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Draft of 20/2/06

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO THE CONSTITUTION

The Government proposes to alter the Constitution pursuant to Section 14(2)(*Making of alterations to the Constitution and Organic Laws*) of the Constitution, I, Jeffrey Nape, Speaker of the National Parliament, hereby publish the proposed Law.

Draft of 20/2/06

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE CONSTITUTION

Constitutional Amendment (Membership of Parliament)

ARRANGEMENT OF CLAUSES

1. Compliance with Constitutional requirements.
2. Membership (Amendment of Section 101).

Draft of 28/1/06

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE CONSTITUTION

entitled

Constitutional Amendment (Membership of Parliament)

being

A Law to alter the Constitution by amending the provision relating membership of Parliament,

MADE by the National Parliament to come into operation on the date of the issue of writs for the General Election following the General Election in 2007.

Proposed to Alter the Constitution:—continued**1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

(1) This Law, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3 C (*qualified rights*) of the Constitution, namely:—

- (a) the right to liberty of the person conferred by Section 42; and
- (b) the right to freedom of expression and publication conferred by Section 46; and
- (c) the right to peacefully assemble and associate and to form or belong to, or not to belong to, political parties, industrial organizations or other associations conferred by Section 47; and
- (d) the right to freedom of choice of employment in any calling for which a person has the qualifications (if any) lawfully required conferred by Section 48; and
- (e) the right to reasonable privacy in respect of his private and family life, his communications with other persons and his personal papers and effects conferred by Section 49; and
- (f) the right to vote and stand for public office conferred by Section 50; and
- (g) the right of freedom of movement conferred by Section 52,

of the Constitution, is a law that is made (pursuant to Section 38 of the Constitution) taking account of the National Goals and Directive Principles for the purpose of giving effect to the public interest in public order and public welfare.

2. MEMBERSHIP (AMENDMENT OF SECTION 101).

Section 101 of the Constitution is amended:—

- (a) in Subsection (1) by repealing Paragraph (b); and
- (b) in Subsection (2) by repealing the words “and provincial”; and
- (c) in Subsection (4) by repealing the words “and of provincial electorates”.

Draft of 20/2/06

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO THE CONSTITUTION

The Government proposes to introduce the *Organic Law on National and Local-level Government Elections (Amendment) Law* and, pursuant to Section 14(2) of the Constitution, I, Jeffrey Nape, Speaker of the National Parliament, hereby publish the proposed Law.

Draft of 20/2/06

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE CONSTITUTION

Constitutional Amendment (Provincial Electorates)

ARRANGEMENT OF CLAUSES

1. Compliance with Constitutional requirements.
2. Electorates (Amendment of Section 125).

Draft of 28/1/06

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE CONSTITUTION

entitled

Constitutional Amendment (Provincial Electorates)

being

A Law to alter the Constitution by amending the provision relating to provincial electorates,

MADE by the National Parliament to come into operation on the date of the issue of writs for the General Election scheduled for 2007.

Proposed to Alter the Constitution:—continued**1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

(1) This Law, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3 C (*qualified rights*) of the Constitution, namely:—

- (a) the right to liberty of the person conferred by Section 42; and
- (b) the right to freedom of expression and publication conferred by Section 46; and
- (c) the right to peacefully assemble and associate and to form or belong to, or not to belong to, political parties, industrial organizations or other associations conferred by Section 47; and
- (d) the right to freedom of choice of employment in any calling for which a person has the qualifications (if any) lawfully required conferred by Section 48; and
- (e) the right to reasonable privacy in respect of his private and family life, his communications with other persons and his personal papers and effects conferred by Section 49; and
- (f) the right to vote and stand for public office conferred by Section 50; and
- (g) the right of freedom of movement conferred by Section 52,

of the Constitution, is a law that is made (pursuant to Section 38 of the Constitution) taking account of the National Goals and Directive Principles for the purpose of giving effect to the public interest in public order and public welfare.

2. ELECTORATES (AMENDMENT OF SECTION 125).

Section 125 of the Constitution is amended in Subsection (1) by repealing the words “and of provincial electorates”.

Draft of 20/2/06

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ORGANIC LAW ON NATIONAL AND LOCAL-LEVEL GOVERNMENT ELECTIONS

The Government proposes to introduce the *Organic Law on National and Local-level Government Elections (Amendment) Law* and, pursuant to Section 14(2) of the Constitution, I, Jeffrey Nape, Speaker of the National Parliament, hereby publish the proposed Law.

Draft of 20/2/06

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE ORGANIC LAW ON NATIONAL AND LOCAL-LEVEL GOVERNMENT ELECTIONS

Organic Law on Provincial and Local-level Government Elections (Amendment) Law

ARRANGEMENT OF CLAUSES

1. Compliance with Constitutional requirements.
2. Application of this Law.
3. Open Electorates (Amendment of Section 35).
4. Size of Open Electorates (Amendment of Section 36).
5. Determination of Open Electorates (Amendment of Section 41).

Proposed Law to Alter the Organic Law on National and Local-level Government Election:—continued

Draft of 20/2/06

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE ORGANIC LAW ON NATIONAL AND LOCAL-LEVEL GOVERNMENT ELECTIONS

entitled

Organic Law on National and Local-level Government Elections (Amendment) Law

being

A Law to amend the *Organic Law on National and Local-level Government Elections* to effect certain amendments made by the *Organic Law on National and Local-level Government Elections (Amendment No. 1) Law*, and for related purposes,

MADE by the National Parliament.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

(1) This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3 C (*qualified rights*) of the Constitution, namely:—

- (a) the right to liberty of the person conferred by Section 42; and
- (b) the right to freedom of expression and publication conferred by Section 46; and
- (c) the right to peacefully assemble and associate and to form or belong to, or not to belong to, political parties, industrial organizations or other associations conferred by Section 47; and
- (d) the right to freedom of choice of employment in any calling for which a person has the qualifications (if any) lawfully required conferred by Section 48; and
- (e) the right to reasonable privacy in respect of his private and family life, his communications with other persons and his personal papers and effects conferred by Section 49; and
- (f) the right to vote and stand for public office conferred by Section 50; and
- (g) the right of reasonable access to official documents conferred by Section 51; and
- (h) the right of freedom of movement conferred by Section 52,

of the Constitution, is a law that is made (pursuant to Section 38 of the Constitution) taking account of the National Goals and Directive Principles for the purpose of giving effect to the public interest in public order and public welfare.

2. APPLICATION OF THIS LAW.

This law applies to and in respect of all Provinces except Bougainville Province.

3. OPEN ELECTORATES (AMENDMENT OF SECTION 35).

For the purposes of Section 35 of the *Organic Law on National and Local-level Government Elections*, Notwithstanding anything in the *Organic Law on National and Local-level Government Elections (Amendment No. 1) Law*, the amendment made by Section 5 of the *Organic Law on National and Local-level Government Elections (Amendment No. 1) Law* shall come into operation on the date of issue of writs for the general election next held after the General election for 2007.

4. SIZE OF OPEN ELECTORATES (AMENDMENT OF SECTION 36).

For the purposes of Section 36 of the *Organic Law on National and Local-level Government Elections*, notwithstanding anything in the *Organic Law on National and Local-level Government Elections (Amendment No. 1) Law*, the amendment made by Section 6 of the *Organic Law on National and Local-level Government Elections (Amendment No. 1) Law* shall come into operation on the date of issue of writs for the general election next held after the General election for 2007.

5. DETERMINATION OF OPEN ELECTORATES (AMENDMENT OF SECTION 41).

Section 41 of the *Organic Law on National and Local-level Government Elections* is amended:—

- (a) in Subsection (3) by repealing the word “Where” and replacing it with the following:—
“Subject to Subsection (11), where”; and

Proposed Law to Alter the Organic Law on National and Local-level Government Elections:—*continued*

- (b) in Subsection (9) by repealing the word “Where” and replacing it with the following:—
“Subject to Subsection (11), where”; and
- (c) by inserting after Subsection (10) the following new subsection:—
“(11) Any recommendations of the Boundaries Commission made to Parliament prior to the General Election scheduled for 2007 for a proposed redistributions and are constituted as a determination of open electorates in accordance with Subsections (3) or (9) shall apply to the General Election first held after the General Election scheduled for 2007.”.