

## Second Reading Speech by the Minister for Justice on the Attorney General (Amendment) Bill 2022

Mr. Speaker and members of this honorable House, it is with great pleasure that I graciously take this opportunity accorded to me to introduce, in today's Parliament Sitting, the *Attorney General (Amendment) Bill 2022*.

Mr. Speaker, the Government, over the years, has experienced varying degrees of change in the way we conduct State functions, even at times, the very process we created and strive to protect, become our own worst enemies. Therefore, as a government, we must be proactive in bringing change whilst maintaining the status quo for the sake of achieving good public policy for this country.

Mr. Speaker, the *Attorney General (Amendment) Bill* that is being introduced for tabling in this honorable House, intends to amend the *Attorney General Act 1989* (Principal Act). The Principal Act is quite unique in that it establishes three specialized state legal offices, namely, the Office of the Attorney General; the Office of the Solicitor General; and the Office of the State Solicitor.

Mr. Speaker, the amendments are minor yet essential for purposes of removing any ambiguity and clarifies the application of the law and related issues to the dispensation of duties of the three state legal offices to strengthen the delivery of quality and efficient legal services to the Government, its instrumentalities and the people of Papua New Guinea (PNG).

Mr. Speaker, a past court decision established the position in law, that the Solicitor General has to provide evidence of instructions from the Attorney General in all matters before the courts. In practice, this has made it impractical for the Solicitor General to provide evidence of receiving instructions from the Attorney General before appearing for the State in any proceedings. This position has been abused by claimants bringing **Section 5 Notice** under the *Claims By and Against the State Act* who have questioned the Solicitor General's competence to represent the State in the absence of written instructions from the Attorney General. This, inadvertently obligated the Solicitor General to disclose confidential and privileged information received from the Attorney General regarding instructions to appear for the State.

Mr. Speaker, as such, this legislative reform was initiated by my Office, as the current Minister for Justice, and supported by the Department of Justice and Attorney General to bring forth these necessary changes. The policy rationale for the amendments is to strengthen the government business processes legislated by the *Attorney General Act*, which prescribes the mandatory duties, functions and responsibilities of the Department of Justice and Attorney General, and reports directly to and supports my Office as the Minister for Justice.

Mr. Speaker, the *Attorney General (Amendment) Bill* is designed to:

1. Provide additional powers to strengthen the functions of the Attorney General;
2. Demarcate functions of the Solicitor General;
3. Align the appointment process for the Solicitor General and State Solicitor;
4. Increase outdated penalty provisions;
5. Impose new penalty provision; and
6. Ensure enforcement and compliance of this Bill for purposes of administering justice related matters.

Mr. Speaker, the draft Bill contains:

1. Amendments to the duties, functions and responsibilities of the Attorney General with additional powers to strengthen its existing functions;
2. Creation of four new provisions that establishes the Attorney General's Advisory Committee to deliberate on brief-outs, vetting of lawyer's bill and out of court settlements;
3. Creation of a new provision specifically dealing with reporting between the offices of the Attorney General, Solicitor General and State Solicitor for more coordinated approach on legal matters for and on behalf of the State;
4. Amendments to the establishment of the Office of the Solicitor General;
5. Amendments to the appointment of the Solicitor General to enable appointment through the Judicial and Legal Services Commission with the inclusion of increasing the term of appointment from three years to five years to be consistent with that of the State Solicitor;
6. Amendments to the functions of the Solicitor General;
7. Amendments to the functions of the State Solicitor with the inclusion of appointment to office to be made by the Judicial and Legal Services Commission to be consistent with that of the Solicitor General;
8. Creation of a new transitional provision to validate any actions undertaken between the time periods of the existing legislation and the coming into operation of this draft Bill; and
9. Amendment for increased penalty provisions in the law for a deterrent effect to ensure compliance by relevant person(s).

The amendments are consistent with the *Constitution* and other pieces of legislation as vetted and cleared by the Office of the State Solicitor and done in accordance with the ministerial portfolio of the Minister for Justice, and further supports the Marape-Basil Government's fight against corruption and reduce public expenditure by the State for brief-outs and legal bills.

The intentions of these amendments are clearly to strengthen good governance in the Office of the Attorney General, limit the exposure of the State to abuse of brief-out matters and payment of exorbitant legal bills, ultimately safeguarding the State against unauthorized out of court settlements.

Mr. Speaker, with that, I commend the *Attorney General (Amendment) Bill* to this honorable House.

**Hon. Bryan Kramer, MP**  
Minister for Justice