

No.// of 2004.

Parliamentary Secretaries Act 2004.

Certified on: 04.01.05



INDEPENDENT STATE OF PAPUA NEW GUINEA

No. of 2004.

Parliamentary Secretaries Act 2004.

ARRANGEMENT OF SECTIONS.

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 "Parliamentary Secretary".
2. Parliamentary Secretary.
3. Functions of Parliamentary Secretaries.
4. Repeal.
5. Transitional.
6. Consequential amendments.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2004.

AN ACT

entitled

Parliamentary Secretaries Act 2004,

Being an Act to make provision for Parliamentary Secretaries, their appointment and functions, and for related purposes,

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

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

"Parliamentary Secretary" means a Parliamentary Secretary appointed under Section 2.

2. PARLIAMENTARY SECRETARY.

(1) Offices of Parliamentary Secretary are hereby established.

(2) There shall be such number of Parliamentary Secretaries (not exceeding 12) as is determined by the Head of State, acting with, and in accordance with, the advice of the Prime Minister.

(3) A Parliamentary Secretary shall be appointed from amongst the Members of the Parliament (other than Ministers) by the Head of State, acting with, and in accordance with, the advice of the Prime Minister.

Parliamentary Secretaries

- (4) A Parliamentary Secretary—
- (a) may be dismissed from office by the Head of State, acting with, and in accordance with, the advice of the Prime Minister; and
 - (b) ceases to hold office if he becomes a Minister or ceases to be a Member of the Parliament.

(5) A Parliamentary Secretary may resign from office by written notice to the Prime Minister.

3. FUNCTIONS OF PARLIAMENTARY SECRETARIES.

The functions of a Parliamentary Secretary are—

- (a) to assist such Minister or Ministers as are designated by the Prime Minister; and
- (b) to be a supportive spokesman in Parliament on the subject matter of the portfolio of the Minister or Ministers whom he is assisting; and
- (c) to exercise delegated legislative powers; and
- (d) to carry out ceremonial functions in relation to the portfolio; and
- (e) to carry out such other duties as are specified by the Prime Minister.

4. REPEAL.

The *Vice Ministers Act 1994* is hereby repealed.

5. TRANSITIONAL.

(1) A person who, immediately before the commencement of this Act, was a Vice Minister within the meaning of the definition of "Vice Minister" in Section 1 of the *Vice Ministers Act 1994* shall, on the commencement of this Act, be deemed to have been appointed a Parliamentary Secretary under this Act.

(2) All acts, matters and things done or suffered under or for the purposes of the Act repealed by Section 4 or any determinations made thereunder and in effect immediately before the commencement of this Act shall be deemed, on the commencement of this Act, to have been done or suffered under or for the purposes of the equivalent provisions of this Act.

(3) Where any document or instrument whenever made or executed contains a reference express or implied, to a Vice Minister, that reference shall, on the commencement of this Act, except where the context otherwise requires, be read and construed and have effect as a reference to a Parliamentary Secretary.

6. CONSEQUENTIAL AMENDMENTS.

The Acts specified in the Schedule are amended as set out in that Schedule.

Parliamentary Secretaries

SCHEDULE

AMENDMENT TO THE OFFICIAL PERSONAL STAFF ACT (CHAPTER 383).

1. INTERPRETATION (AMENDMENT OF SECTION 1).

Section 1 of the *Official Personal Staff Act* (Chapter 383) is amended by repealing Paragraph (g) and replacing it with the following:-

"(g) a Parliamentary Secretary appointed under the *Parliamentary Secretaries Act 2004*."

AMENDMENT TO THE PARLIAMENTARY MEMBERS' PERSONAL STAFF ACT 1988.

2. INTERPRETATION (AMENDMENT OF SECTION 1).

Section 1 of the *Parliamentary Members' Personal Staff Act 1988* is amended in the definition of "Member of Parliament" by repealing the words "Vice-Ministers appointed under the *Vice-Ministers Act 1994*" and replacing them with the following:-

"Parliamentary Secretaries appointed under the *Parliamentary Secretaries Act 2004*."

AMENDMENT TO THE SALARIES AND REMUNERATION ACT 1988.

3. INTERPRETATION (AMENDMENT OF SECTION 1).

The *Salaries and Remuneration Act 1988* is amended –

- (a) in Section 1 –
- (i) by inserting after the definition of "other Constitutional Office-holders" the following:-

"Parliamentary Secretaries" means Parliamentary Secretaries appointed under the *Parliamentary Secretaries Act 2004*;"
and

- (ii) by repealing the definition of "Vice-Ministers"; and

- (b) in Section 11(1) by repealing Paragraph (ga) and replacing it with the following:-

"(ga) Parliamentary Secretaries; and"

Parliamentary Secretaries

I hereby certify that the above is a fair print of the *Parliamentary Secretaries Act 2004* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Parliamentary Secretaries Act 2004* was made by the National Parliament on 10 November 2004.

Speaker of the National Parliament.