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[1987

INDEPENDENT STATE OF PAPUA NEW GUINEA
CONSTITUTION

ALTERATION TO THE CONSTITUTION

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

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE CONSTITUTION
Constitutional Amendment (Leadership Code)

ARRANGEMENT OF CLAUSES

Application of Division 2 (Amendment of Section 26).

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE CONSTITUTION
entitled
Constitutional Amendment (Leadership Code)
being

A Law to alter the Constitution by amending the provision relating to application of the Leadership Code, MADE by the National Parliament.

APPLICATION OF DIVISION 2 (AMENDMENT OF SECTION 26)

Section 26(1) of the Constitution is amended by repealing Paragraph (d) and replacing it with the following:—
“(d) members of provincial assemblies;”.

INDEPENDENT STATE OF PAPUA NEW GUINEA
CONSTITUTION

ALTERATION TO THE CONSTITUTION

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

Draft of 17th August, 1987.

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

Constitutional Amendment (Liberty of the Person)

ARRANGEMENT OF CLAUSES

Liberty of the person (Amendment of Section 42).

Draft of 17th August, 1987.

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

entitled

Constitutional Amendment (Liberty of the Person)

being

A Law to alter the Constitution by amending the provisions relating to liberty of the person, and for related purposes, MADE by the National Parliament.

LIBERTY OF THE PERSON (AMENDMENT OF SECTION 42)

Section 42(1) of the Constitution is amended—

(a) in Subsection (1)—

(i) by repealing Paragraph (b) and substituting the following:—

“(b) in the case of a person who is, or is reasonably suspected of being of unsound mind, or addicted to drugs or alcohol, or a vagrant, for the purposes of—

(i) his care or treatment or the protection of the community, under an order of a court; or

(ii) taking prompt legal proceedings to obtain an order of a court of a type referred to in Sub-paragraph (i);” and

(ii) by adding the following new Paragraph:—

“(i) in the case of a person who has not attained the age of 18 years, for the purpose of his education or welfare under the order of a court or with the consent of his guardian.”; and

(b) in Subsection (2) by inserting after the words “immediately on his arrest” the words “or detention”.

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO THE CONSTITUTION

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

Draft of 17th August, 1987.

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

Constitutional Amendment (Protection of the Law)

ARRANGEMENT OF CLAUSES

Protection of the Law (Amendment of Section 37).

Draft of 17th August, 1987.

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

entitled

Constitutional Amendment (Protection of the Law)

being

A Law to alter the Constitution by amending the provision relating to the transfer of the burden of proof, MADE by the National Parliament.

PROTECTION OF THE LAW (AMENDMENT OF SECTION 37)

Section 37 of the Constitution is amended by deleting from Subsection (4) (a) the following words:—

“which are, or would with the exercise of reasonable care be, peculiarly within his knowledge”.

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO AN ORGANIC LAW

THE Government proposes to alter the *Organic Law on Certain Constitutional Office-holders* and, pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and Organic Laws*) of the Constitution, I, Akoka Doi, the Speaker of the National Parliament, hereby publish the proposed Law—

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE ORGANIC LAW ON CERTAIN CONSTITUTIONAL OFFICE-HOLDERS

Organic Law on Certain Constitutional Office-holders (Public Service Changes) (Amendment)

ARRANGEMENT OF CLAUSES

1. Conditions of employment of the Public Prosecutor and the Public Solicitor (Amendment of Section 4).
2. Conditions of employment of the Chief Magistrate (Amendment of Section 6).
3. Conditions of employment of the Clerk of the National Parliament (Amendment of Section 9).
4. Conditions of employment of the Auditor-General (Amendment of Section 11).

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE ORGANIC LAW ON CERTAIN CONSTITUTIONAL OFFICE-HOLDERS

entitled

Organic Law on Certain Constitutional Office-holders (Public Service Changes) (Amendment)

being

A Law to alter the *Organic Law on Certain Constitutional Office-holders* as a consequence of amendments to the functions of the Public Services Commission and to the management of the Public Service,

MADE by the National Parliament.

1. CONDITIONS OF EMPLOYMENT OF THE PUBLIC PROSECUTOR AND THE PUBLIC SOLICITOR AND THE PUBLIC SOLICITOR (AMENDMENT OF SECTION 4).

Section 4 of the *Organic Law on Certain Constitutional Office-holders* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

2. CONDITIONS OF EMPLOYMENT OF CHIEF MAGISTRATE (AMENDMENT OF SECTION 6).

Section 6 of the *Organic Law on Certain Constitutional Office-holders* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

3. CONDITIONS OF EMPLOYMENT OF THE CLERK OF THE NATIONAL PARLIAMENT (AMENDMENT OF SECTION 9).

Section 9 of the *Organic Law on Certain Constitutional Office-holders* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

4. CONDITIONS OF EMPLOYMENT OF THE AUDITOR-GENERAL (AMENDMENT OF SECTION 11).

Section 11 of the *Organic Law on Certain Constitutional Office-holders* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO AN ORGANIC LAW

THE Government proposes to alter the *Organic Law on Guarantee of the Rights and Independence of Constitutional Office-holders* and, pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and Organic Laws*) of the Constitution, I, Akoka Doi, the Speaker of the National Parliament, hereby publish the proposed Law—

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE GUARANTEE OF THE RIGHTS AND INDEPENDENCE OF CONSTITUTIONAL OFFICE-HOLDERS

Organic Law on the Guarantee of the Rights and Independence of Constitutional Office-holders (Public Service Changes) (Amendment)

ARRANGEMENT OF CLAUSES

1. Qualifications for appointment and disqualifications from office (Amendment of Section 10).
2. Special provisions for first Constitutional Office-holders (Amendment of Section 11).

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE GUARANTEE OF THE RIGHTS AND
INDEPENDENCE OF CONSTITUTIONAL OFFICE-HOLDERS

entitled

Organic Law on the Guarantee of the Rights and Independence of Constitutional Office-holders (Public Service Changes) (Amendment)

being

A Law to alter the *Organic Law on the Guarantee of the Rights and Independence of Constitutional Office-holders* as a consequence of amendments to the functions of the Public Services Commission and to the management of the Public Service,

MADE by the National Parliament.

1. QUALIFICATIONS FOR APPOINTMENT AND DISQUALIFICATIONS FROM OFFICE (AMENDMENT OF SECTION 10).

Section 10 of the *Organic Law on the Guarantee of the Rights and Independence of Constitutional Office-holders* is amended in Subsections (2), (3), (4) and (5) in each case by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

2. SPECIAL PROVISIONS FOR FIRST CONSTITUTIONAL OFFICE-HOLDERS (AMENDMENT OF SECTION 11).

Section 11 of the *Organic Law on the Guarantee of the Rights and Independence of Constitutional Office-holders* is amended in Subsections (1) and (2) in each case by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO AN ORGANIC LAW

THE Government proposes to alter the *Organic Law on the Judicial and Legal Services Commission* and, pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and Organic Laws*) of the Constitution, I, Akoka Doi, the Speaker of the National Parliament, hereby publish the proposed Law—

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE JUDICIAL AND LEGAL SERVICES
COMMISSION

Organic Law on Judicial and Legal Services Commission (Public Service Changes) (Amendment)

ARRANGEMENT OF CLAUSES

Conditions of employment (Amendment of Section 4).

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE JUDICIAL AND LEGAL SERVICES
COMMISSION

entitled

Organic Law on Judicial and Legal Services Commission (Public Service Changes) (Amendment)

being

A Law to alter the *Organic Law on the Judicial and Legal Services Commission* as a consequence of amendments to the functions of the Public Services Commission and to the management of the Public Service,

MADE by the National Parliament.

CONDITIONS OF EMPLOYMENT (AMENDMENT OF SECTION 4).

Section 4 of the *Organic Law on the Judicial and Legal Services Commission* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO AN ORGANIC LAW

THE Government proposes to alter the *Organic Law on National Elections* and, pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and Organic Laws*) of the Constitution, I, Akoka Doi, the Speaker of the National Parliament, hereby publish the proposed Law—

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE ORGANIC LAW ON NATIONAL ELECTIONS
Organic Law on National Elections (Public Service Changes) (Amendment)

ARRANGEMENT OF CLAUSES

1. Conditions of employment (Amendment of Section 1).
2. Repeal and replacement of Section 16—
"16. Departmental Head of the Department of Personnel Management to make staff available."
3. Terms of office and conditions of employment (Amendment of Section 26).
4. Acting appointments to the Boundaries Commission (Amendment of Section 31).

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE ORGANIC LAW ON NATIONAL ELECTIONS
entitled
Organic Law on National Elections (Public Service Changes) (Amendment)

being

A Law to alter the *Organic Law on National Elections* as a consequence of amendments to the functions of the Public Services Commission and to the management of the Public Service,
MADE by the National Parliament.

1. CONDITIONS OF EMPLOYMENT (AMENDMENT OF SECTION 9).

Section 9 of the *Organic Law on National Elections* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

2. REPEAL AND REPLACEMENT OF SECTION 16.

Section 16 of the *Organic Law on National Elections* is repealed and is replaced by the following:—

"16. DEPARTMENTAL HEAD OF THE DEPARTMENT OF PERSONNEL MANAGEMENT TO MAKE STAFF AVAILABLE.

The Departmental Head of the Department of Personnel Management shall, when so requested by the Electoral Commission, make available to the Electoral Commission and to each Returning Officer, such staff as may be necessary for the discharge of the functions conferred on the Electoral Commission."

3. TERMS OF OFFICE AND CONDITIONS OF EMPLOYMENT (AMENDMENT OF SECTION 26).

Section 26(3) of the *Organic Law on National Elections* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

4. ACTING APPOINTMENTS TO THE BOUNDARIES COMMISSION (AMENDMENT OF SECTION 31).

Section 31 of the *Organic Law on National Elections* is amended in Subsections (1) and (3) in each case by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO AN ORGANIC LAW

THE Government proposes to alter the *Organic Law on Provincial Government* and, pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and Organic Laws*) of the Constitution, I, Akoka Doi, the Speaker of the National Parliament, hereby publish the proposed Law—

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE ORGANIC LAW ON PROVINCIAL GOVERNMENT
Organic Law on Provincial Government (Public Service Changes) (Amendment)

ARRANGEMENT OF CLAUSES

1. Interpretation of Part IX (Amendment of Section 45)—
"the *National Public Service Act*".
2. Application of Part IX (Amendment of Section 46).
3. Assignment of members of the National Public Service to Provincial Governments (Amendment of Section 49).
4. National Public Service control of assigned members (Amendment of Section 50).
5. Grants on account of Provincial Staffing (Amendment of Section 51).

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE ORGANIC LAW ON PROVINCIAL GOVERNMENT
entitled

Organic Law on Provincial Government (Public Service Changes) (Amendment)
being

A Law to alter the *Organic Law on Provincial Government* as a consequence of amendments to the functions of the Public Services Commission and to the management of the Public Service,

MADE by the National Parliament.

1. INTERPRETATION OF PART IX (AMENDMENT OF SECTION 45).

Section 45 of the *Organic Law on Provincial Government* is amended by omitting the definition of "the *National Public Service Act*" and substituting the following:—

("the *National Public Service Act*" means—

- (a) prior to the coming into operation of the *Public Service (Management) Act* 1985—the *Public Service Act* (Chapter 67); and
- (b) on and after the coming into operation of the *Public Service (Management) Act* 1985—the *Public Service (Management) Act* 1984."

2. APPLICATION OF PART IX (AMENDMENT OF SECTION 46).

Section 46(3) of the *Organic Law on Provincial Government* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

3. ASSIGNMENT OF MEMBERS OF THE NATIONAL PUBLIC SERVICE TO PROVINCIAL GOVERNMENTS (AMENDMENT OF SECTION 49).

Section 49(1) of the *Organic Law on Provincial Government* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

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

Section 50(1) of the *Organic Law on Provincial Government* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

5. GRANTS ON ACCOUNT OF PROVINCIAL STAFFING (AMENDMENT OF SECTION 51).

Section 51 of the *Organic Law on Provincial Government* is amended in Subsections (2) and (3) in each case by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO AN ORGANIC LAW

THE Government proposes to alter the *Organic Law on the Ombudsman Commission* and, pursuant to the requirements of Section 14(2) (*making of alteration to the Constitution and Organic Laws*) of the Constitution, I, Akoka Doi, the Speaker of the National Parliament, hereby publish the proposed Law—

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE ORGANIC LAW ON OMBUDSMAN COMMISSION

Organic Law on the Ombudsman Commission (Public Service Changes) (Amendment)

ARRANGEMENT OF CLAUSES

1. Conditions of employment (Amendment of Section 6).
2. Appointment of officers (Amendment of Section 25).

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE ORGANIC LAW ON OMBUDSMAN COMMISSION

entitled

Organic Law on the Ombudsman Commission (Public Service Changes) (Amendment)

being

A Law to alter the *Organic Law on the Ombudsman Commission* as a consequence of amendments to the functions of the Public Services Commission and to the management of the Public Service,

MADE by the National Parliament.

1. CONDITIONS OF EMPLOYMENT (AMENDMENT OF SECTION 6).

Section 6 of the *Organic Law on the Ombudsman Commission* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

2. APPOINTMENT OF OFFICERS (AMENDMENT OF SECTION 25).

Section 25(3) of the *Organic Law on the Ombudsman Commission* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

INDEPENDENT STATE OF PAPUA NEW GUINEA
THE CONSTITUTION

ALTERATION TO AN ORGANIC LAW

THE Government proposes to alter the *Organic Law on the Terms and Conditions of Employment of Judges* and, pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and Organic Laws*) of the Constitution, I, Akoka Doi, the Speaker of the National Parliament, hereby publish the proposed Law—

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE TERMS AND CONDITIONS OF
EMPLOYMENT OF JUDGES

Organic Law on the Terms and Conditions of Employment of Judges (Public Service Changes) (Amendment)

ARRANGEMENT OF CLAUSES

Conditions of employment (Amendment of Section 3).

Draft of 17th August, 1987.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE TERMS AND CONDITIONS OF
EMPLOYMENT OF JUDGES

entitled

Organic Law on the Terms and Conditions of Employment of Judges (Public Service Changes) (Amendment)

being

A Law to alter the *Organic Law on the Terms and Conditions of Employment of Judges* as a consequence of amendments to the functions of the Public Services Commission and to the management of the Public Service,

MADE by the National Parliament.

CONDITIONS OF EMPLOYMENT (AMENDMENT OF SECTION 3).

Section 3 of the *Organic Law on the Terms and Conditions of Employment of Judges* is amended by omitting the words "Public Services Commission" and substituting "Departmental Head of the Department of Personnel Management".

INDEPENDENT STATE OF PAPUA NEW GUINEA
THE CONSTITUTION

ALTERATION TO THE ORGANIC LAW ON PROVINCIAL GOVERNMENT

THE Government proposes to alter the *Organic Law on Provincial Government* and, pursuant to Section 14(2) (*making of alterations to the Constitution and Organic Laws*) of the Constitution, I, Anthony Temo, the Acting Speaker of the National Parliament, hereby publish the proposed Law—

Draft of 28th August, 1987

INDEPENDENT STATE OF PAPUA NEW GUINEA
The *Organic Law on Provincial Government (Provincial Legislatures) Law*

ARRANGEMENT OF CLAUSES

1. Provincial Legislatures (Amendment of Section 16).
2. Provincial Executive (Amendment of Section 17).
3. New Section 17A:—

"17A. VACATION OF OFFICE OF MEMBER OF PROVINCIAL LEGISLATURE."

Draft of 28th August, 1987

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE ORGANIC LAW ON PROVINCIAL GOVERNMENT

entitled

The *Organic Law on Provincial Government (Provincial Legislatures) Law*

being

A Law to amend the *Organic Law on Provincial Government*,

MADE by the National Parliament.

1. PROVINCIAL LEGISLATURES (AMENDMENT OF SECTION 16).

Section 16 of the *Organic Law on Provincial Government* is amended by repealing Subsection (2A) and replacing it with the following:—

Proposed Law to Alter the Organic Law on Provincial Government—*continued*

“(2A) A member of the National Parliament who is a member of a Provincial Legislature by virtue of Subsection (2) (a) (ii) is entitled to attend all meetings of that Provincial Legislature, has full voting rights, shall be counted toward a quorum and may, subject to Section 17 (3A), hold other office in that Provincial Legislature.”.

2. PROVINCIAL EXECUTIVES (AMENDMENT OF SECTION 17).

Section 17 of the *Organic Law on Provincial Government* is amended—

(a) in Subsection (3), by repealing Paragraph (c) and substituting the following—

“(c) in a province which has—

(i) five or less National Parliament electorates—one member of the National Parliament who represents an electorate in the province; and

(ii) more than five National Parliament electorates—two members of the National Parliament who represent electorates in the province,

chosen by a majority of members who represent electorates in the province.”; and

(b) by repealing Subsection (3A) and replacing it with the following:—

“(3A) A member of the National Parliament who is a member of a provincial executive by virtue of Subsection (3) (c) is entitled to attend all meetings of that provincial executive, has full voting rights and shall be counted towards a quorum, but shall not hold a portfolio or any other office in that provincial executive.”.

3. NEW SECTION 17A.

Part V of the *Organic Law on Provincial Government* is amended by inserting after Section 17 the following new section:—

“17A. VACATION OF OFFICE OF ELECTED MEMBER OF PROVINCIAL LEGISLATURE.

An elected member of a provincial legislature who nominates for election to the National Parliament is deemed to have vacated office as a member of the provincial legislature as and from the date of his nomination for election to the National Parliament.”.
