



National Gazette

PUBLISHED BY AUTHORITY

(Registered at the General Post Office, Port Moresby, for transmission by post as a Qualified Publication)

No. G111] PORT MORESBY, FRIDAY, 27th DECEMBER [1996

INDEPENDENT STATE OF PAPUA NEW GUINEA

CONSTITUTION

PROPOSED LAW TO ALTER THE CONSTITUTION

THE Honourable Ben Micah, Chairman of Constitutional Commission and Member for Kavieng Open, proposes to alter the Constitution and pursuant to Section 14(2) (*Making of alterations to the Constitution and Organic Laws*) of the *Constitution*, I, Sir Rabbie Namaliu, Speaker of the National Parliament, hereby publish the proposed Law-

Draft of 16/12/96.

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE CONSTITUTION

Constitutional (Amendment) Law

ARRANGEMENTS OF CLAUSES

National Capital District (Amendment of Section 4)

Draft of 16/12/96.

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE CONSTITUTION

entitled

Constitutional (Amendment) Law

BEING a Law to amend the Constitution,

MADE by the National Parliament to come into operation in accordance with a notice published in the *National Gazette* by the Head of State, acting on advice:

NATIONAL CAPITAL DISTRICT (AMENDMENT OF SECTION 4)

Section 4 of the Constitution is amended:

Proposed Law to Alter the Constitution—continued

- (a) by repealing the heading to the section and replacing it with the following:-
"NATIONAL CAPITAL PROVINCE"; and
- (b) by repealing from Subsection (1) the words "National Capital District" and replacing them with the following:-
"National Capital Province"; and
- (c) by repealing from Subsection (2) the words "National Capital District" and replacing them with the following:-
"National Capital Province"; and
- (d) by repealing from Subsection (3) the words "National Capital District" and replacing them with the following:-
"National Capital Province"; and
- (e) by repealing from Subsection (4)-
- (i) the words "An Organic Law or" and replacing them with the words "An Organic Law and"; and
 - (ii) the words "National Capital District" and replacing them with the words "National Capital Province"; and
- (f) by repealing from Subsection (5) and replacing it with the following:-
"(5) The National Capital Province shall be taken in account when calculating the number of provincial electorates."

INDEPENDENT STATE OF PAPUA NEW GUINEA**CONSTITUTION****PROPOSED LAW TO ALTER THE CONSTITUTION**

THE Honourable Ben Micah, Chairman of Constitutional Commission and Member for Kavieng Open, proposes to alter the Constitution and pursuant to Section 14(2) (*Making of alterations to the Constitution and Organic Laws*) of the *Constitution*, I, Sir Rabbie Namaliu, Speaker of the National Parliament, hereby publish the proposed Law:-

Draft of 16/12/96.

INDEPENDENT STATE OF PAPUA NEW GUINEA**PROPOSED LAW TO ALTER THE CONSTITUTION*****Constitutional Amendment (Commencement of Constitutional Amendments Nos. 16 and 17) Law*****ARRANGEMENTS OF CLAUSES**

1. Amendment of Commencement Clause of Constitutional Amendment No. 16- (*Provincial Governments and Local-level Governments*).
2. Amendment of Commencement Clause of Constitutional Amendment No. 17- (*Further Provisions relating to Provincial Governments and Local-level Governments*).

Draft of 16/12/96

INDEPENDENT STATE OF PAPUA NEW GUINEA.**PROPOSED LAW TO ALTER THE CONSTITUTION**

entitled

Constitutional Amendment (Commencement of Constitutional Amendments Nos. 16 and 17) Law

Being a Law to alter the Commencement Clauses of *Constitutional Amendment No. 16 - Provincial Governments and Local-level Governments* and *Constitutional Amendment No. 17 - Further Provisions relating to Provincial Governments and Local-level Governments*,

MADE by the National Parliament.

1. AMENDMENT OF COMMENCEMENT CLAUSE OF CONSTITUTIONAL AMENDMENT NO. 16 - PROVINCIAL GOVERNMENTS AND LOCAL-LEVEL GOVERNMENTS.

The Commencement Clause of *Constitutional Amendment No. 16 - Provincial Governments and Local-level Governments* is amended by repealing Paragraph (b) and replacing it with the following:-

“(b) in so far as relating to Bougainville Province - on 1 January 1998 or in accordance with a notice published in the National Gazette by the Head of State, acting on advice, whichever happens earlier; and

(c) in so far as relating to the National Capital Province in accordance with a notice published in the National Gazette by the Head of State, acting on advice.”

2. AMENDMENT OF COMMENCEMENT CLAUSE OF CONSTITUTIONAL AMENDMENT NO. 17 - FURTHER PROVISIONS RELATING TO PROVINCIAL GOVERNMENTS AND LOCAL-LEVEL GOVERNMENTS.

The Commencement Clause of *Constitutional Amendment No. 17 - Further Provisions relating to Provincial Governments and Local-level Governments* is amended by repealing Paragraph (b) and replacing it with the following:-

“(b) in so far as relating to Bougainville Province - on 1 January 1998 or in accordance with a notice published in the National Gazette by the Head of State, acting on advice, whichever happens earlier; and

(c) in so far as relating to the National Capital Province in accordance with a notice published in the National Gazette by the Head of State, acting on advice.”

INDEPENDENT STATE OF PAPUA NEW GUINEA

CONSTITUTION

PROPOSED LAW TO ALTER AN ORGANIC LAW

The Honourable Ben Micah, Chairman of Constitutional Commission and Member for Kavieng Open, proposes to alter the *Organic Law on Provincial Governments and Local-level Governments*, and pursuant to Section 14 (2) (*making of alternations to the Constitution and Organic Laws*) of the Constitution, I, SIR RABBIE NAMALIU, Speaker of the National Parliament, hereby publish the proposed law:-

Draft of: 16/12/96

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE ORGANIC LAW ON PROVINCIAL GOVERNMENTS AND LOCAL-LEVEL GOVERNMENTS

*Organic Law on Provincial Governments and Local-level Governments
(Amendment) Law.*

ARRANGEMENTS OF CLAUSES

1. Amendment of Commencement Clause
2. Interpretation (Amendment of Section 3)
3. Application (Amendment of Section 4)
4. System of Provincial Governments and Local-level Governments (Amendment of Section 5)
5. Repeal and Replacement of Section 9
"9. Provincial Government and Local-level Government Symbols and seat of Government."
6. Provincial Government and Legislature (Amendment of Section 10)
7. New Section 10A:-
"10A. National Capital Provincial Assembly."
8. Roles of Members of Parliament (Amendment of Section 11)
9. Qualifications and Disqualifications of Elected Members (Amendment of Section 12)
10. Vacation of Office (Amendment of Section 13)
11. The Deputy Provincial Governor (Amendment of Section 18)
12. Election of the Provincial Governor in the event of Vacancy (Amendment of Section 21)
13. Local-level Governments (Amendment of Section 26)
14. Establishment of Local-level Governments (Amendment of Section 27)
15. Composition of Local-level Governments (Amendment of Section 29)
16. Vacation of Office (Amendment of Section 30)

Proposed Law to Alter the Organic Law—continued

17. New Section 30A:-
“30A. Temporary vacancies in the offices of the head and deputy head of Local-level Governments.”
18. Withdrawal of Powers, Functions and Finances (Amendment of Section 51)
19. Return of Powers, Functions and Finances (Amendment of Section 52)
20. Provincial and Local-level Government Administrative System (Amendment of Section 72)
21. New Section 72A:-
“72A. The National Capital Provincial Administrative System.”
22. Provincial and District Administrators (Amendment of Section 73)
23. Functions of the Provincial and District Administrators (Amendment of Section 74)
24. Provincial Government and Local-level Government Staffing (Amendment of Section 75)
25. Assigned Officers of the National Public Service (Amendment of Section 76)
26. National Government Functions (Amendment of Section 80)
27. Type of Provincial and Local-level Government Grants (Amendment of Section 91)
28. Development Grants (Amendment of Section 93)
29. Equitable Factor (Amendment of Section 96)
30. Accounting Records (Amendment of Section 102)
31. Internal Control System (Amendment of Section 103)
32. Provincial Planning System (Amendment of Section 106)
33. Repeal and Replacement of Section 110:-
“110. The National Monitoring Authority”
34. Establishment of Provincial and District Treasury (Amendment to Section 112)
35. Provincial Audit Service (Amendment to Section 113)
36. Control of Natural Resources (Amendment of Section 115)
37. Resource Development Process (Amendment of Section 116)
38. National Economic and Fiscal Commission (Amendment of Section 117)
39. Administrative System (Amendment of Section 129)
40. Provincial and Local-level Government Properties Assets and Liabilities (Amendment of Section 130)
41. Continuity of Government (Amendment of Section 131)
42. Savings of Contract (Amendment of Section 133)

Draft of 16/12/96

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE ORGANIC LAW PROVINCIAL GOVERNMENTS
AND LOCAL-LEVEL GOVERNMENTS.

entitled

*Organic Law on Provincial Governments and Local-level Governments (Amendment) Law,*Being a Law to amend the *Organic Law on Provincial Governments and Local-level Governments.*

MADE by the National Parliament to come into operation -

- (a) in relation to all provisions, except Sections 3,4,7,8,9,10,11,12,21 and 27 - on certification; and
- (b) in relation to Sections 3,4,7,8,9,10,11,12,21 and 27 - in accordance with a notice published in the National Gazette by the Head of State, acting on advice.

1. AMENDMENT OF COMMENCEMENT CLAUSE.

The Commencement Clause of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

- (a) by repealing Paragraph (b) and replacing it with the following:-

“(b) in so far as relating to the Bougainville Province - 1 January 1998 or in accordance with a notice published in the National Gazette by the Head of State, acting on advice, whichever happens earlier; and

- (b) by adding after Paragraph (b) the following new paragraph:-

“(c) in so far as relating to the National Capital Province - in accordance with a notice published in the National Gazette by the Head of State, acting on advice.”

2. INTERPRETATION (AMENDMENT OF SECTION 3)

Section 3 (1) of the *Organic Law on Provincial Governments and Local-level Government* is amended -

- (a) in the definition “Interim Deputy Chairman”, by repealing the word and numbrs “Section 125 (5)” and replacing them with the following:-

“Section 125 (5) or (5A)”; and

- (b) in the definition of “Interim Deputy Governor”, by repealing the word and numbers “Section 125 (5) and replacing them with the following:-

Proposed Law to Alter the Organic Law—continued

“Section 125 (5) or (5A)”; and

- (c) by repealing the definition “Provincial and Local-level Service Monitoring Authority”; and
- (d) by inserting after the definition “Special Investigating Committee” the following new definition:-

“‘urban Local-level Government’ means a Local-level Government for an area proclaimed as an urban area, in accordance with Sections 26 and 27.”

3. APPLICATION (AMENDMENT OF SECTION 4).

Section 4 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

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

“(1) The system of Provincial Governments established by this Organic Law applies to the government of the National Capital Province, and unless otherwise expressly provided in this Organic Law, the provisions of this Organic Law relating to Provincial Governments apply to the National Capital Province”; and

- (b) in Subsection (3) by repealing the word “District” and replacing it with the following word -

“Province”; and

- (c) by inserting after the Subsection (3) the following new subsection:-

“(4) The interim arrangements for the Bougainville Province and the National Capital Province shall be as provided for in the Acts of Parliament.”

4. SYSTEM OF PROVINCIAL GOVERNMENTS AND LOCAL-LEVEL GOVERNMENTS (AMENDMENT OF SECTION 5).

Section 5 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

- (a) in Subsection (2) by repealing the word and number “Subsection (1)” and replacing them with the following words and numbers:-

“Subsections (1) and (3)”; and

- (b) by inserting after Subsection (2) the following new subsection:-

Proposed Law to Alter the Organic Law—continued

“(3) The system of government for the National Capital Province shall consist of -

- (a) the National Capital Provincial Government; and
- (b) the Motu-Koitabu Local-level Government established in accordance with Sections 26 and 27; and
- (c) at least one Local-level Government for each open electorate whose boundary shall exclude the boundaries declared for the purpose of the Motu-Koitabu Local-level Government”.

5. REPEAL AND REPLACEMENT OF SECTION 9

Section 9 of the *Organic Law on Provincial Governments and Local-level Governments* is repealed and is replaced with the following:-

“9. **PROVINCIAL GOVERNMENT AND LOCAL-LEVEL GOVERNMENT SYMBOLS AND SEAT OF GOVERNMENT.**

“(1) Subject to Subsection (3), a provincial law may make provision for and in respect of -

- (a) the seat of government; and
- (b) a Provincial Government flag; and
- (c) a Provincial Government emblem; and
- (d) a Provincial Government motto; and
- (e) a Provincial Government seal,

for the Province.

“(2) Subject to Subsection (3), a local-level law may make provision for and in respect of -

- (a) the seat of government; and
- (b) a Local-level Government flag; and
- (c) a Local-level Government emblem; and
- (d) a Local-level Government motto; and
- (e) a Local-level Government seal,

for the area to which the local-level law applies.

“(3) The Minister may, where he considers it is in the national interest so to do, disallow any Provincial or Local-level Government flag, emblem or motto.”

6. PROVINCIAL GOVERNMENT AND PROVINCIAL LEGISLATURE (AMENDMENT OF SECTION 10).

Section 10 (3) of the *Organic Law on Provincial Governments and Local-level Governments* is amended by repealing Paragraph (d) and replacing it with the following:-

- “(d) subject to Subsection (6), where the chieftaincy system is in existence and is accepted in a province, paramount chiefs from the province -

Proposed Law to Alter the Organic Law—continued

- (i) not exceeding three in number; or
 - (ii) where the Minister responsible for provincial government and local-level government matters considers that particular circumstances justify it, not exceeding five in number,
- or their duly appointed nominees, who shall be appointed by the Minister responsible for provincial government and local-level government matters on the recommendation of the Provincial Executive Council; and”.

7. NEW SECTION 10A

The *Organic Law on Provincial Governments and Local-level Governments* is amended by inserting after Section 10 the following new section:-

“10A NATIONAL CAPITAL PROVINCIAL ASSEMBLY.

“(1) There is hereby established an Assembly to be known as the National Capital Provincial Assembly for the National Capital Provincial Government.

“(2) The membership of National Capital Provincial Assembly shall consist of:-

- (a) all Members of the Parliament representing electorates in the National Capital Province; and
- (b) subject to Subsection (3) the head and deputy head of the Local-level Government in each open electorate; and
- (c) two members of the Motu Koitabu Local-level Government; and
- (d) one person to represent each of the following interest groups -

- (i) women, to be nominated by the National Capital Provincial Womens Council; and
 - (ii) the Port Moresby Chamber of Commerce; and
 - (iii) the workers unions, to be nominated by the Papua New Guinea Trade Union Congress; and
 - (iv) the National Capital Province Ecumenical Churches to be nominated by the PNG Council of Churches;
- and one person to be appointed by the Assembly.

“(3) Where there are no Local-level Governments in an open electorate or part of an open electorate, the members of the Provincial Assembly referred to in Subsection (2) (b) shall consist of the head of each ward committee, not exceeding three, within the open electorate.

Proposed Law to Alter the Organic Law—continued

“(4) The members referred to in Subsection (2) (d) shall have resided in the National Capital Province for a continuous period of five years immediately prior to the appointment and shall continue to reside in the National Capital Province during the period of appointment.

“(5) All members of the National Capital Provincial Assembly have full voting powers and shall be counted towards the quorum of a Provincial Assembly.”

8. ROLES OF MEMBERS OF PARLIAMENT (AMENDMENT OF SECTION 11)

Section 11 of the *Organic Law of Provincial Governments and Local-level Governments* is amended by repealing the words and numbers and letter “Section 10 (3) (a)” and replacing them with the following:-

“Sections 10 (3) (a) and 10A (2) (a)”.

9. QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTED MEMBERS (AMENDMENT OF SECTION 12)

Section 12 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

(a) by repealing from Subsection (1) the word, numbers and letter “Section 10 (3) (a)” and replacing them with the following:-

“Section 10 (3) (a) and 10A (2) (a)”;

(b) by repealing from Subsection (2) the word, numbers and letter “Section 10 (3) (a)” and replacing them with the following:-

“Sections 10 (3) (a) and 10A (2) (a)”.

10. VACATION OF OFFICE (AMENDMENT OF SECTION 13)

Section 13 of the *Organic Law on Provincial Governments and Local-level Governments* is amended by repealing from Subsection (1) the words numbers and letters “Section 10 (3) (d), (e) and (f)” and replacing them with the following:-

“Sections 10 (3) (d), (e) and (f) and 10A (2) (d)”.

11. THE DEPUTY PROVINCIAL GOVERNOR (AMENDMENT OF SECTION 18)

Section 18 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

(a) in Subsection (2) by repealing the words, number and letters “Section 10 (3) (b) and (c) and replacing them with the following:-

Proposed Law to Alter the Organic Law—continued

“Section 10 (3) (b) and (c), and in relation to the National Capital Provincial Assembly, from amongst the members referred to in Section 10A (2) (b) and (c),”; and

- (b) in Subsection (4) by repealing the words, numbers and letters “Section 10 (3) (b) or (c) to be the Deputy Governor” and replacing them with the following words, numbers and letters:-

“Section 10 (3) (b) or (c), or in the case of National Capital Provincial Assembly, another member referred to in Section 10A (2) (b) or (c), to be the Deputy Governor”; and

- (c) by inserting after Subsection (4), the following new Subsection:-

“(5) Where -

(a) a Deputy Governor acts as a Governor for an indefinite period, or a period exceeding 30 days; or

(b) the seat of a Deputy Governor is temporarily vacant, the Assembly may elect an Acting Deputy Governor from amongst this members referred to in Section 10 (3) (b) and (c), or in the case of the National Capital District Provincial Assembly, from amongst the members referred to in Section 10A (2) (b) and (c), for the period until the Deputy Governor is again able to resume his office.”

12. ELECTION OF THE PROVINCIAL GOVERNOR IN THE EVENT OF VACANCY (AMENDMENT OF SECTION 21)

Section 21 of the *Organic Law on Provincial Governments and Local-level Governments* is amended by repealing from Subsection (3) the words, number and letters “Section 10 (3) (b) and (c)” and replacing them with the following:-

“Section 10 (3) (b) and (c), or in the case of National Capital Provincial Assembly, from amongst the members referred to in Section 10A (2) (b) and (c),”.

13. LOCAL-LEVEL GOVERNMENTS (AMENDMENT OF SECTION 26)

Section 26 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

- (a) by inserting after Subsection (5), the following subsection:-

“(5A) The size of a Local-level Government area or the total aggregate size of all Local-level Government areas within an open electorate shall not -

- (a) exceed the total size of an open electorate; or
 (b) overlap and cut across other open electorates.”; and

Proposed Law to Alter the Organic Law—continued

(b) by adding immediately after Subsection (5)A, the following:-

“(5B) Subsection (5A) does not apply to Interim Local-level Governments.”.

**14. ESTABLISHMENT OF LOCAL-LEVEL GOVERNMENTS
(AMENDMENT OF SECTION 27).**

Section 27 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

(a) in Subsection (1), by repealing the words and numbers “Section 26(3) and (4)” and replacing them with the following:-

“Section 26(3), (4) and (5)”; and

(b) in Subsection (4) by repealing Paragraph (c) and replacing it with the following:-

“(c) the manner of election of the head of a Local-level Government; and”;

(c) by inserting after Paragraph (c) the following new paragraphs:-

“(d) where applicable, the manner of election or the manner of appointment of the head and members of the traditional form of a Local-level Government; and

“(e) such other particulars as are considered relevant”.

15. COMPOSITION OF LOCAL-LEVEL GOVERNMENTS (AMENDMENT OF SECTION 29)

Section 29 (1) of the *Organic Law on Provincial Governments and Local-level Governments* is amended by repealing from Paragraph (a) the words “who shall be elected in accordance with an Act of the Parliament” and replacing them with the following words:-

“who shall be elected, in the manner prescribed by Section 27 (4) (c) or (d), and in accordance with an Act of the Parliament; and”

16. VACATION OF OFFICE (AMENDMENT OF SECTION 30)

Section 30 (f) of the *Organic Law on Provincial Governments and Local-level Governments* is amended by repealing the words “Provincial Executive Council” and replacing them with the following words:-

“Provincial Executive Council or the National Monitoring Authority”;

17. NEW SECTION 30A

The *Organic Law on Provincial Governments and Local-level Governments* is amended by inserting after Section 30 the following new section:-

Proposed Law to Alter the Organic Law—continued

30A. TEMPORARY VACANCIES IN THE OFFICES OF THE HEAD AND DEPUTY HEAD OF LOCAL-LEVEL GOVERNMENTS.

Where there is a temporary vacancy -

- (a) in the office of the head of a Local-level Government, the deputy head shall act as the head of the Local-level Government; and
- (b) in the office of the deputy head of a Local-level Government, the Local-level Government shall elect an acting deputy head from amongst the members referred to in Section 29 (1) (b).

18 WITHDRAWAL OF POWERS, FUNCTIONS AND FINANCES (AMENDMENT OF SECTION 51)

Section 51 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

- (a) in Subsection (1) by repealing from Paragraph (b) the words "or a Special Investigating Committee" and replacing them with the following:-

"the National Monitoring Authority or a Special Investigating Committee"; and

- (b) in Subsection (3) by repealing the words "or a Special Investigating Committee" and replacing them with the following:-

"the National Monitoring Authority or the Special Investigating Committee"

19. RETURN OF POWERS, FUNCTIONS AND FINANCES (AMENDMENT OF SECTION 52)

Section 52 of the *Organic Law on Provincial Governments and Local-level Governments* is amended by repealing the words "or a Special Investigating Committee" and replacing them with the following words:

"the National Monitoring Authority or the Special Investigating Committee"

20. PROVINCIAL AND LOCAL-LEVEL GOVERNMENT ADMINISTRATIVE SYSTEM (AMENDMENT OF SECTION 72).

Section 72 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

- (a) in Subsection (2) (a) by repealing Subparagraph (i) and replacing it with the following:-

"(i) an Office of the Provincial Administrator in each province and the Office of the District Administrator in each district, and"; and

Proposed Law to Alter the Organic Law—continued

(b) by inserting after Subsection (4) the following new subsections:-

“(5) Where there are more than one local-level government in a district, the local-level government area for which each local-level government is responsible shall for the purposes of administration, be referred to as a sub-district, to be administered at the district headquarters.”.

“(6) The criteria upon which a Provincial Administrative Headquarters and a district administrative headquarters are to be established are as determined by the National Government or in accordance with an Act of the Parliament.”.

21. NEW SECTION 72A.**“72A - NATIONAL CAPITAL PROVINCIAL ADMINISTRATIVE SYSTEM**

“(1) The administrative system established by this division does not apply to the National Capital Province.

“(2) The National Government shall establish an administrative system for and in relation to the National Capital Provincial Government.”.

22. PROVINCIAL AND DISTRICT ADMINISTRATORS (AMENDMENT OF SECTION 73)

Section 73 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

(a) by repealing Subsection (1) and replacing it with the following:-

“(1) Where there is or is likely to be a vacancy in the office of the Provincial Administrator, the Minister responsible for public services, after receiving a report from the Department responsible for personnel matters, shall submit to the Provincial Government for consideration by the Provincial Executive Council a list of persons suitable for appointment to the office of the Provincial Administrator”: and

(b) by inserting after Subsection (2) the following new subsection:-

“(2A) Where the Governor or the Provincial Executive Council concerned does not submit a list of three names as required by Subsection (2) within 30 days from the date of the receipt of the submission from the Minister under Subsection (1), the Minister shall submit three names from amongst the original names, as submitted to the Provincial Executive Council, to the National Executive Council.”: and

(c) by repealing Subsection (5) and replacing it with the following:-

Proposed Law to Alter the Organic Law—continued

“(5) An Act of the Parliament shall make provision for -
(a) the eligibility for appointment; and
(b) the selection criteria; and
(c) procedures for appointments including acting appointments; and
(d) terms and conditions of employment,
of Provincial Administrators.”

23. FUNCTIONS OF THE PROVINCIAL AND DISTRICT ADMINISTRATORS (AMENDMENT OF SECTION 74).

Section 74 of the *Organic Law on Provincial Governments and Local-level Governments* is repealed and is replaced with the following:-

“(1) The functions of the Provincial Administrator are -

(a) in relation to a Provincial Government -

- (i) to be the chief administrative head and advisor; and
- (ii) to co-ordinate the formulation and implementation of its policies and programs; and
- (iii) to manage public servants assigned to the Office of Provincial Administrator, and other employees employed for purposes of the Provincial Government administration; and
- (iv) to manage its financial and other non-financial resources and properties; and
- (v) to liaise with the Provincial Government and Local-level Government Support Services on the overall functions of the Provincial Assembly and Provincial Executive Council; and
- (vi) to liaise and consult with the Provincial Treasurer on budget and treasury matters.

(b) in relation to the Local-level Governments -

- (i) to maintain overall supervision and direction over the District Administrators; and
- (ii) to monitor and report on the operations of the Local-level Governments to the Provincial Government and the National Monitoring Authority and other relevant authorities;

(c) in relation to the National Government -

- (i) to co-ordinate the extended services of the National Departments and other Agencies in the province; and

Proposed Law to Alter the Organic Law—continued

- (ii) to supervise the officers and other employees of the extended services of the National Departments and Agencies; and
- (iii) to synchronise the implementation of the Provincial Government policies and programs within the overall framework of the National Government policies and programmes; and
- (iv) to carry out any national functions transferred or delegated to the Provincial Governments by the National Government and related Agencies.

(2) In performing the functions under Subsection (1) the Provincial Administrator shall -

(a) comply with -

- (i) any policy directions from the National Government and Provincial Government; and
- (ii) any administrative directives from the Departmental Head of the Department responsible for Provincial Governments and Local-level Governments; and
- (iii) any functional directives from the Heads of National Departments in relation to the supervision of the extended services of the National Departments in the province and the districts; and

(b) maintain -

- (i) close working relationship with other personnel of other state instrumentalities and agencies deployed to serve in the province, districts and sub-districts; and
- (ii) at all times, the integrity of the Office of the Provincial Administrator.

(3) The Provincial Administrator may by written instrument delegate all or any of his powers (except this power of delegation) to the District Administrator of a district.

(4) The Provincial Administrator shall perform such other functions as are prescribed by this Organic Law or by an Act of the Parliament.

(5) The functions of the District Administrator are -

(a) in relation to a Local-level Government -

- (i) to be the chief administrative head and advisor in the district; and
- (ii) to co-ordinate the formulation and implementation of its policies and programs; and

Proposed Law to Alter the Organic Law—continued

- (iii) to manage the public servants assigned to the Office of District Administrator and the Local-level Governments, and other employees employed for the purposes of the Local-level Governments in the district; and
- (iv) to liaise with Local-level Governments on the overall function and performance of Local-level Government staff.
- (v) to ensure effective and efficient use of financial and non-financial resources and properties; and
- (vi) to liaise with the Provincial Government and Local-level Government Support Services on the overall function of the Local-level Government and its Committees; and
- (vii) to liaise and consult with the District Treasurer on budget and treasury matters; and
- (viii) to maintain control of the management and corporate plans and to ensure the standard of services are being maintained in the districts, in particular the less well off and rural communities.

(b) in relation to the Provincial Government -

- (i) to monitor and report on the operations of the Local-level Governments in the district to the Provincial Administrator; and
- (ii) to carry out any delegated duties effectively and efficiently from the Provincial Administrator or the Provincial Government or any relevant authority; and

(c) in relation to the National Government -

- (i) to co-ordinate the Extended Services of the National Departments in the District; and
- (ii) to supervise the officers and other employees of the Extended Services of the National Departments and Agencies in the district; and
- (iii) to synchronise the implementation of the Local-level Government policies and programs within the overall frameworks of the National Government and Provincial Government policies and programmes; and
- (iv) to carry out any national functions transferred or delegated to the Local-level Governments by the National Government and related Agencies.

(6) In performing the functions under Subsection (5) the District Administrator shall -

(a) comply with:-

- (i) any policy directions from the National, Provincial and the Local-level Governments; and

Proposed Law to Alter the Organic Law—continued

- (ii) any administrative directives from the Departmental Head of the Department responsible for Provincial and Local-level Governments and the Provincial Administrator;
 - (iii) any functional directives from the Heads of National Departments and the Provincial Administrator in relation to the supervision of the extended services of the National Departments in the district;
- (b) maintain -
- (i) close working relationship with other personnel of other state instrumentalities and agencies deployed to serve in the districts and sub-districts; and
 - (ii) at all times the integrity of the Office of the District Administrator.

“(7) The District Administrator may by instrument delegate all or any of his powers (except this power of delegation) to an Assistant District Administrator in a Sub-district or a Local-level Government Manager.

“(8) The District Administrator shall perform such other functions as are delegated to him or are as prescribed by this Organic Law or by an Act of the Parliament.”

24. PROVINCIAL GOVERNMENT AND LOCAL-LEVEL GOVERNMENT STAFFING (AMENDMENT OF SECTION 75).

Section 75 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

(a) by repealing Paragraph (a) and replacing it with the following:-

“(a) the officers of the National Public Service -

(i) appointed to the offices of the Provincial Administrators and District Administrators; and

(ii) assigned to the extended services of the National Departments; and 11; and

(b) by inserting after Paragraph (c) the following new paragraph:-

“(d) the offices of Local-level Government managers and other staff established and appointed in accordance with an Act of the Parliament.”

Proposed Law to Alter the Organic Law—continued**25. ASSIGNED OFFICERS OF THE NATIONAL PUBLIC SERVICE.
(AMENDMENT OF SECTION 76).**

Section 76 of the *Organic Law on Provincial Governments and Local-level Governments* is amended by -

- (a) in the heading by deleting the word "ASSIGNED"; and
- (b) in Subsection (1) by repealing the words "on a full time" and replacing them with the following words:-

"on a full time or a part time"; and

- (c) by repealing Subsection (2) and replacing it with the following:-

"(2) Subject to Subsection (3) -

- (a) the Departmental Head of the Department responsible for personnel matters, after consultation with the Departmental Head of the Department responsible for provincial and local-level government matters, may-

- (i) assign officers to the offices of the Provincial Administrator or the District Administrator from other provinces and districts; or
- (ii) withdraw officers from the offices of the Provincial Administrator and the District Administrator for deployment to other provinces and districts; and

- (b) a Departmental Head of a National Department, after consultation with the Departmental Head of the Department responsible for personnel matters, may -

- (i) assign officers to the extended services of the National Department from other provinces and districts, or
- (ii) withdraw officers from the extended services in a province or district to other provinces or districts; and

- (c) the Departmental Head of the Department responsible for personnel matters may, after consultation with Provincial Administrator and the Head of a National Department, at any time, assign any staff from the extended services of the National Departments to the Office of the Provincial Administrator or the District Administrator."

26. NATIONAL GOVERNMENT FUNCTIONS (AMENDMENT OF SECTION 80)

Section 80 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

Proposed Law to Alter the Organic Law—continued

(a) by repealing the Heading to the section and replacing it with the following:-

“EXTENDED SERVICES OF THE NATIONAL DEPARTMENTS”; and

(b) by repealing Subsection (1) and replacing it with the following:-

“(1) There shall be established, in a province and in a district, an extended service of the National Departments and Agencies to -

(a) carry out the National Government functions and responsibilities; and

(b) implement the policies and programmes of the Provincial Governments and the Local-level Governments, and any other powers and functions delegated to them by law”; and

(c) in Subsection (2), by repealing Paragraph (a) and replacing it with the following:-

“(a) formulate the national policies, programs and functions and monitor the co-ordination and implementation of these policies, programs and functions in the provinces and districts; and”.

27. TYPE OF PROVINCIAL AND LOCAL-LEVEL GOVERNMENT GRANTS (AMENDMENT OF SECTION 91)

Section 91 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

(a) in Subsection (2) by repealing the words “Local-level Governments” and replacing them with the following words:-

“Local-level Governments, except the National Capital Provincial Government, and the Local-level Governments within the National Capital Province”.

(b) by adding after Subsection (2) the following new subsection:-

“(2A) The payment of the grants specified under Subsection (1) shall include a direction specifying, in relation to each type of grant, the amount each recipient Provincial Government and Local-level Government is entitled to receive.”; and

(c) by inserting after Subsection (2A) the following subsection:-

“(3) The National Executive Council shall establish an arrangement, with the National Capital Provincial Government, in relation to -

(a) the funding by the National Government of the services in the National Capital Province; and

Proposed Law to Alter the Organic Law—continued

- (b) the sharing arrangements (if any) of the incomes raised by the relevant statutory authorities in National Capital Province; and
- (c) the sharing arrangements of the incomes raised by the National Capital Provincial Government; with the provincial governments and local-level governments of the nearby provinces; and
- (d) any other matters of relevance to the National Capital Province.”

28. DEVELOPMENT GRANTS (AMENDMENT OF SECTION 93)

Section 93 of the *Organic Law on Provincial Governments and Local-level Governments* is amended by repealing from Subsection (3) the word, number and letter “Subsection (1) (b)” and replacing them with the following word and number and letters:-

“Subsection (1)(b) and (c)”.

29. EQUITABLE FACTOR (AMENDMENT OF SECTION 96)

Section 96 of the *Organic Law on Provincial Governments and Local-level Governments* is amended by repealing from Subsection (1) the words “Departmental Head of the Department responsible for provincial governments and local-level government matters” and replacing them with the following:-

“Head of the National Monitoring Authority”.

30. ACCOUNTING RECORDS (AMENDMENT OF SECTION 102)

Section 102 of the *Organic Law on Provincial Governments and Local-level Government* is amended by repealing Subsection (2).

31. INTERNAL CONTROL SYSTEM (AMENDMENT OF SECTION 103)

Section 103 of the *Organic Law on Provincial Governments and Local-level Government* is amended in Subsection (1) -

- (a) by repealing the words “A Provincial Government” and replacing them with the following words -

“A Provincial Government and a Local-level Government”; and

- (b) by repealing Paragraph (v).

32. PROVINCIAL PLANNING SYSTEM (AMENDMENT OF SECTION 106).

Section 106 of the *Organic Law on Provincial Governments and Local-level Government* is amended -

- (a) by repealing the heading to the section and replacing it with the following heading -

Proposed Law to Alter the Organic Law—continued**“PROVINCIAL AND LOCAL-LEVEL PLANNING AND DATA SYSTEM”; and**

- (b) in Subsection (1) by repealing the words “Department responsible for planning matters and of the National Statistical Office” and replacing them with the following words:-

“Department responsible for planning matters to be known as the Provincial and Local-level Planning Services to be headed by the Provincial Planner”; and

- (c) by repealing Subsections (2), (3) and (4) and replacing them with the following Subsections -

“(2) The Departmental Head of the Department responsible for planning matters shall -

- (a) appoint the Provincial Planner and the District Planner; and
- (b) in consultation with the head of the National Statistical Office assign such other additional officers and employees as he considers necessary for purposes of carrying out the Provincial and Local-level Government Planning.

“(3) The functions of the Provincial and Local-level Planning Services are to -

- (a) establish and maintain an effective and efficient provincial and local-level planning and data system for -
- (i) the Provincial Government and its Joint Provincial Planning and Budget Priorities Committee; and
- (ii) the Local-level Governments and Joint District Planning and Budget Priorities Committees and the Local Ward Planning Committees; and
- (iii) the National Government and the extended services of the National Departments and Agencies; and
- (iv) any other state instrumentalities; and
- (b) collate and provide necessary social and economic data and any other information for the Provincial Governments and the Local-level Governments; and

Proposed Law to Alter the Organic Law—continued

- (c) to work in close consultation with the offices of the Provincial and District Administrators, the Provincial and District Treasurers and the extended services of the National Departments; and
- (d) any other functions as may be determined by an Act of Parliament or by the National Government.

“(4) An Act of Parliament shall -

- (a) provide further details of the Provincial and Local-level Planning Services with particular reference to the corporate and management planning process and the revenue plans; and
- (b) prescribe the types of records and data to be kept in relation to the social, economic and physical infrastructures; and
- (c) make provisions for other functions, powers, administrative arrangements and other matters relating to the Provincial and Local-level Planning Services.

“(5) There shall be a census or the count of all natural persons in each province in the year preceding a general election, other than -

- (a) the general election held next after certification of this Organic Law; and
- (b) a general election following a dissolution of Parliament under Section 105(1)(b) or (c) (*General Elections*) of the Constitution.”

33. REPEAL AND REPLACEMENT OF SECTION 110.

The *Organic Law on Provincial Governments and Local-level Governments* is amended by repealing Section 110 and replacing it with the following:-

“110. THE NATIONAL MONITORING AUTHORITY.

“(1) There is established an authority to be known as the National Monitoring Authority.

“(2) The principal functions of the Authority are -

- (a) to co-ordinate and monitor the implementation of the national policies at the provincial and local-level; and

Proposed Law to Alter the Organic Law—continued

- (b) to establish minimum development standards and to monitor maintenance of those standards in the overall development of the rural and urban communities; and
- (c) to assist the Auditor-General carry out the performance audit of the Provincial Governments and Local-level Governments and to monitor the effectiveness with which the public resources are being used; and
- (d) to develop, co-ordinate and monitor the training and professional needs of the officers of the National Public Service assigned to the provinces and districts; and
- (e) to assess the effectiveness and efficiency of the Provincial Governments and the Local-level Governments; and
- (f) to execute powers and functions that are delegated to it by law; and
- (g) to make recommendations to the Minister responsible for provincial government and local-level government matters in the strengthening of the decentralisation of government; and
- (h) to ensure that all appointments to offices in a Provincial Government and a Local-level Government are based on merit.

“(3) The Monitoring Authority shall cause a copy of the report furnished to the Minister responsible for Provincial and Local-level Government matters on the workings of the Authority for that year”; and

“(4) The Minister shall cause a copy of the report furnished under Subsection (5) to be tabled in the parliament, with the reports on the affairs of Provincial Governments and Local-level Governments as referred to in Section 119, before 31 December of the year in which the reports are furnished to him”.

“(5) The copies of the Report shall be given to other relevant Ministers and the Provincial Governments and Local-level Governments”.

“(6) **An Act of Parliament** -

- (a) shall make provision for the composition of the Authority; and
- (b) may establish a Secretariat for the Authority and for Inspectorates for the Authority; and

Proposed Law to Alter the Organic Law—continued

- (c) may make provision for other functions and powers of, and the administrative arrangements for and other matters relating to the Authority and the Inspectorates”.

**34. ESTABLISHMENT OF PROVINCIAL AND DISTRICT TREASURY
(AMENDMENT OF SECTION 112).**

Section 112 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

- (a) by repealing Subsection (5) and replacing it with the following:-

“(5) The functions of the Provincial and District Treasurers are -

- (a) to be the chief financial advisors to the Provincial Governments and Local-level Governments; and
- (b) to formulate economic and fiscal policies for the Provincial Government and Local-level Governments; and
- (c) to receive from the National Government all monies in form of grants for the Provincial Governments and Local-level Governments and the extended services of the National Departments and Agencies; and
- (d) to receive from the National Government all other proceeds from other revenues for the Provincial Government and Local-level Governments and the extended services of the National Departments and Agencies; and
- (e) to collect all revenues and incomes for the National Government, the Provincial Government and the Local-level Governments; and
- (f) to disburse, all monies received as referred to in Paragraph (c), (d) and (e), to the National Government, Provincial Government, Local-level Governments and the extended services of the National Departments and other National Agencies; and
- (g) where necessary assist the Provincial Government and the Local-level Governments to establish proper accounting system and the internal control system; and
- (h) to assist in the implementation of Section 104 of this Organic Law, and
- (i) to collect on behalf of Internal Revenue Commission, any moneys for the national treasury; and

Proposed Law to Alter the Organic Law—continued

- (j) to provide financial and economic information to the National Government as and when required; and
 - (k) in accordance with an Act of the Parliament, to maintain control over -
 - (i) all trust funds in relation to the natural resources and the development levies referred to in Section 98; and
 - (ii) any other special funds established for the purposes of Provincial Governments and Local-level Governments; and
 - (l) any other functions delegated to it by law.
- (b) by inserting after Subsection (5) the following new subsection:-

“(5A) In performing the functions under Subsection (5) the Provincial Treasurer and District Treasurer shall -

- (a) comply with any -
 - (i) policy directions from the National, Provincial and the Local-level Governments; and
 - (ii) functional and administrative directives from the Departmental Head of the Department responsible for the finance matters, on matters relating to the National Government finances; and
 - (iii) administrative directives from the Provincial Administrator and the District Administrator on matters relating to Provincial and Local-level Government internal finances and public accountability; and
- (b) maintain -
 - (i) close working relationship with officers of other state instrumentalities and agencies deployed to serve in the province and districts; and
 - (ii) the status of the Offices of the Provincial Treasurer and District Treasurer to the highest respect and honour; and
- (c) ensure the public monies are managed and released strictly in accordance with law.

35. PROVINCIAL AUDIT SERVICE (AMENDMENT OF SECTION 113)

Section 113 (8) of the *Organic Law on Provincial Governments and Local-level Governments* is amended by repealing Paragraphs (a) and (b) and replacing them with the following:-

- “(a) the Minister responsible for Provincial Government and Local-level Governments; and

Proposed Law to Alter the Organic Law—continued

- (b) the Minister for finance matters who shall table it with the Annual Accounts as required by Section 114; and “

36. CONTROL OF NATURAL RESOURCES (AMENDMENT OF SECTION 115)

Section 115 (1) of the *Organic Law on Provincial Governments and Local-level Government* is amended -

- (a) by repealing the word “provinces” (first occurring) and replacing it with the words:-

“provinces or a proposal to renew or review any existing agreements for the development of a natural resource”; and

- (b) by repealing the words “Provincial Government” and replacing them with the words:-

“Provincial Government and Local-level Governments”;

37. RESOURCE DEVELOPMENT PROCESS (AMENDMENT OF SECTION 116)

Section 116 of the *Organic Law on Provincial Governments and Local-level Government* is amended by repealing Subsections (1) and (2) and replacing them with the following:-

“(1) For the purposes of Section 115, where-

(a) there is a proposal by a developer to develop a natural resource in a province or provinces; or

(b) there is a proposal by the landowners to renew, review or cancel an existing agreement relating to the development of the natural resources;

the Minister referred to in Section 115 (1) shall within 30 days upon receipt of the proposal, advise the Provincial Government and the Local-level Governments in the province or provinces where the natural resources is situated of the nature of the proposal.

“(2) The Provincial Government and the Local-level Government, upon the receipt of the Ministers advice, shall call upon the members of the clans and landowners affected or to be affected by the proposal to discuss the issues raised by the concerned party or parties.

“(3) A developer shall not enter into consultation, with the landowner, or for the landowner to be involved with the developer directly without the presence of the National Government, the Provincial Government and Local-level Government or without first notifying or involving the Provincial Government and

Proposed Law to Alter the Organic Law—continued

Local-level Governments except where the developer is a landowner company fully owned by the people from the natural resource area.

“(4) An agreement shall only be valid if the Provincial Government and Local-level Government of the natural resources area witness their consent to the agreement.

“(5) An Act of Parliament may make further provisions for the resources development process.

“(6) The National Economic and Fiscal Commission shall assess the cost and benefit analysis for and in relation to the development of natural resources.”.

**38. NATIONAL ECONOMIC AND FISCAL COMMISSION
AMENDMENT OF SECTION 117)**

Section 117 of the *Organic law on Provincial Governments and Local-level Governments* is amended -

(a) in Subsection (8) -

(i) by repealing Paragraph (a)(vii) and replacing it with the following :-

“(vii) assess and monitor the performance of the National, the Provincial Government and the Local-level Government Budgets and to provide any advice to the National Executive Council on the outcome of the budgets”; and

(ii) by inserting after Paragraph (b)(iv) the following :-

“(v) assess and monitor sustainable human development and other social development of the Provinces and Districts”; and

(iii) by repealing Paragraph (c) and replacing it with the following:-

“(c) make reports and recommendations, to the National Executive Council through the Minister responsible for national economic and fiscal matters; and

(iv) by inserting after Paragraph (c) the following:-

“(d) any other functions given to it by law.”.

(b) by repealing Subsections (9) and (10) and replacing them with the following:-

Proposed Law to Alter the Organic Law—continued

“(9) The Commission shall, in respect of each year prepare and forward to the Speaker for presentation to the Parliament, a report on the working of the Commission and of the socio-economic and fiscal affairs of the Nation and any advice and recommendations it has given during the year to the National Executive Council and other authorities in accordance with this Organic Law and other relevant laws.

“(10) There shall be established an office of the secretariat for the National Economic and Fiscal Commission”; and

(c) in Subsection (11) by repealing the words “and shall establish an office of the Secretariat to the National Economic and Fiscal Commission” and replacing them with the following:-

“and any other specific powers and functions and the administrative arrangements for and other matters relating to the Commission”.

39. ADMINISTRATIVE SYSTEM (AMENDMENT OF SECTION 129)

Section 129 of the *Organic Law on Provincial Governments and Local-level Governments* is amended by inserting after Subsection (2) the following new Subsections -

“(3) Where the new administrative system of the Provincial Governments and Local-level Governments for which Subsection (2), refers does not conform with the intent and spirit of the restructured system of the Provincial and Local-level Government Reforms, then such administrative system including the provisions of the Act of Parliament, the structures and general orders, shall be reviewed and made to fall in line with the intent and spirit of the restructured system of Provincial Governments and Local-level Governments as provided for in Section 5 of this Organic Law.

“(4) For the purposes of Subsection (3) the intent and spirit in relation to the restructured administrative system as reflected in Part IV of this Organic Law shall be interpreted in the following manner -

(a) the provincial departments are to be abolished; and

(b) all provincial divisions of such former provincial departments are to be transferred to the extended services of the National Departments as provided for in Section 80; and

(c) the same extended services of the National Departments shall implement the policies and carry out the functions of the Provincial Governments and Local-level Governments to be co-ordinated by the Offices of the Provincial Administrator and District Administrators; and

(d) the Offices of Provincial Administrator and District Administrators, being an extended service of the National

Proposed Law to Alter the Organic Law—continued

Department responsible for provincial and local-level government affairs, are to co-ordinate the extended services of the National Departments and to supervise the officers assigned thereto; and

(e) that the manpower shall be concentrated at the district level by removing them from National Headquarters and Provincial Headquarters to district headquarters; and

(f) that National Departments shall maintain its authority over its appropriate officers and staff throughout the country; and

(g) that any instructions or directions in relation to the administrative system of the Provincial Governments and Local-level Governments must comply with Paragraphs (a) to (f), inclusive

40. PROVINCIAL AND LOCAL-LEVEL GOVERNMENT PROPERTIES ASSETS AND LIABILITIES (AMENDMENT OF SECTION 130)

Section 130 of the *Organic Law on Provincial Governments and Local-level Governments* is amended by adding after Subsection (2) the following:-

“(3) Where two or more Local-level Governments are amalgamated into one Local-level Government to fulfill the requirements of Sections 26 and 27, the properties, assets and liabilities shall be transferred to the new Local-level Government formed after the amalgamation.

“(4) Where it is not possible to amalgamate two or more Local-level Governments into a single Local-level Government, and there is a need to establish a Local-level Government in a given area, the properties, assets and liabilities of the old Local-level Governments shall be liquidated by the Official Liquidator to be appointed by the Minister responsible for local-level governments matters.

“(5) The net proceeds derived from the sale of properties, assets and liabilities of the old Local-level Governments referred to in Subsection (4) shall be distributed in accordance with the Ministers instructions.”

41. CONTINUITY OF GOVERNMENT (AMENDMENT OF SECTION 131).

Section 131 of the *Organic Law on Provincial Governments and Local-level Governments* is amended by repealing Subsection (2) and replacing it with the following:

(2) The existence and operation, during the interim period, of Local-level Governments in whatever form as at 1 January 1997 will be provided for in an Act of Parliament.

the Offices of Provincial Administration and District Administration being an essential service of the State

Proposed Law to Alter the Organic Law—continued

42. SAVINGS OF CONTRACT (AMENDMENT OF SECTION 133)

Section 133 of the *Organic Law on Provincial Governments and Local-level Governments* is amended -

(a) by repealing the words "previous Provincial Government" (twice occurring) and replacing them with the following:-

"previous Provincial Government and a Local-level Government"; and

(b) by repealing the words "Interim Provincial Government" (twice occurring) and replacing them with the words "Interim Provincial Government and a Local-level Government".

INDEPENDENT STATE OF PAPUA NEW GUINEA

CONSTITUTION

PROPOSED LAW TO ALTER AN ORGANIC LAW

The Honourable Ben Micah, Chairman of Constitutional Commission and Member for Kavieng Open, proposes to alter the Organic Law on the boundaries of the National Capital District and pursuant to Section 14 (2) (*making of alternations to the Constitution and Organic Laws*) of the Constitution. I, SIR RABBIE NAMALIU, Speaker of the National Parliament, hereby publish the proposed law:-

Draft of: 16/12/96

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE BOUNDARIES OF THE NATIONAL CAPITAL DISTRICT.

Organic Law on the boundaries of the National Capital District (Amendment) Law.

ARRANGEMENTS OF CLAUSES

1. Amendment of the Title
2. Amendment of the Long Title
3. Boundaries of the National Capital District (Amendment of Section 1).

Draft of 16/12/96

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE BOUNDARIES
OF THE NATIONAL CAPITAL DISTRICT

entitled

*Organic Law on the boundaries of the National Capital District (Amendment) Law.*Being a Law to amend the *Organic Law on the boundaries of the National Capital District*.

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

1. AMENDMENT OF THE TITLE

The *Organic Law on the boundaries of the National Capital District* is amended by repealing the title and replacing it with the following:-

"Organic Law on the boundaries of the National Capital Province."

2. AMENDMENT OF THE LONG TITLE

The long title of the *Organic Law on the boundaries of the National Capital District* is amended -(a) by repealing the words and numbers "Section 4 (3) (*National Capital District*)" and replacing them with the following:-

"Section 4 (3) (National Capital Province)"; and

(b) by repealing the words "*National Capital District*" and replacing them with the following:-

"National Capital Province".

3. BOUNDARIES OF THE NATIONAL CAPITAL DISTRICT
(AMENDMENT OF SECTION 1).Section 1 of the *Organic Law on the boundaries of the National Capital District* is amended -(a) repealing from the heading to the section the words "*National Capital District*" and replacing it with the following:-

"National Capital Province"; and

(b) by repealing from the opening sentence the words "*National Capital District*" and replacing them with the following:-

"National Capital Province".