



# National Gazette

**PUBLISHED BY AUTHORITY**

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

**No. G43]**

**PORT MORESBY, FRIDAY, 31st MAY**

**[1996**

**THE INDEPENDENT STATE OF PAPUA NEW GUINEA**

**CONSTITUTION**

**ALTERATION TO THE CONSTITUTION**

THE Honourable Lukas Waka, Governor of West New Britain, proposes to alter Section 187E of the Constitution and pursuant to Section 14(2) (*making of alteration to the Constitution and Organic Law*) of the Constitution, I, Sir Rabbe Namaliu, Speaker of the National Parliament, hereby publish the proposed law:—

Draft of: 21/05/96

**INDEPENDENT STATE OF PAPUA NEW GUINEA**

**PROPOSED LAW TO ALTER SECTION 187E OF THE CONSTITUTION**

*The Constitution (Amendment) Law,*

**ARRANGEMENT OF CLAUSES.**

Suspension of Provincial Governments and Local-level Governments (Amendment of Section 187E).

Draft of: 21/05/96

**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

**PROPOSED LAW TO ALTER SECTION 187E OF THE CONSTITUTION**

entitled

***The Constitution (Amendment) Law,***

Being a Law to alter Section 187E of the Constitution and for related purposes.

**MADE** by the National Parliament.

**SUSPENSION OF PROVINCIAL GOVERNMENTS AND LOCAL-LEVEL GOVERNMENTS (AMENDMENT OF SECTION 187E).**

Section 187E of the Constitution is amended by repealing Subsection (1) and replacing it with the following:-

"(1) Where a Provincial Government or a Local-level Government undermines or attempts to undermine the authority of the National Parliament or the national unity -

- (a) the National Executive Council may provisionally suspend the Provincial Government concerned; or
- (b) the Provincial Executive Council may provisionally suspend the Local-level Government concerned,

in accordance with an Organic Law, subject to confirmation by an absolute majority vote of the Parliament."

**INDEPENDENT STATE OF PAPUA NEW GUINEA.****THE CONSTITUTION****ALTERATIONS TO THE ORGANIC LAW ON PROVINCIAL GOVERNMENTS  
AND LOCAL-LEVEL GOVERNMENTS**

The Honourable, Lukas Waka, Governor of West New Britain, 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, Sir Rabbie Namaliu, Speaker of the National Parliament, hereby publish the proposed law:-

Draft of: 21/05/96

**INDEPENDENT STATE OF PAPUA NEW GUINEA.****PROPOSED LAW TO ALTER THE ORGANIC LAW ON PROVINCIAL  
GOVERNMENTS AND LOCAL-LEVEL GOVERNMENTS*****Organic Law on Provincial Governments and  
Local-level Governments (Amendment) Law.*****ARRANGEMENT OF CLAUSES.**

1. Repeal and replacement of Section 56.
2. Repeal and replacement of Section 57.
3. Repeal and replacement of Section 58.
4. Notification of Suspension to Parliament (Amendment of Section 59).

Draft of: 21/05/96

**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. REPEAL AND REPLACEMENT OF SECTION 56.**

Section 56 of the *Organic Law on Provincial Governments and Local-level Governments* is repealed and replaced by the following:-

**"56. POWER OF MINISTER OR GOVERNOR WHERE HE  
IS OF THE OPINION THAT A GROUND FOR  
SUSPENSION MAY EXIST.**

(1) Where the Minister responsible for provincial government and local-level government matters is of the opinion that the ground for suspension of a Provincial Government exists or may exist, he may -

- (a) require the Provincial Governor to appear before him and give an explanation of any matters which have come to the attention of the Minister; and
- (b) report to the National Executive Council on any matters which appear to constitute grounds for the suspension of the Provincial Government.

(2) Where the Provincial Governor is of the opinion that the ground for suspension of a Local-level Government exist or may exist, he may -

- (a) require the Head of the Local-level Government to appear before him and give an explanation of any matters which have come to the attention of the Governor; and
- (b) report to the Provincial Executive Council on any matters which appear to constitute grounds for the suspension of the Local-level Government."

**2. REPEAL AND REPLACEMENT OF SECTION 57.**

Section 57 of the *Organic Law on Provincial Governments and Local-level Governments* is repealed and replaced by the following:-

**"57. DUTIES OF NATIONAL AND PROVINCIAL EXECUTIVE COUNCIL ON SUBMISSION OF REPORT, ETC.**

(1) The National Executive Council -

- (a) shall consider any report and comments submitted under Section 56(1)(b); and
- (b) may -
  - (i) cause the Minister to make further inquiries; and
  - (ii) require the Provincial Governor to attend before it and make explanations.

(2) The Provincial Executive Council -

- (a) shall consider any report and comments submitted under Section 56(2)(b); and

(b) may -

- (i) cause the Provincial Governor to make further inquiries; and
- (ii) require the Head of the Local-level Government to attend before it and make explanations."

### 3. REPEAL AND REPLACEMENT OF SECTION 58.

Section 58 of the *Organic Law on Provincial Governments and Local-level Governments* is repealed and replaced by the following:-

#### "58. SUSPENSION OF PROVINCIAL GOVERNMENT OR LOCAL-LEVEL GOVERNMENT.

(1) In the case of a Provincial Government, where the National Executive Council, after considering a report, comments or explanation under Sections 56(1)(b) and 57(1), is of the opinion that -

- (a) the ground for suspension exist; and
- (b) the matter can only be put right by suspension,

it may, by a notice in the National Gazette, provisionally suspend the Provincial Government.

(2) In the case of a Local-level Government, where the Provincial Executive Council, after considering a report, comments or explanation under Sections 56(2)(b) and 57(2), is of the opinion that -

- (a) the ground for suspension exists; and
- (b) the matter can only be put right by suspension,

it may, by a notice in the Provincial Gazette, provisionally suspend the Local-level Government.

(3) Where a Local-level Government is provisionally suspended under Subsection (2), the Provincial Governor shall, within seven days of the suspension under Subsection (2), forward to the Minister responsible provincial government and local-level government matters -

- (a) the report submitted under Section 56(2)(b);  
and
- (b) any further report or a resume of any explanation obtained under Section 57(2)(b);  
and
- (c) a copy of the Provincial Executive Council decision to suspend the Local-level Government."

**4. NOTIFICATION OF SUSPENSION TO PARLIAMENT (AMENDMENT OF SECTION 59).**

Section 59(1) of the *Organic Law on the Provincial Government and Local-level Government* is amended in Paragraph (a) by repealing sub-paragraph (iii) and replacing it with the following -

- "(iii) a copy of the National Executive Council decision or the Provincial Executive Council decision, as the case may be."