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[2005

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO THE CONSTITUTION

THE Honourable Member for Morobe, Luther Wenge, proposes to alter the *Organic Law on Provincial and Local-level Government Elections*, 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 24/10/2005

INDEPENDENT STATE OF PAPUA NEW GUINEA

**PROPOSED LAW TO ALTER THE ORGANIC LAW ON PROVINCIAL AND LOCAL-LEVEL
GOVERNMENT ELECTIONS**

The Organic Law on Provincial and Local-level Government Elections (Amendment) Law

ARRANGEMENT OF CLAUSES

1. Compliance with constitutional requirements.
2. Amendment of the enacting clause.

INDEPENDENT STATE OF PAPUA NEW GUINEA

**PROPOSED LAW TO ALTER THE ORGANIC LAW ON PROVINCIAL AND LOCAL-LEVEL
GOVERNMENT ELECTIONS (AMENDMENT) LAW**

entitled

The Organic Law on Provincial and Local-level Government Elections (Amendment No.) Law

being

A Law to amend the Organic Law on Provincial and Local-level Government Elections, as amended and for related purposes.

MADE by the National Parliament.

**Proposed Law to Alter the Organic Law on Provincial and Local-Level Government Elections (Amendment)
Law—continued**

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

This Organic Law, 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) the right to freedom from arbitrary search and entry conferred by Section 44 of the Constitution; and
- (b) the right to freedom of conscience, thought and religion conferred by Section 45 of the Constitution; and
- (c) the right to freedom of expression conferred by Section 46 of the Constitution; and
- (d) the right to freedom of assembly and association conferred by Section 47 of the Constitution; and
- (e) the right to privacy conferred by Section 49 of the Constitution; and
- (f) the right to vote and stand for public office conferred by Section 50 of the Constitution; and
- (g) the right to freedom of information conferred by Section 51 of the Constitution,

is a law that is made for the purpose of giving effect to the public interest in public safety, public order and public welfare.

2. AMENDMENT OF THE ENACTING CLAUSE.

The enacting clause of the *Organic Law on National and Local-Level Government Elections (Amendment No. 1 Law)*, (No. 28 of 2002), is amendment by-

- (a) deleting the figure “5” in paragraph (c); and
- (b) adding the following new paragraph:-

“(d) in respect of Section 5 on the date of issue of writs for the general election first held after the general election for 2007.”

Explanatory Note

The law that proposed the abolishing of provincial seats was the Organic Law on Provincial and Local-level Government Elections (Amendment No. 1) Law (No. 28 of 2002). It was envisaged that the provincial seat be abolished and that the country be divided into 110 to 120 open electorates. It was further envisaged that no boundary of an open electorate cut across the boundary of a province.

The Boundaries Commission has not yet set the open electorates.

Section 17 of the *Organic Law on Provincial and Local-level Government (OLPLLG)* which establishes a governor’s office has not yet been amended yet. It seems from all these that other consequential reforms have yet to be completed before the provincial seats can be abolished.

For these reasons, this proposed law provides for the provincial seats to be retained until the 2012 general elections.