

No. 3 of 2001.

National Capital District Commission (Amendment No.2) Act 2001.

Certified on : 26.10.01



INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2001.

National Capital District Commission (Amendment No. 2) Act 2001.

ARRANGEMENT OF SECTIONS.

1. Compliance with constitutional requirements.
2. Repeal and replacement of Section 2.

"2. GOVERNMENT SYSTEM OF THE NATIONAL CAPITAL DISTRICT."
3. Membership of the Commission (Amendment of Section 4).
4. Repeal and replacement of Section 7.

"7. ELIGIBILITY FOR OFFICE OF MEMBERS OF THE COMMISSION."
5. Vacation of office (Amendment of Section 8).
6. Meetings of the Commission (Amendment of Section 10).
7. Repeal and replacement of Section 17A.

"17A. DELEGATION OF FUNCTIONS AND POWERS BY COMMISSION."
8. Repeal and replacement of Section 18.

"18. STAFF."
9. Repeal and replacement of Section 38A.

"38A. FINANCIAL ASSISTANCE TO CENTRAL PROVINCIAL GOVERNMENT."
10. Motu Koitabu Council (Amendment of Section 40A).



INDEPENDENT STATE OF PAPUA NEW GUINEA.

AN ACT

entitled

National Capital District Commission (Amendment No.2) Act 2001,

Being an Act to amend the *National Capital District Commission Act 1990,*

MADE by the National Parliament.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

For the purposes of any regulation of the right to vote and stand for public office contained in Section 50 (**right to vote and stand for public office**) of the *Constitution*, it is hereby declared that this law is reasonably justified in a democratic society that has a proper regard for the rights and dignity of mankind.

2. REPEAL AND REPLACEMENT OF SECTION 2.

Section 2 of the Principal Act is repealed and is replaced with the following:-

“2. GOVERNMENT SYSTEM OF THE NATIONAL CAPITAL DISTRICT.

(1) A system of government for the National Capital District is hereby established.

“(2) The government of the National Capital District shall comprise –
(a) the National Capital District Commission; and
(b) the Motu Koitabu Council as established in accordance with Part VIII.A.

“(3) The powers, functions and the composition of the National Capital District Commission and the Motu Koitabu Council shall be as specified in this Act.”.

National Capital District Commission (Amendment No.2)

3. MEMBERSHIP OF THE COMMISSION (AMENDMENT OF SECTION 4).

Section 4(1) of the Principal Act is amended -

(a) by repealing Subsection (1) and replacing it with the following:-

“(1) The National Capital District Commission shall consist of 13 members being -

- (a) the members of the National Parliament for the National Capital District electorate and for each other electorate within the National Capital District, who shall be *ex officio* members of the Commission, except that where one of such member is appointed as the Minister responsible for provincial government and local-level government matters, that person is not eligible to be a member of Commission and his membership in the Commission shall remain vacant until he ceases to be Minister responsible for provincial government and local-level government matters or otherwise ceases to be eligible as a member of the Commission; and
- (b) seven members appointed by the Head of State acting with, and in accordance with, the advice of the National Executive Council, by notice in the National Gazette, of whom one shall represent the interest of -
 - (i) women; and
 - (ii) churches; and
 - (iii) business and professional groups; and
 - (iv) youths; and
 - (v) trade unions,
nominated by the Minister from a list of three persons submitted by each of the interest groups to be represented; and
 - (vi) the Provincial Administrator of the Central Province, *ex officio*, upon recommendation of the Provincial Executive Council; and
 - (vii) settlements in the National Capital District, nominated by the Minister after consultation with persons relevant to the groups to be represented; and
- (c) two members of the Motu Koitabu Council comprising -

National Capital District Commission (Amendment No.2)

- (i) the Chairman of the Council, *ex officio*;
and
 - (ii) one member of the Council appointed by
the Council, *ex officio*.”; and
- (b) in Subsection (2), by repealing the reference "to subsection (1)(a)" and replacing it with the following:-
"Subsection (1)(b);" and
- (c) in Subsection (4) by repealing the reference to "Subsection (1)(b)" and replacing it with the following:-
"Subsection (1)(c)(i)".

4. REPEAL AND REPLACEMENT OF SECTION 7.

Section 7 of the Principal Act is repealed and is replaced with the following:-

“7. ELIGIBILITY FOR OFFICE OF MEMBERS OF THE COMMISSION.

A person is not eligible for appointment as a member of the Commission under Subsection 4 (1)(b) where he -

- (a) has not resided in the National Capital District for a continuous period of at least four years immediately prior to appointment; or
- (b) has, within a period of 10 years immediately prior to his appointment, been convicted of a criminal offence and, as a result of such conviction, was sentenced to a period of imprisonment of not less than 18 months; or
- (c) has, within a period of five years immediately prior to his appointment, been found guilty of an offence under the Leadership Code and been recommended for dismissal from office; or
- (d) has been declared bankrupt or insolvent; or
- (e) has been declared medically unfit.”.

5. VACATION OF OFFICE (AMENDMENT OF SECTION 8).

Section 8 (1) of the Principal Act is repealed and is replaced with the following:-

- “(1) Where a member of the Commission –
- (a) becomes permanently incapable of performing his duties;
or
 - (b) resigns his office by writing under his hand addressed to the Minister; or
 - (c) absents himself from three consecutive meetings of the Commission without the consent of the Minister; or
 - (d) fails to comply with the provisions of Section 13; or

National Capital District Commission (Amendment No.2)

- (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for the benefit of his creditors; or
 - (f) becomes of unsound mind as that expression is used in the *Public Health Act* (Chapter 226); or
 - (g) ceases to be a permanent resident of the National Capital District; or
 - (h) is absent from the National Capital District for a continuous period of three months without the consent of the Minister; or
 - (i) is convicted of a criminal offence,
- the Head of State, acting on advice, shall terminate his appointment."

6. MEETINGS OF THE COMMISSION (AMENDMENT OF SECTION 10).

Section 10 (3)(a) of the Principal Act is amended by repealing the words "four members" and replacing them with the following:-

"nine members".

7. REPEAL AND REPLACEMENT OF SECTION 17A.

Section 17A of the Principal Act is repealed and is replaced with the following:-

"17A. DELEGATION OF FUNCTIONS AND POWERS BY COMMISSION.

The Minister may, by written direction to the Commission, direct the Commission to delegate to the Council such of the functions and powers of the Commission as are specified in the direction in relation to the Motu Koitabu areas or such of the Motu Koitabu areas as are specified in the direction, and the Commission shall comply with such direction."

8. REPEAL AND REPLACEMENT OF SECTION 18.

Section 18 of the Principal Act is repealed and is replaced with the following:-

"18. STAFF.

- (1) The staff of the Commission shall consist of –
 - (a) a Manager appointed in accordance with Section 19; and
 - (b) such officers and employees appointed by the Commission as it considers necessary for the purposes of performing its functions.

National Capital District Commission (Amendment No. 2)

“(2) The Manager and officers and employees shall hold office on such terms and conditions as are determined by the Commission subject to the *Salaries and Conditions Monitoring Committee Act 1988*.

“(3) Where, after receiving a report from the Commission, the Minister is of the opinion that the inability, incompetence, incapacity or misbehaviour of the Manager or of an officer or an employee of the Commission has resulted in -

- (a) mismanagement of the financial affairs of the Commission; or
- (b) a break-down in the administration of the Commission; or
- (c) a failure on the part of the Commission to provide adequate services to the public,

the Minister may direct the Commission to dismiss the Manager, officer or employee, as the case may be, from office in accordance with the appropriate procedures and the Commission shall comply with such direction.”.

9. REPEAL AND REPLACEMENT OF SECTION 38A.

The Principal Act is amended by repealing Section 38A and replacing it with the following new section:-

“38A. FINANCIAL ASSISTANCE TO CENTRAL PROVINCIAL GOVERNMENT.

The Commission shall provide in its annual appropriation financial assistance to the Central Provincial Government as the Commission deems necessary and appropriate.”.

10. MOTU KOITABU COUNCIL (AMENDMENT OF SECTION 40A).

Section 40A (3) of the Principal Act is repealed and is replaced with the following:-

“(3) Members of the Council elected under Subsection (2) shall hold office for a period of four years.”.

National Capital District Commission (Amendment No. 2)

I hereby certify that the above is a fair print of the *National Capital District Commission (Amendment No. 2) Act 2001* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *National Capital District Commission (Amendment No. 2) Act 2001* was made by the National Parliament on 18 October 2001 by an absolute majority in accordance with the *Constitution*.

Speaker of the National Parliament.