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INDEPENDENT STATE OF PAPUA NEW GUINEA.

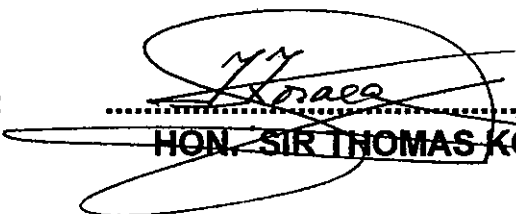
AMENDMENTS TO THE PROPOSED LAW TO ALTER THE ORGANIC LAW ON PROVINCIAL GOVERNMENTS AND LOCAL-LEVEL GOVERNMENTS

SIR THOMAS KORAEA, MP - MEMBER FOR KEREMA OPEN: To move -

Page 1 - Amendment of Schedule 1

In the definition of "maritime provinces" insert "Gulf" after "Milne Bay".

MOVER:


.....
HON. SIR THOMAS KORAEA, MP

SECONDER:


.....
HON. CHRIS HAIVETA, MP

INDEPENDENT STATE OF PAPUA NEW GUINEA.

THE CONSTITUTION.

**ALTERATIONS TO THE ORGANIC LAW ON PROVINCIAL GOVERNMENTS AND
LOCAL-LEVEL GOVERNMENTS**

The Honourable Castan Maibawa, Member for Okapa Open, proposes to alter 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, JOHN PUNDARI, Speaker of the National Parliament, hereby publish the proposed law:-

Draft of: 14/04/98.

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. Repeal and Replacement of Section 14.

**"14. CHAIRMAN AND DEPUTY CHAIRMAN OF PROVINCIAL
ASSEMBLY".**

3. Procedures of Provincial Assembly (Amendment of Section 15).
4. Remuneration and Allowances (Amendment of Section 16).
5. Repeal and Replacement of Section 20.

**"20. DISMISSAL OF PROVINCIAL GOVERNOR, DEPUTY
PROVINCIAL GOVERNOR, CHAIRMAN OR THE DEPUTY
CHAIRMAN OF THE PROVINCIAL ASSEMBLY".**

Draft of: 14/04/98.

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 alter 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(3) of the **Organic Law** is amended by repealing Paragraph (c) and replacing it with the following:-

“(c) all the heads of urban Local-level Governments representing all the urban Local-level Governments in the Province; and”

2. REPEAL AND REPLACEMENT OF SECTION 14.

Section 14 of the **Organic Law** is repealed and replaced with the following:-

**“14. CHAIRMAN AND DEPUTY CHAIRMAN OF PROVINCIAL
ASSEMBLY.**

(1) There shall be -

- (a) a chairman of a Provincial Assembly; and
- (b) a Deputy Chairman of a Provincial Assembly.

(2) Subject to this Organic Law, a senior prominent person from the province, who is not a Member referred to under Section 10(3) of this Organic Law, shall -

- (a) be elected by the Provincial Assembly in accordance with Subsection (3); and
- (b) hold office as the -

(i) Chairman of the Provincial Assembly; or

(ii) Deputy Chairman of the Provincial Assembly.

(3) Subject to Subsection (10), the Provincial Assembly shall -

- (a) after considering the names of three senior prominent persons from the province, nominated by the Provincial Assembly; and
- (b) elect one of the senior prominent persons, by an exhaustive secret ballot, as the -

- (i) Chairman of the Provincial Assembly; or
- (ii) Deputy Chairman of the Provincial Assembly,

in accordance with the procedures of the Assembly.

(4) Subject to Subsection (9), in the election of the Deputy Chairman of the Provincial Assembly -

- (a) in the case of an election after a general election, the senior prominent person who gets the second highest number of votes during the election of the Chairman of the Provincial Assembly, shall hold office as the Deputy Chairman; or
- (b) in the case of an election at a time, other than after a general election, the senior prominent person with the highest number of votes, shall hold office as the Deputy Chairman.

(5) Unless he earlier vacates his office, the Chairman and the Deputy Chairman of a Provincial Assembly shall hold office until the day fixed for the return of the writ following a general election.

(6) Notwithstanding Subsection (5), the Chairman and the Deputy Chairman of a Provincial Assembly shall -

- (a) hold office until the next election of a Chairman and the Deputy Chairman of the Provincial Assembly; and
- (b) be eligible for re-election as the Chairman or as the Deputy Chairman, as the case may be.

(7) If the Chairman of the Provincial Assembly is -

- (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,

the Deputy Chairman shall perform the functions and responsibilities of the Chairman of the Provincial Assembly.

(8) The Chairman or the Deputy Chairman of the Provincial Assembly shall cease to hold office if he -

- (a) is appointed or elected as a Member of the Parliament, Provincial Assembly or Local-level Government; or
- (b) dies or resigns his office by a written notice to the Governor; or
- (c) becomes permanently incapable of performing his duties as certified by two medical practitioners appointed for the purpose by the National Authority responsible for the registration or licensing of medical practitioners; or
- (d) fails to comply with the provisions of this Organic Law; or
- (e) becomes of unsound mind within the meaning of a law relating to the protection of persons and property of persons of unsound mind; or
- (f) is absent without leave of the Provincial Assembly, during the whole of three consecutive meetings of the Assembly, unless the Provincial Assembly decides to waive this provision upon satisfying reasons being given; or
- (g) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration for their benefit; or
- (h) is convicted of an offence punishable by law and is sentenced to a term of imprisonment; or
- (i) is dismissed from office for misconduct under Section 20.

(9) Where a vacancy occurs in the office of the Chairman or the Deputy Chairman of the Provincial Assembly pursuant to Subsection (5) or (8), the Provincial Assembly shall elect another Chairman or Deputy Chairman, as the case may be, in accordance with Subsection (3).

(10) Where a Chairman or a Deputy Chairman of the Provincial Assembly is to be elected -

- (a) if the Provincial Assembly is in session - the question of the election of the Chairman or the Deputy Chairman shall be the first matter for consideration, after any formal business, on the next sitting day after the Provincial Assembly is informed of the vacancy in the office of the Chairman or the Deputy Chairman by the Clerk; or
- (b) if the Provincial Assembly is not in session - the question of the election of the Chairman or the Deputy Chairman shall be the first matter for consideration, after any formal business, on the first sitting day after the Provincial Assembly is informed of the vacancy in the office of the Chairman or the Deputy Chairman by the Clerk.

(11) The Chairman or the Deputy Chairman of the Provincial Assembly shall, prior to performing the functions, duties and powers of his office, make the Declaration of Office and the Declaration of Loyalty as prescribed in the **Constitution**, before a person authorised to administer such Declarations, during a meeting of the Provincial Assembly in the Chamber".

3. PROCEDURES OF PROVINCIAL ASSEMBLY (AMENDMENT OF SECTION 15).

Section 15 of the **Organic Law** is amended in Subsection (1) by repealing the words "Provincial Governor" and replacing it with the following:-

"Chairman of the Provincial Assembly."

4. REMUNERATION AND ALLOWANCES (AMENDMENT OF SECTION 16).

Section 16 of the **Organic Law** is amended by inserting the following words "Chairman of the Provincial Assembly, the Deputy Chairman of the Provincial Assembly," after the words "Deputy Provincial Governor".

5. REPEAL AND REPLACEMENT OF SECTION 20.

Section 20 of the **Organic Law** is repealed and replaced with the following:-

“20. DISMISSAL OF PROVINCIAL GOVERNOR, DEPUTY PROVINCIAL GOVERNOR, CHAIRMAN OR THE DEPUTY CHAIRMAN OF THE PROVINCIAL ASSEMBLY.

(1) Subject to this section, if the Provincial Governor, Deputy Provincial Governor, Chairman or Deputy Chairman of the Provincial Assembly -

- (a) deliberately and persistently frustrates or fails to comply with the resolution of the Provincial Assembly; or
- (b) deliberately and persistently disobeys applicable laws, including the *Constitution*, an Organic Law (including this Organic Law) or any national legislation applying in the province; or
- (c) is negligent in exercising his powers or performing his functions, duties and responsibilities; or
- (d) does an act that is or is likely to bring into disrepute or call into question the integrity of his office,

the Provincial Assembly may, by a two-thirds absolute majority vote, dismiss the Provincial Governor, Deputy Provincial Governor, the Chairman or Deputy Chairman of the Provincial Assembly.

(2) The dismissal of the Provincial Governor, Deputy Provincial Governor, the Chairman or the Deputy Chairman of the Provincial Assembly shall be by a motion -

- (a) which shall be expressed to be a motion to dismiss the Provincial Governor, Deputy Provincial Governor, the Chairman or Deputy Chairman of the Provincial Assembly, as the case may be; and
- (b) of which not less than one week's notice signed by the number of members of the Provincial Assembly, being not less than one-quarter of the total number of seats in the Assembly, has been given in accordance with the procedures of the Assembly.

(3) The motion under Subsection (2) or any act or proceedings of the Provincial Assembly in relation to the motion is not invalidated by reason of a failure to specify the reasons provided in Subsection (1) in the motion”.