

Unvalidated References:

National Capital District Commission Act 1990

National Capital District Commission Act 1990

Boards (Fees and Allowances) Act 1955

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 15 of 1991.

***National Capital District Commission (Delegated Committees) Regulation
1991***

ARRANGEMENT OF SECTIONS.

PART I – PRELIMINARY.

1. Interpretation.
“Commission”

PART II – ESTABLISHMENT OF COMMITTEES.

2. Establishment of Committees with particular experience.
3. Establishment of Committees to consider application for licences.
4. Delegation of powers.

PART III – GENERAL LICENSING COMMITTEE.

5. General Licensing Committee.
6. Removal of Members.
7. Alternate Members.
8. Term of office of Committees.
9. Allowances payable to Members.
10. Applicant may appeal.

SCHEDULE 1

National Capital District Commission (Delegated Committees) Regulation 1991

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *National Capital District Commission Act 1990*.

Dated 200 .

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Regulation unless contrary intention appears—

“**Commission**” means the National Capital District Commission established by Section 3 of the *National Capital District Commission Act 1990*.

PART II. – ESTABLISHMENT OF COMMITTEES.

2. ESTABLISHMENT OF COMMITTEES WITH PARTICULAR EXPERIENCE.

The Commission may establish such number of Committees comprising members of the Commission together with appointed members of the community with general or particular experience and expertise to perform any power and function of the Commission.

3. ESTABLISHMENT OF COMMITTEES TO CONSIDER APPLICATION FOR LICENCES.

(1) The Commission shall establish two committees to consider and approve applications for–

- (a) liquor licences; and
- (b) trading licences and other commercial licences,

and to advise the Commission on policy matters in respect of these licences and exercise such other powers as the committee may from time to time delegate to those committees.

(2) The Committee established for the purposes of Subsection (1)(a) shall comprise of the following members:–

- (a) three Commissioners appointed by the Commission, of whom one shall be Chairman;
- (b) a representative of the Churches, nominated by the Melanesian Council of Churches;
- (c) a representative of the Port Moresby Chamber of Commerce, nominated by the Chamber;
- (d) a representative of the National Council of Women, nominated by the Council of Women.

(3) The quorum of any meeting of the Committee shall be four members.

(4) The Committee established under this section shall also constitute the General Licensing Committee.

4. DELEGATION OF POWERS.

(1) Subject to Subsection (2), the Commission shall delegate the following powers to the Liquor Licensing Committee in accordance with the relevant law applicable from time to time:–

- (a) power to consider application for all licences and permits;
- (b) power to approve or reject applications for licences and permits;

s. 4.

National Capital District Commission (Delegated Committees)
Regulation 1991

- (c) power to provide advice to the Commission on policy matters and other matters associated with Liquor Licensing Law;
- (d) power to recommend that prosecution action be instituted against any person who breaches provisions of any liquor licensing law.

(2) The Committee may sub-delegate all or any, of its powers (except this power of delegation), in relation to the granting of permits permitting sale of liquor on one occasion only to a person or persons chosen by the Committee.

PART III. – GENERAL LICENSING COMMITTEE.

5. GENERAL LICENSING COMMITTEE.

(1) The General Licensing Committee shall be responsible for the following matters:–

- (a) consideration of application for all licences and permits under the laws specified in the Schedule;
- (b) approval and rejection of applications for licences and permits;
- (c) provision of advice to the Commission on policy matters and on other matters associated with the liquor licensing laws;
- (d) recommending prosecution actions.

(2) The Committee shall meet–

- (a) at least once every month; and
- (b) whenever as is required,

to carry out its functions and the proceedings at a meeting shall be determined by the Committees.

(3) At any meeting of the Committee the quorum shall be eight members.

(4) Meetings of the Committee shall be held at such times and places as may be determined by the Committee.

6. REMOVAL OF MEMBERS.

(1) A member of the Committee may be removed from the office by the Commission if the member–

- (a) commits a criminal offence in Papua New Guinea or abroad; or
- (b) fails to attend three consecutive meetings without prior approval of the Chairman; or
- (c) fails to disclose an interest in an application; or
- (d) ceases to be a resident of the National Capital District.

(2) A member may resign his office by writing signed by him and delivered to the Commission.

7. ALTERNATE MEMBERS.

(1) For each of the members nominated under this Regulation, an alternate member may be nominated by the person or body responsible for nominating the member in the same manner and subject to the same conditions as the member for whom he is the alternate.

s. 8.

National Capital District Commission (Delegated Committees)
Regulation 1991

(2) The alternate member may only attend a meeting in the event that the permanent member, for whom he is the alternate, notifies the Chairman that he is unable or unwilling to attend the meeting.

8. TERM OF OFFICE OF COMMITTEES.

A member of the Committees referred to in Sections 3 and 5 shall hold office for a term of two years and is eligible for re-appointment.

9. ALLOWANCES PAYABLE TO MEMBERS.

(1) Commissioners shall be paid such fees and allowances as may be determined by the Minister under the *Boards (Fees and Allowances) Act 1955*.

(2) Other members of the Committee shall be paid K30.00 for each meeting they attend.

10. APPLICANT MAY APPEAL.

(1) An applicant whose application has been refused or rejected by the Committee may apply to the Commission for re-hearing by the Commission.

(2) If the Commission upholds the decision of the Committee the applicant may further appeal to the National Court.

SCHEDULE 1

Trading Act 1946.

National Capital District Liquor Licensing Law 1984.

*National Capital District Commission (Delegated Committees)
Regulation 1991*