

***Organic Law on the Terms and Conditions of Employment of Judges.***  
Consolidated: 31/10/2022



CHAPTER NO. 1.

*Organic Law on the Terms and Conditions of Employment of Judges.*

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**ARRANGEMENT OF SECTIONS.**

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2. Term of office.  
[Section 3 repealed.]
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5. Special conditions of employment.
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7. Retirement.



## CHAPTER NO. 1.

### ***Organic Law on the Terms and Conditions of Employment of Judges,***

Being a Provisional Organic Law to implement Section 223(1) (*general provision for constitutional office-holders*) of the **Constitution** by making provision, where provision is not made by the **Constitution**, for and in respect of the terms and conditions of employment of Judges,

MADE by the Constituent Assembly to come into operation on Independence Day<sup>1</sup>.

#### **1. DEFINITION.**

In this Law -

“Judge of the National Court” includes the Chief Justice and the Deputy Chief Justice.

#### **2. TERM OF OFFICE.**

A Judge of the National Court shall be appointed -

- (a) in the case of a citizen of Papua New Guinea appointed to office for the first time within 10 years after Independence Day - for a term of three years; and
- (b) in the case of any other citizen - for a term 10 years; and
- (c) in the case of a non-citizen - for a term not exceeding three years,

and is eligible for re-appointment.

[*Section 3 repealed by Organic Law on the Terms and Conditions of Employment of Judges (Amendment No. 1 - Consequential Amendment) Law*]

#### **4. DISQUALIFICATIONS FROM OFFICE.**

A person is not qualified to be, or to remain, a Judge of the National Court if he is -

- (a) a member of the Parliament; or
- (b) a member of a Provincial Government; or
- (c) a member of a Local Government Council or Authority<sup>2</sup>; or
- (d) an office-holder in a registered political party; or
- (e) an undischarged bankrupt or insolvent; or
- (f) of unsound mind within the meaning of any law relating to the protection of the person and property of persons of unsound mind; or
- (g) under sentence of death or imprisonment.

<sup>1</sup> “Adopted” on 15 August 1975, after the adoption of the Constitution.

<sup>2</sup> Note, now referred to as Local-level Government, see the *Organic Law on Provincial Governments and Local-level Governments and Local-level Governments Administration Act 1997*.

**5. SPECIAL CONDITIONS OF EMPLOYMENT.**

- (1) A Judge of the National Court shall not -
- (a) actively engage in politics; or
  - (b) subject to Subsection (2), engage either directly or indirectly in the management or control of a corporation or other body of persons carrying on business for profit; or
  - (c) subject to Subsection (3), acquire by way of gift or otherwise, or use or hold in any other manner any interest in, any property of Papua New Guinea<sup>3</sup> or solicit, accept or receive any other benefit in addition to his terms and conditions of employment.

(2) Nothing in Subsection (1)(b) prevents a Judge of the National Court from holding office in a professional body in relation to which his qualifications are relevant.

(3) Subject to any Organic Law made for the purposes of Division III.2 (*leadership code*)<sup>4</sup>, a Judge of the National Court who is a citizen may purchase, lease or otherwise acquire land in the same manner and subject to the same conditions as any other citizen.

**6. RESIGNATION.**

(1) A Judge of the National Court may resign by giving three months' notice in writing of his intention to do so to the Judicial and Legal Services Commission.

(2) The period of three months specified in Subsection (1) shall be deemed to commence on the twenty-second day after the receipt by the Judicial and Legal Services Commission of the notice except where the Commission, by notice in writing to the Judge fixes an earlier date for its commencement.

(3) A Judge of the National Court may withdraw his resignation at any time before its commencement.

**7. RETIREMENT.<sup>5</sup>**

(1) Subject to Subsection (2), a person who has attained the age of 72 years shall not be appointed or re-appointed to be a Judge of the National Court, and a person shall not be appointed or re-appointed for a period that extends beyond the date on which he will attain the age of 72 years.

(2) The Judicial and Legal Services Commission may, in its deliberate judgement, in a particular case, extend the retiring age specified in Subsection (1) to, but not beyond, 75 years.<sup>6</sup>

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<sup>3</sup> *Sic.*

<sup>4</sup> *Semble*, "of the Constitution" was omitted.

<sup>5</sup> Section 7 is amended by *Organic Law on Terms and Conditions of Judges (Amendment) Law 2010*, Paragraph (a) and (b).

<sup>6</sup> Subsection (2) repealed and replaced by *Organic Law on the Terms and Conditions of Employment of Judges (Amendment No. 1) Law*.