

No. 14 of 1992.

*Papua New Guinea National Service Corps Act 1992.*

Certified on : 15.4.92 ✓



INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1992.

*Papua New Guinea National Service Corps Act 1992.*

ARRANGEMENT OF SECTIONS.

**PART I. - PRELIMINARY.**

1. Compliance with Constitutional requirements.
2. Interpretation -
  - "Commander"
  - "Consultative Committee"
  - "Corps"
  - "Deputy Commander"
  - "national service"
  - "officer"
  - "Review Tribunal"
  - "this Act"
  - "volunteer member".
3. Application.

**PART II. - PAPUA NEW GUINEA NATIONAL SERVICE CORPS.**

*Division 1. - Establishment.*

4. Papua New Guinea National Service Corps.
5. Functions of the Corps.
6. Powers of the Corps.

*Division 2. - Administration.*

7. Officers.
8. Duties of the Commander.
9. Delegation.
10. Duties of Deputy Commander.
11. Duties of Officers.
12. Ranks in the Corps.
13. Special constable status.
14. Discipline.
15. Review of decision, etc., in relation to disciplinary offence.

*Division 3. - National Service Consultative Committees.*

16. National Service Consultative Committees.

*Division 4. - Review Tribunal.*

17. Review Tribunal.
18. Functions of the Review Tribunal.

ATTENDANCE OFFICER'S REPORT

**PART III. - FINANCE.**

19. Application of *Public Finance (Management) Act* 1986.
20. Charges for Services.
21. Funds of the Corps.
22. National Service Corps Supply and Tenders Board.

**PART IV. - SERVICE IN THE CORPS.**

*Division 1. - Voluntary Service.*

23. Application for voluntary service.
24. Consideration of Application, etc.,
25. Conditions of Service.
26. Cessation of this Division.

*Division 2. - Emoluments.*

27. Emoluments.

*Division 3. - Discipline.*

28. Discipline.

**PART V. - MISCELLANEOUS.**

29. Workers compensation.
30. Uniform, badges and insignia.
31. Political activities.
32. Protection of officers and volunteer members.
33. General orders of the Corps.
34. Regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1992.

AN ACT

entitled

*Papua New Guinea National Service Corps Act 1992,*

Being an Act to establish a National Service Corps and to provide for voluntary periods of service to Papua New Guinea in that Corps by specified persons in order to promote community development, discipline and spiritual and moral values, contribute to the maintenance of law order and provide activity for those without employment, and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

PART I. - PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

For the purposes of Section 29 of the *Organic Law on Provincial Government*, it is hereby declared that this Act relates to a matter of national interest.

2. INTERPRETATION.

In this Act, unless the contrary intention appears -

"Commander" means the Commander of the Corps appointed under Section 7;

"Consultative Committee" means a National Service Consultative Committee appointed under Section 16, and in relation to a province means the Consultative Committee appointed for that province;

"Corps" means the Papua New Guinea National Service Corps established by Section 4;

"Deputy Commander" means a Deputy Commander of the Corps appointed under Section 7;

"national service" means national service in the Corps in accordance with this Act;

"officer" means an officer of the Corps appointed under Section 7;

"Review Tribunal" means the Review Tribunal appointed under Section 17;

"this Act" includes the Regulations;

"volunteer member" means a volunteer member of the Corps under Division IV.1.

## *Papua New Guinea National Service Corps*

### 3. APPLICATION.

This Act applies inside and outside the country.

### PART II. - PAPUA NEW GUINEA NATIONAL SERVICE CORPS.

#### *Division 1. - Establishment.*

### 4. PAPUA NEW GUINEA NATIONAL SERVICE CORPS.

(1) A body to be known as the Papua New Guinea National Service Corps is hereby established.

(2) The Corps -

- (a) is a body corporate with perpetual succession; and
- (b) shall have a common seal; and
- (c) may acquire, hold and dispose of property; and
- (d) may sue and be sued in its corporate name.

(3) All courts, Judges and persons acting judicially shall take judicial notice of the common seal of the Corps affixed to a document and shall presume that it was duly affixed.

### 5. FUNCTIONS OF THE CORPS.

The functions of the Corps are -

- (a) to organize, implement and manage a programme of national service as provided by this Act for male citizens who have attained the age of 16 years and have not attained the age of 20 years and for female citizens who have attained the age of 18 years and have not attained the age of 20 years; and
- (b) to assist governmental bodies, churches and community groups and organizations in carrying out the following tasks:-
  - (i) erection and maintenance of State assets of all kinds; and
  - (ii) construction and maintenance of roads, footpaths and bridges; and
  - (iii) re-forestation; and
  - (iv) census patrols, elections, health programmes and education programmes; and
  - (v) extension of services to the primary industries; and
- (c) the provision of assistance to the National Disaster Service; and
- (d) the provision of assistance to the National Narcotics Board in the control of dangerous and prohibited drugs; and
- (e) generally the preparation of such tasks as may be considered by governmental bodies to contribute towards the economic development of the country or to integral human development; and
- (f) the preparation of persons for employment whether in the public or private sector; and
- (g) the provision of training in specific skills to volunteer members; and
- (h) the provision of assistance to education authorities in the establishment and operation of a school cadet corps.

### 6. POWERS OF THE CORPS.

The Corps has, in addition to the powers otherwise conferred on it by this Act and any other law, power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.

*Papua New Guinea National Service Corps*

*Division 2. - Administration.*

**7. OFFICERS.**

(1) For the purposes of the Corps there shall be officers of the Corps who shall consist of -

- (a) a Commander; and
- (b) such number of Deputy Commanders as are required; and
- (c) such number of other officers as are required.

(2) The Commander and Deputy Commanders -

- (a) shall be appointed by the Head of State, acting on advice; and
- (b) shall be appointed for such term as the Head of State, acting on advice, determines; and
- (c) are eligible for re-appointment; and
- (d) subject to this Act, shall be appointed on such terms and conditions as are determined by the Minister, subject to the *Salaries and Conditions Monitoring Committee Act 1988*; and
- (e) are subject to the Leadership Code.

(3) Subject to Subsection (4), officers, other than the Commander and Deputy Commanders -

- (a) shall be appointed by the Commander; and
- (b) shall be appointed for such period as the Commander determines; and
- (c) are eligible for re-appointment; and
- (d) subject to this Act, shall be appointed on such terms and conditions as are determined by the Minister, subject to the *Salaries and Conditions Monitoring Committee Act 1988*.

(4) The Commander may arrange for members of a disciplined force to be seconded to the Corps for such period of time and at such rank and on such terms and conditions as may be agreed between the Commander and the disciplined force.

(5) Where, immediately before becoming an officer, a person was -

- (a) an officer in the Public Service; or
- (b) a member of the Teaching Service; or
- (c) a member or officer in a disciplined force,

his service as an officer in the Corps shall be counted as service in the Public Service or in the Teaching Service or in the disciplined force, as the case may be.

**8. DUTIES OF THE COMMANDER.**

The Commander is responsible for the efficient management of the Corps and in particular shall -

- (a) direct and supervise the work of the Corps; and
- (b) develop policies and procedures for the Corps; and
- (c) develop programmes and activities intended to ensure that the functions of the Corps are fully implemented; and
- (d) report to the Minister, at intervals specified by the Minister, on the work and operation of the Corps; and
- (e) by 31 March in each year prepare and deliver to the Minister a report on the operations of the Corps during the year ending 31 December preceding; and
- (f) carry out such other functions and duties as are given to him under this Act.

*Papua New Guinea National Service Corps*

**9. DELEGATION.**

The Commander may, by instrument in writing, delegate to a Deputy Commander all or any of his duties and powers under this Act (except this power of delegation).

**10. DUTIES OF DEPUTY COMMANDER.**

A Deputy Commander is responsible, subject to the directions of the Commander, for co-ordinating the work of the Corps and in particular shall -

- (a) liaise with public authorities on matters relating to the Corps; and
- (b) report to the Commander, at intervals specified by the Commander, on the duties undertaken by him; and
- (c) carry out such other functions and duties as are given to him under this Act or as are assigned to him by the Commander.

**11. DUTIES OF OFFICERS.**

An officer, other than the Commander or a Deputy Commander, is responsible for carrying out such duties as may be assigned to him by the Commander.

**12. RANKS IN THE CORPS.**

(1) The ranks of officers in the Corps shall be -

- (i) Brigadier (NSC);
- (ii) Colonel (NSC);
- (iii) Lieutenant-Colonel (NSC);
- (iv) Major (NSC);
- (v) Captain (NSC);
- (vi) Lieutenant (NSC);
- (vii) Warrant Officer (NSC);
- (viii) Sergeant (NSC);
- (ix) Corporal (NSC);
- (x) Lance-Corporal (NSC); and
- (xi) Private (NSC).

(2) Promotion to a rank shall be by the Commander in the prescribed manner.

(3) In any written reference by rank to an officer the initials NSC in parenthesis shall be shown after the rank.

**13. SPECIAL CONSTABLE STATUS.**

For the purposes of the *Police Force Act* (Chapter 65), an officer shall be deemed to be a Special Constable.

**14. DISCIPLINE.**

(1) An officer, other than the Commander, who -

- (a) breaches a provision of this Act; or
- (b) except as authorized, divulges confidential information of which he has official knowledge; or
- (c) wilfully disobeys or disregards a lawful order made by a person having the authority to make it; or
- (d) is negligent or careless in the discharge of his duties; or
- (e) is inefficient from causes within his control; or
- (f) uses intoxicating liquor or drugs to excess; or
- (g) solicits or accepts a fee, reward, gratuity or gift in connection with the discharge of his official duties; or
- (h) is guilty of disgraceful or improper conduct in his official capacity or otherwise; or



## *Papua New Guinea National Service Corps*

(1) seeks the influence or interest of any person in order to obtain promotion, transfer or other advantage, is guilty of a disciplinary offence and is liable to be dealt with in accordance with procedures as specified in this section and as prescribed.

(2) The Regulations shall set out procedures for a charge of a disciplinary offence to be made by the Commander or his delegate and for an officer to be given an opportunity to make submissions and be heard on such a charge.

(3) The penalties that may be imposed for a disciplinary offences are -

- (a) a fine not exceeding 20% of the officer's gross fortnightly pay; or
- (b) a reprimand; or
- (c) reduction to a lower rank; or
- (d) loss of privileges; or
- (e) the imposition of additional duties; or
- (f) dismissal from the Corps.

(4) Where an officer is charged with a criminal offence, he shall -

- (a) where the offence relates to his duties - be suspended without pay until the determination of the charge; or
- (b) where the offence does not relate to his duties - be suspended with pay until the determination of the charge.

(5) Where an officer is convicted of a criminal offence, he shall -

- (a) where the offence relates to his duties - be dismissed from the Corps; or
- (b) where the offence does not relate to his duties - be dismissed if the Commander thinks fit.

(6) The provisions relating to discipline in the case of the Commander shall be as provided in his contract of employment.

### **15. REVIEW OF DECISION, ETC., IN RELATION TO DISCIPLINARY OFFENCE.**

(1) An officer, who is aggrieved by -

- (a) a decision relating to a charge against him of; or
- (b) a penalty imposed on him as a result of,

a disciplinary offence, may apply in the prescribed manner and within the prescribed period to the Review Tribunal for a review of the decision or penalty, as the case may be.

(2) On receipt of an application under Subsection (1), the Review Tribunal shall review the decision or penalty in respect of which the application for review was made and, where it considers that the decision or penalty was inappropriate to the nature and circumstances of the disciplinary offence, may make recommendations to the Commander for the substitution or revocation of any decision or penalty.

(3) The Commander shall give full consideration to any recommendation made to him under Subsection (2), but is not bound to accept such recommendation.

### ***Division 3. - National Service Consultative Committees.***

#### **16. NATIONAL SERVICE CONSULTATIVE COMMITTEES.**

(1) There shall be a National Service Consultative Committee for each province.

## Papua New Guinea National Service Corps

(2) The members of a Consultative Committee shall be as determined and appointed by the Commander and shall include representatives of the provincial government, the Police Force, village courts and the churches.

(3) The functions of a Consultative Committee shall be to liaise with the Corps on matters affecting the Corps and the community in the province for which it was appointed and to provide advice and recommendations to the Commander on work to be carried out by the Corps in that province.

(4) Nothing in this section gives a Consultative Committee any power to direct or control the Corps and the Commander is not bound by any advice or recommendations given under Subsection (3).

### Division 4. - Review Tribunal.

#### 17. REVIEW TRIBUNAL.

- (1) There is established a Review Tribunal which shall consist of -
- (a) the President of the Papua New Guinea Law Society, *ex officio*, who shall be Chairman; and
  - (b) a person with experience in employment and personnel matters; and
  - (c) a person with experience in community affairs.

(2) The members of the Review Tribunal referred to in Subsection (1)(b) and (c) -

- (a) shall be appointed by the Minister by notice in the National Gazette; and
- (b) hold office on such terms and conditions as are determined by the Minister.

#### 18. FUNCTIONS OF THE REVIEW TRIBUNAL.

- (1) The functions of the Review Tribunal are -
- (a) to hear and determine all appeals on disciplinary matters under Sections 15 and 28; and
  - (b) such other functions as are given to the Review Tribunal by this Act or any other law.

(2) In carrying out its functions under this Act the Review Tribunal shall -

- (a) have the full powers of a Commission of Inquiry under the *Commissions of Inquiry Act* (Chapter 31); and
- (b) not be bound by the rules of evidence; and
- (c) ensure that its procedures accord with natural justice.

### PART III. - FINANCE.

#### 19. APPLICATION OF *PUBLIC FINANCES (MANAGEMENT) ACT* 1986.

Part VIII of the *Public Finances (Management) Act* 1986 applies to and in relation to the Corps.

#### 20. CHARGES FOR SERVICES.

(1) The Corps may charge for services provided by it at such rates as the Minister may determine or as are prescribed.

(2) The charges referred to in Subsection (1) may be collected in such manner as the Commander may direct.

*Papua New Guinea National Service Corps*

**21. FUNDS OF THE CORPS.**

- (1) The funds of the Corps consist of -
  - (a) all monies appropriated by Act for the purpose of carrying out or giving effect to this Act; and
  - (b) all monies received by the Corps by way of grant; and
  - (c) all monies received by the Corps for services provided by the Corps; and
  - (d) all other monies as are lawfully received by the Corps.
- (2) The funds of the Corps may be expended only -
  - (a) in payment or discharge of expenses, obligations and liabilities of the Corps; and
  - (b) in payment of the remuneration and allowance of officers; and
  - (c) in payment of the allowances and termination payments of volunteer members; and
  - (d) for such other purposes consistent with the functions of the Corps as are determined by the Commander.

**22. NATIONAL SERVICE CORPS SUPPLY AND TENDERS BOARD.**

(1) There is established a National Service Corps Supply and Tenders Board consisting of members appointed by the Minister.

(2) The duties, functions, powers and procedures of the National Service Corps Supply and Tenders Board shall be as prescribed.

**PART IV. - SERVICE IN THE CORPS.**

*Division 1. - Voluntary Service.*

**23. APPLICATION FOR VOLUNTARY SERVICE.**

- (1) A -
  - (a) male citizen who has attained the age of 16 years and has not attained the age of 20 years; and
  - (b) female citizen who has attained the age of 18 years and has not attained the age of 20 years,may apply to join the Corps for national service as a volunteer member.
- (2) An application under Subsection (1) shall -
  - (a) be made at a place declared under Subsection (3) to be a place at which an application under Subsection (1) may be made; and
  - (b) be made in the manner prescribed; and
  - (c) contain such particulars as may be prescribed.

(3) For the purposes of this section the Minister may, by notice in the National Gazette, specify a place or places at which an application under Subsection (1) may be made.

**24. CONSIDERATION OF APPLICATION, ETC.,**

(1) The Commander shall consider an application under Section 23, and where he is satisfied that the applicant is suitable for national service in the Corps, may enlist that person in the Corps as a volunteer member.

(2) Subject to this Act, a volunteer member shall serve in the Corps for a period of 12 months.

*Papua New Guinea National Service Corps*

**25. CONDITIONS OF SERVICE.**

A volunteer member shall -

- (a) serve under a written contract as prescribed; and
- (b) carry out such duties as are specified in the contract referred to in Paragraph (a) or as are assigned to him by an officer in accordance with this Act; and
- (c) undergo such training and education as is required by an officer in accordance with this Act; and
- (d) be subject to the disciplinary provisions contained in Division 3; and
- (e) be paid such emoluments as are provided for by Section 27.

**26. CESSATION OF THIS DIVISION.**

(1) Subject to Subsection (2), the provisions of this Division, in so far as they relate to male citizens, shall cease to apply on and from the date specified in a notice under Section 27.

(2) The provisions of this Division shall continue to apply in respect of the unexpired period of national service of a male citizen who, as at the date specified in Section 27, is a volunteer member of the Corps and whose period of service has not expired.

*Division 2. - Emoluments.*

**27. EMOLUMENTS.**

(1) A volunteer member is entitled to -

- (a) an allowance of a prescribed amount payable as prescribed; and
- (b) a termination payment of a prescribed amount payable in accordance with this section and as prescribed.

(2) A termination payment under Subsection (1) is not liable to income tax under the *Income Tax Act 1959*.

(3) Where in any case the Commander, in his sole discretion, considers it advisable, he may direct that a termination payment under Subsection (1) due to a volunteer member be paid to some other person or body or authority for the benefit of that volunteer member.

(4) Where on the completion of his national service, a person becomes an officer in the Corps no termination payment under Subsection (1)(b) shall be made to him.

*Division 3. - Discipline.*

**28. DISCIPLINE.**

(1) A volunteer member of the Corps who -

- (a) breaches a provision of this Act; or
- (b) except as authorized, divulges confidential information of which he has official knowledge; or
- (c) wilfully disobeys or disregards a lawful order made by a person having the authority to make it; or
- (d) is negligent or careless in the discharge of his duties; or
- (e) is inefficient from causes within his control; or
- (f) uses intoxicating liquor or drugs to excess; or
- (g) solicits or accepts a fee, reward, gratuity or gift in connection with the discharge of his official duties,

is guilty of a disciplinary offence and is liable to be dealt with in accordance with procedures as specified in this section and as prescribed.

*Papua New Guinea National Service Corps*

(2) The Regulations shall set out procedures for a charge of a disciplinary offence to be made by the Commander or his delegate and for a volunteer member to be given an opportunity to make submissions and be heard on such a charge.

(3) The penalties that may be imposed for a disciplinary offence under this section are -

- (a) withdrawal of privileges; or
- (b) a fine of an amount not exceeding 20% of the volunteer member's monthly allowance; or
- (c) dismissal from the Corps and non payment of termination payment.

(4) Where a volunteer member is charged with a criminal offence, he shall -

- (a) where the offence relates to his duties - be suspended without pay until the determination of the charge; or
- (b) where the offence does not relate to his duties - be suspended with pay until the determination of the charge.

(5) Where a volunteer member is convicted of a criminal offence, he shall -

- (a) where the offence relates to his duties - be dismissed from the Corps; or
- (b) where the offence does not relate to his duties - be dismissed if the Commander thinks fit.

**PART V. - MISCELLANEOUS.**

**29. WORKERS COMPENSATION.**

A volunteer member of the Corps shall be considered to be a worker for the purposes of the *Workers Compensation Act* (Chapter 179).

**30. UNIFORM, BADGES AND INSIGNIA.**

(1) The Head of State, acting on advice, shall approve a design of official uniform or uniforms, insignia and badges of the Corps.

(2) A person who -

- (a) without written authorization from the Commander, makes, manufactures or sells; or
  - (b) except as authorized under this Act, wears,
- an official uniform or insignia or a badge of the Corps, or a replica or copy of an official uniform or insignia or badge of the corps, is guilty of an offence.  
Penalty: A fine not exceeding K2000.00 or imprisonment for a term not exceeding two years, or both.

**31. POLITICAL ACTIVITIES.**

(1) An officer or volunteer member of the Corps shall not -

- (a) be eligible to be a member of, or a candidate for, any public office; or
- (b) take part in the affairs of any political organization whether by holding office in the organization or by speaking in public or distributing literature for the purposes of furthering the objectives of that political organization.

(2) An officer or voluntary member of the Corps who contravenes Subsection (1) shall be dealt with as for a disciplinary offence.

*Papua New Guinea National Service Corps*

**32. PROTECTION OF OFFICERS AND VOLUNTEER MEMBERS.**

(1) An officer or volunteer member of the Corps or other person is not liable for any thing done or omitted to be done, or purporting to be done or omitted to be done, under or for the purposes of this Act unless he acted maliciously or without reasonable or probable cause.

(2) Subsection (1) does not derogate any protection under any other provision of this Act or any other law.

**33. GENERAL ORDERS OF THE CORPS.**

The Commander may give to officers or volunteer members of the Corps directions (to be known as "General Orders of the Corps"), not inconsistent with this Act, as to any matter prescribed by this Act to be so provided for or that is necessary or desirable for the efficient management and control of the Corps.

**34. REGULATIONS.**

The Head of State, acting on advice, may make regulations not inconsistent with this Act prescribing all matters that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular may prescribe fees for services and make prescribe penalties of fines not exceeding K500.00 for offences against the Regulations.

I hereby certify that the above is a fair print of the *Papua New Guinea National Service Corps Act 1992* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Papua New Guinea National Service Corps Act 1992* was made by the National Parliament on 11 March 1992.

Speaker of the National Parliament.