



National Gazette

PUBLISHED BY AUTHORITY

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

No. G188] PORT MORESBY, THURSDAY, 16th OCTOBER [2008

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO THE CONSTITUTION

The Honourable Member of Morobe Regional, Luther Wenge, proposes to alter the *Organic Law on the Provincial Government and Local-Level Government* and, pursuant to the requirements of Section 14(2) (making of alterations to the Constitution and Organic Laws) of the Constitution, I, Jeffrey Nape, the Speaker of the National Parliament, hereby publish the proposed Law:—

Draft of: 25/07/2008

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO THE CONSTITUTION

entitled

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

ARRANGEMENT OF CLAUSES

1. Provincial Government and Provincial Legislature (Amendment of Section 10).
2. The Deputy Provincial Governor (Amendment of Section 18).
3. Transitional and savings provisions.

INDEPENDENT STATE OF PAPUA NEW GUINEA

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

entitled

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

being

A Law to alter the *Organic Law on the Provincial Governments and Local-Level Governments*, and for related purposes,

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

MADE by the National Parliament to come into operation in accordance with a notice in the *National Gazette* by the Head of State, acting with, and in accordance with, the advice of the Minister.

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

Section 10(3) of the Organic Law is amended by inserting after Paragraph (a) the following new Paragraph:—

“(b) heads of the—

- (i) rural local-level governments in the Province; and
- (ii) urban local-level governments in the Province, exceeding five but not exceeding fifteen in number, appointed by the Provincial Executive Council.”

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

Section 18 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 in Section 10(3)(a), (b), (c), (d), (e) or (f).”; and

(b) in Subsection (3)(b), by inserting after the words “is appointed” the following:—

“in the case of a member referred to in Subsection (3) (a)-”; and

(c) by repealing Subsection (4) and replacing it with the following:—

“(4) If the Deputy Provincial Governor vacates his office in accordance with Subsection (3), the Provincial Governor shall appoint another member referred in Section 10 (3)(a), (b), (c), (d), (e) or (f) to be the Deputy Governor.”

3. TRANSITIONAL AND SAVINGS PROVISIONS.

(1) If, immediately before the commencement of the *Organic Law on Provincial Governments and Local-Level Governments (Amendment No. 10) Law*, a person was a member of a Provincial Assembly by virtue of holding office as—

- (a) the head of a rural local-level government in the Province; or
- (b) the representative of the heads of urban local-level governments in the Province, is not appointed as a member in accordance with Section 10 (3) (b) or (c) of this Organic Law, the person is deemed to have been removed as a member of a Provincial Assembly, on the commencement of this Organic Law.

(2) If, immediately before the commencement of the *Organic Law on Provincial Governments and Local-Level Governments (Amendment No. 10) Law*, a person was a member of a Provincial Assembly by virtue of holding office as—

- (a) the head of the rural local-level government in the Province; or
- (b) the representative of the heads of urban local-level governments in the Province, despite the operation of Section 1 of the *Organic Law on Provincial Governments and Local-Level Governments (Amendment No. 10) Law*, is appointed as a member in accordance with Section 10 (3) (b) or (c) of this Organic Law, the person is deemed not to have been removed as a member of a Provincial Assembly.

(3) Any act or omission by—

- (a) a Provincial Government; or
- (b) a Provincial Assembly; or
- (c) the head of a rural local-level government in a Province in his capacity as a member of the Provincial Assembly; or
- (d) the representative of the heads of urban local-level governments in a Province in his capacity as a Member of the Provincial Assembly, that, but for the operation of Section 1 of the *Organic Law on Provincial Governments and Local-Level Governments (Amendment No. 10) Law*, would have been invalid, is deemed to be valid.

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

(4) In the case—

- (a) of a person referred to in Subsection (1), he shall cease to receive the salaries, allowances and benefits as determined by the Salaries and Remuneration Commission, on the next pay period ending immediately after the date of the commencement of this Organic Law; or
- (b) of a person referred to in Subsection (2), he shall continue to receive the salaries, allowances and benefits as determined by the Salaries and Remuneration Commission, he was receiving prior to the commencement of this Organic Law.