

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 401.

*Provincial Governments (Transfer of Activities).*

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Provincial Affairs at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in, or in relation to, this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Provincial Affairs;

“the Department”—should be read as references to the Department of Provincial Affairs.

TABLE OF CONTENTS.

	<i>Page.</i>
<i>Provisional Government (Transfer of Activities) Act.</i> .....	3
Regulation. ....	—
Appendix—	
Source of Act.	



INDEPENDENT STATES OF PAPUA NEW GUINEA.

CHAPTER NO. 401.

*Provincial Governments (Transfer of Activities) Act.*

---

ARRANGEMENT OF SECTIONS.

1. Interpretation.—
  - "the commencement date"
  - "Organic Law"
  - "transferred activity".
2. Activities related to subjects to which Division VI.3 of the Organic Law applies.
3. Activities related to subjects to which Division VI.4 or 5 of the Organic Law applies.
4. Saving of previous transfers.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 401.

***Provincial Governments (Transfer of Activities) Act.***

Being an Act to provide the machinery for the orderly transfer of activities between the National Government and provincial governments and for related purposes.

**1. Interpretation.**

In this Act unless the contrary intention appears—

“the commencement date” means 28 February, 1983, being the date on which the *Provisional Government (Transfer of Activities) Act 1983* came into force;

“Organic Law” means the *Organic Law on Provincial Government*;

“transferred activity” has the same meaning as in Schedule 1 to the *Organic Law on Provincial Government*.

**2. Activities related to subjects to which Division VI.3 of the Organic Law applies.**

Where an activity, including a transferred activity, relates to a subject to which Division VI.3 of the Organic Law applies, a decision by the National Government in relation to the time when and the extent to which that activity is, or is not, to be performed or carried out by a provincial government has effect only to the extent that the provincial government has not otherwise provided for the performance or carrying out of that activity.

**3. Activities related to subjects to which Division VI.4 or 5 of the Organic Law applies.**

(1) Where an activity, including a transferred activity relates to a subject to which Division VI.4 or 5 of the Organic Law applies, the Head of State, acting on advice given after due consultation between the National Government and provincial government concerned, may, by notice in the National Gazette, declare—

(a) in the case of a transferred activity—that, with effect from the date specified in the notice and for the period so specified—

(i) the activity is not, to the extent specified in the notice, a transferred activity; and

(ii) the National Government may, to that extent, perform out the activity; and

(b) in the case of an activity that is not a transferred activity—that, with effect from the date specified in the notice, the activity is, in relation to that provincial government, a transferred activity.

(2) Notwithstanding Subsection (1)(a), a declaration shall not be made in respect of a transferred activity related to a subject to which Division VI.4 of the Organic Law applies unless the activity relates to a matter of national interest and to the extent that it is a matter of national interest.

**4. Saving of previous transfers.**

Any transfers of activities made between the National Government and provincial governments, including all things done in pursuance of those transfers, and in force or

Ch. No. 401      *Provincial Governments (Transfer of Activities)*

having effect immediately before the commencement date, continue in force and have effect as if made under this Act.

---

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 401.

*Provincial Governments (Transfer of Activities).*

---

APPENDIX 1

---

SOURCE OF THE PROVINCIAL GOVERNMENTS (TRANSFER OF ACTIVITIES)  
ACT.

Part A.—Previous Legislation.

*Provisional Governments (Transfer of Activities) Act 1983 (No. 6 of 1983).*

Part B.—Cross References.

Section etc., in Revised Edition.	Previous Reference <sup>1</sup> .
1	1
2	2
3	3
4	4

---

<sup>1</sup>Unless otherwise indicated, references are to the Act as set out in Part A.

