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INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATIONS TO THE CONSTITUTION

The Honourable Luther Wenge, Member for Morobe Provincial, proposes to amend the **Organic Law on Provincial Governments and Local Level Governments** and pursuant to **Section 14(2) (Making of alterations to the Constitution and Organic Laws)** of the **Constitution**, I, JEFFERY NAPE, Speaker of the National Parliament, hereby publish the proposed law:—

Draft of: 09/07/2004.

INDEPENDENT STATE OF PAPUA NEW GUINEA

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

The Organic Law on Provincial Governments and Local-Level Governments (Amendment) Law.

ARRANGEMENT OF CLAUSES.

1. Provincial Government and Provincial Legislature (Amendment of Section 10).
2. Chairman of Provincial Assembly (Amendment of Section 14).
3. The Deputy Provincial Governor (Amendment of Section 18)

Draft of: 09/07/2004.

INDEPENDENT STATE OF PAPUA NEW GUINEA
PROPOSED LAW TO ALTER THE ORGANIC LAW ON PROVINCIAL
GOVERNMENTS AND LOCAL - LEVEL GOVERNMENTS

entitled

The Organic Law on Provincial Governments and Local - Level
Governments (Amendment) Law,

Being a Law to amend of the *Organic Law on Provincial Governments*
and Local - Level Governments and for related purposes,

MADE by the National Parliament.

1. PROVINCIAL GOVERNMENT AND PROVINCIAL
LEGISLATURE (AMENDMENT OF SECTION 10).

Section 10 of the **Organic Law** is amended -

(a) in Subsection (3), by repealing Paragraph (c) and replacing it with the following:-

"(c) all the Heads of urban Local Level Governments"; and

(b) by inserting after Subsection (6), the following new subsection:-

"(7) Members of the Provincial Assembly referred to in Subsection 3(d) and (e) shall be appointed after the members of the Provincial Executive Council provided for under Section 23, assume office as members of the Provincial Executive Council."

2. CHAIRMAN OF PROVINCIAL ASSEMBLY (AMENDMENT OF SECTION 14).

Section 14 of the **Organic Law** is amended by inserting after Subsection (3), the following new Subsections:-

"(4) Where the Provincial Governor and the Deputy Provincial Governor are -

- (a) on leave of absence; or
- (b) absent from the Province; or
- (c) out of speedy and effective communication; or
- (d) otherwise unable to perform, or is not readily available to perform the duties of his office,

a member of the Provincial Assembly, appointed in accordance with Subsection (5), shall perform the functions and responsibilities of the Governor as the Assistant Chairman of the Provincial Assembly.

"(5) Subject to Subsection (4), the Provincial Assembly may, on a motion, appoint two members of the Provincial Assembly, as Assistant Chairmen of the Provincial Assembly.

"(6) An appointment under Subsection (5) -

- (a) shall be made at the commencement of each Assembly or at any other time; and
- (b) shall be effective for a period of the sitting of the Assembly whenever the Assembly is informed by the Clerk of the absence or inability of the Governor or Deputy Governor to perform the duties of his office; and
- (c) shall empower a member to perform the functions and responsibilities of the Governor as Chairman of the Provincial Assembly only.

"(7) A Member appointed as the Assistant Chairman under this Section shall not perform the other functions and responsibilities of the Governor."

3. THE DEPUTY PROVINCIAL GOVERNOR (AMENDMENT OF SECTION 18).

Section 18 of the **Organic Law** is amended -

(a) by repealing Subsection (2) and replacing it with the following:-

"(2) The Deputy Provincial Governor shall be appointed by the Provincial Governor from amongst the members referred to Section 10(3) (b) and (c)"; and

(b) in Subsection (3) by repealing and replacing Paragraph (a) with the following:-

"(a) dismissed from office, by the Provincial Governor or in accordance with Section 20; or"; and

(c) in Subsection (4), by repealing the words "Provincial Assembly shall elect" and replacing them with the following:-

"Provincial Governor shall appoint".