

No. 4 of 2011

*Prime Minister and National Executive Council (Amendment) Act 2011*

Certified on: 12 DEC 2011



No. of 4 2011.

*Prime Minister and National Executive Council (Amendment) Act 2011.*

**ARRANGEMENT OF SECTIONS.**

1. Compliance with Constitutional Requirements.
2. Amendment of Long Title.
3. Acting Prime Minister (Amendment of Section 4).
4. Suspension from Office of Prime Minister (Amendment of Section 6).
5. Commencement of Sections 2,3 and 4.
6. Validation of Election of Prime Minister.



AN ACT

entitled

***Prime Minister and National Executive Council (Amendment) Act 2011,***

Being an Act to amend the ***Prime Minister and National Executive Council Act 2002,***

**MADE** by the National Parliament.

**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) right to freedom from arbitrary search and entry conferred by Section 44 of the ***Constitution***; and
- (b) the 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***,
- (d) the right to freedom of movement conferred by Section 52 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. AMENDMENT OF LONG TITLE.**

The Long Title to the Principal Act is amended in Paragraph (a) by adding after Subparagraph (ii) the following new subparagraph:-

- “(iii) time limits on and the duration of appointment of an Acting Prime Minister pursuant to Section 143(1) of the ***Constitution*** when the Prime Minister is absent from the country; and”

**3. ACTING PRIME MINISTER (AMENDMENT OF SECTION 4).**

Section 4 of the Principal Act is amended by adding after Subsection (2) the

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following new subsection:-

“(3) After the appointment of a Minister to be Acting Prime Minister is made pursuant to Section 143(1)(c)(i) of the *Constitution* when the Prime Minister is absent from the country:-

- (a) in the event that the Prime Minister does not return to the country and resume office within 3 months of the appointment of an Acting Prime Minister, the appointment shall cease and the office of the Prime Minister shall be deemed vacant; and
- (b) the Speaker of the Parliament shall inform the Parliament of the vacancy in the office of Prime Minister arising under Paragraph (a) and a new Prime Minister shall be appointed in accordance with Section 142 of the *Constitution*.”

**4. SUSPENSION FROM OFFICE OF THE PRIME MINISTER  
(AMENDMENT OF SECTION 6).**

Section 6 of the Principal Act is amended by adding after Subsection (1) the following new subsection:-

“(1A) The medical practitioners referred to in Subsection (1) may provide a joint report and certification of matters referred to in Subsection (1) to the Head of State without conducting any physical examination of the Prime Minister, if in the professional opinion of the medical practitioners, a credible medical report and certification is capable of being provided from other medical reports and clinical records from both local and overseas medical practitioners who have examined and treated the Prime Minister.”

**5. COMMENCEMENT OF SECTIONS 2, 3 AND 4.**

Sections 2, 3 and 4 of this Act shall be deemed to have come into operation and at all times to have had effect on and from 1<sup>st</sup> January, 2011.

**6. VALIDATION OF ELECTION OF PRIME MINISTER.**

For the avoidance of doubt and by virtue of the powers conferred by Sections 2,3 and 4 of this Act, it is hereby +declared that:-

- (a) the declaration by the Speaker of Parliament on 2 August, 2011 that there was a vacancy in the office of Prime Minister, is not unlawful but is valid and effective and shall be treated, by virtue of Sections 3 and 4 of this Act, as having been lawfully and validly declared effective from the time it was declared; and
- (b) the decision of Parliament on 2 August, 2011 that there was a vacancy in the office of Prime Minister is valid and effective, and shall be treated by virtue of Sections 3 and 4 of this Act, as having been validly decided from the time it was decided; and
- (c) the election by Parliament of a new Prime Minister Peter O’Neill on 2 August, 2011 is valid and effective and shall be treated by virtue of Sections 3 and 4 of this Act, as having been validly elected from the time the new Prime Minister Peter O’Neill was elected.

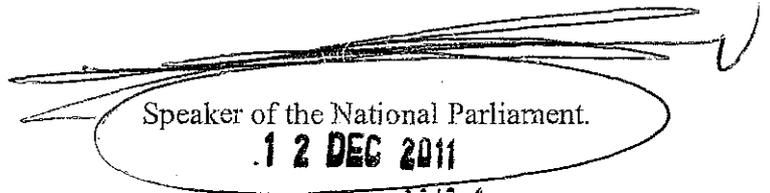
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I hereby certify that the above is a fair print of the *Prime Minister and National Executive Council (Amendment) Act 2011* which has been made by the National Parliament.



Clerk of the National Parliament  
**1 2 DEC 2011**

I hereby certify that the *Prime Minister and National Executive Council (Amendment) Act 2011* was made by the National Parliament on 12 December, 2011, by an absolute majority in accordance with the *Constitution*.



Speaker of the National Parliament.  
**1 2 DEC 2011**