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Draft of: 17/3/88.

Private Member's Proposed Law: Messrs Brown Sinamoi, Pawa Sisioka, Patterson Lowa, Robert Suckling and Babadi Sawasi.

## THE INDEPENDENT STATE OF PAPUA NEW GUINEA CONSTITUTION

### ALTERATION TO THE CONSTITUTION

THE Members of the Parliament, Messrs Brown Sinamoi, Pawa Sisioka, Patterson Lowa, Robert Suckling and Babadi Sawasi, propose 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, Dennis Young, the Speaker of the National Parliament, hereby publish the proposed Law—

### PROPOSED LAW TO ALTER THE CONSTITUTION

*Constitutional Amendment (Salaries and Remuneration Commission)*

#### ARRANGEMENT OF CLAUSES

1. Repeal of Section 131.
2. New Division 1A—Salaries and Remuneration Commission.

Draft of: 17/3/88.

## THE INDEPENDENT STATE OF PAPUA NEW GUINEA

### PROPOSED LAW TO ALTER THE CONSTITUTION

entitled

*Constitutional Amendment (Salaries and Remuneration Commission)*

being

A Law to alter the Constitution by repealing the provisions relating to the Parliamentary Salaries Tribunal and establishing a Salaries and Remuneration Commission,  
MADE by the National Parliament.

#### 1. REPEAL

Section 131 of the Constitution is repealed.

#### 2. THE CONSTITUTION IS AMENDED BY INSERTING AFTER SECTION 216 THE FOLLOWING NEW DIVISION:

"DIVISION 1A.—Salaries and Remuneration Commission.

216A. The Salaries and Remuneration Commission.

- (1) A Salaries and Remuneration Commission is hereby established.
- (2) The Commission shall consist of—

2. The Constitution is Amended by Inserting after Section 216 the following New Division:—*continued*
- (a) the Speaker of the Parliament as the Chairman when attending, or in his absence, his nominee who shall be Deputy Speaker; and
  - (b) the Prime Minister or, in his absence, his nominee who shall be a Minister; and
  - (c) the Leader of the Opposition or, in his absence, his nominee who shall be a member of Parliament in the Opposition; and
  - (d) the Chief Justice or, in his absence, his nominee who shall be nominated after consultation with the Judges to represent the Judges; and
  - (e) the head of the Department of Personnel Management or in his absence, his nominee who shall be an officer of that department; and
  - (f) the head of the Department of Labour and Employment or, in his absence, his nominee who shall be an officer of that department.
- (3) The Commission is responsible for recommending to the Parliament from time to time, at intervals determined by it—
- (a) the salaries, allowances and benefits, financial and otherwise (other than pensions or retirement benefits which shall be fixed by a Parliamentary Committee), for all or any members of the Parliament; and
  - (b) the salaries, allowances and benefits, financial and otherwise (including pensions or retirement benefits), for all or any members of Provincial Assemblies (including any Speakers appointed from outside the Assemblies); and
  - (c) the salaries, allowances and benefits, financial and otherwise (including pensions or retirement benefits if they are not provided for by law other than this provision) for all the Judges; and
  - (d) the salaries, allowances and benefits, financial or otherwise (including pensions or retirement benefits if they are not provided for by law other than this provision) for all Constitutional Office-holders.
- (4) The Parliament shall determine the salaries, allowances and benefits, financial and otherwise of the members of the Parliament, Provincial Assemblies, the Judges and other Constitutional Office-holders in accordance with recommendations of the Commission made under subsection (3).
- (5) Parliament may accept or reject, but may not amend, any recommendations of the Commission.
- (6) An Act of the Parliament shall make further provision in respect of—
- (a) the salaries and remuneration for the holders of the different offices or levels of offices held by—
    - (i) members of the Parliament; and
    - (ii) members of Provincial Assemblies; and
    - (iii) the Judges; and
    - (iv) other Constitutional Office-holders; and
  - (b) the powers and procedures of the Commission and generally in respect of it.
- (7) The provisions of this section apply notwithstanding any law that prescribes a code of conduct for leaders or imposes a duty, restraint or obligation on leaders acquiring a benefit or gain."

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Private Member's Proposed Law: Messrs Brown Sinamoi, Pawa Sisioka, Patterson Lowa, Robert Suckling and Babadi Sawasi.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA  
ALTERATION TO AN ORGANIC LAW

THE Members of the Parliament, Messrs Brown Sinamoi, Pawa Sisioka, Patterson Lowa, Robert Suckling and Babadi Sawasi, propose to alter the Organic Law on the Calling of Meetings of the Parliament and pursuant to the requirements of Section 14(2) (making of alterations to the Constitution and Organic Laws) of the Constitution, I, Dennis Young, the Speaker of the National Parliament, hereby publish the proposed Law—

PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE CALLING OF MEETINGS OF THE  
PARLIAMENT

Organic Law on the Calling of Meetings of the Parliament (Amendment)

ARRANGEMENT OF CLAUSES

Repeal and Replace of Section 2.

Draft of: 17/3/88.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE CALLING OF MEETINGS OF THE  
PARLIAMENT

entitled

Organic Law on the Calling of Meetings of the Parliament (Amendment)

being

A Law to alter the Organic Law on the Calling of Meetings of the Parliament in various ways,

Proposed Law to Alter the Organic Law on the Calling of Meetings of the Parliament—*continued*

MADE by the National Parliament.

**REPEAL AND REPLACEMENT OF SECTION 2.**

Section 2 of the Principal Law is repealed and is replaced by the following—

**"CALLING OF OTHER MEETINGS.**

(1) In relation to any meeting of the Parliament, other than the first meeting after a general election, the time and date for the meeting—

(a) shall—

- (i) subject to subsection (3), be fixed by the Parliament on motion without notice by a Minister; or
- (ii) subject to subsection (3), where the Parliament has failed to fix a time and date, be fixed by the Head of State, acting with and in accordance with the advice of the National Executive Council; or
- (iii) where a state of emergency has been declared or the Head of State, acting with, and in accordance with, the advice of the National Executive Council, is of the opinion that exceptional circumstances justify the urgent calling of a meeting of the Parliament, be fixed by the Head of State, acting with and in accordance with the advice of the National Executive Council; or
- (iv) where the Speaker has received a request from the Emergency Committee under Section 242(3) (functions, etc., of Emergency Committees) of the Constitution, be fixed by the Speaker after consultation with the Emergency Committee; or
- (v) where the Speaker has received a request from a number of members of the Parliament, being a number not less than half the total number of seats in the Parliament, be fixed by the Speaker; and

(b) shall be notified in the *National Gazette*.

(2) The Speaker shall, not less than 14 days before the date fixed under Subsection (1)(a)(i) or (ii) or not less than seven days before the date fixed under Subsection (1)(a)(iii)(iv) or (v) for a meeting of the Parliament, cause a notice to be forwarded by telegram and pre-paid post to each member of the Parliament.

(3) The date fixed for a meeting of the Parliament under subsection (1)(a)(i) or (ii) shall not be more than 105 days after the last day of the last meeting at which the date is so fixed."

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Private Member's Proposed Law: Messrs Brown Sinamoi, Pawa Sisioka, Patterson Lowa, Robert Suckling and Babadi Sawasi.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA  
CONSTITUTION

ALTERATION TO THE CONSTITUTION

THE Members of the Parliament, Messrs Brown Sinamoi, Pawa Sisioka, Patterson Lowa, Robert Suckling and Babadi Sawasi, propose to alter the Constitution and, pursuant to the requirements of Section 14(2) (making of alterations to the Constitution and Organic Law) of the Constitution, I, Dennis Young, the Speaker of the National Parliament hereby publish the proposed Law—

**PROPOSED LAW TO ALTER THE CONSTITUTION**

Constitutional Amendment (the Parliament and Finance)

ARRANGEMENT OF CLAUSES

1. Parliamentary Responsibility (Amendment of Section 209).
2. Executive Initiative (Amendment of Section 210).
3. Accounting, etc., for Public Moneys (Amendment of Section 211).
4. Revenue and Expenditure without prior Approval (Amendment of Section 212).

Draft of: 17/3/88.

THE INDEPENDENT STATE OF PAUA NEW GUINEA

**PROPOSED LAW TO ALTER THE CONSTITUTION**

entitled

Constitutional Amendment (the Parliament and Finance)

being

A Law to alter the Constitution to provide for separate appropriations for the services of the Parliament and the Judiciary,

MADE by the National Parliament.

**1. PARLIAMENTARY RESPONSIBILITY (AMENDMENT OF SECTION 209).**

Section 209 of the Constitution is amended by repealing subsection (2) and replacing it with the following—

"(2) For each fiscal year, there shall be a National Budget comprising—

**1. Parliamentary Responsibility (Amendment of Section 209)—continued**

- (a) estimates of finance proposed to be raised and estimates of proposed expenditure by the National Government in respect of the fiscal year; and
- (b) separate appropriations for the service of that year in respect of—
  - (i) the services of the Parliament; and
  - (ii) general public services; and
  - (iii) the services of the Judiciary; and
- (c) such other supplementary Budgets and appropriations as are necessary.

“(2A) For the purposes of this Sub-division—

- (a) “the services of the Parliament” include the salaries and allowances (financial and otherwise) of the Members of Parliament, the maintenance of the precincts of the Parliament, and the Parliamentary Services established under the *Parliamentary Services Act* (Chapter 26); and
- (b) “the services of the Judiciary” include—
  - (i) the salaries and allowances (financial and otherwise) of Judges of the Supreme and National Courts; and
  - (ii) the maintenance of the Supreme and National courts; and
  - (iii) the National Judicial Staff Services established under the *National Judicial Staff Service Act* 1987; and
  - (iv) the salaries and allowances (financial and otherwise) of all persons appointed under the *Supreme Court Act* (Chapter 37), the *National Court Act* (Chapter 38) and the *Sheriff Act* (Chapter 55).

“(2B) For the purposes of subsections (2)(a)(i) and (iii), the Speaker of the Parliament and the Chief Justice respectively shall, before 30th September each year, submit to the Prime Minister estimates of expenditure for the services of the Parliament and the services of the Judiciary respectively in the following fiscal year.”

Section 210 of the Constitution is amended by—

**2. EXECUTIVE INITIATIVE (AMENDMENT OF SECTION 210).**

- (a) repealing subsection (2) and replacing it with the following—

“(2) Subject to subsections (3) and (4), Parliament may reduce, but shall not increase or re-allocate, the amount or incidence of, or change the purpose of, any proposed taxation, loan or expenditure;” and

- (b) inserting the following new subsections—

“(3) Where, in the opinion of the Parliament, the proposed expenditure for the services of the Parliament or the services of the Judiciary is below the estimate submitted by the Speaker or Chief Justice respectively and is insufficient to adequately meet the requirements of that service, the Parliament may increase the expenditure to an amount not exceeding the original estimates submitted by the Speaker or the Chief Justice, as the case may be, under Section 209(2B).

“(4) For the purposes of Subsection (3), the Parliament may re-allocate, or reduce and re-allocate, the amount of expenditure appropriate for any purpose.”

**3. ACCOUNTING, ETC., FOR PUBLIC MONEYS (AMENDMENT OF SECTION 211).**

Section 211 of the Constitution is amended by—

- (a) inserting in Subsection (1), after the words “National Government” the words—  
“for public expenditure and the Parliament and the Judiciary for their respective services;” and
- (b) inserting, in subsection (2), after the words “National Government” the words—  
“for public expenditure or the Parliament and the Judiciary for their respective services.”

**4. REVENUE AND EXPENDITURE WITHOUT PRIOR APPROVAL (AMENDMENT OF SECTION 212).**

Section 212 of the Constitution is amended by deleting subsection (1) and substituting the following—

“(1) If at the beginning of a fiscal year the Parliament has not made provision for public expenditure by the National Executive or expenditure by the Parliament or the Judiciary for their respective services for that year, the National Executive, the Parliament or the Judiciary, as the case maybe, may, without authorization other than this section but in accordance with an Act of the Parliament, expend amounts appropriated out of the Consolidated Revenue Fund for the purpose not exceeding in total one-third of its respective budgetted expenditure during the immediately preceding fiscal year.”