THE DUAL ROLE OF PNG MEMBERS OF PARLIAMENT

Decentralisation & Autonomy Conference, National Research Institute

MICHAEL KABUNI

Michael.Kabuni@anu.edu.au
OUTLINE

Three roles of parliament
PNG experience
Dual-responsibilities
Cost of neglecting national priorities
Conclusion
Broadly, the role of MPs in parliamentary democracies falls into three categories:

- debate public policy and pass laws (including appropriating budgets),
- provide and check the government or the executive, and
- represent the people
1. LAW MAKING POWERS
Section 99(2)(a) of the Constitution reads:

“the National Parliament, which is an elective legislature, with subject to Constitutional Laws, has unlimited powers of law-making…”

Section 100 of the Constitution

Parliament’s law-making powers cannot be ‘permanently’ delegated
Sections 115 and 134 of the Constitution ensures:

- immunity for MPs within the parliament chamber
- the functions of the parliament are ‘non-justiciable’
- unless inconsistent with the Constitution, or violates procedures prescribed by Constitutional Laws
NET EFFECT OF THESE PROVISIONS

This monopoly of law-making powers by the parliament means that:

if parliament neglects its law making powers, no other entity outside of the parliament can compensate for this vacuum.
370 of PNG’s laws were outdated at least by half a century, and had “no practical application in modern era”
PNG Drug Act 1952 – doesn’t cover cocaine & methamphetamine

Two offenders involved in cocaine & meth (2020/2021) walk free

Section 37 (2) of the PNG Constitution:

“The fundamental proposition is: nobody may be convicted of an offence that is not defined by, and the penalty for which is not prescribed by written law.” (SC REF NOS 2, 3 & 5 OF 2014).
Currently 34 parliamentary committees, and each is delegated a specific function.

Set up to scrutinise: operation, every law, policy, budget, and decision.

Most times these committees are non-existent.
2. Keeping the executive accountable
EXECUTIVE DOMINANCE

The dominant government side bulldozes laws & policies

Weak parliament and dominant executive: legislative arm of the government becomes a mere rubber stamp for the government proposals
Executive Dominance

Support for government and opposition in the Tenth Parliament

<table>
<thead>
<tr>
<th>Month</th>
<th>Government</th>
<th>Opposition</th>
<th>Other (eg. Speaker, crossbench)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug 2017</td>
<td>88</td>
<td>1</td>
<td>22</td>
</tr>
<tr>
<td>May 2019</td>
<td>94</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>Dec 2020</td>
<td>52</td>
<td>55</td>
<td>32</td>
</tr>
<tr>
<td>Feb 2021</td>
<td>75</td>
<td></td>
<td>32</td>
</tr>
<tr>
<td>Current</td>
<td>81</td>
<td></td>
<td>25</td>
</tr>
</tbody>
</table>

Source: PNG MP Database • Created with Datawrapper
TWO CASES

Constitutional amendments:

Section 124 (1) of the Constitution - reduce the minimum parliamentary sitting days from 63 to 40 days in a year

Declared unconstitutional by the Supreme Court in 2015

Continues adjournments – actively seeking to avoid the one thing MPs are elected to do: meet, debate laws and policies
3. Providing representation
FLUIDITY OF MP MOVEMENTS

Since election in 2017:

48 MPs have switched political parties
24 have switched more than 2x
4 have switched more than 3x
1 has switched 6x

For more information: PNG MPs Database, Development Policy Centre, ANU
4. The dual role of PNG MPs
1995 and 2014 reforms:

Made MPs service deliverers and project managers, in addition to their roles as law makers, providing representation, and holding the executive accountable.

MPs have since then focused on service delivery.
VICIOUS CIRCLE OF PATRON-CLIENT RELATIONS

Direct access that MPs have to millions of kina, and the discretion over its, creates an expectation among voters that they can transact their votes for direct personal benefits.

Instead of judging MPs by their performance on national priorities, voters judge MPs on their ability to meet immediate and local needs.

MPs on the other hand, focus on meeting these personalised needs of their voters whilst neglecting national priorities.
5. Conclusion
The costs are too high for MPs to neglect national priorities

Reform needed: to ensure MPs are prioritising national issues