How does the National Gold Corporation Bill affect the Department of Justice and Attorney General?

The National Gold Corporation Bill (NGC) comprises 966 sections and seeks to supersede or eliminate sovereign powers of the State outlined in over 25 distinct legislations. This includes specific powers of the Department of Justice & Attorney General (DJAG) in delivering law and justice services to the people and the State.

Following include changes the bill proposes to make which would undermine DJAG’s function;

1. Take precedence over all Laws in our Country except the undisclosed Shareholders Agreement and the Constitution. Our sovereign rights will be compromised, leading to an impending disaster if the Bill is passed (Section 17).

2. Introduce “Authorized officers /personnels” who may cause harm to Papua New Guineans in the process of discharging their duties and will not be liable for any wrong doings (Section 573).

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GOLD BILL KILLS PNG!

Deny basic human rights by detaining Papua New Guineans suspected of wrongdoing without proper proceedings (Section 553, Section 555, Section 556, Section 557, and Section 756).

Duplicate or replace DJAG's role in regulating the dispensing of justice particularly for individuals committing crimes (Section, 795, Section 760, Section 761, Section 762, Section 763, and Section 764).

Nullify the powers of judicial officials to issue warrants before a search or arrest is conducted (Sections 561 and Section 555).

558. PROTECTION OF AUTHORISED OFFICERS.

An Authorised officer who detains or searches a person under this Division, or any person assisting in good faith an Authorised officer for that purpose, is justified in so detaining and searching the person and in using such force as may be reasonably necessary in so doing, and no such Authorised officer, or person assisting an Authorised officer, shall have committed any offence, or become liable for any civil wrong, for so doing.

554. AUTHORISED OFFICER TO SUMMON POLICE OR GOLD POLICE.

An Authorised officer, not being a member of the Police Force or the Gold Police, detaining any person under Section 553 shall take such steps as are necessary to ensure the summoning and arrival of a member of the Police Force or the Gold Police, with as little delay as practicable.

555. POLICE MAY DETAIN, SEARCH AND ARREST SUSPECTS.

A member of the Police Force or the Gold Police may detain, in the premises of a Corporation or elsewhere, for a reasonable time, any person suspected of committing or attempting to commit an offence to which Section 553 applies, and, where satisfied that there are reasonable grounds for suspecting that an offence has been attempted or committed, may -

(a) search that person and the possessions of that person; and
(b) seize anything found, as a result of the search or otherwise, that may afford evidence of the attempt or commission of an offence to which Section 553 applies; and
(c) use such force as is reasonably necessary for the purpose of detention and search; and
(d) arrest the person without warrant.

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