



# National Gazette

PUBLISHED BY AUTHORITY

(Registered at the General Post Office, Port Moresby, for transmission by post as a Qualified Publication)

No. G260] PORT MORESBY, MONDAY, 8th NOVEMBER [2010

Draft of 06/10/2010

*Organic Law on National and Local-Level Government Elections (Amendment No. 2) Repeal Law 2010*

**PROPOSED LAW TO REPEAL THE ORGANIC LAW ON NATIONAL AND LOCAL-LEVEL  
GOVERNMENT ELECTIONS (AMENDMENT No. 2) LAW 2006**

ARRANGEMENT OF CLAUSES

Repeal.

*Organic Law on National and Local-Level Government Elections (Amendment No. 2) Repeal Law 2010*

**PROPOSED LAW TO REPEAL THE ORGANIC LAW ON NATIONAL AND LOCAL-LEVEL  
GOVERNMENT ELECTIONS (AMENDMENT No. 2) LAW 2006**

being

A Law to repeal the *Organic Law on National and Local-Level Government Elections (Amendment No. 2) Law 2006*.

MADE by the National Parliament to come into operation immediately after the coming into operation of the *Organic Law on National and Local-Level Government Elections (Amendment No. 2) Law 2006*.

REPEAL.

The *Organic Law on National and Local-Level Government Elections (Amendment No. 2) Law 2006* is Repealed.

Draft of 06/10/2010

*Organic Law on National and Local-Level Government Elections (Amendment No. ) Law 2010,*

**PROPOSED LAW TO ALTER THE ORGANIC LAW**

The Government proposes to alter the *Organic Law on National and Local-Level Government Elections (Amendment No. ) Law 2010*, and pursuant to the requirement of Section 14(2) (Making of Alterations to the Constitution and Organic Laws) of the Constitution, I, Jeffery Nape, Speaker of the National Parliament, hereby publish the proposed law.

No. of 2010

*Organic Law on National and Local-Level Government Elections (Amendment No. ) Law 2010.*

#### ARRANGEMENT OF CLAUSES

1. Repeal.
2. Effective Date.
3. Compliance with Constitutional Requirements.
4. Membership (Amendment of Section 101).
5. Electorates (Amendment of Section 125).
6. Savings Provisions Provincial Members.

*Organic Law on National and Local-Level Government Elections (Amendment No. ) Law 2010,*

#### PROPOSED LAW TO ALTER AN ORGANIC LAW

entitled

being

A Law to repeal the *Organic Law on National and Local-Level Government Elections (Amendment No. 2) Law 2006.*

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. REPEAL.

The *Organic Law on National and Local-Level Government Elections (Amendment No. 2) Law 2006* is repealed.

#### 2. EFFECTIVE DATE.

For the avoidance of doubt this law has retrospective effect.

#### 3. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

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 or her private and family life, his or her communications with other person and his or her 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 to reasonable access of 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.

**Proposed Law to Alter an Organic Law—continued****4. MEMBERSHIP (AMENDMENT OF SECTION 101).**

Section 101 of the Constitution is amended by—

(a) inserting after Paragraph (1)(a) the following new paragraph:

“(b) a number of members elected from single-member provincial electorates; and”; and

(b) inserting in Subsection (5) before the word “electorates” the word “open”; and

(c) inserting in Subsection (5) before the word “electorates” the word “open”.

**5. ELECTORATES (AMENDMENT OF SECTION 125).**

Section 125 of the Constitution is amended by repealing Subsection (6) and replacing it with the following new subsections:

“(6) An Organic Law shall make provision for the number of provincial electorates and their boundaries.

**6. SAVINGS PROVISIONS PROVINCIAL MEMBERS.**

(1) This Section applies to a person if, immediately before the repeal of Section 101(1)(b) of the Constitution made by Section 2 of the *Constitutional Amendment (Provincial Electorates) Law 2006* (“repeal”), the person was a member elected from a provincial electorate.

(2) Despite the repeal, a person to whom this section applies continues, on and after the repeal, as the member elected from the provincial electorate as if the repeal had not been made.

(3) The repeal does not affect—

(a) any right, privilege, obligation or liability acquired, accrued or incurred by a person to whom this section applies, being a right, privilege, obligation or liability that existed immediately before the repeal; and

(b) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability, being an investigation, legal proceeding or remedy that was pending immediately before the repeal.

Draft of 16/07/2010.

*Constitutional Amendment (Provincial Electorates) Law 2010*

**PROPOSED LAW TO ALTER THE CONSTITUTION****ARRANGEMENT OF CLAUSES**

1. Compliance with Constitutional Requirements.
2. Membership (Amendment of Section 101).
3. Electorates (Amendment of Section 125).
4. Savings Provision Provincial Members.

Draft of 06/10/2010.

*Constitutional Amendment (Provincial Electorates) Law 2010*

**PROPOSED LAW TO ALTER THE CONSTITUTION**

entitled

being

A Law to alter the Constitution by amending certain provisions relating to provincial electorates, and for related purposes.

MADE by the National Parliament to come into operation immediately after the coming into operation of the *Constitution Amendment (Provincial Electorates) Law 2006*.



**Proposed Law to Alter the Constitution—*continued***

**1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

This Law, to the extent that it regulates or restricts 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 or her private and family life, his or her communications with other person and his or her 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 to reasonable access of 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. MEMBERSHIP (AMENDMENT OF SECTION 101).**

Section 101 of the Constitution is amended by—

- (a) inserting after Paragraph (1)(a) the following new paragraph:
  - “(a) a number of members elected from single-member provincial electorates; and”; and
- (b) inserting in Subsection (5) before the word “electorates” the word “open”; and
- (c) inserting in Subsection (5) before the word “electorates” the word “open”.

**3. ELECTORATES (AMENDMENT OF SECTION 125).**

Section 125 of the Constitution is amended by repealing Subsection (6) and replacing it with the following new subsections—

- “(6) An Organic Law shall make provision for the number of provincial electorates and their boundaries.”.

**4. SAVINGS PROVISIONS PROVINCIAL MEMBERS.**

(1) This Section applies to a person if, immediately before the repeal of Section 101(1)(b) of the Constitution made by Section 2 of the *Constitutional Amendment (Provincial Electorates) Law 2006* (“the repeal”), the person was a member elected from a provincial electorate.

(2) Despite the repeal, a person to whom this section applies continues, on and after the repeal, as the member elected from the provincial electorate as if the repeal had not been made.

(3) The repeal does not affect—

- (a) any right, privilege, obligation or liability acquired, accrued or incurred by a person to whom this section applies, being a right, privilege, obligation or liability that existed immediately before the repeal; and
- (b) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability, being an investigation, legal proceeding or remedy that was pending immediately before the repeal.

Draft of 06/10/2010

*Organic Law on National and Local-Level Government Elections (Provincial Electorates Amendment) Law 2010.*

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

The Government proposes to alter the *Organic Law on National and Local-Level Government Elections (Provincial Electorates Amendment) Law 2010* and pursuant to the requirement of Section 14(2) (Making of Alterations to the Constitution and Organic Law) of the Constitution, I, Jeffery Nape, Speaker of the National Parliament, hereby publish the proposed law.

*Organic Law on National and Local-Level Government Elections (Provincial Electorates Amendment) Law 2010.*

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

**ARRANGEMENT OF CLAUSES**

1. Interpretation (Amendment of Section 3).
2. New Section 34.
3. Size of Open Electorates (Amendment of Section 36).
4. Savings Provision Provincial Electorates.

Draft of 06/10/2010.

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

*Organic Law on National and Local-Level Government Elections (Provincial Electorates Amendment) Law 2010.*

being

A Law to amend the Organic Law on National and Local-Level Government Elections and for related purposes.

MADE by the National Parliament and deemed to have come into operation on 4th May, 2007 immediately after the issue of the writs for the general election held in 2007.

**1. INTERPRETATION (AMENDMENT OF SECTION 3).**

Section 3(1) of the *Organic Law on National and Local-level Government Elections* is amended by inserting in the following words in the definition of “electorate” immediately after the word “electorate” second time appearing and a “provincial electorate”.

**2. NEW SECTION 34.**

The *Organic Law on National Local-level Government Elections* is amended by inserting after Section 33 of the following new section:

**“34. PROVINCIAL ELECTORATES.**

- (1) There shall be one provincial electorate for each Province.
- (2) The boundary of the provincial electorate for a Province is the boundary of the Province.
- (3) A change in the boundary of a Provincial shall, for the purposes of this Law, take effect on the issue of the writs for the general election next following the change in the boundary.”

**3. SIZE OF OPEN ELECTORATES (AMENDMENT OF SECTION 36).**

Section 36(2)(b) of the *Organic Law on National and Local-level Government Elections* is amended by deleting the word “province” and replacing it with the words “provincial electorate”.

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

**4. SAVINGS PROVISION PROVINCIAL ELECTORATES.**

Despite the repeal of Section 34 of the *Organic Law on National and Local-level Government Elections* made by Section 5 of the *Organic Law on National and Local-level Government Elections (Amendment No. 1) Law 2002*, the provincial electorates that existed immediately before the repeal continue in existence on and after the repeal as if the repeal had not been made.