



National Gazette

PUBLISHED BY AUTHORITY

(Registered at the General Post Office, Port Moresby, for transmission by post as a Qualified Publication)

No. G30]

PORT MORESBY, MONDAY, 27th MARCH

[1995

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

PROPOSED AMENDMENTS TO THE PROPOSED ORGANIC LAW ON PROVINCIAL GOVERNMENTS AND LOCAL-LEVEL GOVERNMENTS

THE Right Honourable the Prime Minister and Member for Namatanai, Sir Julius Chan, GCMG, KBE, MP proposes to move amendments to the Proposed Organic Law on Provincial Governments and Local-Level Governments pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and the Organic Laws*) of the Constitution. I, Rabbie Namaliu, the Speaker of the National Parliament, hereby publish the proposed amendments.

Date of: 27/03/1995

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED AMENDMENTS TO CLAUSES 3, 4, 72, 74, 75, 76, 78, 79, 80 84, 122, AND ADDITION OF NEW CLAUSE 123A, AND AMENDMENTS TO SCHEDULES 3 AND 5, OF THE PROPOSED ORGANIC LAW ON PROVINCIAL GOVERNMENTS AND LOCAL-LEVEL GOVERNMENTS

The Right Honourable the Prime Minister, Sir Julius Chan To move—

1. PAGE 26—AMENDMENT TO CLAUSE 3.

Delete from Sub-clause (1) the definition "Provincial and Local-level Administrative Service".

2. PAGE 27—AMENDMENT TO CLAUSE 4.

Delete Sub-clause (1) and substitute the following:—

(1) Sub-clause (1) and substitute the following:—

"(1) The system of Provincial Governments established by this Organic Law applies to the government of the National Capital District and the provisions of this Organic Law relating to Provincial Governments apply to the National Capital District."

3. PAGE 59 - DELETION AND REPLACEMENT OF CLAUSE 72.

Delete Clause 72 and replace with the following:-

"72 PROVINCIAL AND LOCAL-LEVEL ADMINISTRATIVE SYSTEM.

"(1) A provincial and local-level administrative system is hereby established.

"(2) A provincial and local-level administrative system shall consist of:-

(a) the administrative institutions consisting of -

(i) the offices of Provincial Administrators and District Administrators; and

(ii) an extended service of the National Departments and other agencies; and

(iii) Provincial Government and Local-level Government Secretariats; and

(b) the staffing as set out in Section 75

"(3) There shall be established in each province a Provincial Administrative Headquarters and in each district, a district administrative headquarters.

"(4) The boundaries of the district for which each district administrative headquarters is responsible shall be the same as the open electorate of the Parliament in which the headquarters are situated."

4. PAGES 60-61 - AMENDMENT TO CLAUSE 74

Delete -

(a) Paragraph (b) of Sub-clause (1), and substitute the following:-

"(b) shall be the administrative head of the staff in the province; and"; and

(b) Paragraph (d) of Subclause (1), and substitute the following:-

"(d) shall maintain direct supervision and control, in accordance with an Act of Parliament, over all officers and employees assigned or otherwise employed to carry out the functions of the National Government (other than the law enforcement agencies unless by special arrangement with these agencies) and the Provincial Governments and Local-level Governments; and"; and

(c) Paragraph (g) of Subclause (1) and substitute the following:-

"(g) shall coordinate policy formulation, planning and implementation of policies; and "; and

(d) Paragraph (b) of Subclause (2), and substitute the following:-

"(b) shall be the administrative head of the staff in a district; and"; and

(e) Paragraph (c) of Subclause (2), and substitute the following: -

"(c) is responsible for the efficient management of the administrative services in a district; and".

5. **PAGE 62 - DELETION AND REPLACEMENT OF CLAUSE 75**

Delete Clause 75 and replace it with the following:-

"75 PROVINCIAL GOVERNMENT AND LOCAL-LEVEL GOVERNMENT STAFFING

"The staff of a province and of a district shall consist of:-

- (a) the officers of the National Public Service assigned to the province for the purposes by the Departmental Head of the Department responsible for personnel matters under Section 76; and
- (b) the members of the Teaching Service assigned to the province by the Teaching Service Commission to carry out teaching and educational functions; and
- (c) such other personnel as are engaged under Section 78."

6. PAGE 62 - AMENDMENT TO CLAUSE 76.

Delete -

(a) Subclause (1) and substitute the following:-

"(1) Subject to this division, officers of the National Public Service may be assigned on a full time basis to the provinces and districts."; and

(b) Subclause (2) and substitute the following:-

"(2) Subject to Subsection (3), the Departmental Head of the Department responsible for personnel matters, after consultation with the Provincial Administrator, may assign or withdraw officers of the National Public Service to perform duties in the provinces and districts".

7. PAGE 63 - AMENDMENT TO CLAUSE 78.

Delete Subclause (1) and substitute the following:-

"(1) Subject to Subclause (2), the Provincial Administrator may enter into an arrangement with a governmental body other than the National Public Service, or with a non-governmental body for the purpose of engaging other persons to the staff of a province or district."

8. PAGE 63 - AMENDMENT OF CLAUSE 79.

Delete from the opening paragraph the words "for the purposes of the Provincial and Local-level Administrative Service,".

9. PAGE 64 - AMENDMENT TO CLAUSE 80.

Delete Subclause (1) and substitute the following:-

"(1) There shall be established in a province and in a district, an extended service of the National Departments and agencies to carry out the national government functions and responsibilities, to be headed by the Provincial Administrator and District Administrators."

10. PAGE 66 - AMENDMENT TO CLAUSE 84

Delete Paragraph (b) of Subclause (2) and substitute the following:-

"(b) Any property imported or obtained otherwise in accordance with law by either a Provincial Government or a Local-level Government for its own use and not for sale or other disposal is not exempt from customs duties (including import duties) or excise duties imposed by law, unless the Provincial Government or the Local-level Government has been exempted by an Act of the Parliament from paying such duties or excise; and"

11. PAGE 90-AMENDMENT TO CLAUSE 122.

Insert immediately after Subclause (2) the following new subclause:-

"(3) Each member of a previous Provincial Government shall be paid, as compensation for loss of office -

- (a) such amount; and
- (b) for such period of the incompleting term of office, not exceeding six months,

as is determined by the Salaries and Remuneration Commission."

12. PAGE 90 - ADDITION OF NEW CLAUSE 123 A

Add a new Clause 123 A, as follows:-

"123 A POWERS OF THE HEAD OF STATE

- "(1) Until the Interim Provincial Assembly is constituted in accordance with Section 124, the legislative powers, functions and duties of a Provincial Assembly under this Organic Law are vested in and exercised by the Head of State acting on the advice of the National Executive Council.
- (2) Until the Interim Provincial Executive Council is constituted in accordance with Section 127, the executive powers and functions of a Provincial Executive Council under this Organic Law shall be vested in and exercised by the Head of State acting on the advice of the National Executive Council."

13. PAGE 101 - AMENDMENT TO SCHEDULE 3

Delete from Schedule 3.1, "R= Minimum figure of K15.00 per square kilometre of effective sea area in the province; and", and replace with the following:-

"R= Minimum figure of K20.00 per square kilometre of the effective sea area in the province; and".

14. PAGE 103 - AMENDMENT TO SCHEDULE 5.

Delete from Schedule 5.1, "R=Minimum figure K15.00 per square kilometre of the effective sea area in the province; and ", and replace with the following:-

"R=Minimum figure of K20.00 per square kilometre of the effective sea area in the province; and ".

MOVER: _____

SECONDER: _____

Printed and Published by K. Kaiah, Acting Government Printer,
Port Moresby.—86.