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CLRC Reference No. 10

REVIEW OF ALL PENALTY PROVISIONS FOR CRIMINAL OFFENCES

I, Kerenga Kua, Minister for Justice and Attorney General, by virtue of the power conferred on me by Section 12(2) of the *Constitutional and Law Reform Commission Act 2004* (the Act) refer and direct as follows,

- (1) I refer to the Constitutional and Law Reform Commission (the Commission) for review, inquiry and report in accordance with Section 12 of the Act:
 - all penalty provisions for criminal offences under the *Criminal Code Act*; and
 - all penalty provisions for criminal offences under the *Summary Offences Act 1977*; and
 - all penalty provisions for criminal offences under the *Motor Traffic Act*; and
 - such other legislation that creates penalty provisions.
- (2) I direct that in conducting this Review, the Commission shall:
 - a) conduct with due regards to available court decisions on sentencing and in particular, with the need to inject greater deference into the court's sentencing focus including but not limited to:—
 - 1) the introduction of corporal punishment for minor misdemeanours.
 - 2) the empowerment of criminal courts to order property restitution and reimbursement in conjunction with criminal penalties.
 - 3) The disqualification of convicted criminals involved in official corruption from ever being given a public service job, standing for public office or receiving a future government contract for sale or purchase of goods and services.
 - b) Consider any relevant existing research or developments of the former Law Reform Commission and such other reports or publications which are in the public domain including judicial pronouncements through case law.
 - c) consult widely within the community and the legal profession including and without limiting other consultation, the Supreme Court, the National Court, the District Court, the PNG Royal Constabulary, the Public Prosecutor, the Public Solicitor, the PNG Corrections Service, the PNG Law Society, the Ombudsman Commission and the Department of Justice and Attorney General.

Review of all Penalty Provisions for Criminal Offences—continued

- d) ensure that any recommendations made must meet the minimum International Standards in so far as respective offences are concerned.
- (3) The Commission shall report to me within 18 months of the date of publication of this reference in the *National Gazette*.
- (4) This Reference shall be referred to as *CLRC Reference No. 10: Review of all penalty provisions for Criminal Offences*.

Dated this 10 day of July, 2013.

Hon. K. KUA, LLB, OL, MP,
Minister for Justice and Attorney General.

CLRC Reference No. 11**REVIEW OF DIRECT COURTS PRACTICES AND PROCEDURE**

I, Kerenga Kua, Minister for Justice and Attorney General, by virtue of the power conferred on me by Section 12(2) of the *Constitutional and Law Reform Commission Act 2004* (the Act) refer and direct as follows,

- (1) I refer to the Constitutional and Law Reform Commission (the Commission) for review, inquiry and report in accordance with Section 12 of the Act:
- the District Courts practices and procedure to ensure that greater efficiency and intergrity is injected into the District Courts Practice and procedure in both criminal and civil practice and procedure.
 - To the extent necessary to secure the reforms proposed in relation to the above, whether and how any relevant associated practice and procedure should also be modified, abolished or introduced.
 - And in particular in providing that all District Court proceedings both criminal and civil shall be concluded with the delivery of a decision within 90 days and failure to do so shall result in the proceeding automatically lapsing as “struck out.”
- (2) I direct that in conducting this Review, the Commission shall:
- a) Consider any relevant existing research or developments of the former Law Reform Commission and such other reports or publications which are in the public domain including judicial pronouncements through case law.
 - b) consult widely within the community and the legal profession including and without limiting other consultation, the Supreme Court, the National Court, the District Court, the PNG Royal Constabulary, the Public Prosecutor, the Public Solicitor, the PNG Corrections Service, The PNG Law Society, the Ombudsman Commission and the Department of Justice and Attorney General, the Village Courts Secretariat, Juvenile Justice and Community Based Corrections.
- (3) The Commission shall report to me within 18 months of the date of publication of this reference in the *National Gazette*.
- (4) This Reference shall be referred to as *CLRC Reference No. 11: Review of the District Court Practices and Procedures*.

Dated this 1st day of July, 2013.

Hon. K. KUA, LLB, OL, MP,
Minister for Justice and Attorney General.