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[1991

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

THE CONSTITUTION.

ALTERATION TO THE CONSTITUTION.

The Member for Finschaffen, Mr. Henu Hesingut, proposes to alter the Constitution and pursuant to the requirements of Section 14(2) (making of alterations to the Constitution and Organic Laws) of the Constitution, I, Dennis Young, the Speaker of the National Parliament, hereby publish the proposed Law -

Draft of: 22/4/91.

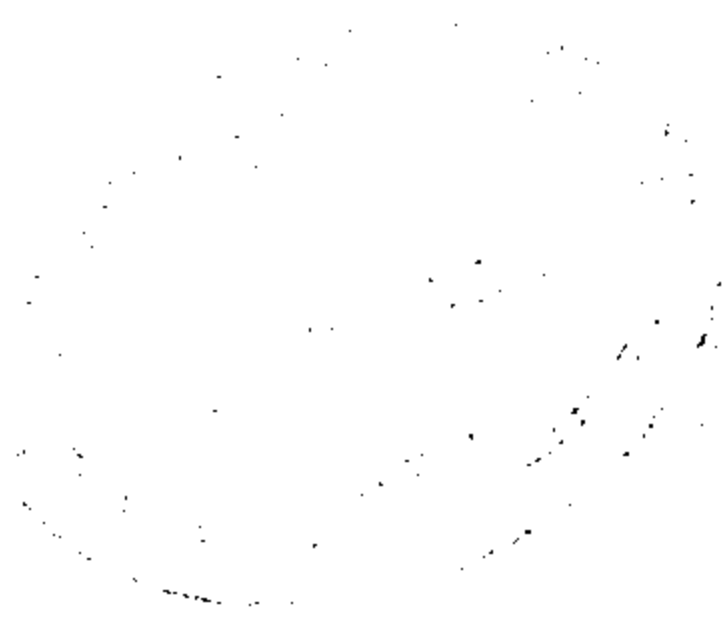
THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

PROPOSED LAW TO ALTER THE CONSTITUTION.

Constitutional (Amendment) (Provincial Government) Law 1991.

ARRANGEMENT OF CLAUSES.

1. *Constitution, Functions, etc., of Provincial Governments (Amendment of Section 187C).*
2. *Re-establishment of Provincial Government (Amendment of Section 187F).*
3. *Inter-Government Relations (Amendment of Section 187H).*
4. *Local and Village Governments (Amendment of Section 187I).*



Draft of: 22/4/91.

PRIVATE MEMBER'S PROPOSED LAW: MR. HENU HESINGUT, OBE., MP.
THE INDEPENDENT STATE OF PAPUA NEW GUINEA

A PROPOSED LAW TO ALTER THE ORGANIC LAW ON PROVINCIAL GOVERNMENT

entitled

Organic Law on Provincial Government (Amendment) Law 1991,

Being a law to amend the **Organic Law on Provincial Government** in relation to the method of choosing the members of the provincial legislatures and in respect of their powers and functions, and to make related provisions,

MADE by the National Parliament, deemed to have come into operation on 1 June, 1991.

PART I. AMENDMENT TO THE ORGANIC LAW ON PROVINCIAL GOVERNMENT.

1. REPEAL AND REPLACEMENT OF PART V.

Part V of the **Organic Law on Provincial Government** is repealed and replaced with the following -

"PART V. STRUCTURE OF PROVINCIAL GOVERNMENTS.

"15. GENERAL STRUCTURE.

In accordance with Section 187C(2)(Constitution, functions, etc., of provincial governments) of the National Constitution, a provincial government shall consist of -

- (a) a provincial legislature; and
- (b) an office of a head of the provincial government.

16. PROVINCIAL LEGISLATURES.

(1) The legislative power of a province shall be vested in the provincial legislature.

(2) A provincial legislature shall consist of -

- (a) subject to subsection (3), all the presidents or chairmen, as the case may be, of Local Government Councils in the province; and
- (b) the members of the National Parliament representing electorates in the province.

(3) A member of a provincial legislature holding office under subsection (2)(a) so holds that office only by virtue of, and as long as he holds, the position of president or chairman, as the case may be, of the council in his respective area or community.

(4) An Act of the Parliament made for the purposes of subsection (2)(a) shall make provision for -

- (a) the number of councils, being a number not more than 25, in the province; and
- (b) the method of electing or selecting councillors; and
- (c) the terms of office of the councillors; and
- (d) the method of selecting or appointing the presidents or chairmen, as the case may be, of the councils.

Organic Law on Provincial Government (Amendment) Law

(5) A Member of the National Parliament who is a member of a provincial legislature by virtue of subsection (2)(b) is entitled to attend all the meetings of that provincial legislature, introduce bills and motions and take part in all proceedings, but has no voting rights, shall not be counted towards a quorum and shall not hold any other office in that provincial legislature.

(6) A provincial legislature may, in accordance with and subject to the constitution of the province, make laws as provided for by this Organic Law, and has such other powers, functions, duties and responsibilities as are conferred or imposed on it by or under that constitution.

(7) Nothing in subsections (1) or (6) prevents a provincial law from providing for the conferring of legislative powers or functions on an authority other than the provincial legislature.

(8) Where -

- (a) no provincial legislature has been established under subsection (2); and
- (b) legislative powers or functions have been conferred under subsection (7) on an authority by the provincial constitution, each member of the National Parliament representing an electorate in the province is included as a member of the authority for that province.

(9) A member of the National Parliament who is a member of an authority by virtue of subsection (8) is entitled to attend all the meetings of the authority, introduce bills and motions, take part in the proceedings of the legislature, but has no voting rights, shall not be counted towards a quorum and shall not hold any other office in that authority.

(10) Except as is provided in section 17(3), the members of a provincial legislature shall not be paid any salary or wages but -

- (1) members of the provincial legislature holding office by virtue of subsection (2)(a) shall -
 - (i) be paid sitting or duty allowances not exceeding that payable to members of the National Parliament; and
 - (ii) have the transportation and accommodation expenses only incurred while attending a meeting of the provincial legislature or carrying out other duties as authorized by the provincial legislature or the head of the provincial government paid by the provincial government; and

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

THE CONSTITUTION.

ALTERATION TO THE ORGANIC LAW ON PROVINCIAL GOVERNMENT.

The Member for Finschaffien, Mr. Henu Hesingut, proposes to alter the Organic Law on Provincial Government and, pursuant to the requirements of Section 14(2) (making of alterations to the Constitution and Organic Laws) of the Constitution, I, Dennis Young, the Speaker of the National Parliament, hereby publish the proposed Law -

Draft of: 22/4/91.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

PROPOSED LAW TO ALTER THE ORGANIC LAW ON
PROVINCIAL GOVERNMENT.

Proposed Organic Law on Provincial Government (Amendment) Law 1991.

ARRANGEMENT OF CLAUSES

PART I. - AMENDMENT TO THE ORGANIC LAW ON PROVINCIAL GOVERNMENT.

1. Repeal and replacement of Part V.
"PART V. - STRUCTURE OF PROVINCIAL GOVERNMENTS."
"15. GENERAL STRUCTURE."
"16. PROVINCIAL LEGISLATURES."
"17. EXECUTIVE POWER, HEAD OF PROVINCIAL GOVERNMENT, ETC."
2. Applications of Division 3 (Amendment of Section 24).
3. Consultation generally (Amendment of Section 30).
4. Notice of Acts of the Parliament (Amendment of Section 31).
5. Notice of Provincial Laws (Amendment of Section 35).
6. Disallowance of Provincial Laws (Amendment of Section 37).
7. Delegation of powers and functions (Amendment of Section 43).
8. Repeal and replacement of Section 47.
"47. PROVINCIAL ADMINISTRATIVE STAFF."
9. Repeal and replacement of Section 48.
"48. PROVINCIAL LEGISLATURE SERVICE STAFF."
10. Repeal and replacement of Section 49.
"49. ASSIGNMENT OF MEMBERS OF THE NATIONAL PUBLIC SERVICE
AND TEACHING SERVICE TO PROVINCIAL GOVERNMENTS."
11. National Public Service control of assigned members (Amendment of Section 50).
12. Repeal of Section 51.
13. Members of the Teaching Service in provincial schools (Amendment of Section 52).
14. Outline of provincial finances (Amendment of Section 53).
15. Functions of the Commission (Amendment of Section 78).

16. *New Division.*

"DIVISION 2. - HEADS OF GOVERNMENTS COUNCIL."

"82. ESTABLISHMENT OF THE COUNCIL."

"83. CONSTITUTION OF THE COUNCIL."

"84. FUNCTIONS OF THE COUNCIL."

17. *Powers of Minister where he is of the opinion that a ground for suspension may exist (Amendment of Section 90).*
18. *Duties of National Executive Council on submission of report, etc. (Amendment of Section 91).*
19. *Effect of suspension (Amendment of Section 96).*

PART II. - TRANSITIONAL PROVISIONS.

20. *First Provincial Government etc, under the Organic Law on Provincial Government amended by this Law.*
21. *First Head of Public Service, etc., in the Province under the Organic Law on Provincial Government as amended by this Law.*
22. *Intents and purposes of this law to be liberally understood and applied.*

Draft of: 22/4/91.

PRIVATE MEMBER'S PROPOSED LAW: MR. HENU HESINGUT, OBE., MP.
THE INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED CONSTITUTIONAL LAW

entitled

Constitutional (Amendment)(Provincial Government) Law 1991,

To amend the Constitution in relation to the composition, powers and functions of provincial governments,

MADE by the National Parliament, deemed to come into operation on 1 June, 1991.

1. CONSTITUTION, FUNCTIONS, ETC., OF PROVINCIAL GOVERNMENTS (AMENDMENT OF SECTION 187C).

Section 187C of the Constitution is amended by repealing subsection (2) and replacing it with the following -

"(2) For each provincial government, there shall be established -

- (a) a provincial legislature; and
- (b) an office of head of the provincial government."

2. RE-ESTABLISHMENT OF PROVINCIAL GOVERNMENT (AMENDMENT OF SECTION 187F).

Section 187F of the Constitution is amended by repealing subsection (1) and replacing it with the following -

"(1) Subject to subsections (2) and (3), if a provincial government is suspended arrangements shall be made to re-establish it within nine months from the effective date of the provisional suspension under section 187E(1)(suspension of provincial government) or the definitive suspension under section 187E(4)."

3. INTER-GOVERNMENT RELATIONS (AMENDMENT OF SECTION 187H).

Section 187H(2) of the Constitution is amended by deleting paragraph (b) and substituting the following -

"(b) each head of a provincial government, or a member of the provincial legislature nominated by him."

4. LOCAL AND VILLAGE GOVERNMENTS (AMENDMENT OF SECTION 187I).

Section 187I of the Constitution is amended by -

(a) repealing subsections (1) and (2) and replacing them with the following -

"(1) Subject to subsection (4), where a provincial constitution or other law makes provision for local government council or other government at local level -

- (a) in the case of a constitution - it is to the necessary extent, amended; and
- (b) in the case of other law - it is repealed; and

Constitutional (Amendment)(Provincial Government) Law

(b) repealing subsection (4) and replacing it with the following -

“(4) Notwithstanding anything in this section or the Local Government Act Chapter 57, any Local Government Council or other local level government established under a law made by a provincial government which would have been properly made exercising a valid power properly given by this Constitution or the Organic Law on Provincial Government is, except for the repeal or amendment of that law, deemed to be properly established and all things done or actions taken by that council or local level government are deemed to be properly and validly done or taken under the Local Government Act, Chapter 57, and the same shall be continued to be done or taken until the necessary changes are made to the Local Government Act Chapter 57 or other provision is made by an Act of the Parliament.”

Organic Law on Provincial Government (Amendment) Law

(b) members of the provincial legislature holding office by virtue of subsection (2)(b) may have their transportation and accommodation expenses incurred while attending a meeting of the provincial legislature or carrying out other duty as prescribed by this law, paid by the provincial government,
as determined by the National Parliament under the Salaries and Remuneration Commission Act 1988.

17. EXECUTIVE POWER, HEAD OF PROVINCIAL GOVERNMENT, ETC.

(1) Notwithstanding anything to the contrary provided by a provincial constitution or any other law but subject to the National Constitution and this Organic Law, the executive power of a province, and the execution of the provincial laws, shall be vested in the head and deputy head of the provincial government.

(2) The head and deputy head of a provincial government shall -

- (a) be members of the provincial legislature who are members by virtue of section 16(2)(a); and
- (b) be elected each separately in a secret ballot by the members of the provincial legislature who are members by virtue of section 16(2)(a) whenever the office of head or deputy head, as the case may be, becomes vacant; and
- (c) unless he earlier dies, or resigns, or is dismissed from office under a law, the head or deputy head, as the case may be, holds office whilst he remains a president or chairman, as the case may be, of his respective local government council and shall not be removed from office by the provincial legislature; and
- (d) be paid such salary and allowances, and other benefits, as are determined by the Parliament under the Salaries and Remuneration Commission Act 1988.

(3) The head of the provincial government shall preside at all meetings of the provincial legislature and has such powers, functions, duties and responsibilities as are conferred or imposed on him by or under the National Constitution, this Organic Law, an Act of the Parliament or a provincial law.

(4) When the head of the provincial government is absent or otherwise unable to perform his powers and functions, the deputy head of the provincial government shall, subject to any provision to the contrary, act and exercise the powers and perform the functions of the head of the provincial government.

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(5) Subject to subsection (6), the head of a provincial government may, among the members of the provincial legislature who are members by virtue of section 16(2)(a), appoint three committees -

- (a) one on matters relating to public finance and accounts; and
- (b) one on matters relating to public works; and
- (c) one on matters relating to health, youth and education,

to advise him in the exercise of his powers and performance of his functions in relation to those matters.

(6) Except as is provided by subsections (1), (2) and (3), no other member of a provincial legislature shall hold any other executive office and -

- (a) in each of the committees appointed under subsection (5), the head of the provincial government shall be the chairman; and
- (b) no member, other than the head of the provincial government, shall hold more than one office as a member of a Committee; and
- (c) nothing in subsection (5) gives a member of a Committee any executive power, portfolio or other right or benefit except sitting allowances, transportation and accommodation costs in connexion with the performance of his functions as determined by the Parliament under the Salaries and Remuneration Commission Act 1988.

(7) Nothing in subsections (1), (2), (4), (5) or (6) prevents a provincial constitution from providing for the conferring or imposing of powers, functions, duties or responsibilities on a person or authority other than the head of the provincial government.

(8) Where -

- (a) a head and a deputy head of a provincial government have not been elected by the provincial legislature under subsection (2); and
- (b) powers, functions, duties or responsibilities have been conferred or imposed under subsection (7) on an authority by the provincial constitution,

there is included in that authority one of the members of the National Parliament who is a member of the provincial legislature by virtue of section 16(2)(b) chosen by a majority of those members.

(9) A member of the National Parliament who is a member of an authority by virtue of subsection (8) is entitled to attend all meetings of that authority but has no voting rights, shall not be counted towards a quorum and shall not hold any office in that authority."

Organic Law on Provincial Government (Amendment) Law**2. APPLICATION OF DIVISION 3 (AMENDMENT OF SECTION 24).**

Section 24(1) of the Organic Law on Provincial Government is amended by repealing paragraph "(i)".

3. CONSULTATION GENERALLY (AMENDMENT OF SECTION 30).

Section 30 of the Organic Law on Provincial Government is amended by repealing subsection (2) and replacing it with the following -

"(2) The Minister responsible for provincial affairs shall, if so requested by the head of the provincial government, consult with the head of the provincial government on any proposed Act of the Parliament relating to a subject to which this Division applies."

4. NOTICE OF ACTS OF THE PARLIAMENT (AMENDMENT OF SECTION 31).

Section 31 of the Organic Law on Provincial Government is amended by repealing subsection (3) and replacing it with the following -

"(3) If -

(a) the Minister responsible for provincial affairs asks the head of a provincial government that the provisions of this section be waived in relation to any proposed law; and

(b) the head of the provincial government thinks that it is in the public interest to do so,

the head of a provincial government may, in writing, waive the requirements of this section, so far as they relate to the province, in relation to the proposed law."

5. NOTICE OF PROVINCIAL LAWS (AMENDMENT OF SECTION 35).

Section 35(3) of the Organic Law on Provincial Government is amended by repealing the words "the provincial executive" and replacing them with the following -

"the head of the provincial government".

6. DISALLOWANCE OF PROVINCIAL LAWS (AMENDMENT OF SECTION 37).

Section 37(4) of the Organic Law on Provincial Government is amended by repealing the words "the provincial executive" and replacing them with the following -

"the head of the provincial government".

7. DELEGATION OF POWERS AND FUNCTIONS (AMENDMENT OF SECTION 43).

Section 43(1) of the Organic Law on Provincial Government is amended by repealing from paragraph (b) the words "the provincial executive or a member of the provincial executive" and replacing them with the following -

"the head of the provincial government".

Organic Law on Provincial Government (Amendment) Law**8. REPEAL AND REPLACEMENT OF SECTION 47.**

Section 47 of the **Organic Law on Provincial Government** is repealed and replaced with the following -

"47. PROVINCIAL ADMINISTRATIVE STAFF.

(1) For the purposes of this Part, the provincial administrative staff of a province shall consist of -

- (a) the members of the provincial legislature service established under Section 48; and
- (b) members of the National Public Service assigned, under section 49, to the provincial government; and
- (c) the person appointed under section 50.

(2) Except as is provided by any law relating to the National Public Service, the persons referred to in subsection (1)(b) and (c), in their capacities as such, are subject to the direction and control (including discipline) of the National Government.

(3) Notwithstanding anything to the contrary provided by a provincial constitution or otherwise, a provincial government and the head of the provincial government have political responsibility concerning the government and administration of the province to the extent of making laws and regulations, government policy decisions and issuing directives but they have no power of direction or control over those persons referred to in subsection (1)(b) and (c) in the performance or execution of their functions, duties and responsibilities."

9. REPEAL AND REPLACEMENT OF SECTION 48.

Section 48 of the **Organic Law on Provincial Government** is repealed and replaced with the following -

"48. PROVINCIAL LEGISLATURE SERVICE STAFF.

(1) The head of a provincial government may, if the need arises, request the National Government or the person appointed under section 50 to release on secondment a number of officers of the Public Service not exceeding six to provide administrative services to the members of the provincial legislature.

(2) The members of the staff appointed under subsection (1) are -

- (a) public servants on secondment; and
- (b) employed on such terms and conditions as the Departmental Head of the Department responsible for personnel matters determines; and
- (c) subject to the direction and control of the head of the provincial government; and
- (d) not subject to the direction and control of the National Government or the person appointed under Section 50.

Organic Law on Provincial Government (Amendment) Law**10. REPEAL AND REPLACEMENT OF SECTION 49.**

Section 49 of the Organic Law on Provincial Government is repealed and replaced with the following -

"49. ASSIGNMENT OF MEMBERS OF THE NATIONAL PUBLIC SERVICE AND TEACHING SERVICE TO PROVINCIAL GOVERNMENTS.

(1) The -

- (a) Departmental Head of the Department responsible for personnel matters shall, after consultation with the head of a provincial government, assign members of the National Public Service on a full-time basis to the provincial government; and
- (b) Teaching Service Commission shall, after consultation with the head of the provincial government, assign members of the Teaching Service on a full-time basis to the provincial government.

(2) The Departmental Head of the Department responsible on personnel matters, in consultation with the person appointed under section 5, in relation in the provinces shall -

- (a) create or abolish such number of offices, or change the designation and classification of such offices in the service of the province; and
- (b) determine the qualifications and terms and conditions of service for appointment to such offices; and
- (c) appoint, promote, demote or take other action (including discipline) on officers in relation to such offices,

in accordance with the Public Service (Management) Act.

(3) The salaries, allowances and other conditions of employment of officers or employees in the departments or offices of a province shall be similar to those salaries, allowances and other conditions of employment in departments of the National Government as determined by the Departmental Head of the Department responsible for personnel matters.

(4) Nothing in this section or section 47 prevents the services of other members of the National Public Service or the Teaching Service being made available by the National Government to a provincial government."

11. NATIONAL PUBLIC SERVICE CONTROL OF ASSIGNED MEMBERS (AMENDMENT OF SECTION 50).

Section 50 of the Organic Law on Provincial Government is amended by -

- (a) repealing subsection (1) and replacing it with the following -

"(1) The Prime Minister, on the recommendation of the Departmental Head of the Department responsible for personnel matters, by notice in the National Gazette, shall appoint a member of the National Public Service to act for the purposes of this section in relation to a province."; and

Organic Law on Provincial Government (Amendment) Law

(b) repealing subsection (4) and replacing it with the following -

"(4) Notwithstanding anything to the contrary provided in any provincial law, in the exercise and performance of his powers, functions, duties and responsibilities, a person appointed under subsection (1) is subject to the supervision and control of the Departmental Head of the Department responsible for personnel matters."

12. REPEAL.

Section 51 of the Organic Law on Provincial Government is repealed.

13. MEMBERS OF THE TEACHING SERVICE IN PROVINCIAL SCHOOLS (AMENDMENT OF SECTION 52).

Section 52 of the Organic Law on Provincial Government is amended by repealing from paragraph (b) the words "provincial executive" and replacing them with the following -

"provincial government"

14. OUTLINE OF PROVINCIAL FINANCES (AMENDMENT OF SECTION 53).

Section 53(b) of the Organic Law on Provincial Government is amended by repealing the words and figure "in accordance with section 51."

15. FUNCTIONS OF THE COMMISSION (AMENDMENT OF SECTION 78).

Section 78(2) of the Organic Law on Provincial Government is amended by repealing paragraph "(c)".

16. NEW DIVISION.

Division XI.2 (the Premiers Council) of the Organic Law on Provincial Government is repealed and replaced with the following -

"DIVISION 2. HEADS OF GOVERNMENTS' COUNCIL.**82. ESTABLISHMENT OF THE COUNCIL.**

A Heads of Governments' Council is hereby established.

83. CONSTITUTION OF THE COUNCIL.

The Heads of Governments' Council shall be constituted as provided by Section 187H(2) and (3)(inter-governmental relations) of the National Constitution.

84. FUNCTIONS OF THE COUNCIL.

The Heads of Governments' Council shall meet at least once in each year to discuss -

- (a) all matters regarding grants, loans, taxation and other aspects of provincial finance; and
- (b) the legislative powers of the provinces; and
- (c) any other matters concerning inter-provincial and inter-governmental problems,

with a view, in particular, to avoiding legal proceedings between governments by providing a forum for the non-judicial settlement of inter-governmental disputes."

Organic Law on Provincial Government (Amendment) Law**17. POWERS OF MINISTER WHERE HE IS OF THE OPINION THAT A GROUND FOR SUSPENSION MAY EXIST (AMENDMENT OF SECTION 90).**

Section 90(a) of the *Organic Law on Provincial Government* is amended by repealing the words "head of the provincial executive" and replacing them with the following -

"head of the provincial government"

18. DUTIES OF NATIONAL EXECUTIVE COUNCIL ON SUBMISSION OF REPORT, ETC. (AMENDMENT OF SECTION 91).

Section 91(b) of the *Organic Law on Provincial Government* is amended by repealing the words "head of the provincial executive" and replacing them with the following -

"head of the provincial government"

19. EFFECT OF SUSPENSION (AMENDMENT OF SECTION 96).

Section 96 of the *Organic Law on Provincial Government* is amended by adding after subsection (2) the following new subsections -

"(3) Upon the confirmation by Parliament in accordance with Section 187E of the Constitution (suspension of provincial governments) of a provisional suspension of a provincial government -

(a) the head of the provincial government ceases to hold office as such and, when the provincial government is re-established in accordance with section 187F of the Constitution (re-establishment of provincial government), the provincial legislature shall elect another head of the provincial government in accordance with section 17; and

(b) the appointment under section 50 of a person to be the Departmental Head of the Public Service in the province may be terminated and, when the provincial government is re-established under section 187F (re-establishment of provincial government) of the Constitution, another person may be appointed to the position in accordance with section 50.

(4) When the provisional suspension of a provincial government is confirmed by the Parliament, in accordance with section 187E of the Constitution (suspension of provincial governments), the National Executive Council may, exercising the executive powers of the provincial government under section 98, in consultation with the Head of the Department responsible for Public Service personnel matters, terminate and replace the appointment of, or transfer or take other action on any of, the members of the Public Service in the province who it believes are responsible for the grounds leading to the suspension."

Organic Law on Provincial Government (Amendment) Law**PART II. TRANSITIONAL PROVISIONS.****20. FIRST PROVINCIAL GOVERNMENT ETC., UNDER THE ORGANIC LAW ON PROVINCIAL GOVERNMENT AS AMENDED BY THIS LAW.**

(1) Notwithstanding anything to the contrary provided by the constitution or other law of a province, on the commencement of the operation of this law -

- (a) each member of the provincial legislature holding office at the time continues to hold such; and
- (b) the Premier or head of the provincial executive holding office at the time becomes the interim head of the provincial government to hold office under the Organic Law on Provincial Government as amended by this law; and
- (c) each Minister and member of the provincial executive holding office at the time ceases to hold office as minister or member of the executive

but continues to be paid the salary and allowances, and other benefits (if any), he is receiving until the expiry of his term as a member of the provincial legislature since he last became a member in accordance with the terms of the constitution of the province or the end of 31 December 1992, whichever is the earlier.

(2) Subject to subsection (3), upon the expiry in accordance with subsection (1) of the terms of office of members of a provincial legislature then holding office, all the presidents of Local Government Councils or other heads or chairmen of local level governments, as the case may be, then holding office as such under a provincial law made in respect of government at local level become the members of the provincial legislature to hold office until their terms as presidents or chairmen, as the case may be, expire in accordance with that provincial law or an Act of the Parliament.

(3) In a case where subsection (2) applies, in a province or in respect of an area of a province, there is -

- (a) no Local Government Council; or
- (b) a dispute or difference of opinion as to who should be the members of the provincial legislature,

the Minister responsible for provincial affairs shall decide.

(4) Notwithstanding anything to the contrary provided in a provincial law made in respect of government at local level, an Act of the Parliament shall make provision that as from and including 1996, whenever there is a general election to the National Parliament held an election of councillors to local government councils shall be held simultaneously by the Electoral Commission.

21. FIRST HEAD OF PUBLIC SERVICE, ETC., IN THE PROVINCE UNDER THE ORGANIC LAW ON PROVINCIAL GOVERNMENT AS AMENDED BY THIS LAW.

On the commencement of this law -

- (a) a person appointed under section 50 of the Organic Law on Provincial Government as amended by this law shall, if he is appointed under a contract of employment, continue to hold such on the same terms and conditions; and

Organic Law on Provincial Government (Amendment) Law

- (b) a member of a provincial secretariat holding office shall continue to hold office as a member of the provincial legislature service staff established under section 48 of the Organic Law on Provincial Government as that provision is repealed and replaced by this law.

22. INTENTS AND PURPOSES OF THIS LAW TO BE LIBERALLY UNDERSTOOD AND APPLIED.

Notwithstanding anything in any other law but subject only to the express provisions of the National Constitution and the Organic Law on Provincial Government, the provisions of the Organic Law on Provincial Government as amended by this law, including this law, shall be liberally read, understood and applied to give effect to the intents and purposes of this law and -

- (a) any law or provision that makes provision to the contrary is, to the necessary extent, modified or repealed, as the case requires; and
- (b) all institutions, departments, offices and office-holders, including provincial governments and officers, shall take all actions necessary or convenient to give effect to the intents and purposes of this law without undue delay.

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