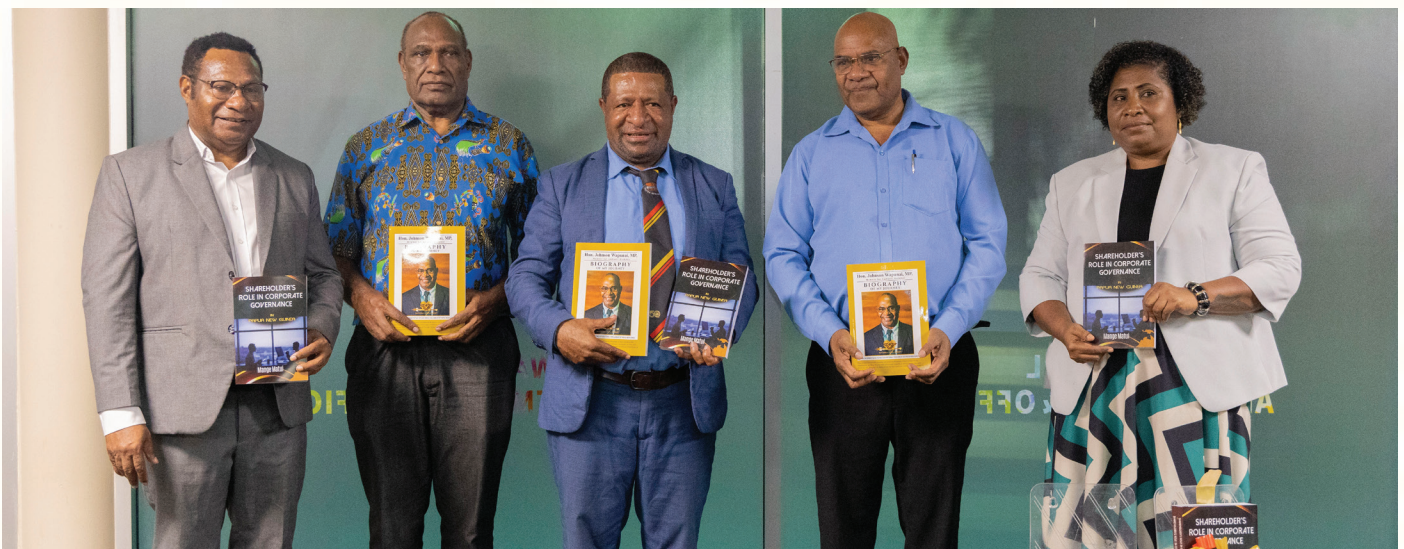
*Hon. Saki Soloma, MP
CLRC Chairman*

"As Chairman of the Constitutional and Law Reform Commission, I take great pride in witnessing this achievement. I congratulate both Dr. Matui and Hon. Wapunai for their dedication, perseverance and commitment in bringing these important publications to fruition. Producing a book is never an easy undertaking. It requires vision, sacrifice, discipline and countless hours of research, reflection and writing."

He added, "It is therefore a proud moment not only for the authors and their families, but also for the Constitutional and Law Reform Commission and Papua New Guinea as a whole. It demonstrates that, irrespective of one's profession or responsibilities, there remains an opportunity to contribute meaningfully to our country's intellectual and historical development.

"It gives me immense pleasure to witness two hardworking and dedicated individuals associated with the Commission contribute meaningfully to Papua New Guinea's scholarly landscape. These publications represent significant contributions that will undoubtedly serve as valuable resources for students, researchers, policymakers, leaders and the wider public."

"I am confident that these publications will make significant contributions within their respective fields and will continue to inspire many Papua New Guineans in the years to come," said CLRC Chairman Hon. Saki Soloma.



From L-R: CLRC Secretary Dr. Mange Matui, PhD; Mr. Joseph Auli; CLRC Chairman Hon. Saki Soloma; CLRC Commissioner Hon. Johnson Wapunai; and IPA Deputy Registrar Ms. Manila Apawa, posing with the books during the launch.

Book Launch Highlights



23 CLRC Officers Inducted into the Public Service



CLRC Secretary Dr. Mange Matui (second from right), and officers posing with their certificates after completing the one week induction training for public servants.

Twenty-three officers from the Constitutional and Law Reform Commission (CLRC) have successfully completed the week-long Induction Training for Public Servants and were formally inducted into the National Public Service.

The training, facilitated by Mr. Robin Pala, covered key aspects of the public service system and the professional standards expected of public servants within their respective agencies. Throughout the week, participants enhanced their understanding of the National Public Service, government institutions, and the legislative and regulatory frameworks that govern public administration.

The training was guided by key legislation, including the Public Service Management Act (PSMA), the Public Finance Management Act (PFMA), and the Public Service General Orders, which provide the framework for public servants to carry out their duties in accordance with the law and established public service standards.

Topics covered during the training included the PNG System of Government, Agency Purpose and Direction, Code of Ethics in the Public Service, External Relations, the Hierarchy of the Public Service, Terms and Conditions of Employment, and Disciplinary Procedures, among other important areas.

Officers demonstrated their understanding of the course material through group presentations and practical activities designed to reinforce key concepts. These exercises enabled officers to better appreciate how government agencies align their work with national development frameworks such as Vision 2050, the Medium-Term Development Plan IV (MTDP IV), and the National Goals and Directive Principles (NGDP).

The induction training served both as a mandatory requirement for probationary officers upon completion of

their 12-month probation period, and as a refresher course for long-serving public servants. Following successful completion of the training, eligible probationary officers may now apply for permanency within the Commission.

CLRC Secretary, Dr. Mange Matui, congratulated the officers on completing the training and underscored its importance in shaping competent and responsible public servants.

"Let me congratulate you all for completing this very important training. This training is an important requirement for you to become a permanent officer," Dr. Matui said.

He further encouraged officers to uphold the values and responsibilities of the public service.

"You must not only be a public servant in name, but a public servant who is effectively contributing and making a meaningful impact in the positions you occupy within the Constitutional and Law Reform Commission."

As part of the Law and Justice Sector and the broader public service, Dr. Matui encouraged officers to understand the distinct roles and responsibilities of government agencies and how their collective efforts contribute to nation-building. He also reiterated the importance of the Public Service General Orders as a guiding instrument for professional conduct and ethical behaviour within the workplace and the public service as a whole.

As the agency mandated to review and reform the laws of Papua New Guinea, CLRC remains committed to investing in the professional development of its workforce by ensuring officers are well-informed of the public service system and equipped to effectively contribute towards achieving the Commission's core mandate and strategic objectives.

MEET THE TEAM



Office of the Secretary

From L-R: Isaac Mona (Senior Driver); Tony Sii (Executive Officer); Dr. Mange Matui, PhD (Secretary); Samantha Sipo (Senior Executive Assistant) and Roland Dannes (Public Relations Officer) WW



Constitutional Law Division

From L-R: Bernard Apupu (Legal Officer); Biteng Narewec (Principal Legal Officer); Doko Kari (Director); Salome Bamler (Senior Legal Officer) and Athaliah Orea (Executive Assistant).



Advisory and Drafts Division

From L-R: Gideon Sohenaloe (Legal Officer); Kenny Kaipas (Senior Legal Officer); Dorothy Mimiko-Kesenga (Deputy Secretary for Legislative Reform Wing); Maxine Gimolo (Executive Assistant) and Elijah Howard Powe (Principal Legal Officer).



Research, Monitoring and Policy Division

From L-R, front row: Natasha Bellie (Executive Assistant); Vincent Gigmai (Senior Policy Officer); Norman Gulo (Director); Bugia Ghani (Research Officer); Nick Maiwara (Senior Research Officer). Backrow L-R: Lesley Urikai (Research Officer) and Philemon Koni (Policy Officer).



Underlying Law and Colonial Law Division

From L-R: Sandon Kikala (Principal Legal Officer, Colonial Laws); Dorothy Mimiko-Kesenga (Deputy Secretary for Legislative Reform Wing); Betty Yakopya (Principal Legal Officer, Underlying Laws) and Laden Dawa (Legal Officer).



CLRC Corporate Services Wing



Finance and Administration Division

From L-R, front row: Hanky Nagamki (Janitor); Bill Katu (Manager, Administration); Newman Saia Kali (Executive Manager, Finance and Administration); Marieana Siega (Manager, Finance); Julie Kila (Receptionist) and Kerry Joseph (Janitor). From L-R, backrow: Max Kupe (Security Officer); Akena Egusa (Janitor); and Haoda Nua (Certifying Officer).



HRM & ICT Division

From L-R, front row: Anki Zabre (IT Officer); Adrin Manavutah (Senior HRM Officer); Lydia Ekonika (Executive Manager, HRM&ICT); Fo'oa Opa (Manager, HRM); Betty Laimo (GESI Officer) and Thomas Guria (Personnel Officer). From L-R, backrow: Fowe Peka (Librarian); Solomon Kenpale (Driver); and Jerome Moskir (IT Officer).

Thank you for reading. Stay tuned for the next CLRC quarterly publication!



“Reforming Laws for a Better Papua New Guinea”

Contact Details:

Constitutional and Law Reform Commission
Paragon Building, Second Floor
Kumul Avenue, Waigani, NCD
P.O BOX 3439, BOROKO
Papua New Guinea

Phone: (675) 325 2840

Fax: (675) 325 3375

Website: clrc.gov.pg

Facebook: facebook.com/pngclrc/

LinkedIn: linkedin.com/company/clrc-png