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PORT MORESBY, MONDAY, 17th DECEMBER

[2001

CERTIFICATION OF AN ACT

IT is hereby notified, for general information, that the *National Capital District Commission Act 2001* (No. 5 of 2001) passed by the National Parliament was certified by the Speaker of the National Parliament on 14th December, 2001.

A. PALA,
Clerk of the National Parliament.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO THE CONSTITUTION

THE Government proposes to alter the Constitution and, pursuant to Section 14(2) (*Making of alterations to the Constitution and Organic Laws*) of the Constitution, I, BERNARD NAROKOBI, Speaker of the National Parliament, hereby publish the proposed Law—

Draft of 6/12/2001

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE CONSTITUTION

Constitutional Amendment (The State Services)

ARRANGEMENT OF CLAUSES

1. Establishment of the Commission (Amendment of Section 190).
2. Appointments to certain offices (Amendment of Section 193).
3. Transitional and savings provisions.

Proposed Law to Alter the Constitution—continued

Draft of 6/12/2001

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

entitled

Constitutional Amendment (The State Services),

being

A Law to alter the Constitution by amending the provisions relating to appointments to the Public Services Commission and to certain offices,

MADE by the National Parliament.

1. ESTABLISHMENT OF THE COMMISSION (AMENDMENT OF SECTION 190).

Section 190 of the Constitution is amended —

(a) by repealing Subsection (2) and replacing it with the following:—

“(2) The Commission shall consist of three members who shall be appointed for a term of five years by the Head of State, acting with, and in accordance with, the advice of a Public Services Commission Appointments Committee consisting of:—

(a) the Prime Minister, who shall be Chairman; and

(b) the Chief Justice; and

(c) the Leader of the Opposition; and

(d) the Chairman of the appropriate Permanent Parliamentary Committee, or, if the Chairman is not a member of the Parliament who is recognized by the Parliament as being generally committed to support the Government in the Parliament, the Deputy Chairman of that Committee; and

(e) the Chief Ombudsman.”; and

(b) by inserting Subsection (2) following new subsection:—

“(2A) The Head of State, acting with, and in accordance with, the advice of the Public Services Commission Appointments Committee, shall appoint one of the members of the Public Services Commission to be Chairman of the Public Services Commission.”.

2. APPOINTMENTS TO CERTAIN OFFICERS (AMENDMENT OF SECTION 193).

Section 193 of the Constitution is amended —

(a) by inserting after Subsection (1) the following new subsections:—

“(1A) All appointments (whether substantive or temporary) to offices to which Subsection (1)(a) and (g) applies, and to such other offices and positions as are prescribed by an Act of the Parliament for the purposes of this subsection, shall be made by the Head of State, acting with, and in accordance with, the advice of the National Executive Council from a list of persons recommended by the Public Services Commission in accordance with a procedure prescribed by an Act of the Parliament.

“(1B) The revocation of appointment (whether substantive or temporary) of persons appointed under Subsection (1A) shall be made by the Head of State, acting with, and in accordance with, the advice of the National Executive Council given in accordance with a recommendation by the Public Services Commission in accordance with a procedure prescribed by an Act of the Parliament.

Proposed Law to Alter the Constitution—continued

- “(1C) The suspension from office of persons appointed (whether substantively or temporarily) under Section (1A) shall be made by the Head of State, acting with, and in accordance with, the advice of the National Executive Council, given in accordance with the recommendation by the Public Services Commission in accordance with a procedure prescribed by an Act of the Parliament.”; and
- (b) in Subsection (3), by repealing the reference to “Subsection (1)(a), (d), (f) and (g) and replacing it with the following:—
- “Subsection (1)(d) and (f).”

3. TRANSITIONAL AND SAVINGS PROVISIONS.

- (1) A member of the Public Services Commission, validly appointed and holding office as such member immediately before the coming into operation of this Law, shall, on that coming into operation, be deemed to have been validly appointed in accordance with Section 190 (*establishment of the Commission*) of the Constitution as amended by Section 1 of this Law and shall continue to hold office as such member until the expiry of his term of appointment or until the cessation of his appointment otherwise according to law.
- (2) The member of the Public Services Commission validly appointed and holding office as Chairman of the Public Services Commission immediately before the coming into operation of this Law, shall, on that coming into operation, be deemed to have been, validly appointed as Chairman of the Public Services Commission in accordance with Section 190 (*establishment of the Commission*) of the Constitution as amended by Section 1 of this Law and shall continue to hold office as such Chairman until the expiry of the term of appointment or until the cessation of his appointment otherwise according to law.
- (3) A person who:—
- (a) was, before the coming into operation of this law, validly appointed (whether substantively or temporarily) to an office referred to in Section 193(1)(a) and (g) (*appointments to certain offices*) of the Constitution; and
- (b) immediately before the coming into operation held such office (whether substantively or temporarily), shall on that coming into operation, be deemed to have been validly appointed (substantively or temporarily, as the case may be) in accordance with Section 193 (*appointment to certain offices*) of the Constitution as amended by Section 2 of this Law and shall continue to hold office (Substantively or temporarily, as the case may be) until the expiry of his term of appointment or until the cessation of his appointment otherwise according to law.

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

**ORGANIC LAW ON PROVINCIAL GOVERNMENTS AND LOCAL-LEVEL GOVERNMENTS
(AMENDMENT) LAW.**

THE Government proposes to introduce the *Organic Law on Provincial Governments and Local-level Governments (Amendment) Law* and, pursuant to Section 14(2) (*Making of alterations to the Constitution and Organic Laws*) of the Constitution, I, BERNARD NAROKOBI, Speaker of the National Parliament, hereby publish the proposed Law:—

Draft of 6/12/2001.

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.

ARRANGEMENT OF CLAUSES

1. Provincial and District Administrators (Amendment of Section 73).
2. Transitional and savings provisions.

Proposed Law to Alter the Organic Law on Provincial Governments and Local-level Governments—continued

Draft of 6/12/2001.

INDEPENDENT STATE OF PAPUA NEW GUINEA

A PROPOSED LAW TO ALTER THE ORGANIC LAW ON 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.

1. 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 (2) and replacing it with the following:—

“(2) All appointments (whether substantive or temporary) to offices of Provincial Administrator shall be made by the Head of State, acting with, and in accordance with, the advice of the National Executive Council from a list of three persons recommended by the Public Services Commission in accordance with a procedure prescribed by an Act of the Parliament.”; and

(b) by inserting after Subsection (2) the following new subsections:—

“(2A) The revocations of appointment (whether substantive or temporary) of Provincial Administrators appointed under Subsection (2) shall be by the Head of State, acting with, and in accordance with, the advice of the National Executive Council, given in accordance with a recommendation from the Public Services Commission in accordance with a procedure prescribed by an Act of the Parliament.

“(2B) The suspension from office of Provincial Administrators appointed (whether substantively or temporarily) under Subsection (2) shall be by the Head of State, acting with, and in accordance with, the advice of the National Executive Council given in accordance with a recommendation by the Public Services Commission in accordance with a procedure prescribed by an Act of the Parliament.”.

2. TRANSITIONAL AND SAVING PROVISIONS.

All Provincial Administrators validly appointed (whether substantively or temporarily) under Section 73(2) of the *Organic Law on Provincial Governments and Local-level Governments* and holding office immediately prior to the coming into operation of this Law, shall continue to hold office in the capacity in which they were appointed as if appointed under Section 73 of the *Organic Law on Provincial Governments and Local-level Governments* as amended by Section 1 of this Law until the expiry of their term of appointment or until the cessation of their appointment otherwise according to law.