



# National Gazette

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**[2013**

THE CONSTITUTION

ALTERATION TO THE CONSTITUTION

*Constitutional Amendment (Appointment of Certain Offices) Law 2013*

The Government proposes to alter the Constitution, and pursuant to Section 14(2) (Making of Alterations to the Constitution and Organic Laws) of the Constitution, I, Theodore Zurenuoc, Speaker of the National Parliament, hereby publish the following proposed Law:—

Draft of 12/02/2013

**PROPOSED LAW TO ALTER THE CONSTITUTION**

*Constitutional Amendment (Appointment of Certain Offices) Law 2013*

ARRANGEMENT OF CLAUSES

1. Appointment of Certain Offices (Amendment of Section 193).
2. New Section 1E.
3. Appointment of Certain Offices of Regulatory Statutory Authorities (Amendment of Section 208B).
4. Transitional and Savings.

**PROPOSED LAW TO ALTER THE CONSTITUTION**

entitled

*Constitutional Amendment (Appointment of Certain Offices) Law 2013*

being

A Law to alter the provision of the Constitution relating to appointment of certain offices.  
MADE by the National Parliament.

**Proposed Law to Alter the Constitution—*continued***

1. APPOINTMENT OF CERTAIN OFFICES (AMENDMENT OF SECTION 193).

Section 193 of the Constitution is amended—

- (a) in Subsection (1A) by repealing the words “recommended by the Public Service Commission following” and substituting the following words:
  - “from a list of persons selected and recommended through merit based selection and appointment”; and
- (b) in Subsection (1B) by repealing the words “in accordance with a recommendation by the Public Service Commission following” and substituting in their stead with the following words:
  - “given in accordance”; and
- (c) in Subsection (1C) by repealing the words “a recommendation by the Public Services Commission following” and substituting in their stead with the following words:
  - “given in accordance”; and
- (d) in Subsection (1D) by repealing the words “a recommendation by the Public Services Commission following”.

2. NEW SECTION 1E.

The Principal Act is amended by inserting after Subsection (1D) the following new Section:—

- “(1E). Notwithstanding the procedures provided by an Act of Parliament under Subsections (1A) to (1D), the Public Services Commission shall exercise its powers under Section 191 from time to time to review the appointments made thereto”.

3. APPOINTMENT OF CERTAIN OFFICES OF REGULATORY STATUTORY AUTHORITIES (AMENDMENT OF SECTION 208B).

Section 208B of the Constitution is amended in Section 208B in Subsections 2, 3, 4 and 5 by deleting the following words appearing in each of those Subsections:—

- “in accordance with the recommendation from the Public Services Commission”.

4. TRANSITIONAL AND SAVINGS.

(1) An appointee referred to in Subsection (1)(a), (g) and (h) of the Constitution who—

- (a) was, before the coming into operation of this Law, validly appointed (whether substantively or temporarily); and
- (b) immediately before that coming into operation held that office (whether substantively or otherwise), shall, on that coming into operation, be deemed to be validly appointed (substantively or temporarily, as the case may be) in accordance with Section 193 (*appointment to certain offices*) and shall continue to hold that office substantively or temporarily, as the case may be, until the expiry of the term of the appointment or until the cessation of the appointment otherwise according to law, whichever shall first happen.

(2) An appointee referred to in Subsection (1)(a), (g) and (h) of the Constitution who—

- (a) was, before the coming into operation of this Law, validly suspended from office; and
- (b) immediately before that coming into operation was so suspended from office, shall, on that coming into operation, be deemed to be validly suspended from that office in accordance with Section 193 (*appointment to certain offices*) of the Constitution, and shall continue to be so suspended from office until the suspension is lifted or until ceasing to hold that office according to law, whichever shall first happen.

Draft of 13/02/2013

**THE ORGANIC LAW ON PROVINCIAL GOVERNMENT AND LOCAL-LEVEL GOVERNMENT**

**ALTERATION TO THE PRINCIPLE ORGANIC LAW**

The Government proposes to alter the Organic Law on Provincial Governments and Local-Level Governments pursuant to the requirement of Section 14(2) (*making of alterations to the Constitution*) of the Constitution, I, Theodore Zurenuoc, Speaker of the National Parliament, hereby publish the proposed Law:—

**PROPOSED LAW TO AMEND THE ORGANIC LAW ON PROVINCIAL GOVERNMENT AND LOCAL-LEVEL GOVERNMENT**

*Organic Law on Provincial Government and Local-Level Government (Amendment) Law 2013*

ARRANGEMENT OF CLAUSE

Provincial and District Administrators (Amendment of Section 73).

Draft of 13/02/2013

**PROPOSED LAW TO AMEND THE ORGANIC LAW ON PROVINCIAL GOVERNMENT AND LOCAL-LEVEL GOVERNMENT**

entitled

*The Organic Law on Provincial Government and Local-Level Government (Amendment) Law 2013*

being

A Law to alter the *Organic Law on Provincial Government and Local-Level Government*,

MADE by the National Parliament.

**PROVINCIAL AND DISTRICT ADMINISTRATORS (AMENDMENT OF SECTION 73).**

Section 73 of the Principle Organic Law is amended in Subsections (2), (2A), (2B) and (2C) by repealing the following words appearing in those Subsections:—

“concerned from a list of persons recommended to the Provincial Executive Council by the Public Service Commission following procedures prescribed by or under an Act of Parliament.”.