



No. 27 of 1992.

National Capital District Commission (Amendment) Act 1992.

Certified on : 25.11.92

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1992.

National Capital District Commission (Amendment) Act 1992.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1992.

AN ACT

entitled

National Capital District Commission (Amendment) Act 1992,

Being an Act to amend the *National Capital District Commission Act 1990,*

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. INTERPRETATION (AMENDMENT OF SECTION 1).

Section 1 of the Principal Act is amended -

- (a) by inserting after the definition of "Commission" the following:-

"'Council' means the Motu Koitabu Council established by Section 40A;"; and

- (b) by inserting after the definition of "Motu Koitabu" the following:-

"'Motu Koitabu areas' means areas declared by the Minister by notice in the National Gazette to be Motu Koitabu areas for the purposes of this Act;

"'Motu Koitabu Council' means the Motu Koitabu Council established under Section 40A;".

2. REPEAL AND REPLACEMENT OF SECTION 4.

Section 4 of the Principal Act is repealed and is replaced with the following:-

"4. MEMBERS OF THE NATIONAL CAPITAL DISTRICT COMMISSION.

- (1) The Commission shall consist of -

- (a) the members of the National Parliament for the National Capital District electorate and for the other electorates within the National Capital District, who shall be *ex officio* members of the Commission; and

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- (b) a member appointed from each ward in the National Capital District to represent that ward, of whom -
 - (i) one shall also represent the interests of women; and
 - (ii) one shall also represent the interests of the churches; and
 - (iii) one shall also represent the interests of the Port Moresby Chamber of Commerce and Industry;

appointed by notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister; and

- (c) three members of the Motu Koitabu Council elected by the Motu Koitabu Council to represent the Motu Koitabu Council.

- "(2) The members referred to in Subsection (1)(b) and (c) -
 - (a) shall be permanently resident in the National Capital District; and
 - (b) shall be appointed for a period of three years; and
 - (c) are eligible for re-appointment.

"(3) The members (other than the Chairman and Deputy Chairman) shall serve on a part-time basis and shall be paid such fees and allowances and receive such benefits as are determined by the Minister.

"(4) For the purposes of Subsection (1)(b), "ward" means a ward established under the *National Capital District Commission (Ward Committees) Regulation 1991*."

3. REPEAL AND REPLACEMENT OF SECTION 5.

Section 5 of the Principal Act is repealed and is replaced with the following:-

"5. CHAIRMAN AND DEPUTY CHAIRMAN.

- (1) The Minister shall appoint from the members holding office under -
 - (a) subject to Subsection (2), Section 4(1)(a) - a member to be the Chairman of the Commission; and
 - (b) Section 4(1)(c) - a member to be the Deputy Chairman of the Commission.

- "(2) A member holding office under Section 4(1)(a) is not eligible to be appointed Chairman or Deputy Chairman if he is -
 - (a) a Minister; or
 - (b) the Speaker or Deputy Speaker of the National Parliament; or
 - (c) a Parliamentary Secretary; or
 - (d) the Leader or Deputy Leader of the Opposition in the National Parliament.

"(3) Subject to Parliamentary duties in the case of a member holding office under Section 4(1)(a), the Chairman and Deputy Chairman shall serve on a full-time basis and shall be paid such fees and allowances and receive such benefits as are determined -

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- (a) in the case of a member holding office under Section 4(1)(a) - by the Salaries and Remuneration Commission; and
- (b) in the case of a member holding office under Section 4(1)(c) - by the Minister.

"(4) The Chairman and Deputy Chairman shall respectively hold office as such from the date of their appointment until -
(a) they cease to be members; or
(b) the Minister otherwise terminates their appointment."

4. VACATION OF OFFICE (AMENDMENT OF SECTION 8).

Section 8 of the Principal Act is amended -

- (a) by repealing Subsection (5) and replacing it with the following:-

"(5) Where a member -
(a) has his appointment terminated under this section; or
(b) dies,

the vacancy shall be filled as soon as is practicable."; and

- (b) by repealing Subsection (6).

5. NEW SECTION 17A.

Part III of the Principal Act is amended by inserting after Section 17 the following new section:-

"17A. DELEGATION OF FUNCTIONS AND POWERS BY COMMISSION.

The Minister may, by written direction to the Commission, direct the Commission to delegate to the Council such of the functions and powers of the Commission as are specified in the direction in relation to the Motu Koitabu areas or such of the Motu Koitabu areas as are specified in the direction, and the Commission shall comply with such direction."

6. STAFF (AMENDMENT OF SECTION 18).

Section 18 of the Principal Act is amended -

- (a) in Subsection (2), by repealing the words "The Manager and officers and employees" and replacing them with the following:-

"Subject to Subsection (3), the Manager and officers and employees"; and

- (b) by adding the following new subsection:-

"(3) Where, in the opinion of the Minister, the inability, incompetence, incapacity or misbehaviour of the Manager or an officer or employee of the Commission has resulted in -

- (a) mismanagement of the financial affairs of the Commission; or
- (b) a breakdown in the administration of the Commission; or
- (c) a failure on the part of the Commission to provide adequate services to the public,

the Minister may direct the Commission to dismiss the Manager, officer or employee, as the case may be, from office in accordance with the appropriate procedures and the Commission shall comply with such direction."

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7. NEW PART VIIIA.

The Principal Act is amended by inserting after Part VIII the following new Part:-

"PART VIIIA. - MOTU KOITABU COUNCIL.

"40A. MOTU KOITABU COUNCIL."

(1) There is established a Motu Koitabu Council.

"(2) The Motu Koitabu Council shall consist of 10 members elected by the Motu Koitabu people of the National Capital District in accordance with an election conducted by the Electoral Commission in a manner prescribed.

"(3) Election under Subsection (2) shall be for a period of three years and an election shall be held every three years.

"(4) The members of the Council shall appoint one of their number to be the Chairman of the Council and another to be the Deputy Chairman.

"(5) The Council shall be responsible, within the Motu Koitabu areas, for the provision and maintenance of such basic services, community activities, education and health as the Minister directs.

"(6) The Minister shall from time to time direct the Commission to make funds available to the Council at a level specified by the Minister.

"(7) The Council shall meet as often as the business of the Council requires, but in any event not less frequently than once in each calendar month.

"(8) The procedures of the Council are as directed by the Minister.

"(9) The powers, remuneration and conditions of tenure of office of members of the Council are as prescribed."

8. TRANSITIONAL ARRANGEMENTS.

(1) The persons holding office as Chairman and Deputy Chairman immediately before the coming into operation of this Act (the *National Capital District Commission (Amendment) Act 1992*) are deemed, on that coming into operation, to have demitted office as Chairman and Deputy Chairman.

(2) The members of the National Capital District Commission holding office immediately before the coming into operation of this Act (the *National Capital District Commission (Amendment) Act 1992*) under Section 4(1)(a) of the Principal Act as elected representatives of the Motu Koitabu people shall, on that coming into operation -

- (a) cease to be members of the Commission; and
- (b) be deemed to be the members of the Motu Koitabu Council until such time as the first elections to the Council are held under Section 40A; and
- (c) shall elect three of the number to represent the Council on the Commission until such time as the first elections are held under Section 40A.

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(3) The Manager and all officers and employees of the Commission, holding office immediately before the coming into operation of this Act (the ***National Capital District Commission (Amendment) Act 1992***) shall, on and after that coming into operation, hold office in accordance with the Principal Act as amended.

I hereby certify that the above is a fair print of the ***National Capital District Commission (Amendment) Act 1992*** which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the ***National Capital District Commission (Amendment) Act 1992*** was made by the National Parliament on 19 November 1992.

Speaker of the National Parliament.