

No. 23 of 2002.

Prime Minister and National Executive Council Act 2002.

Certified on: 10.05.02



INDEPENDENT STATE OF PAPUA NEW GUINEA

No. of 2002

Prime Minister and National Executive Council Act 2002,

ARRANGEMENT OF SECTIONS.

PART 1. – PRELIMINARY.

1. Compliance with constitutional requirements.
2. Interpretation.

PART II. – DEPUTY PRIME MINISTER, ACTING PRIME MINISTER, ETC.,

3. Deputy Prime Minister.
4. Acting Prime Minister.
5. Allowances payable to acting Prime Minister.
6. Suspension from office of the Prime Minister.

PART III. – NATIONAL SECURITY COUNCIL AND NATIONAL SECURITY ADVISORY COMMITTEE.

Division 1. – General.

7. Interpretation.

Division 2. – National Security Council.

8. National Security Council.
9. Functions of the Council.
10. Meetings of the Council.

Division 3. – National Security Advisory Committee.

11. National Security Advisory Committee.
12. Functions of the Committee.
13. Powers of the Committee.
14. Meetings of the Committee

15. Secretariat.

**PART IV. – DEPARTMENT OF PRIME MINISTER AND
NATIONAL EXECUTIVE COUNCIL.**

16. Department of Prime Minister and National Executive Council.
17. Departmental Head of Department of Prime Minister and National Executive Council.
18. Functions of the Department of the Prime Minister and National Executive Council.

PART V. – CHIEF SECRETARY TO GOVERNMENT.

19. Chief Secretary to Government.
20. Functions of Chief Secretary to Government.
21. Powers of the Chief Secretary to Government.
22. Annual Report by Chief Secretary to Government.

**PART VI. – SECRETARY TO THE NATIONAL EXECUTIVE
COUNCIL.**

23. Secretary to the National Executive Council.

**PART VII. – CENTRAL AGENCIES CO-ORDINATION
COMMITTEE.**

24. Central Agencies Co-ordination Committee.
25. Functions of the Central Agencies Co-ordination Committee.
26. Powers and procedures of the Central Agencies Co-ordination Committee.
27. Procedures of the Central Agencies Co-ordination Committee.
28. Annual report by Central Agencies Co-ordination Committee.

PART VIII. – MISCELLANEOUS.

29. Protection from personal liability.
30. Regulations.

PART IX. – REPEAL AND SAVINGS.

31. Repeal.
32. Deputy Prime Minister.
33. Chief Secretary to Government.

SCHEDULE.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2002.

AN ACT

entitled

Prime Minister and National Executive Council Act 2002,

Being an Act –

- (a) to implement Section 143 (*Acting Prime Minister*) of the *Constitution* by providing for –
 - (i) a Deputy Prime Minister; and
 - (ii) the Deputy Prime Minister or another Minister to be the Acting Prime Minister in certain circumstances; and
- (b) to provide for the suspension from office of the Prime Minister pending an investigation for the purposes of Section 142(5) (*the Prime Minister*) of the *Constitution*; and
- (c) to provide for the National Security Council and the National Security Advisory Committee; and
- (d) to provide for the establishment and functions of the Department of the Prime Minister and National Executive Council; and
- (e) to establish the office of Chief Secretary to Government and to provide for its functions and powers; and
- (f) to provide for the office of Secretary to the National Executive Council and for its functions and powers; and
- (g) to provide for the establishment of the Central Agencies Co-ordination Committee and for its functions and powers; and
- (h) to provide for implementation of decisions of the National Executive Council; and
- (i) to repeal the *Prime Minister Act* (Chapter 27), and for related purposes,

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

Prime Minister and National Executive Council

PART I. - PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

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

- (a) the right to freedom from arbitrary search and entry conferred by Section 44 of the *Constitution*; and
- (b) to right to privacy conferred by Section 49 of the *Constitution*; and
- (c) the right to freedom of information conferred by Section 51 of the *Constitution*,

is a law that is made for the purpose of giving effect to the public interest in public order and public welfare.

2. INTERPRETATION.

In this Act, unless the contrary intention appears -

- “Acting Prime Minister” means an Acting Prime Minister appointed by Section 4(1) or under Section 4(2);
- “Central Agencies Coordination Committee” means the Central Agencies Co-ordination Committee established by Section 24;
- “Chief Secretary to Government” means the Chief Secretary to Government under Section 19;
- “Deputy Prime Minister” means the Deputy Prime Minister appointed under Section 3;
- “National Security Advisory Committee” means the National Security Advisory Committee established under Section 11;
- “National Security Council” means the National Security Council established under Section 8;
- “public body” means any body, authority or instrumentality (corporate or unincorporate) established by or under a Constitutional Law or Act other than –
 - (a) a Constitutional office-holder or the Office of a Constitutional office-holder; or
 - (b) a body, authority or instrumentality incorporated or continued in existence under the *Companies Act* 1997.

PART II. - DEPUTY PRIME MINISTER, ACTING PRIME MINISTER, ETC.,

3. DEPUTY PRIME MINISTER.

(1) The office of Deputy Prime Minister established by the *Prime Minister Act* (Chapter 27) continues in establishment.

(2) The Deputy Prime Minister shall be appointed by the Head of State, acting with, and in accordance with, the advice of the Prime Minister.

Prime Minister and National Executive Council

- (3) The Deputy Prime Minister -
- (a) may be dismissed from office by the Head of State acting with, and in accordance with, the advice of the Prime Minister; and
 - (b) ceases to hold office if he ceases to be a Minister.

(4) The Deputy Prime Minister may resign from office by written notice to the Head of State.

4. ACTING PRIME MINISTER.

- (1) Subject to Subsection (2), when -
- (a) there is a vacancy in the office of Prime Minister; or
 - (b) the Prime Minister is suspended from office; or
 - (c) the Prime Minister is -
 - (i) absent from the country; or
 - (ii) out of speedy and effective communication; or
 - (iii) otherwise unable or not readily available to perform the duties of his office,

the Deputy Prime Minister is the Acting Prime Minister.

(2) At any time when any of the circumstances referred to in Subsection (1)(a), (b) or (c) occurs and -

- (a) there is a vacancy in the office of Deputy Prime Minister; or
- (b) the Deputy Prime Minister is suspended from office; or
- (c) the Deputy Prime Minister is -
 - (i) absent from the country; or
 - (ii) out of speedy and effective communication; or
 - (iii) otherwise unable or not readily available to perform the duties of Acting Prime Minister,

the Head of State, acting on advice, shall appoint a Minister to be the Acting Prime Minister for the period during which that circumstance continues to exist.

5. ALLOWANCES PAYABLE TO ACTING PRIME MINISTER.

The allowances payable to the Deputy Prime Minister or a Minister while he is the Acting Prime Minister are as determined from time to time by the Parliament in accordance with a recommendation by the Salaries and Remuneration Commission.

6. SUSPENSION FROM OFFICE OF THE PRIME MINISTER.

(1) The Head of State, acting on advice, may, on a matter relating to the health of the Prime Minister, request the National Authority responsible for the registration and licensing of medical practitioners to appoint two medical practitioners to examine the Prime Minister and to provide him with full details of the examination, together with their joint certification that the Prime Minister -

- (a) is unfit or unable, by reason of physical or mental incapacity, to carry out the duties of his office, and as to how long they consider that the unfitness or inability will continue to exist; or

Prime Minister and National Executive Council

- (b) is not suffering from any physical or mental incapacity; or
- (c) although suffering from physical or mental incapacity, is still able to carry out the duties of his office; or
- (d) refuses to be examined.

(2) The Head of State, acting on advice, may, where he has called for a report under Subsection (1), suspend the Prime Minister from office.

(3) The medical practitioners referred to in Subsection (1) shall report to the Head of State as soon as practicable, but in any event no later than 28 days, after the date of their appointment.

(4) If the Prime Minister refuses to be examined by the medical practitioners referred to in Subsection (1), he is guilty of misconduct in office within the meaning of Division III.2. (*leadership code*) of the *Constitution*.

(5) Where the medical practitioners referred to in Subsection (1) certify that the Prime Minister -

- (a) is not suffering from any physical or mental incapacity; or
- (b) although suffering from mental or physical incapacity is still able to carry out his duties,

the Head of State, acting on advice, shall immediately remove any suspension.

(6) Where the medical practitioners referred to in Subsection (1) certify that -

- (a) the Prime Minister is unfit or unable, by reason of physical or mental incapacity, to carry out the duties of his office; and
- (b) the unfitness or inability will, in their opinion, continue to exist for a period of more than three months from the date on which he was examined by them,

the Head of State shall forward the report of the medical practitioners, together with their certification, to the Speaker for presentation to the Parliament, and the Prime Minister is suspended from office until the Parliament has dealt with the matter.

(7) Where the medical practitioners referred to in Subsection (1) certify that -

- (a) the Prime Minister is unfit or unable, by reason of physical or mental incapacity, to carry out the duties of his office; and
- (b) the unfitness or inability will, in their opinion, last for not more than three months from the date on which he was examined by them,

the Head of State, acting on advice, shall direct the medical practitioners to conduct another examination of the Prime Minister at the end of the period for which the unfitness or inability is expected to last, and the Prime Minister is suspended from office until he is certified to be fit to carry out his duties.

(8) Where, on any second or subsequent examination, the medical practitioners referred to in Subsection (1) certify that the unfitness or inability of the Prime Minister

Prime Minister and National Executive Council

will, in their opinion, continue to exist for a period of more than three months measured from the date on which he was first examined by them, the Head of State, acting on advice, shall forward the report of the medical practitioners together with their certification to the Speaker for presentation to the Parliament and the Prime Minister is suspended from office until the Parliament has dealt with the matter.

(9) Where the Speaker has received a report under Subsection (6) or (8), he shall present it to the Parliament on the first sitting day of the Parliament after he receives it.

(10) If the Parliament is not meeting when the Speaker receives the report and is not due to meet for more than 14 days after that time, a meeting shall be called as soon as practicable.

(11) Where a report is presented to the Parliament under Subsection (6) or (8), the Parliament may advise the Head of State to remove the Prime Minister from office.

PART III. - NATIONAL SECURITY COUNCIL AND NATIONAL SECURITY ADVISORY COMMITTEE.

Division 1. - General.

7. INTERPRETATION.

In this Part unless the contrary intention appears -

“active measures of foreign intervention” means clandestine or deceptive action taken by or on behalf of a foreign power to promote the interests of that power;

“activities prejudicial to security” includes activities concerning which Papua New Guinea has responsibilities to a foreign country in respect of security;

“acts of violence” includes the kidnapping or detention of a person;

“Chairman” means the Chairman of the Council;

“Committee” means the National Security Advisory Committee established by Section 11;

“Council” means the National Security Council established by Section 8;

“Organization” means the National Intelligence Organization established under Section 6 of the *National Intelligence Organization Act* (Chapter 405);

“security” means -

- (a) the protection of Papua New Guinea from -
 - (i) espionage; and
 - (ii) sabotage; and
 - (iii) seditious enterprises; and

Prime Minister and National Executive Council

- (iv) active measures of foreign intervention; and
- (v) terrorism,
whether directed from, or committed within Papua New Guinea or not; and
- (b) the carrying out of Papua New Guinea's responsibilities to any foreign country in relation to a matter contained in Paragraph (a);

"seditious enterprise" has the meaning given to it in Section 46 of the *Criminal Code* (Chapter 262);

"terrorism" includes -

- (a) acts of violence for the purpose of achieving a political objective in Papua New Guinea or in a foreign country (including acts of violence for the purpose of influencing the policy or acts of a government in Papua New Guinea or in a foreign country); and
- (b) training, planning, preparations or other activities for the purposes of violent subversion in a foreign country or for the purposes of the commission in a foreign country of other acts of violence of a kind referred to in Paragraph (a); and
- (c) acts that are offences punishable under any law relating to internationally protected persons, the hi-jacking of aircraft or the protection of aircraft.

Division 2. - National Security Council.

8. NATIONAL SECURITY COUNCIL.

(1) The National Security Council established by Section 3 of the *National Intelligence Organization Act* (Chapter 405) continues in establishment.

(2) The Council shall consist of -

- (a) the Prime Minister, who shall be Chairman; and
- (b) the Deputy Prime Minister; and
- (c) the Minister responsible for defence matters; and
- (d) the Minister responsible for foreign affairs matters; and
- (e) the Minister responsible for provincial affairs matters; and
- (f) the Minister responsible for police matters; and
- (g) the Minister responsible for treasury matters.

(3) The Chairman may co-opt such other Ministers to be members of the Council from time to time as he considers necessary.

(4) Where the Council is considering an application for a warrant under Part VI of the *National Intelligence Organization Act* (Chapter 405), the Minister responsible for justice matters shall be deemed to be a member of the Council.

Prime Minister and National Executive Council

9. FUNCTIONS OF THE COUNCIL.

The functions of the Council are –

- (a) to determine and direct the action to be taken in respect of matters affecting the sovereign integrity and security of Papua New Guinea and the security of its people; and
- (b) to provide guidance and direction to those elements of Government which are responsible for -
 - (i) matters affecting the maintenance of good order in Papua New Guinea; and
 - (ii) combating subversion and espionage; and
 - (iii) providing defence against military attack or armed incursions into Papua New Guinea's sovereign territory or the use of military pressures against Papua New Guinea or activities designed to undermine the security of Papua New Guinea and its people; and
- (c) to review, direct and provide guidance for the activities of the Committee and of the Organization.

10. MEETINGS OF THE COUNCIL.

- (1) The Council shall meet at such times as are fixed by the Chairman.
- (2) The Chairman shall preside at all meetings of the Council.
- (3) The quorum for a meeting of the Council is the Chairman and two members.
- (4) Where at a meeting of the Council a decision is taken in respect of the issuing of a warrant under Part VI of the *National Intelligence Organization Act* (Chapter 405) any member not present at that meeting shall be advised of the decision at the earliest possible opportunity.
- (5) Subject to this section, the procedures of the Council are as decided by the Council.

Division 3. – National Security Advisory Committee.

11. NATIONAL SECURITY ADVISORY COMMITTEE.

- (1) The National Security Advisory Committee is hereby established.
- (2) The Committee shall consist of -
 - (a) the Chief Secretary to Government, who shall be Chairman; and
 - (b) the Departmental Head of the Department responsible for personnel management matters, who shall be Deputy Chairman; and
 - (c) the Departmental Head of the Department responsible for treasury and finance matters; and

Prime Minister and National Executive Council

- (d) the Departmental Head of the Department responsible for national planning and monitoring; and
- (e) the Departmental Head of the Department of the Attorney-General; and
- (f) the Departmental Head of the Department responsible for provincial and local-level government affairs; and
- (g) the Departmental Head of the Department responsible for defence matters; and
- (h) the Commissioner of Police; and
- (i) the Commander of the Defence Force; and
- (j) the Commissioner of the Correctional Service; and
- (k) the Director-General of the National Intelligence Organization.

12. FUNCTIONS OF THE COMMITTEE.

The functions of the Committee are to assist, advise and report to the Prime Minister and the Council on –

- (a) matters directly affecting the sovereignty, unity and security of Papua New Guinea; and
- (b) development of Government objectives on security into policies and programmes; and
- (c) preparation of medium and long-term security plans; and
- (d) preparation of security and intelligence programmes and projects including the financing and implementation of such programmes and projects; and
- (e) monitoring, evaluation and reporting on implementation of Government's development policies, programmes and projects on security, including at agency level; and
- (f) action on security, defence and intelligence tasks and activities as determined by the Council; and
- (g) management of crisis situations created by security threats against the sovereignty of Papua New Guinea and against other security interests.

13. POWERS OF THE COMMITTEE.

(1) The Committee may, at any time, for the purpose of the performance of its functions under this or any other Act -

- (a) enter premises occupied or used by -
 - (i) a Department; or
 - (ii) a Provincial Government; or
 - (iii) a public body; and
- (b) seek and obtain from any -
 - (i) Department; or
 - (ii) Provincial Government; or
 - (iii) public body,information on all matters relevant to the functions of the Committee; and

Prime Minister and National Executive Council

- (c) question an officer who appears likely to have information relevant to the functions of the Committee and require such officer –
 - (i) to provide information; and
 - (ii) to produce documents within his possession or subject to his control where such documents are, relevant to the functions of the Committee; and
 - (d) make and retain copies of documents produced under Paragraph (c); and
 - (e) issue to a Departmental Head or to the head of a public body directions relative to the functions of the Committee.
- (2) All -
- (a) Departmental Heads and heads of public bodies shall give effect to any direction issued by the Committee under Subsection (1)(e); and
 - (b) Departmental Heads, heads of public bodies and officers of the National Public Service or of a public body shall co-operate with the Committee in the performance of its functions and exercise of its powers under this Act or any other law.

14. MEETINGS OF THE COMMITTEE.

- (1) The Committee shall meet at such times as are fixed by the Chairman.
- (2) The Chairman, or in his absence the Deputy Chairman, shall preside at a meeting of the Committee.
- (3) The quorum for a meeting of the Committee is the Chairman or Deputy Chairman and two other members.
- (4) Subject to this section, the procedures of the Committee are as determined by the Committee.

15. SECRETARIAT.

A Secretariat to the Commission shall be established within the Department of the Prime Minister and National Executive Council and shall consist of officers of that Department.

**PART IV. – DEPARTMENT OF PRIME MINISTER AND
NATIONAL EXECUTIVE COUNCIL.**

16. DEPARTMENT OF PRIME MINISTER AND NATIONAL EXECUTIVE COUNCIL.

The Department of the Prime Minister and National Executive Council, previously established by the *Public Services (Management) Act 1995*, continues in establishment as a Department within the National Public Service and is deemed to have been established under this Act.

Prime Minister and National Executive Council

17. DEPARTMENTAL HEAD OF DEPARTMENT OF PRIME MINISTER AND NATIONAL EXECUTIVE COUNCIL.

Subject to the provisions of Section 19(3), the Chief Secretary to Government is the Departmental Head of the Department of Prime Minister and National Executive Council.

18. FUNCTIONS OF THE DEPARTMENT OF THE PRIME MINISTER AND NATIONAL EXECUTIVE COUNCIL.

(1) Subject to Subsection (2), the Head of State, acting on advice, shall determine the functions of the Department of the Prime Minister and National Executive Council.

(2) Until a determination is made under Subsection (1), the functions of the Department of the Prime Minister and National Executive Council are as specified in the Schedule.

PART V. – CHIEF SECRETARY TO GOVERNMENT.

19. CHIEF SECRETARY TO GOVERNMENT.

(1) There is established within the National Public Service an office of Chief Secretary to Government.

(2) The substantive holder of the office of Departmental Head of the Department of the Prime Minister and National Executive Council is the Chief Secretary to Government.

(3) Where an acting appointment of Chief Secretary to Government is necessary, the appointment shall be made from one of the members of the Central Agencies Co-ordination Committee referred to in Section 24(2)(b) to (f) inclusive, but the acting Chief Secretary to Government shall not hold the office of acting Departmental Head of the Department of the Prime Minister and National Executive Council.

(4) The Chief Secretary to Government is the senior officer of the National Public Service.

20. FUNCTIONS OF CHIEF SECRETARY TO GOVERNMENT.

The functions of the Chief Secretary to Government are –

- (a) to be the principal adviser to the Prime Minister and to the National Executive Council; and
- (b) to co-ordinate policies and initiatives of the National Executive Council; and
- (c) to ensure that decisions, directions and policies of the National Executive Council are implemented by the National Public Service and by public bodies; and

Prime Minister and National Executive Council

- (d) to ensure that the National Public Service and public bodies perform effectively and are accountable to the National Executive Council and to the Parliament; and
- (e) to oversee public sector reform; and
- (f) such other functions as are determined by the National Executive Council, or any other law.

21. POWERS OF THE CHIEF SECRETARY TO GOVERNMENT.

(1) The Chief Secretary to Government may at any time, for the purpose of the performance of his functions under this Act or any other law –

- (a) enter premises occupied or used by -
 - (i) a Department; or
 - (ii) a Provincial Government; or
 - (iii) a public body; and
- (b) question a person who appears likely to have information relevant to the functions of the Chief Secretary to Government; and
- (c) require any person to provide information relative to the functions of the Chief Secretary to Government; and
- (d) require any person to produce documents within his possession or subject to his control where such documents are relevant to the functions of the Chief Secretary to Government; and
- (e) make and retain copies of any document produced under Paragraph (d); and
- (f) issue directions relative to his functions to a Departmental Head and to the head of a public body.

(2) All Departmental Heads, heads of public bodies and officers of the National Public Service and of public bodies shall -

- (a) co-operate with the Chief Secretary to Government in the performance of his functions and the exercise of his powers under this Act; and
- (b) comply with any directions issued under Subsection (1)(f).

22. ANNUAL REPORT BY CHIEF SECRETARY TO GOVERNMENT.

The Chief Secretary to Government shall, no later than 31 March in each year, give to the Prime Minister, for presentation to the National Executive Council, a report in respect of implementation by the National Public Service and public bodies, during the year ending 31 December preceding, of Governmental policies and decisions.

(2) Nothing in Subsection (1) prevents the Chief Secretary to Government from making, on his own initiative or at the direction of the Prime Minister, other reports on the implementation, by the National Public Service and public bodies, of Governmental policies and decisions.

PART VI. – SECRETARY TO THE NATIONAL EXECUTIVE COUNCIL.

23. SECRETARY TO THE NATIONAL EXECUTIVE COUNCIL.

(1) The office of Secretary to the National Executive Council is established by Section 150 (*the Secretary to the National Executive Council*) of the *Constitution*.

(2) The Secretary to the National Executive Council is appointed in accordance with Section 193(3) (*appointments to certain officers*) of the *Constitution*.

- (3) The functions of the Secretary to the National Executive Council are -
- (a) to provide secretarial services to the National Executive Council; and
 - (b) to provide secretarial services to committees of the National Executive Council; and
 - (c) to receive submissions to the National Executive Council and to ensure their compliance with procedures of the National Executive Council; and
 - (d) to assist in the co-ordination of implementation of decisions of the National Executive Council; and
 - (e) such other functions as are determined by the National Executive Council or as are specified in any law.

(4) The Secretary to the National Executive Council has full powers necessary to enable the performance of the functions specified in Subsection (3).

(5) All Departmental Heads, heads of public bodies and officers of the National Public Service and of public bodies shall –

- (a) co-operate with the Secretary to the National Executive Council in the performance of his functions and the exercise of his powers under this Act; and
- (b) comply fully with National Executive Council procedures.

PART VII. - CENTRAL AGENCIES CO-ORDINATION COMMITTEE.

24. CENTRAL AGENCIES CO-ORDINATION COMMITTEE.

(1) There is established within the National Public Service a Central Agencies Co-ordination Committee.

- (2) The members of the Central Agencies Co-ordination Committee are -
- (a) the Chief Secretary to Government, who is the Chairman; and
 - (b) the Departmental Head of the Department responsible for treasury matters, who is the Deputy Chairman; and
 - (c) the Departmental Head of the Department of Personnel Management; and

Prime Minister and National Executive Council

- (d) the Departmental Head of the Department responsible for planning and implementation matters; and
- (e) the Departmental Head of the Department responsible for justice matters; and
- (f) the Departmental Head of the Department responsible for Provincial and Local-level Government affairs.

25. FUNCTIONS OF THE CENTRAL AGENCIES CO-ORDINATION COMMITTEE.

The functions of the Central Agencies Co-ordination Committee are -

- (a) to assist the Prime Minister, the National Executive Council and committees (including the National Planning Committee) established by the National Executive Council in carrying out their respective functions by reviewing and making recommendations on any matters requiring their attention, including submissions to the National Executive Council; and
- (b) to ensure that decisions made by the National Executive Council are implemented and to report to the National Executive Council on the progress of implementation; and
- (c) to co-ordinate formulation of National Development Plans and Programmes, including those at sectoral levels; and
- (d) to co-ordinate formulation and implementation of the National Budget including the Public Investment Programme; and
- (e) to co-ordinate and supervise the formulation, implementation and reporting on the Government's Structural Reform Programme including matters relating to negotiations with international agencies; and
- (f) to review and report on the performance and management of individual Departments and agencies of Government including Provinces; and
- (g) to review and recommend appropriate measures, strategies and positions to be adopted by the State in relation to disputes, industrial relations and claims and legal proceedings and in settlement of legal proceedings; and
- (h) to undertake investigations and produce reports on any matters required of it by the Prime Minister, the National Executive Council or any committee (including the National Planning Committee) established by the National Executive Council; and
- (i) to undertake negotiations with other parties on matters falling within its functions; and
- (j) to be responsible for performance management within the National Public Service and public bodies, including ensuring the timely preparation of annual reports by Departments and public bodies and their submission to the National Executive Council; and

Prime Minister and National Executive Council

- (k) to perform such other functions or tasks as are conferred on it by any other law or as are referred to it by the Prime Minister, the National Executive Council or any committee (including the National Planning Committee) established by the National Executive Council.

26. POWERS AND PROCEDURES OF THE CENTRAL AGENCIES CO-ORDINATION COMMITTEE.

(1) A member of the Central Agencies Co-ordination Committee may at any time, for the purpose of the performance of the functions of the Central Agencies Co-ordination Committee –

- (a) enter premises occupied or used by –
 - (i) a Department; or
 - (ii) a Provincial Government; or
 - (iii) a public body; and
- (b) question a person who appears likely to have information relevant to the functions of the Central Agencies Co-ordination Committee; and
- (c) require any person to provide information relative to the functions of the Central Agencies Co-ordination Committee; and
- (d) require any person to produce documents within his possession or subject to his control where such documents are relevant to the functions of the Central Agencies Co-ordination Committee; and
- (e) make and retain copies of documents referred to in Paragraph (d); and
- (f) require a Departmental Head, a head of a public body or a Provincial Administrator to appear before the Central Agencies Co-ordination Committee.

(2) The Central Agencies Co-ordination Committee may, to assist in the performance of its functions under Section 25, establish such committees or specialized units as it considers necessary.

(3) All Departmental Heads, heads of public bodies, Provincial Administrators and officers of the National Public Service and of public bodies shall cooperate with the Central Agencies Co-ordination Committee in the performance of its functions and the exercise of its powers under this Act.

- (4) At a meeting of the Central Agencies Co-ordination Committee –
 - (a) the Chairman, or in his absence, the Deputy Chairman shall preside, and in the absence of both the Chairman and the Deputy Chairman, the Departmental Head of the Department of Personnel Management shall preside; and
 - (b) all matters shall be determined by a majority of votes of those present and voting, and in the event of an equality of votes on any matter, the member presiding has a deliberative vote and also a casting vote.

Prime Minister and National Executive Council

27. PROCEDURES OF THE CENTRAL AGENCIES CO-ORDINATION COMMITTEE.

The Central Agencies Co-ordination Committee -

- (a) shall meet as often as the business of the Central Agencies Co-ordination Committee requires, but shall meet at least once in each week; and
- (b) shall keep proper records of its meetings; and
- (c) shall furnish its recommendations, reports and advice in writing signed by the Chairman.

28. ANNUAL REPORT BY CENTRAL AGENCIES CO-ORDINATION COMMITTEE.

(1) The Central Agencies Co-ordination Committee shall, no later than 31 March in each year, give to the Prime Minister, for presentation to the National Executive Council, a report in respect of the performance by the Central Agencies Co-ordination Committee of its functions during the year ending 31 December preceding.

(2) Nothing in Subsection (1) prevents the Central Agencies Co-ordination Committee from making, on its own initiative or at the direction of the Prime Minister, other reports on the implementation, by the National Public Service and public bodies, of Governmental policies and decisions.

PART VIII - MISCELLANEOUS.

29. PROTECTION FROM PERSONAL LIABILITY.

A member of a Committee or Council established under this Act or any officer or employee or agent of that Committee or Council is not personally liable for any act or default of himself or that Committee or Council done or omitted to be done in good faith and in the course of the operation of that Committee or Council or for the purposes of that Committee or Council.

30. REGULATIONS.

The Head of State, acting on advice, may make regulations not inconsistent with this Act prescribing all matters that by this Act are required to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

PART IX - REPEAL AND SAVINGS.

31. REPEAL.

The *Prime Minister Act* (Chapter 27) is repealed.

Prime Minister and National Executive Council

32. DEPUTY PRIME MINISTER.

The Deputy Prime Minister appointed under the *Prime Minister Act* (Chapter 27) repealed by Section 31, and holding office as such immediately prior to the coming into operation of this Act, shall, on that coming into operation, continue to hold office as Deputy Prime Minister as if appointed under this Act until the termination of his appointment according to law.

33. CHIEF SECRETARY TO GOVERNMENT.

The Chief Secretary to Government, appointed under the *Public Services (Management) Act 1995* and holding office as such immediately prior to the coming into operation of this Act, shall, on that coming into operation, continue to hold office as Chief Secretary to Government as if appointed under this Act until the termination of the appointment according to law.

Prime Minister and National Executive Council

SCHEDULE

Sec.18

Functions of the Department of Prime Minister and National Executive Council.

1. Provide appropriate advice and information to the Prime Minister on Government operations.
2. Co-ordinate National Executive Council affairs.
3. Direct the operations of the National Security Organization.
4. Administer the Government Flying Unit.
5. Provide administrative services for the Governor-General.
6. Provide services to the Secretary of the National Executive Council, the Office of Legislative Counsel, the National Intelligence Organization and the Central Agencies Co-ordination Committee.
7. Provide administrative services to Ministers.
8. Provide and maintain security of Government Buildings.
9. Provide Parliamentary liaison.
10. Provide services to standing and ad hoc organizations relating to the functions of the Department.
11. Primarily responsible for managing all policies relating to the operation of the Government.
12. Act as focal point for consultation with the private sector.
13. Administer all appropriate legislation pertaining to information.
14. Be responsible for policies and research relating to information and communication in Papua New Guinea.
15. Control the percentage of imported overseas material for broadcast by the electronic media.
16. Liaise with statutory authorities responsible for information and with media organizations and agencies.

Prime Minister and National Executive Council

I hereby certify that the above is a fair print of the *Prime Minister and National Executive Council Act 2002* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Prime Minister and National Executive Council Act 2002* was made by the National Parliament on 28 March 2002 by an absolute majority in accordance with the *Constitution*.

Speaker of the National Parliament.

