

Unvalidated References:

National Capital District Commission Act 1990

National Capital District Commission Act 1990

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

.....
Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 4 of 1992.

***National Capital District Commission (Motu-Koitabu Village Development
Committees) Regulation 1992***

ARRANGEMENT OF SECTIONS.

PART I – PRELIMINARY.

1. Interpretation.
 - “Chairman”
 - “Committee”
 - “Commission”
 - “Motu-Koitabu”
 - “the Act”
 - “villages”

PART II – DEVELOPMENT COMMITTEES.

2. Establishment of Village Development Committees.
3. Functions of the Committees.
4. Areas of the Village Development Committees.
5. Membership of Committees.
6. Elected members not to be Chairman or Deputy Chairman.
7. Chairman and Deputy Chairman.
8. Leave of absence of members.
9. Vacation of office.
10. Calling of meetings.
11. Vacancy not to affect powers or functions.
12. Meetings of the Committees.
13. Disclosure of interest by members.

National Capital District Commission (Motu-Koitabu Village Development Committees) Regulation 1992

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *National Capital District Act 1990*.

Dated 200 .

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears—

“**Chairman**” means the respective Chairman of the Committees established under Section 2;

“**Committee**” means the East Motu-Koitabu Development Committee, or the West Motu-Koitabu Development Committee, as the case may be, established for the Motu-Koitabu people;

*National Capital District Commission (Motu-Koitabu Village
Development Committees) Regulation 1992*

s. 1.

“Commission” means the National Capital District Commission established under Section 3 of the *National Capital District Commission Act 1990*;

“Motu-Koitabu” means the people known as Motu and Koitabu resident within the National Capital District;

“the Act” means the *National Capital District Commission Act 1990*;

“villages” includes areas.

PART II. – DEVELOPMENT COMMITTEES.

2. ESTABLISHMENT OF VILLAGE DEVELOPMENT COMMITTEES.

There shall be two Committees established for the people of Motu-Koitabu Villages of the National Capital District to be known as–

- (a) the East Motu Koitabu Development Committee (EMKDC); and
- (b) the West Motu Koitabu Development Committee (WMKDC).

3. FUNCTIONS OF THE COMMITTEES.

The functions of the Committees are–

- (a) to advise the Commission in respect of–
 - (i) customary land matters within their respective areas; and
 - (ii) law and order within their respective areas; and
 - (iii) all matters affecting the people of Motu-Koitabu villages; and
- (b) to assist the Commission in the discharge of its functions insofar as they affect the people of the Motu-Koitabu villages; and
- (c) to assist the Commission by communicating to the people of Motu-Koitabu the decisions, policies and initiatives of the Commission; and
- (d) to perform such other functions as are delegated to it by the Commission in accordance with the Act.

4. AREAS OF THE VILLAGE DEVELOPMENT COMMITTEES.

(1) The East Motu-Koitabu Development Committee shall be responsible for–

- (a) that area, under the repealed *National Capital District Government (Preparatory Arrangements) Act* (Chapter 392), described and known as Ward 4; and
- (b) the following villages customarily known as:–
 - (i) Vabukori;
 - (ii) Kilakila;
 - (iii) Mahuru;
 - (iv) Korobosea;
 - (v) Pari.

(2) The West Motu-Koitabu Development Committee shall be responsible for–

- (a) that area, under the repealed *National Capital District Government (Preparatory Arrangements) Act* (Chapter 392), described and known as Ward 1; and
- (b) the following villages customarily known as:–

- (i) Baruni;
- (ii) Eboko;
- (iii) Tatana;
- (iv) Araira;
- (v) Gabi-Kuriu;
- (vi) Elevala-Tanobada;
- (vii) Poreporena-Laurabada;
- (viii) Poreporena-Lahara.

5. MEMBERSHIP OF COMMITTEES.

(1) The West Motu-Koitabu Development Committee shall consist of—

- (a) eight members each of whom shall represent the eight villages referred to in Section 4(2)(b); and
- (b) all elected members to the Commission for the Villages referred to in Section 4(2)(b).

(2) The East Motu-Koitabu Development Committee shall consist of—

- (a) six members of whom—
 - (i) two shall represent Pari village; and
 - (ii) one each shall represent each of the other four villages referred to in Section 4(1)(b); and
- (b) all elected members to the Commission for the villages referred to in Section 4(1)(b).

(3) A member of the Committee referred to in Subsection (1) shall be appointed by the Commission acting on advice of—

- (a) the elected members of the Commission for the villages referred to in Section 4(2); and
- (b) established village bodies.

(4) A member of the Committee referred to in Subsection (2) shall be appointed by the Commission acting on advice of—

- (a) the elected members or the Commission for the villages referred to in Section 4(1); and
- (b) established village bodies.

(5) All members of the Committees referred to in Subsections (1) and (2) shall be appointed for a period of two years and are eligible for re-appointment.

(6) All members of the Committees shall be paid such fees and allowances and receive such other benefits as may be determined by the Commission.

6. ELECTED MEMBERS NOT TO BE CHAIRMAN OR DEPUTY CHAIRMAN.

The elected members referred to in Section 5(1)(b) and Section 5(2)(b) shall not be eligible for any appointment as Chairman or Deputy Chairman of their respective Committees of which they are members.

7. CHAIRMAN AND DEPUTY CHAIRMAN.

(1) Subject to Section 6, the members of a Committee may amongst their own number appoint a member from the Committee to be the Chairman and another to be the Deputy Chairman.

(2) The Chairman or Deputy Chairman, as the case may be, holds office as Chairman or Deputy Chairman, until the expiration of his term of appointment or until he ceases to be a member, whichever first occurs.

8. LEAVE OF ABSENCE OF MEMBERS.

The Commission may grant leave of absence to an appointed member on such terms and conditions as the Commission may determine.

9. VACATION OF OFFICE.

(1) A member, other than an elected member of a Committee, may resign his office by writing signed by him and delivered to the Commission.

(2) A member of a Committee shall be removed from office if he—

- (a) commits a criminal offence; or
- (b) becomes permanently incapable of performing his duties; or
- (c) resigns his office in accordance with Subsection (1); or
- (d) fails, except with the prior consent of the Chairman, to attend three consecutive meetings of the Committee; or
- (e) is absent, except with the written consent of the Chairman, from the village for a period exceeding three months; or
- (f) is found to be performing or acting contrary to his lawful duties, or in any manner not conducive to the best interest of the Committee or the Commission.

10. CALLING OF MEETINGS.

(1) A Committee shall meet as often as the business of the Committee requires and at such times and places as the Committee may determine or as the Chairman, or in his absence, the Deputy Chairman, may direct to carry out its functions, but in any event shall not meet less frequently than once in every month.

(2) The quorum necessary at meetings of the Committee shall be two-thirds majority of the members.

11. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS.

The exercise of a power, or the performance of a function, of a Committee is not invalidated by reason only of a vacancy in the membership of the Committee.

12. MEETINGS OF THE COMMITTEES.

(1) At meetings of a Committee—

- (a) two-thirds of the total membership constitute a quorum; and
- (b) the Chairman, or in his absence, the Deputy Chairman, shall preside, but if both the Chairman and Deputy Chairman are absent, the members present shall appoint a Chairman from amongst their own number; and
- (c) matters arising shall be decided by a majority of the votes of the members present and voting; and
- (d) the person presiding has a deliberative vote, and in the event of an equality of votes on any matter, also a casting vote.

(2) The Committee shall cause minutes of its meetings to be recorded and kept.

(3) Subject to the Act, the Committee shall determine or adopt its rules of procedure.

13. DISCLOSURE OF INTEREST BY MEMBERS.

(1) A member of a Committee who has a direct or an indirect interest in—

- (a) a matter or thing being considered; or
- (b) a matter or thing about to be considered,

by the Committee, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at the next meeting of the Committee.

(2) A disclosure under Subsection (1) shall be recorded in the minutes of the Committee, and the member of the Committee in respect to whom the matter relates—

- (a) shall not take part, after the disclosure, in any deliberations or discussions of the Committee in relation to the matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Committee for any such deliberations or discussions on the matter.

*National Capital District Commission (Motu-Koitabu Village
Development Committees) Regulation 1992*