

No. 911 of 9998.

Organic Law on the Nomination of the Governor-General.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Organic Law on the Nomination of the Governor-General.

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SCHEDULE 1 – Proposal for nomination.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Organic Law on the Nomination of the Governor-General,

Being an Organic Law to implement Section 88(2) (*appointment to office*) of the *Constitution* by providing for the conduct of an exhaustive secret ballot to decide the Parliament's nomination for the office of Governor-General.

1. DEFINITIONS.

In this Law, unless the contrary intention appears—

“**member**” means a member of the National Parliament;

“**Parliament's nominee**” means the person nominated by, or to be nominated by the National Parliament, to occupy the office of Governor-General;

“**the Clerk**” means the Clerk of the National Parliament.

2. THE CLERK TO CONDUCT ELECTIONS.

An election under this Law shall be conducted by, or under the supervision of, the Clerk.

3. NOMINATIONS.

Whenever the office of Governor-General is vacant, or is about to become vacant, the Speaker shall—

(a) on the first sitting day of the Parliament after the vacancy occurs, or the need to elect a new Governor-General occurs, as the case may be, notify the members of the Parliament of the vacancy or of the imminent vacancy; and

(b) at the same time fix a date, being a date not later than 10 sitting days after the day referred to in paragraph (a), for the conduct of a ballot to

decide the person to be nominated by the Parliament to fill the vacant office; and

- (c) call for nominations to fill the vacancy.

4. PROPOSALS FOR NOMINATION.

(1) A proposal for nomination shall be—

- (a) in the form in Schedule 1; and
- (b) contain the signature or other mark of—
 - (i) the proposer; and
 - (ii) the person proposed as accepting the nomination; and
 - (iii) not less than 15 other members of the Parliament; and
- (c) handed to the Clerk at any time before the commencement of voting.

(2) A member of the Parliament shall not propose more than one person as a candidate for election as the Parliament's nominee.

5. REJECTION OF PROPOSALS.

(1) The Clerk may reject a proposal for nomination where—

- (a) the proposal is not in the prescribed form; or
- (b) the proposal is not signed by at least 15 members of the Parliament; or
- (c) he has reasonable cause to believe, and does believe, that the person nominated is not qualified for appointment as the Governor-General.

(2) Where the Clerk rejects a proposal for nomination he shall immediately inform the Speaker, the proposer and the person proposed of his reasons for so doing.

(3) A person aggrieved by a decision of the Clerk may, within five days after the decision, appeal against the decision to the National Court.

(4) An election under this Law shall not be held until all appeals under this section have been dealt with.

6. FUNCTIONS OF CLERK PRIOR TO BALLOT.

The Clerk shall, immediately before the commencement of voting—

- (a) furnish the Speaker with a list of all candidates for election and the Speaker shall declare the names to the Parliament; and
- (b) distribute, or cause to be distributed, to each member present in the Parliament at that time a ballot-paper in a form approved by the Clerk.

7. VOTING WHERE ONE PERSON ONLY PROPOSED.

(1) Where only one person has been proposed as the Parliament's nominee, each member present shall—

- (a) indicate on his ballot-paper whether or not he agrees with the proposal; and
- (b) deliver the ballot-paper to the Clerk.

(2) The Clerk shall, as soon as he has received all the ballot-papers, in the presence of the members present, count the votes and furnish the result to the Speaker.

(3) The Speaker shall—

- (a) where the person proposed has received a majority of votes, declare that person elected as the Parliament's nominee; or
- (b) where the person proposed has received less than a majority, declare that the election has failed, and that person shall not again be proposed as a candidate for election at that election.

8. VOTING WHERE TWO PERSONS PROPOSED.

(1) Where two persons have been proposed as the Parliament's nominee, each member present shall—

- (a) indicate on the ballot-paper the name of the candidate for whom he votes; and
- (b) deliver his ballot-paper to the Clerk.

(2) The Clerk shall, as soon as he has received all the ballot-papers, in the presence of the members present, count the votes for each candidate and furnish the result to the Speaker.

(3) The Speaker shall—

- (a) where one of the candidates receives a majority of votes, declare that candidate elected as the Parliament's nominee; or
- (b) where both the candidates receive an equal number of votes, declare that a further ballot shall take place immediately.

(4) Where on a ballot referred to in Subsection 3(b) there is again an equality of votes, the Speaker shall declare that—

- (a) the matter stands adjourned for one sitting day; and
- (b) that a further ballot shall then take place.

(5) Where on the ballot referred to in Subsection (4) there is again an equality of votes, the Speaker shall cast his vote.

(6) Where there is an equality of votes, a candidate may at any time after the result of the first ballot is declared, but before the commencement of the second or

other subsequent ballot, withdraw his name from the election which shall then proceed in accordance with Section 7.

9. VOTING WHERE MORE THAN TWO PERSONS PROPOSED.

(1) Where more than two persons have been proposed as the Parliament's nominee, each member present shall—

- (a) indicate on the ballot-paper the name of the candidate for whom he votes; and
- (b) deliver his ballot-paper to the Clerk.

(2) The Clerk shall, as soon as he has received all the ballot-papers, in the presence of the members present, count the votes for each candidate and furnish the result to the Speaker.

(3) As soon as he has been furnished with the result of the ballot the Speaker shall declare the candidate with the least number of votes to be excluded from further ballots and a second ballot shall be held immediately and so on until there are only two candidates remaining.

(4) Where only two candidates remain in accordance with Subsection (3) the further ballots shall be conducted in accordance with Section 8 as though those two candidates were the only candidates nominated.

(5) Where in any ballot conducted under Subsection (3) no decision can be made as to which candidate to exclude from a subsequent ballot because two or more candidates have an equality of votes, a ballot shall be conducted as between those candidates only to determine which should be excluded and, if after conducting that ballot there is still an equality of votes, the Speaker shall cast his vote to determine which of the candidates is to be excluded from subsequent ballots.

(6) At any time after the result of the first ballot under this section is declared, but before the commencement of the second or other subsequent ballot, a candidate may withdraw his name from the election which shall then proceed as if he had not been nominated.

SCHEDULE 1 – PROPOSAL FOR NOMINATION.

Sec. 4.

PAPUA NEW GUINEA.

Organic Law on the Nomination of the Governor-General.

Form – Proposal for nomination.

I, the undersigned member of the National Parliament, propose who is qualified to be a member of the National Parliament and is a citizen of Papua New Guinea for nomination by the Parliament as Governor-General.

Dated the day ... of ..., 20 ..

(Signature of Proposer.)

(Name of Electorate of Proposer.)

I, being the person referred to in the above proposal, accept the proposal.

(Signature of Person Proposed.)

We, the undersigned members of the Parliament, support the above proposal.

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(Electorates of Supporters of Proposal.) (Signatures of Supporters of Proposal.)