

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 21.

Constitutional Commission (Interim Provisions).

GENERAL ANNOTATION.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), while the administration of this Chapter was not vested specifically in any Minister, it appears from the determination of the functions of Departments that it came within the responsibility of the Department of the Prime Minister.

The Chapter does not refer to "the Minister", "the Departmental Head" or "the Department".

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 "Constitutional Bill"
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Being an Act to implement Section 261 (*Interim Constitutional Commission*) of the Constitution by providing for the establishment of an Interim Constitutional Commission and for its powers, duties, functions and responsibilities.¹

1. Interpretation.

In this Act, unless the contrary intention appears—

“the Commission” means the Interim Constitutional Commission established by Section 2;

“Constitutional Bill” means a Bill for a proposed law to amend a Constitutional Law;

“member” means a member of the Commission.

2. Establishment of the Commission.

(1) An Interim Constitutional Commission is hereby established.

(2) The Commission shall consist of seven members who shall—

(a) be appointed by the Head of State, acting on advice given after considering a report from the appropriate Permanent Parliamentary Committee; and

(b) be broadly representative of the different areas of the country; and

(c) give balanced representation of the major political parties and groups in THE Parliament.

(3) Each member of the Commission must be—

(a) a member of the Parliament; or

(b) a member of a provincial government body; or

(c) a member of a State Service; or

(d) a citizen with relevant expertise.

(4) The Head of State, acting on advice given after consultation with the appropriate Permanent Parliamentary Commission, shall appoint one of the members to be the Chairman of the Commission.

3. Term of office.

A member of the Commission shall be appointed for a period expiring on the date on which the General Constitutional Commission is established under Section 260 (*General Constitutional Commission*) of the Constitution.

4. Conditions of employment.

The salary and other conditions of employment of the members of the Commission are as determined by the Head of State, acting on advice given after receiving a report from the appropriate Permanent Parliamentary Committee.

¹ The original Act was made by the Constituent Assembly as a Provisional Act of the Parliament. See Constitution, Section 266(2).

5. Disqualifications from office.

A person is not qualified to be, or to remain, a member of the Commission if he is—

- (a) an undischarged bankrupt or insolvent; or
- (b) of unsound mind within the meaning of the *Public Health Act*; or
- (c) under sentence of death or imprisonment.

6. Resignation.

A member of the Commission may resign by giving to the Head of State one month's written notice of his intention to do so.

7. Acting members.

A person may be appointed by the Head of State, acting on advice given after consultation with the appropriate Permanent Parliamentary Committee, to be an acting member of the Commission—

- (a) to fill temporarily a vacancy; or
- (b) in the case of the absence from duty for any reason of a member.

8. Declaration of office.

Before entering on the duties of their office, the members of the Commission shall make the Declaration of Office and, where they have not already made it, the Declaration of Loyalty, before the Head of State or a person appointed for the purpose by the Head of State, acting on advice.

9. Procedures of the Commission.

- (1) The Commission shall meet at such times and places as are fixed by the Chairman.
- (2) The Chairman shall preside at all meetings of the Commission at which he is present.
- (3) If the Chairman is not present at a meeting of the Commission the members shall, by resolution, appoint one of the members to be the Chairman for the meeting.
- (4) The quorum for a meeting of the Commission is four.
- (5) All matters before a meeting of the Commission shall be decided in accordance with the majority of votes but this section does not prevent a member from submitting a minority report to the Parliament.
- (6) In the event of an equality of votes on a matter, the person presiding has a casting, as well as a deliberative, vote.
- (7) The Commission shall cause minutes of its meetings to be kept.
- (8) Subject to this Act, the procedures of the Commission are as determined by it.

10. Committees.

The Commission may appoint Committees for any general or special purposes that, in the opinion of the Commission would be better dealt with by Committees.

11. Reference of matters to the Commission.

A Constitutional Bill introduced into the Parliament shall, after it has been read for a first time, stand referred to the Commission for report to the Parliament.

12. Procedure after reference of a Bill.

The Commission shall meet as soon as practicable after the reference to it of a Constitutional Bill, and shall submit its report to the Speaker for presentation by him to the Parliament not more than 21 sitting days or, in the case of a Bill to which Section 15 (*urgent alterations*) of the Constitution applies, five sitting days, or within such further time as the Parliament fixes, after the Bill was first referred to it.

13. Parliamentary proceedings on a referred Bill.

(1) Subject to Subsection (2), the Parliament shall not deal further with a Constitutional Bill that has been referred to the Commission until the report of the Commission on the Bill has been presented to it.

(2) Where the Commission has failed to submit its report on a Constitutional Bill to the Speaker for presentation to the Parliament within the time specified in Section 12, the Parliament may deal with the Bill in the ordinary course of its business.

14. Parliament not bound by report.

The Parliament is not bound by anything in a report of the Commission presented to it on a Constitutional Bill.

15. Effect of this Act.

Nothing in this Act operates to invalidate or call in question any Act of the Parliament.

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APPENDIX.

SOURCE OF THE CONSTITUTIONAL COMMISSION (INTERIM PROVISIONS)
ACT.

Part A.—Previous Legislation.

Constitutional Commission (Interim Provisions) Act 1975 (No. 95 of 1975).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .
1	1
2	2
3	3
4	4
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10	10
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12	12
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14	14
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¹ Unless otherwise indicated, references are to the Act set out in Part A.

