

No. 3 of 2004.

*Regulatory Statutory Authorities (Appointments to Certain Offices) Act 2004.*

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**INDEPENDENT STATE OF PAPUA NEW GUINEA**

No. of 2004.

***Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004.***

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

AN ACT

entitled

***Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004,***

Being an Act to implement Part VIIA of the *Constitution* relating to –

- (a) the declaration of Regulatory Statutory Authorities; and
  - (b) the appointment, suspension and revocation of appointment of chief executive officers of Regulatory Statutory Authorities; and
  - (c) the appointment of non *ex officio* members of Boards of Regulatory Statutory Authorities,
- 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.**

(1) This Act, to the extent that it regulates or restricts the exercise of a right of freedom referred to in Subdivision III.3 (*qualified rights*) of the *Constitution*, namely –

- (a) the right to freedom of expression and publication conferred by Section 46; and
- (b) the right peacefully to assemble and associate and to form or belong to, or not to belong to, political parties, industrial organizations or other associations conferred by Section 47; and
- (c) the right to freedom of choice of employment in any calling for which a person has the qualifications (if any) lawfully required conferred by Section 48; and

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(d) the right to reasonable privacy conferred by Section 49, of the ***Constitution***, is a law that is made (pursuant to Section 38 of the ***Constitution***), taking account of the National Goals and Directive Principles and the Basic Social Obligations, in particular the National Goals and Directive Principles entitled –

(e) national sovereignty and self reliance; and

(f) natural resources and environment,

for the purpose of giving effect to the public interest in public order and public welfare.

(2) For the purposes of Section 41 of the ***Organic Law on Provincial Governments and Local-level Governments***, it is declared that this Act relates to a matter of national interest.

### **2. INTERPRETATION.**

In this Act, unless the contrary intention appears –

“Board”, in relation to a Regulatory Statutory Authority, means the Board of Directors or other controlling or governing body, by whatever name known, established to perform the functions, exercise the powers and manage and direct the affairs of that authority;

“chief executive officer”, in relation to a Regulatory Statutory Authority, means the person appointed as the chief executive officer or the head of the staff of that authority responsible for the management and the carrying out of the functions of that authority;

“merit-based appointment process” means the process of appointment specified in Section 5;

“Regulatory Statutory Authority” means –

(a) a body corporate established by an Act of Parliament to perform specific statutory functions; and

(b) a body corporate incorporated by authority of an Act of Parliament, and declared under Section 3 to be a body to which Part VIIA (***Regulatory Statutory Authorities***) of the ***Constitution*** and this Act applies;

“this Act” includes the regulations.

### **3. DECLARATION OF REGULATORY STATUTORY AUTHORITIES.**

(1) The Minister may, by notice in the National Gazette, declare a Regulatory Statutory Authority to be a body to which Part VIIA (***Regulatory Statutory Authorities***) of the ***Constitution*** and this Act applies.

(2) On the publication of a notice under Subsection (1) –

(a) the Regulatory Statutory Authority is subject to the provisions of Part VIIA (***Regulatory Statutory Authorities***) of the ***Constitution*** and this Act; and

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- (b) the Act or other instrument of incorporation under which the Regulatory Statutory Authority is established is to be read subject to Part VIIA (**Regulatory Statutory Authorities**) of the *Constitution* and this Act; and
  - (c) notwithstanding any provision in the Act or other instrument of incorporation under which that Regulatory Statutory Authority is established, the manner of –
    - (i) appointment, suspension and dismissal of the chief executive officer; and
    - (ii) appointment of a non *ex officio* member of the Board, of that Authority is as specified under Part VIIA (**Regulatory Statutory Authorities**) of the *Constitution* and this Act.
- (3) For the purposes of this section –
- (a) the bodies specified in Schedule 1 are Regulatory Statutory Authorities; and
  - (b) the Acts specified in Schedule 2 are subject to Part VIIA (**Regulatory Statutory Authorities**) of the *Constitution* and this Act; and
  - (c) the bodies or entities created by the Acts specified in Schedule 2 are Statutory Regulatory Authorities.

## **PART II. – PROCEDURES FOR SELECTION AND APPOINTMENT OF CHIEF EXECUTIVE OFFICERS.**

### **4. VACANCY IN OFFICE OF CHIEF EXECUTIVE OFFICER.**

- (1) Where the office of the chief executive officer of a Regulatory Statutory Authority is vacant, or is likely to become vacant, the Board shall –
- (a) by notice in the National Gazette and in at least one newspaper circulating generally in Papua New Guinea, declare the office vacant; and
  - (b) advertise the vacancy and invite applications for appointment to the office.
- (2) The Board shall, following the merit-based appointment process specified in Section 5 –
- (a) prepare from the applications received a ranked list of five candidates in the order of preference; and
  - (b) submit the list to the Public Services Commission for its consideration.
- (3) Where, in relation to an advertised vacancy, the applications received are less than five, the Board shall prepare a ranked list of the applications to the Public Services Commission who shall consider whether the position is to be re-advertised or whether it shall proceed to consider the applications.

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**5. MERIT-BASED APPOINTMENT PROCESS.**

Regulations may prescribe a merit-based appointment process which shall involve the following:-

- (a) the advertisement of a vacancy in an office in the prescribed format together with minimum person specification for applicants to the position;
- (b) the assessment of each applicant's curriculum vitae, submitted in a prescribed format, and their competency to perform the prescribed duties as measured against the minimum person specification for the position;
- (c) a ranked ordered assessment of all applicants for the advertised position in terms of their relative competency to perform the prescribed duties;
- (d) the merit based assessment described in this section shall be the primary consideration of the Public Services Commission in making a recommendation to the Board; and
- (e) all other considerations not related to the processes described in this section shall have no bearing in the recommendation of the Public Services Commission and of the Board.

**6. PROCEDURE FOLLOWING MERIT-BASED APPOINTMENT PROCESS.**

(1) On the receipt of a list under Section 4(2), the Public Services Commission shall prepare a list, using the merit-based process, of not less than three suitable candidates in the order of preference, either from the list submitted by the Board or from the original applicants to the position, and shall submit its recommendations to the Board.

(2) On the receipt of the recommendations under Subsection (1), the Board shall either –

- (a) forward the list to the relevant Minister who shall submit his recommendation to the National Executive Council for its consideration within one month of the receipt of the list from the Board; or
- (b) determine that the position be re-advertised and shall advise the Public Services Commission accordingly.

(3) The National Executive Council may, in considering the submission from the Minister under Subsection (2)(a) –

- (a) select one of the candidates recommended by the Minister and shall advise the Head of State to make the appointment of the selected candidate to the position; or
- (b) reject any recommendation for appointment in which case, the Board shall re-advertise the position.

**PART III. – PROCEDURE FOR REVOCATION OF APPOINTMENT, ETC., OF CHIEF EXECUTIVE OFFICERS.**

**7. INVESTIGATIONS OF GROUNDS FOR DISMISSAL.**

(1) Where, in relation to a Regulatory Statutory Authority, the Board believes that grounds exist for the dismissal of the chief executive officer, it shall cause an investigation into the conduct, activities or performance of the chief executive officer.

(2) The grounds for dismissal referred to in Subsection (1) shall be consistent with the grounds for dismissal as specified in the chief executive officer's contract of employment which include breach of contract, misconduct, poor performance, incompetence and ill health, as prescribed in the Regulations.

(3) Where the Board has made an investigation under Subsection (1), it shall submit a report on its investigation together with its recommendations to the Public Services Commission.

(4) On the receipt of a report under Subsection (3), the Public Services Commission –

- (a) shall consider the evidence provided and the recommendations of the Board; and
- (b) may make, or cause to be made, and consider such further investigations (if any) as it considers necessary; and
- (c) shall, on the basis of the report and the results of further investigations (if any), inform the Board by way of a recommendation whether or not the appointment of the chief executive officer should be revoked.

(5) The Board shall convey its recommendation to the Minister and, in the event that the National Executive Council approves the recommendation of the Minister to revoke the appointment of the chief executive officer, the National Executive Council shall advise the Head of State to revoke the appointment of the chief executive officer.

**8. SUSPENSION OF A CHIEF EXECUTIVE OFFICER.**

(1) Where a Board is to carry out an investigation into the conduct, activities or performance of a chief executive officer under Section 7(1) and is in receipt of material information from credible sources that the conduct of the chief executive officer is such that serious charges of misconduct may be brought against the chief executive officer, it shall determine whether grounds exist for the suspension of the chief executive officer during the period of the investigation.

(2) The grounds for the suspension of the chief executive officer shall be consistent with the grounds for dismissal or suspension as prescribed and contained in the chief executive officer's contract of employment.



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(3) Where the Board determines that grounds exist for the suspension of the chief executive officer, it shall advise the relevant Minister to recommend to the National Executive Council the suspension of the chief executive officer on full pay for the duration of the investigation.

(4) In the event that the National Executive Council approves the recommendation of the Minister for the suspension of the chief executive officer, it shall advise the Head of State to suspend the chief executive officer.

**9. ACTING APPOINTMENT OF CHIEF EXECUTIVE OFFICERS.**

(1) Where, in relation to a Regulatory Statutory Authority –

- (a) the chief executive is unable to undertake his duties for any reason; or
- (b) the Board considers it necessary to make an acting appointment pending a new substantive appointment,

the Board shall recommend to the Minister a suitable person to act for a period not exceeding three months, from a pre-selected list of suitable persons endorsed by the Public Services Commission based upon an assessment of the prescribed minimum person specification.

(2) On receipt of a recommendation under Subsection (1), the Minister shall recommend to the National Executive Council to make an acting appointment, and the National Executive Council shall make the acting appointment.

**PART IV. – PROCEDURE FOR APPOINTMENT OF  
NON *EX OFFICIO* MEMBERS OF BOARDS.**

**10. APPOINTMENT OF NON *EX OFFICIO* MEMBERS OF BOARDS OF  
REGULATORY STATUTORY AUTHORITIES.**

(1) Where, in relation to a Regulatory Statutory Authority, an appointment of a member of the Board, other than an *ex officio* member, is required to be made in accordance with the Act or other instrument of incorporation under which the Regulatory Statutory Authority is established, the appointment shall be made, notwithstanding any provisions to the contrary, by the Head of State, acting on advice.

(2) Where an appointment to which Subsection (1) applies is to be made, the Minister shall –

- (a) prepare a list of candidates for the office; and
- (b) submit the list to the Public Services Commission for its consideration.

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(3) Where, under an Act or other instrument of incorporation, an appointment to an office to which Subsection (1) applies is to be made to represent a particular group, the Minister shall, prior to submitting a list to the Public Services Commission under Subsection (2)(b) –

- (a) carry out genuine consultations with the particular group concerned on its proposed nominees for the office; and
- (b) from the consultations made, compile a summary of the nominees made by the interest group,

for submission to the Public Services Commission for its consideration.

(4) On the receipt of a list under Section 2(b), the Public Services Commission shall consider whether each applicant satisfies a “fit and proper person criteria” based on the following:-

- (a) whether the person is a fit and proper person to hold the particular office; and
- (b) whether the person is competent and of sound judgement to fulfill the responsibilities of that office; and
- (c) whether he is a person whose previous conduct and activities in business or financial matters is not in question and, in particular, that he may not have –
  - (i) committed an offence involving fraud or other dishonesty or violence; or
  - (ii) been engaged in or been associated with any financial loss due to dishonesty, incompetence or malpractice; or
  - (iii) been engaged in any business practices appearing to be deceitful or oppressive or otherwise improper (whether unlawful or not) or which otherwise reflect discredit on his conduct; or
  - (iv) engaged in or been associated with any other business practices or otherwise conducted himself in such a way as to cast doubt on his competence and soundness of judgement,

and shall make appropriate recommendations and advice on appointment to the Minister.

(6) On the receipt of the advice of the Public Services Commission under Subsection (5), the Minister shall make a submission on appointment to the National Executive Council for its consideration.

(7) In the event that the National Executive Council approves the recommendation of the Minister under Subsection (6), it shall advise the Head of State to make an appointment of a non *ex officio* member of the Board of the Statutory Regulatory Authority.

**PART V. – MISCELLANEOUS.**

**11. 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, including, but not limited to –

- (a) the minimum person specification for appointment as measured against the requirements for acceptable performance, utilizing the criteria established under the *Public Service Management Act 1995* and the Regulations made thereunder; and
- (b) the process to be followed further in the appointments or revocation of chief executive officers; and
- (c) the minimum procedural requirements to be included in an employment contract for the purpose of satisfying the regulations; and
- (d) the process to be followed further in the investigation of allegations and the revocation of appointments of chief executive offices; and
- (e) penalties not exceeding K10,000.00 for offences against the regulations.

**12. ACT TO PREVAIL.**

Where, in the application of this Act, there is an inconsistency between a provision of this Act and a provision of another Act in relation to –

- (a) the appointment, suspension or revocation of appointment of the chief executive officer; or
  - (b) the appointment of a non *ex officio* member of the Board,
- of a Regulatory Statutory Authority, this Act prevails to the extent of any inconsistency.

**13. DEPARTMENT TO EXERCISE FUNCTIONS OF BOARD.**

Where, in relation to a Regulatory Statutory Authority, there is no Board or other controlling or governing body, the functions of a Board specified under Parts II, III and IV of this Act shall be exercised by the Department responsible for personnel management matters.

**14. CONSEQUENTIAL AMENDMENTS TO ACTS.**

The Acts specified in Column 1 of Schedule 2 are amended to the extent specified in Columns 2 and 3 of that Schedule.

**15. TRANSITIONAL AND SAVINGS.**

(1) A chief executive officer or a non *ex officio* member of the Board of a Regulatory Statutory Authority to which this Act applies who –

- (a) was, before the coming into operation of this Act, validly appointed (whether substantively or temporarily); and

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(b) immediately before that coming into operation held that office (whether substantively or otherwise), shall, on that coming into operation, be deemed to be validly appointed (substantively or temporarily, as the case may be) under this Act, and shall continue to hold that office (substantively or temporarily, as the case may be) until the expiry of the term of his appointment or until the cessation of his appointment otherwise according to law, whichever shall first happen.

(2) A chief executive officer or non *ex officio* member of the Board of a Regulatory Statutory Authority to which this Act applies who –

(a) was, before the coming into operation of this Act, validly suspended from office; and

(b) immediately before that coming into operation was so suspended from office,

shall, on that coming into operation, be deemed to be validly suspended from that office in accordance with this Act, and shall continue to be so suspended from office until the suspension is lifted or until he ceases to hold that office according to law, whichever shall first happen.

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**SCHEDULE 1**

Act Sec. 3(3)(a)

**Regulatory Statutory Authorities**

Central Supply and Tenders Board and other Supply and Tenders Boards established  
under the ***Public Finances (Management) Act 1995***

Cocoa and Coconut Research Institute  
Coffee Industry Corporation Limited  
Fresh Produce Development Corporation  
Oil Palm Research Agency  
Papua New Guinea Maritime College

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I hereby certify that the above is a fair print of the ***Regulatory Statutory Authorities (Appointments to Certain Offices) Act 2004*** which has been made by the National Parliament.

***Clerk of the National Parliament.***

I hereby certify that the ***Regulatory Statutory Authorities (Appointments to Certain Offices) Act 2004*** was made by the National Parliament on 20 January 2004 by an absolute majority in accordance with the ***Constitution***.

***Acting Speaker of the National Parliament.***

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**SCHEDULE 2**

Act Sec. 3 (3)(b) and (c), Sec. 14

<u>Act</u>	<u>Provision</u>	<u>Amendment</u>
<b>Central Bank Act 2000</b>	Section 15	In Subsection (1), repeal Paragraph (a) and replace it with the following:-  "(a) be appointed, suspended or dismissed in the manner as is specified in the <i>Regulatory Statutory Authorities Act 2004</i> ."; and
<b>Civil Aviation Act 2000</b>	Section 37	In Subsection (2), repeal Paragraph (a) and replace it with the following:-  "(a) shall be appointed, suspended or dismissed in the manner as specified in the <i>Regulatory Statutory Authorities Act 2004</i> ; and".
	Section 39	Repeal and replace it with the following:-  <b>"39. RESIGNATION.</b> The Director may resign from office in writing signed by him and delivered to the Chairman."
<b>Classification of Publication (Censorship) Act 1989</b>	Section 4	In Subsection (3), repeal Paragraph (b) and replace it with the following:-  "(b) be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i> ; and".
	Section 14	(a) repeal Subsection (1) and replace it with the following:- " (1) There shall be a Chief Censor whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i> ."; and

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		<p>(b) insert after Subsection (1) the following new subsection:-</p> <p align="center">"(1A) The Head of State acting with, and in accordance with the advice of the Minister shall appoint a person to be the Deputy Chief Censor."</p>
<b>Cocoa Act (Chapter 388)</b>	Section 5	<p>In Subsection (1), repeal Paragraph (b) and replace it with the following:-</p> <p>"(b) a Chairman and seven members all being, or representing, cacao growers appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
	Section 15	<p>(a) repeal Subsection (1) and replace it with the following:-</p> <p align="center">"(1) There shall be an Executive Officer of the Board whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>"; and</p> <p>(b) insert after Subsection (1) the following new subsection:-</p> <p align="center">"(1A) The Board may appoint such other employees as it considers necessary for the efficient administration of its functions and powers."</p>
<b>Coffee Industry Corporation (Statutory Functions and Powers) Act 1991</b>	Section 5	<p>Repeal and replace it with the following:-</p> <p><b>"5. APPOINTMENT OF DIRECTORS OF THE COFFEE INDUSTRY CORPORATION.</b></p> <p>The Coffee Industry Corporation's nominees to the Board of the Corporation, which number of nominees shall not exceed the number of vacancies on the Board, shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>."</p>



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<b>Correctional Services Act 1995</b>	Section 8	<p>In Subsection (2), repeal Paragraph (b) and replace it with the following:-</p> <p>"(b) shall be appointed, suspended or dismissed in the manner as is specified in the <i>Regulatory Statutory Authorities Act 2004</i>; and".</p>
<b>Defence Force Retirement Benefits Act (Chapter 76)</b>	Section 5	<p>(a) repeal Subsection (1) and replace it with the following:-</p> <p>"(1) The Board shall consist of five members, of whom two shall be members of the Defence Force appointed as contributor's representatives, appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>."; and</p> <p>(b) repeal Subsections (2) and (4).</p>
<b>Disaster Management Act 1984</b>	Section 16	<p>In Subsection (1), repeal Paragraph (b) and replace it with the following:-</p> <p>"(b) appointed, suspended or dismissed in the manner as is specified in the <i>Regulatory Statutory Authorities Act 2004</i>."; and</p>
<b>Environment Act 2000</b>	Section 15	<p>(a) insert at the beginning of the section the following:-</p> <p>"(1)"; and</p> <p>(b) insert after Subsection (1) the following new subsection:-</p> <p>"(2) The manner of appointment, suspension and dismissal of the Director is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
<b>Fire Services Act (Chapter 64)</b>	Section 4	<p>Repeal and replace it with the following:-</p> <p><b>"4. CHIEF FIRE OFFICER.</b></p> <p>There shall be a Chief Fire Officer for the purposes of this Act whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>."</p>

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<b>Fisheries Management Act 1998</b>	Section 8	<p>Repeal Subsection (4) and replace it with the following:-</p> <p>“(4) The persons nominated under Subsection (1)(h), (i) and (j) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>.”.</p>
	Section 16	<p>In Subsection (2), repeal Paragraph (a) and replace it with the following:-</p> <p>“(b) whose manner of appointment, suspension or dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>; and”.</p>
<b>Forestry Act 1991</b>	Section 34	<p>In Subsection (1), repeal Paragraph (a) and replace it with the following:-</p> <p>“(a) shall be appointed, suspended or dismissed in the manner as is specified in the <i>Regulatory Statutory Authorities Act 2004</i>; and”.</p>
<b>Gaming Machine Act 1993</b>	Section 6	<p>(a) in subsection (1), in Paragraph (a), repeal the words “nominated by the Minister”; and</p> <p>(b) in Subsection (2), repeal Paragraph (a) and replace it with the following:-</p> <p>“(a) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>; and”.</p>
<b>Gazelle Restoration Authority Act 1995</b>	Section 5	<p>In Subsection (2), repeal Paragraph (a) and replace it with the following:-</p> <p>“(a) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>; and”.</p>
<b>Higher Education Act 1983</b>	Section 6	<p>(a) in Subsection (1), repeal Paragraph (a) and replace it with the following:-</p> <p>“(a) a Chairman; and”;</p>

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		<p>(b) in Subsection (1), in Paragraph (b), repeal the words "who shall be appointed by notice in the National Gazette by the National Executive Council after consideration of recommendations made by the Minister." and replace with the following:-</p> <p>"who shall be appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b>."</p>
	Section 18A	<p>In Subsection (2), repeal Paragraph (a) and replace it with the following:-</p> <p>"(a) appointed, suspended or dismissed in the manner as is specified in the <b>Regulatory Statutory Authorities Act 2004</b>; and".</p>
<b>Income Tax Act 1959</b>	Section 6	<p>In Subsection (1), repeal Paragraph (a) and replace it with the following:-</p> <p>"(a) be appointed, suspended or dismissed in the manner is as specified in the <b>Regulatory Statutory Authorities Act 2004</b>; and".</p>
<b>Industrial Centers Development Corporation Act 1990</b>	Section 19	<p>In Subsection (1), repeal the words "who shall be appointed by the Board" and replace them with the following:-</p> <p>"whose manner of appointment, suspension and dismissal is as specified in the <b>Regulatory Statutory Authorities Act 2004</b>."</p>
<b>Institute of Medical Research Act (Chapter 166)</b>	Section 7	<p>In Subsection (1), in Paragraph (h), repeal the words "appointed by the Minister" and replace them with the following:-</p> <p>"appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b>."</p>
	Section 16	<p>(a) repeal Subsection (1) and replace it with the following:-</p> <p>"(1) There shall be a Director of the Institute whose manner of appointment, suspension or dismissal is as specified in the <b>Regulatory Statutory Authorities Act 2004</b>"; and</p>

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		<p>(b) by inserting after Subsection (1) the following new Subsection:-</p> <p align="center">"(1A) Subject to this Act, the Council may appoint a person to be the Deputy Director of the Institute."</p>
<b>Insurance Act 1995</b>	Section 5	<p>Repeal Subsection (1) and replace it with the following:-</p> <p align="center">"(1) For the purposes of this Act, there shall be an Insurance Commissioner whose manner of appointment, suspension and dismissal are as specified in the <i>Regulatory Statutory Authorities Act 2004</i>".</p>
<b>Investment Corporation Act (Chapter 140)</b>	Section 12	<p>(a) in Subsection (1), repeal Paragraphs (b), (c) and (d) and replace them with the following:-</p> <p align="center">"(b) the following persons appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>-</p> <ul style="list-style-type: none"> <li>(i) an officer of the Rural Development Bank; and</li> <li>(ii) an officer of the Department of Finance; and</li> <li>(iii) not less than five and not more than nine other members, of whom not less than four are citizens."; and</li> </ul> <p>(b) in Subsection (2), repeal the words "or (c), and a member appointed under Subsection (1)(d)"; and</p> <p>(c) in Subsection (3), repeal the words "Subsection (1)(d)" and replace with the following:-</p> <p align="center">"Subsection (1)(b)(iii)"; and</p> <p>(d) in Subsection (4), repeal the words "Subsection (1)(d)" and replace with the following:-</p> <p align="center">"Subsection (1)(b)(iii)"; and</p>

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		<p>(e) in Subsection (5), repeal the words "Subsection (1)(d)" and replace with the following:-</p> <p>"Subsection (1)(b)(iii)."</p>
	Section 16	<p>(a) Repeal Subsection (1) and replace it with the following:-</p> <p>"(1) There shall be a Managing Director of the Corporation whose manner of appointment, suspension and dismissal are as specified in the <i>Regulatory Statutory Authorities Act 2004</i>" and</p> <p>(b) insert after Subsection (1) the following new subsection:-</p> <p>"(1A) There shall be a Deputy Managing Director of the Investment Corporation who –</p> <p>(a) shall be appointed by the Minister; and</p> <p>(b) shall be appointed for such period, not exceeding seven years, as the Minister determines; and</p> <p>(c) hold office subject to good behaviour; and</p> <p>(d) shall be eligible for re-appointment."</p>
<i>Investment Promotion Act 1992.</i>	Section 9	<p>(a) in Subsection (2), repeal the words "Subsection (1)(h)" and replace with the following:-</p> <p>"Subsection (d) to (h)"; and</p> <p>(b) repeal Paragraph (a) and replace with the following:-</p> <p>"(a) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i> and"</p>

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	Section 19	<p>Repeal Subsection (1) and replace it with the following:-</p> <p>"(1) There shall be a Managing Director of the Authority whose manner of appointment, suspension and dismissal are as specified in the <b>Regulatory Statutory Authorities Act 2004</b>."</p>
<b>Kokonasi Industri Koperesen Act 2002</b>	Section 6	<p>(a) in Subsection (3) –</p> <p>(i) repeal Paragraph (d) and replace it with the following:-</p> <p>"(d) in the case of the member referred to in Subsection (2)(e), an appointment of the private sector representative shall be made from the commercial sector dealing with coconut industry; and;" and</p> <p>(ii) in Paragraph (f), repeal the words "and submitted to the Minister for consideration and the Minister shall appoint from the representatives named".</p> <p>(b) in Subsection (4), repeal Paragraph (a) and replace it with the following:-</p> <p>"(a) shall be appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b>; and".</p>
	Section 15	<p>Repeal Subsection (1) and replace it with the following:-</p> <p>"(1) There shall be a Managing Director of the Board whose manner of appointment, suspension and dismissal is as specified in the <b>Regulatory Statutory Authorities Act 2004</b>."</p>
<b>Land Act 1996</b>	Section 55	<p>Repeal Subsection (2) and replace it with the following:-</p> <p>"(2) The Land Board shall consist of –</p> <p>(a) a Chairman; and</p> <p>(b) such other members,</p> <p>who shall be appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b>."</p>

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<b>Land Titles Commission Act 1962</b>	Section 6	<p>In Subsection (1), repeal Paragraph (a) and replace it with the following new paragraph:-</p> <p style="padding-left: 40px;">"(a) shall be –</p> <p style="padding-left: 80px;">(i) in the case of the Chief Commissioner, appointed, suspended or dismissed in the manner as is specified in the <b>Regulatory Statutory Authorities Act 2004</b>; and</p> <p style="padding-left: 80px;">(ii) in the case of all Deputy Chief Commissioners, Senior Commissioners and Commissioners, appointed by the Head of State, acting on advice; and".</p>
<b>Land Transport Board (Chapter 245)</b>	Section 2	<p>Repeal Paragraph (e) and replace it with the following:-</p> <p>"(e) not more than six persons appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b>."</p>
<b>Law Reform Commission Act (Chapter 18)</b>	Section 3	<p>Repeal Subsection (2) and replace it with the following:-</p> <p>"(2) The Commission shall consist of seven citizens appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b>."</p>
	Section 15	<p>In Subsection (1), repeal Paragraph (a) and replace it with the following new paragraph:-</p> <p>"(a) shall be appointed, suspended or dismissed in the manner as is specified in the <b>Regulatory Statutory Authorities Act 2004</b>; and".</p>
<b>National Agriculture Quarantine and Inspection Authority Act 1996</b>	Section 8	<p>In Subsection (2), repeal Paragraph (a) and replace it with the following:-</p> <p>"(a) shall be appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b>; and".</p>

**Regulatory Statutory Authorities (Appointment to Certain Offices)**

	Section 20	<p>Repeal Subsection (1) and replace it with the following:-</p> <p align="center">"(1) There shall be a Managing Director of the Authority whose manner of appointment, suspension and dismissal are as specified in the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
<b>National Agriculture Research Institute 1996</b>	Section 7	<p>In Subsection (2), repeal Paragraph (a) and replace it with the following:-</p> <p align="center">"(a) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>; and"</p>
	Section 21	<p>Repeal Subsection (1) and replace it with the following:-</p> <p align="center">"(1) There shall be a Director-General of the Institute whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
<b>National Aids Council Act 1997</b>	Section 7	<p>In Subsection (3), repeal Paragraph (a) and replace it with the following:-</p> <p align="center">"(a) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>; and"</p>
	Section 21	<p>In Subsection (2), repeal Paragraph (a) and replace it with the following:-</p> <p align="center">"(a) shall be appointed, suspended or dismissed in the manner as is specified in the <i>Regulatory Statutory Authorities Act 2004</i>; and"</p>
<b>National Capital District Commission Act 2001</b>	Section 5	<p>Repeal Subsections (3) and replace it with the following:-</p> <p align="center">"(3) Where the Minister determines that the members referred to in Subsection(1)(b) or (c) are to be nominated, he shall submit to the National Executive Council a list of three names submitted by each of the interest groups being represented for appointment of a representative of each interest group in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>."</p>



**Regulatory Statutory Authorities (Appointment to Certain Offices)**

	Section 21	<p>Repeal Subsection (1) and replace it with the following:-</p> <p align="center">"(1) There shall be a Manager of the Commission whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
<b>National Cultural Commission Act 1994</b>	Section 7	<p>In Subsection (2), repeal Paragraph (a) and replace it with the following:-</p> <p align="center">"(a) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>; and"</p>
	Section 24	<p>Repeal Subsection (1) and replace it with the following:-</p> <p align="center">"(1) There shall be an Executive Director of the Commission whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
<b>National Housing Corporation Act 1990</b>	Section 7	<p>In Subsection (3), repeal Paragraph (a) and replace it with the following:-</p> <p align="center">"(a) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>; and"</p>
	Section 17	<p>In Subsection (1), repeal Paragraph (a) and replace it with the following:-</p> <p align="center">"(a) shall be appointed, suspended or dismissed in the manner as is specified in the <i>Regulatory Statutory Authorities Act 2004</i>; and"</p>
<b>National Identity Act (Chapter 9)</b>	Section 10M	<p>In Subsection (1), repeal Paragraph (a) and replace it with the following:-</p> <p align="center">"(a) be appointed, suspended or dismissed in the manner as is specified in the <i>Regulatory Statutory Authorities Act 2004</i>; and"</p>

**Regulatory Statutory Authorities (Appointment to Certain Offices)**

<p><b>National Institute of Standards and Industrial Technology Act 1993</b></p>	<p>Section 8</p>	<p>In Subsection (3), repeal Paragraph (a) and replace it with the following:-</p> <p>"(a) shall be appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b>; and".</p>
	<p>Section 20</p>	<p>In Subsection (1), repeal Paragraph (a) and replace it with the following:-</p> <p>"(a) shall be appointed, suspended or dismissed in the manner as is specified in the <b>Regulatory Statutory Authorities Act 2004</b>; and".</p>
<p><b>National Library and Archives Act 1993</b></p>	<p>Section 7</p>	<p>Repeal Subsection (2) and replace it with the following:-</p> <p>"(2) The Director- General shall be an officer with relevant qualifications and experience in library and archive management whose manner of appointment, suspension and dismissal is as specified in the <b>Regulatory Statutory Authorities Act 2004</b>."</p>
	<p>Section 37</p>	<p>(a) repeal Subsection (1) and replace it with the following:-</p> <p>"(1) The Minister may, by notice in the National Gazette, establish a National Library and Archives Board to advise on archives and library matters."</p> <p>(b) in Subsection (2), repeal Paragraph (b) and replace it with the following:-</p> <p>"(b) not more than eleven members being persons who, by their knowledge and experience, can advance the full development of the Office of Library and Archives, appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b>."</p>

**Regulatory Statutory Authorities (Appointment to Certain Offices)**

<b>National Museum and Art Gallery Act 1992</b>	Section 6	<p>Repeal Subsection (1) and replace it with the following:-</p> <p align="center">"(1) There shall be Trustees of the Museum appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
	Section 20	<p>In Subsection (1), repeal Paragraph (a) and replace it with the following:-</p> <p>"(a) shall be appointed, suspended or dismissed in the manner as is specified in the <i>Regulatory Statutory Authorities Act 2004</i>; and"</p>
<b>National Narcotics Control Board 1992</b>	Section 4	<p>In Subsection (2), repeal Paragraphs (a) and (b) and replace them with the following:-</p> <p>"(a) in Subsection (1)(a) to (i) inclusive – shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>; and"; and</p> <p>"(b) in Subsection (1)(k) – upon consideration of recommendations from the Melanesian Council of Churches and the Evangelical Alliance, shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
	Section 14	<p>Repeal Subsection (1) and replace it with the following:-</p> <p align="center">"(1) There shall be a Director of the Bureau whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
	Section 19	<p>Repeal Subsection (1) and replace it with the following:-</p> <p align="center">"(1) There shall be a Director of the Institute whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>."</p>

**Regulatory Statutory Authorities (Appointment to Certain Offices)**

<b>National Roads Authority Act 2003</b>	Section 8	In Subsection (4) repeal Paragraph (a) and replace it with the following:-  "(a) shall be appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b> ; and".
	Section 21	In Subsection (1), in Paragraph (a), repeal the words "by the Board".
	Section 22	(a) repeal Subsection (1) and replace it with the following:-  "(1) There shall be a Chief Executive Officer of the Authority whose manner of appointment, suspension and dismissal is as specified in the <b>Regulatory Statutory Authorities Act 2004</b> ."; and  (b) in Subsection (3), Paragraph (a), repeal the word "Board" and replace it with the following:-  "Head of State, acting on advice.".
<b>National Roads Safety Council Act 1997</b>	Section 6	In Subsection (2), repeal Paragraph (a) and replace it with the following:-  "(a) shall be appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b> ; and".
	Section 21	In Subsection (1), repeal Paragraph (a) and replace it with the following:-  "(a) shall be appointed, suspended and dismissed in the manner as is specified in the <b>Regulatory Statutory Authorities Act 2004</b> ; and".
<b>National Training Council Act 1991</b>	Section 8	In Subsection (2) repeal Paragraph (a) and replace it with the following:-  "(a) shall be appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b> ; and".

**Regulatory Statutory Authorities (Appointment to Certain Offices)**

	Section 22	In Subsection (1), repeal Paragraph (a) and replace it with the following:-  "(a) a Director whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i> ; and".
<i>National Volunteer Service Act 1990</i>	Section 7	In Subsection (2), repeal Paragraph (a) and replace it with the following:-  "(a) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i> ; and".
	Section 14	Repeal Subsection (1) and replace it with the following:-  "(1) There shall be a Director of the National Volunteer Service whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i> ".
<i>National Water Supply and Sewerage Act 1986</i>	Section 9	In Subsection (4), repeal Paragraph (a) and replace it with the following:-  "(a) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i> ; and".
	Section 17	In Subsection (1), repeal Paragraph (a) and replace it with the following:-  "(a) appointed, suspended and dismissed in the manner as is specified in the <i>Regulatory Statutory Authorities Act 2004</i> ; and".
<i>National Youth Commission Act 1999</i>	Section 8	(a) in Subsection (2), repeal Paragraph (a) and replace it with the following:-  "(a) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i> ; and"; and

**Regulatory Statutory Authorities (Appointment to Certain Offices)**

		<p>(b) repeal Subsection (4) and replace it with the following:-</p> <p align="center">"(4) The member referred to in Subsection (1)(d) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
	Section 57	<p>Repeal Subsection (1) and replace it with the following:-</p> <p align="center">"(1) There shall be a Commissioner of the Commission whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
<b>Oil Palm Industry Corporation Act 1992</b>	Section 8	<p>(a) in Subsection (1), repeal Paragraph (e) and replace with the following:-</p> <p align="center">"(e) three grower representatives appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>"; and</p> <p>(b) in Subsection (2), repeal Paragraph (d).</p>
	Section 17	<p>Repeal Subsection (1) and replace it with the following:-</p> <p align="center">"(1) There shall be a General Secretary of the Corporation whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
<b>Papua New Guinea Institute of Public Administration Act 1993</b>	Section 7	<p>In Subsection (2) –</p> <p>(a) repeal the words "Subsection (1)(g) to (m)" and replace them with the following:-</p> <p align="center">"Subsection (1)(g) to (o)"; and</p> <p>(b) repeal Paragraph (a) and replace it with the following:-</p> <p align="center">"(a) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>; and"</p>

**Regulatory Statutory Authorities (Appointment to Certain Offices)**

	Section 21	<p>Repeal Subsection (1) and replace it with the following:-</p> <p>"(1) There shall be a Director of the Institute whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
<i>Papua New Guinea Science and Technology Council Act 1992</i>	Section 5	<p>Repeal Subsection (1) and replace with the following:-</p> <p>"(1) The Council shall consist of –</p> <p>(a) the Chairman whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004</i>; and</p> <p>(b) ten other Councillors appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>."</p>
<i>Papua New Guinea Sports Commission 1992</i>	Section 9	<p>In Subsection (2), repeal Paragraph (a) and replace it with the following:-</p> <p>"(a) shall be appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>; and"</p>
	Section 19	<p>Repeal Subsection (1) and replace with the following:-</p> <p>"(1) The Executive Director shall be appointed, suspended or dismissed in the manner as is specified in the <i>Regulatory Statutory Authorities Act 2004</i>."</p>

**Regulatory Statutory Authorities (Appointment to Certain Offices)**

<b>Parole Act 1991</b>	Section 3	<p>(a) repeal Subsection (2) and replace it with the following:-</p> <p style="padding-left: 40px;">"(2) There shall be three members of the Board comprising:-</p> <p style="padding-left: 80px;">(a) a lawyer, who shall be Chairman; and</p> <p style="padding-left: 80px;">(b) a person nominated by the Commissioner; and</p> <p style="padding-left: 80px;">(c) a person nominated by the Departmental Head</p> <p style="padding-left: 40px;">appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b>; and"; and</p> <p>(b) in Subsection (3) –</p> <p style="padding-left: 40px;">(i) in Paragraph (a), repeal Subparagraph (ii) and replace it with the following:-</p> <p style="padding-left: 80px;">"(ii) submit the panel to the Public Services Commission for appointment in accordance with Subsection (2)."; and</p> <p style="padding-left: 40px;">(ii) repeal Paragraph (b).</p>
	Section 11	<p>In Paragraph (a), by inserting at the end of that paragraph the following:-</p> <p>"whose manner of appointment, suspension and dismissal is as specified in the <b>Regulatory Statutory Authorities Act 2004</b>."</p>
<b>Physical Planning Act 1989</b>	Section 9	<p>In Subsection (3) –</p> <p>(a) repeal Paragraph (a) and replace it with the following:-</p> <p style="padding-left: 40px;">"(a) shall be appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b>; and"; and</p> <p>(b) repeal Paragraph (b) and replace with the following:-</p> <p style="padding-left: 40px;">"(b) be appointed for a period not exceeding three years; and".</p>



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<b>Post-Graduate Legal Training Act (Chapter 168)</b>	Section 8	<p>Repeal and replace with the following:-</p> <p><b>"8. THE DIRECTOR.</b>  There shall be a Director of the Institute whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004.</i>"</p>
<b>Public Curator Act (Chapter 6)</b>	Section 2	<p>Repeal Subsection (1) and replace it with the following:-</p> <p>"(1) There shall be a Public Curator for the purposes of this Act whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004.</i>"</p>
<b>Public Hospitals Act 1994</b>	Section 22	<p>Repeal Subsection (1) and replace with the following:-</p> <p>"(1) There shall be a Chief Executive Officer for each public hospital whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004.</i>"</p>
<b>Public Officers Superannuation Fund Act 1990</b>	Section 4	<p>In Subsection (2)(a), repeal the words "appointed by the Minister by notice in the National Gazette" and replace them with the following:-</p> <p>"appointed in accordance with the <i>Regulatory Statutory Authorities Act 2004</i>; and"</p>
	Section 12	<p>(a) Repeal Subsection (1) and replace with the following:-</p> <p>"(1) There shall be a Managing Director of the Fund whose manner of appointment, suspension and dismissal is as specified in the <i>Regulatory Statutory Authorities Act 2004.</i>"; and</p> <p>(b) by inserting after Subsection (1) the following new subsection:-</p> <p>"(1A) The Board shall appoint a suitably qualified person to be Secretary to the Board."</p>

**Regulatory Statutory Authorities (Appointment to Certain Offices)**

<b>Small Business Development Corporation Act 1990</b>	Section 19	<p>Repeal Subsection (1) and replace with the following:-</p> <p align="center">“(1) There shall be a Director of the Corporation whose manner of appointment, suspension and dismissal is as specified in the <b>Regulatory Statutory Authorities Act 2004</b>.”.</p>
<b>Spice Industry Act 1989</b>	Section 4	<p>In Subsection (2), repeal Paragraph (a) and replace with the following-</p> <p>“(a) appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b> from nominations submitted by organizations and bodies that, in the opinion of the Minister, represent the interests of spice growers in the country; and”.</p>
<b>Statistical Services Act 1980</b>	Section 6	<p>Repeal Paragraph (b), and replace with the following:-</p> <p>“(b) appointed, suspended or dismissed in the manner as is specified in the <b>Regulatory Statutory Authorities Act 2004</b>.”.</p>
<b>Teaching Service Act 1988</b>	Section 2	<p>Repeal Subsections (1) and (2) and replace with the following new subsections:-</p> <p align="center">“(1) There is established a Teaching Service Commission which consists of at least three Commissioners, one of whom shall be appointed as Chairman.</p> <p align="center">“(2) The manner of appointment, suspension and dismissal of the Chairman and the Commissioners is as specified in the <b>Regulatory Statutory Authorities Act 2004</b>.”.</p>
<b>Tourism Promotion Authority Act 1993</b>	Section 9	<p>In Subsection (2), repeal Paragraph (a) and replace with the following:-</p> <p>“(a) shall be appointed in accordance with the <b>Regulatory Statutory Authorities Act 2004</b>; and”.</p>

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	Section 21	Repeal Subsection (1) and replace with the following:-  “(1) There shall be a Chief Executive Officer of the Authority whose manner of appointment, suspension and dismissal is as specified in the <b><i>Regulatory Statutory Authorities Act 2004</i></b> .”.
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***Regulatory Statutory Authorities (Appointments to Certain Offices)***

I hereby certify that the above is a fair print of the ***Regulatory Statutory Authorities (Appointments to Certain Offices) Act 2004*** which has been made by the National Parliament.

***Clerk of the National Parliament.***

I hereby certify that the ***Regulatory Statutory Authorities (Appointments to Certain Offices) Act 2004*** was made by the National Parliament on 20 January 2004 by an absolute majority in accordance with the ***Constitution***.

***Acting Speaker of the National Parliament.***