



National Gazette

PUBLISHED BY AUTHORITY

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

No. G106]

PORT MORESBY, WEDNESDAY, 20th APRIL

[2011

DATE OF NEXT MEETING OF PARLIAMENT

IN Pursuance of the resolution of the National Parliament of Friday, 25th February, 2011, I hereby fix Tuesday, 10th May, 2011, at two o'clock in the afternoon, as the day on which Parliament shall next meet.

Hon. T. HAROKAQVEH, MP.,
Assistant Speaker of the National Parliament.

The Organic Law on the Provincial Governments and Local-Level Governments (Amendment) Law

EXPLANATORY NOTE

THE Amendment proposed to the *Organic Law on the Provincial Governments and Local-Level Governments* clarifies the composition of the membership of the legislative arm of the Local Level Government, which also includes the deputy head of the Local Level Government.

It is intended to give effect to the amendment made to the *Organic Law on National and Local-Level Government Elections* which allows the deputy head of the Local Level Government, who is a woman, to be directly elected by the voters.

In this proposal, provision is made for the election or appointment of the head and deputy head of the Local-level Government, to be made in accordance with Act of Parliament.

THE CONSTITUTION

ALTERATION TO THE CONSTITUTION

THE Honourable Member for New Ireland Regional, Sir Julius Chan, proposes to alter the *Organic Law on the Provincial Governments and Local-Level Governments* and pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and Organic Laws*) of the Constitution, I, Jeffrey Nape, the Speaker of the National Parliament, hereby publish the proposed Law—

Draft of: 6/04/2011

THE CONSTITUTION

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

entitled

The Organic Law on the Provincial Governments and Local-Level Governments (Amendment) Law.

Alteration to the Constitution—continued

ARRANGEMENT OF CLAUSE

Composition of Local-Level Government (Amendment of Section 29).

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

entitled

*The Organic Law on the Provincial Governments and Local-Level Governments
(Amendment) Law.*

Being a Law to alter the *Organic Law on the Provincial Governments and Local-Level Governments*, and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice published in the *National Gazette* by the Head of State, acting with, and in accordance with the advice of the Minister.

COMPOSITION OF LOCAL-LEVEL GOVERNMENT (AMENDMENT) OF SECTION 29).

Section 29 of the *Organic Law* is amended in Subsection (1) by repealing Paragraph (a) and replacing it with the following—

“(a) the—

- (i) head of the Local-level Government; and
- (ii) deputy head of the Local-level Government, who shall be elected or appointed, as the case may be, in accordance with an Act of the Parliament; and”

The Organic Law on National and Local-Level Government Elections (Amendment) Law.

EXPLANATORY NOTE

THE Amendment proposed to the *Organic Law on the National and Local-Level Governments Elections* is intended to enable the deputy head of a Local-Level Government to be directly elected by the electors.

Provision is made for the Head of State to determine that a woman be directly elected by the electors, as the deputy head of the Local-level Government.

However, such a determination will have a duration of two terms of Parliament, commencing on the date fixed for the issue of the writ of the 2012 elections and ceasing to have any effect on the date fixed for the return of the writ for the 2017 elections.

THE CONSTITUTION

ALTERATION TO THE CONSTITUTION

THE Honourable Member for New Ireland Regional, Sir Julius Chan, proposes to alter the *Organic Law on National and Local-Level Government Elections* and pursuant to the requirements of Section 14(2) (*making of alterations to the Constitution and Organic Laws*) of the Constitution, I, Jeffrey Nape, the Speaker of the National Parliament, hereby publish the proposed Law—

Draft of: 6/04/2011

THE CONSTITUTION

**PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE NATIONAL
AND LOCAL-LEVEL GOVERNMENTS ELECTIONS**

entitled

The Organic Law on the National and Local-Level Government Elections (Amendment) Law.

ARRANGEMENT OF CLAUSES

- (1) Compliance with constitutional requirements.
- (2) Application of this Part (Amendment of Section 234).

Alteration to the Constitution—continued**PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE NATIONAL AND LOCAL-LEVEL GOVERNMENT ELECTIONS**

entitled

*The Organic Law on the National and Local-Level Government Elections (Amendment) Law.*Being a Law to alter the *Organic Law on National and Local-Level Government Elections*, and for related purposes,MADE by the National Parliament to come into operation in accordance with a notice published in the *National Gazette* by the Head of State, acting with, and in accordance with the advice of the Minister.**1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

- (1) This Organic Law to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (qualified rights) of the Constitution, namely:—
- (a) the freedom of conscience, thought and religion conferred by Section 45 of the Constitution; and
 - (b) freedom of expression conferred by Section 46 of the Constitution; and
 - (c) freedom of assembly and association conferred by Section 47 of the Constitution; and
 - (d) the right to vote and stand for public office conferred by Section 50 of the Constitution; and
 - (e) the right to equality of citizens conferred by Section 55 of the Constitution, is a law that is made for the purpose of giving effect to the public interest in public order, public welfare, the development of underprivileged or less advanced groups or areas and in order to protect the exercise of the rights and freedoms of others.

2. APPLICATION OF THIS PART (AMENDMENT OF SECTION 234).

Section 234 of the Organic Law is amended —

- (a) by repealing Subsection (2) and replacing it with the following:—
- “(2) The Head of State, acting on advice, may determine that—
- (a) the head; and
 - (b) subject to Subsection (4), the deputy head, who is a woman of Local Level Governments, be directly elected by the electors.”; and
- (b) by adding after Subsection (2), the following new Subsections:—
- “(3) Where a determination under Subsection (2) is made—
- (a) the election of the heads and subject to Subsection (4), the deputy heads of Local Level Governments, shall be in accordance with this Part subject to such modifications as is prescribed or as is required in the circumstances; and
 - (b) where an election for a member of Local Level Government and an election for the head and subject to Subsection (4), the deputy head of Local Level Governments are held simultaneously, an elector may vote in respect of each election.
- (4) A determination made in accordance with Subsection (2)(b)—
- (a) comes into effect on the date fixed for the issue of the writ for the 2012 elections; and
 - (b) ceases to have any effect on the date fixed for the return of the writ for the 2017 elections.”.