

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 69.

Public Services Conciliation and Arbitration.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Labour and Employment at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in or in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Labour and Industry;

“the Department”—should be read as references to the Department of Labour and Industry.

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¹Subsidiary legislation has not been up-dated.

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CHAPTER NO. 69.

Public Services Conciliation and Arbitration Act.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 69.

Public Services Conciliation and Arbitration Act.

Being an Act relating to the settlement of claims to changed conditions of employment within the Public Service and the Services of certain public authorities, and for related purposes.

PART I.—PRELIMINARY.

1. Interpretation.

(1) In this Act, unless the contrary intention appears—

“Board of Inquiry” means a Board of Inquiry established under Section 9;

“claim” means, subject to Subsection (2), a claim by a public employer or a public service organization to changed conditions of public employment;

“claimant” means the public employer or the public service organization making a claim under this Act;

“condition of public employment” means, subject to Subsection (2), salaries, wages, rates of pay or other terms or conditions of service or employment in public employment;

“determination” means—

(a) a determination made by the Tribunal under this Act in respect of a claim; or

(b) an agreement that is deemed to be a determination by virtue of Section 45;

“party”, in relation to a claim, means, subject to Section 25, the claimant or the public employer or public service organization to whom the claim is made;

“public employee” means—

(a) an officer or employee of the Public Service; or

(b) a member of the Local Government Service; or

(c) a member of a prescribed class of persons employed by a prescribed statutory institution, authority or body,

but does not include an Administration Servant as defined in the *Administration Servants Act 1958* (Adopted), an employee as defined in the *Native Employment Act 1958* (Adopted), an apprentice as defined in the *Apprenticeship Act* or a member of any prescribed class of persons;

“public employer” means—

(a) in relation to an officer or employee of the Public Service—the Public Services Commission; and

(b) in relation to a member of the Local Government Service—the Local Government Service Commission; and

(c) in relation to any prescribed class of persons employed by a prescribed statutory institution, authority or body—the person or authority

specified in the regulations as the employer for the purposes of this Act;

"public employment" means employment of a public employee by a public employer;

"public service organization" means an organization registered under the *Industrial Organizations Act*, all the members of which are public employees;

"registered determination" means a determination that has been—

(a) registered by the Registrar; and

(b) notified in the National Gazette,

in accordance with this Act;

"the Registrar" means the Registrar of the Tribunal appointed under Section 8;

"the regulations" means any regulations made under this Act;

"the Tribunal" means the Public Services Conciliation and Arbitration Tribunal established by Section 2, and in relation to the proceedings on a claim means the Tribunal as constituted under Section 20 in relation to the claim;

"this Act" includes the regulations.

(2) For the purposes of this Act but without affecting any restrictions imposed by any other provision of this Act, the question, whether a public employer should be obliged to employ none but members of, or persons who are willing to become, or do become, members of, a specified or any public service organization, is not a question of conditions of public employment, nor is a claim as to any such matter a claim within the meaning of this Act.

PART II.—THE PUBLIC SERVICES CONCILIATION AND ARBITRATION TRIBUNAL.

2. Establishment of the Tribunal.

A Public Services Conciliation and Arbitration Tribunal is hereby established.

3. Constitution of the Tribunal.

(1) Subject to this Act, the Tribunal shall consist of—

(a) a Chairman appointed by the Head of State, acting on advice; and

(b) one person appointed by the Head of State, acting on advice, from a panel of names submitted to the Minister¹ by the Public Services Commission; and

(c) one person appointed by the Head of State, acting on advice, from a panel of names submitted to the Minister¹ by the public service organizations jointly; and

(d) two persons appointed by the Head of State, acting on advice, as assistant members, from a second panel of names submitted to the Minister¹ by the Public Services Commission; and

(e) two persons appointed by the Head of State, acting on advice, as assistant members, from a second panel of names submitted to the Minister¹ by the public service organizations jointly.

(2) An assistant member appointed under Subsection (1)(d) or (e) has deliberative but no voting power.

¹ As at the effective date, the reference was to the Prime Minister.

(3) The tenure of office and the terms and conditions of appointment of the members and assistant members of the Tribunal (including their respective remunerations, if any) are as determined by the Head of State, acting on advice.

(4) Notwithstanding this Act, the Head of State, acting on advice, may at any time remove a member or assistant member of the Tribunal from office.

4. Disqualifications.

(1) The following persons are not eligible to be or to continue to be members or assistant members of the Tribunal :—

- (a) persons who are of unsound mind; or
- (b) persons who have been convicted of an offence punishable under a law of Papua New Guinea, or of Australia or a State or Territory of Australia, by death or imprisonment for one year or longer, and, as a result of the conviction, are subject to be sentenced to death or imprisonment, are under sentence of death, are undergoing imprisonment or are under bond to appear for sentence if called on.

(2) Subject to Subsection (2A) a person who is—

- (a) an officer, employee or member of a public service organization; or
- (b) a public employee; or
- (c) a member of, or of the controlling body of, a statutory institution, authority or body referred to in the definition "public employer" in Section 1(1),

is not eligible to be a member of the Tribunal or an assistant member appointed under Section 21(3) to exercise the full powers of a member of the Tribunal.

(2A) Subsection (2) does not apply to the Chairman.

(Amended by No. 12 of 1976.)

5. Oath and affirmation of office.

Before proceeding to discharge the duties of their respective offices, the members and assistant members of the Tribunal shall take before the Chief Justice, or a person authorized for the purpose by the Chief Justice, an oath or affirmation of office in the prescribed form.

6. Vacation of office.

A member or an assistant member of the Tribunal shall be deemed to have vacated his office if—

- (a) he becomes a person who is, under Section 4, ineligible to be a member or an assistant member of the Tribunal; or
- (b) he becomes permanently incapable of performing his duties.

7. Meetings of Tribunal.

(1) Meetings of the Tribunal shall be held at such times and places as the Chairman of the Tribunal determines.

(2) At a meeting of the Tribunal—

- (a) the Chairman shall preside; and
- (b) all matters shall be decided by a majority of the votes of the members present; and
- (c) the Chairman has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

(3) The Tribunal may continue to act notwithstanding a vacancy in the office of a member or assistant member of the Tribunal, and an act, proceeding or requirement of the Tribunal shall not be questioned or invalidated by reason only of a vacancy having occurred in the office of a member or assistant member of the Tribunal.

8. The Registrar.

(1) The Minister may, by notice in the National Gazette, appoint a person to be the Registrar of the Tribunal.

(2) Subject to this Act, the duties of the Registrar are as prescribed and in addition as directed by the Chairman of the Tribunal.

PART III.—BOARDS OF INQUIRY.

9. Establishment of Boards of Inquiry.

(1) There shall be such Boards of Inquiry as the Head of State, acting on advice, establishes for the purposes of this Act.

(2) A Board of inquiry shall consist of—

(a) a Chairman; and

(b) not less than three other members,

appointed by the Head of State, acting on advice.

(3) This Act does not prevent a member of the Tribunal from being appointed as a member of a Board of Inquiry.

10. Oath or affirmation of office of members of Boards of Inquiry.

Before proceeding to discharge the duties of their offices, the members of a Board of Inquiry shall take before the Chief Justice, or a person authorized by the Chief Justice, an oath or affirmation of office in the prescribed form.

11. Functions of Boards of Inquiry.

(1) A Board of Inquiry shall inquire into and report on such matters as are referred to it under this Act.

(2) In respect of each matter referred to it under this Act, a Board of Inquiry shall submit a report to the Minister without delay.

(3) A Board of Inquiry may authorize a member of the Board to inquire into and report to it on any aspect of a matter referred to it under this Act.

(4) A member of a Board of Inquiry authorized under Subsection (3) has and may exercise for the purposes of the inquiry and report all the powers and functions of a Board of Inquiry under this Act.

12. Meetings of Boards of Inquiry.

(1) Meetings of a Board of Inquiry shall be held at such times and places as the Chairman of the Board determines or as the Head of State, acting on advice, directs.

(2) At a meeting of a Board of Inquiry—

(a) the Chairman shall preside; and

(b) all matters shall be decided by a majority of the votes of the members present;
and

(c) the Chairman has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

(3) A Board of Inquiry may continue to act notwithstanding a vacancy in the office of a member of the Board, and an act, proceeding or requirement of a Board of Inquiry shall not be questioned or invalidated by reason only of a vacancy having occurred in the office of a member of the Board.

(4) Subject to this Act, the procedures of a Board of Inquiry are as determined by it.

13. Remuneration of members of Boards of Inquiry.

A member of a Board of Inquiry shall be paid such remuneration (if any) as the Minister determines.

(Amended by No. 25 of 1976, Schedule 29.)

14. Publication of reports.

Subject to this Act, the Head of State, acting on advice, may cause or permit to be published, in such manner as, acting on advice, he thinks proper—

(a) the whole or any part of a report by a Board of Inquiry in respect of a matter referred to it under this Act; or

(b) any information obtained by a Board of Inquiry in the course of an inquiry under this Act.

PART IV.—SETTLEMENT OF CLAIMS.

Division 1.—Conciliation and Preliminary Proceedings.

15. Report of claims.

(1) Where a public employer or a public service organization desires a change in the conditions of public employment to which the other party is unwilling or unable to agree, the first-mentioned employer or organization may report the matter to the Registrar.

(2) Any person who is concerned or interested, or is likely to be concerned or interested, in a claim between a public employer and a public service organization may report the matter to the Registrar.

(3) Subject to Subsection (4), on receipt of a report under this section the Registrar shall advise the Chairman of the Tribunal without delay.

(4) The Registrar may decline to receive a report under Subsection (1), or to advise the Chairman of the Tribunal in accordance with Subsection (3), unless he is satisfied that—

(a) a period of 28 days, or such other period as is agreed on, generally or in respect of a particular claim, by the parties, has elapsed from the date on which details of the claim were given by the claimant to the other party and the claimant has, over that period, made all reasonable attempts to arrive at a settlement in the matter but has been unsuccessful; or

(b) there is no real likelihood of the matter being settled without action under this Act.

16. Preliminary action on claims.

On receipt of advice under Section 15(3), the Chairman of the Tribunal, if he has not already acted under this Part—

(a) shall inquire into the matter; and

- (b) may, by written notice or by telegram, require the parties to enter into negotiations for the settlement of the claim within 14 days, or such other period as he thinks proper, after the date of the notice; and
- (c) may at any time direct the Registrar to consult with the parties with a view to simplifying and shortening proceedings by—
 - (i) clarifying and formulating the issues in the claim, and the differences between the parties; and
 - (ii) obtaining agreement as to facts and formal or undisputed evidence; and
 - (iii) obtaining agreement as to what evidence or proposed evidence is relevant and what is irrelevant,so far as this is practicable, and otherwise as directed by the Chairman.

17. Assistance during negotiations.

(1) At any time during negotiations for the settlement of a claim, a party may apply to the Chairman of the Tribunal for assistance in the negotiations.

(2) On receipt of an application under Subsection (1), the Chairman of the Tribunal shall—

- (a) attend the negotiations; and
- (b) endeavour to negotiate an agreement between the parties as to the terms of settlement of the claim.

18. Compulsory conferences.

(1) Where notice under Section 16(b) is given to the parties, then if—

- (a) at any time before the expiration of the period of 28 days after the date of the notice—
 - (i) a party has refused to negotiate, or to negotiate further, for the settlement of the claim; or
 - (ii) the parties consent; or
- (b) at the expiration of the period referred to in Paragraph (a) no settlement of the claim has been effected,

the Chairman of the Tribunal may, subject to Subsection (2), by written notice to the parties require them to attend a conference, at a time and place fixed in the notice, for the purpose of endeavouring to arrange a settlement of the claim under his supervision.

(2) Where there is, as between the parties, an arrangement for the settlement of claims by conciliation or arbitration that has been made in pursuance of an agreement between them, the Chairman of the Tribunal shall not require the attendance of the parties at a conference under Subsection (1) unless—

- (a) at the expiration of the period of 28 days referred to in Subsection (1)(a) no settlement of the claim by means of the arrangement has been effected; or
- (b) a party has refused to proceed, or to proceed further, under the arrangement; or
- (c) the parties consent to or request the conference.

(3) Notwithstanding Subsections (1) and (2), where in his opinion it is desirable in the public interest the Chairman of the Tribunal may, whether or not notice has been given under Subsection (1) or Section 16(b), by written notice to the parties require them to

attend a conference, at a time and place fixed in the notice, for the purpose of endeavouring to arrange, under his supervision, a settlement of the claim.

(4) Except to the extent that the Chairman of the Tribunal directs that it be held in public, a conference called under this section shall be held in private.

(5) At a conference called under this section, the Chairman of the Tribunal shall preside and shall endeavour by all means at his disposal—

(a) to conciliate the parties; and

(b) to effect a settlement of the claim.

(6) Where, under Subsection (5), the Chairman of the Tribunal effects a settlement of a claim, the parties shall record, in writing, the agreement as to the terms of settlement.

19. Reference of claims to Tribunal.

(1) Where the Chairman of the Tribunal is unable to effect under Section 18 a settlement of a claim, he—

(a) shall, if so required by the parties; and

(b) may, if he thinks fit,

refer the matter to the Tribunal for decision and the making of a determination.

(2) Where a claim is referred to the Tribunal under this section, the Tribunal shall—

(a) subject to this Act, inquire into the matter without delay; and

(b) make a determination deciding the matters in issue between the parties.

Division 2.—Composition of the Tribunal for Particular Claims.

20. Constitution of Tribunal in cases of claims.

(1) Subject to this section, for the purpose of the exercise and performance of its powers and functions under this Act in relation to a claim the Tribunal shall consist of—

(a) the Chairman of the Tribunal; and

(b) the member referred to in Section 3(1)(b); and

(c) the member referred to in Section 3(1)(c); and

(d) one assistant member referred to in Section 3(1)(d); and

(e) one assistant member referred to in Section 3(1)(e).

(2) Subject to Subsection (3), the members referred to in Subsection (1)(d) and (e) shall be selected by the Chairman of the Tribunal and in making such selections the Chairman shall, as far as practicable, ensure that the assistant members referred to in Section 3(1)(d) and (e), respectively, serve in rotation.

(3) The Head of State, acting on advice given after consultation with the Chairman of the Tribunal, may direct that for the purpose of a particular claim—

(a) a particular assistant member referred to in Section 3(1)(d) or (e) be selected to sit on the Tribunal; or

(b) a particular assistant member referred to in Section 3(1)(d) or (e) be not selected to sit on the Tribunal,

and the Chairman shall give effect to any such direction.

(4) The Tribunal constituted to deal with a claim may decide that the claim is such that it may properly be dealt with by the Chairman of the Tribunal sitting alone, and in that case

a reference in this Act to the Tribunal shall be read, in relation to the claim, as a reference to the Chairman sitting with the two assistant members appointed to the Tribunal under Subsection (1)(d) and (e).

(5) In a case referred to in Subsection (4), the Chairman of the Tribunal may, if he thinks it desirable, at any time refer the claim back to the Tribunal constituted in accordance with Subsection (1) for the purpose of the claim.

21. Vacancies in membership of Tribunal.

(1) In this section, "vacancy" includes the absence of a member through illness or other disability.

(2) Where the Tribunal in dealing with a claim is constituted in accordance with Section 20 (1) and a vacancy occurs in the membership of the Tribunal, the Tribunal may, with the consent of all parties, continue to act notwithstanding the vacancy.

(3) The Head of State, acting on advice given after consultation with the Chairman¹, may fill a vacancy in the membership of the Tribunal that occurs while the Tribunal is dealing with a claim by the appointment of an assistant member.

(4) An assistant member appointed under Subsection (3) shall exercise the full powers of a member of the Tribunal.

(5) Where the Tribunal continues to act by virtue of Subsection (2), an act, proceeding or determination of the Tribunal shall not be questioned or invalidated by reason of the vacancy.

Division 3.—Hearing of Claims.

22. Determinations to be made without delay.

Subject to this Act, the Tribunal shall deal with a claim referred to it under this Act as soon as practicable.

23. Tribunal to act according to equity, etc.

In relation to any matter under this Act, the Tribunal shall act according to equity, good conscience and the substantial merits of the case, without regard to technicalities or legal forms.

24. General procedures.

(1) Subject to this Act, the Tribunal may determine its own procedure in relation to any proceedings or other matter under this Act, and in particular—

(a) as to representation of a party before it; and

(b) whether to proceed at any time by way of public hearing, private hearing or conference.

(2) Where in the opinion of the Tribunal it is expedient for the speedy settlement of a claim that any of the procedures laid down by this Act should be disregarded or varied, the Tribunal may substitute such other procedure, or may vary the procedure, as it thinks proper.

¹ *Sir.*

25. Appearance at proceedings.

- (1) Subject to Section 24(1)(a), the Tribunal—
- (a) shall allow all persons who apply to it for leave to appear or to be represented, being persons who appear to the Tribunal to be justly entitled to be heard; and
 - (b) may order any other person,
- to appear or to be represented at any proceedings under this Act.
- (2) In particular, and without limiting the generality of Subsection (1), in any proceedings under this Act in relation to or involving the Local Government Service or a designated position within the meaning of the *Local Government Service Act*—
- (a) any organization registered under the *Industrial Organizations Act* and representing Local Government Councils or Local Government Authorities is entitled as of right to appear and be represented; and
 - (b) any Local Government Council or Local Government Authority may, with the leave of the Tribunal, appear and be represented.
- (3) The persons appearing or represented, or ordered to appear or to be represented, at any proceedings shall be deemed to be parties to the proceedings.
- (4) At any stage of any proceedings (except proceedings in which the Public Services Commission is the only public employer that is a party), the Principal Legal Adviser may intervene by a lawyer or agent on behalf of the State.

26. Setting aside, etc., of determinations.

- (1) If for any reason it thinks it desirable, the Tribunal may set aside a determination or any of the terms of a determination.
- (2) The Tribunal—
- (a) shall, if it thinks it desirable for the purpose of removing ambiguity or uncertainty; and
 - (b) may, if for any other reason it thinks it desirable,
- vary any of the terms of a determination.

27. Effect of decisions of Tribunal.

- (1) Subject to Section 28, a determination of the Tribunal—
- (a) is final¹; and
 - (b) shall not be challenged, appealed against, reviewed, quashed or called in question in any court; and
 - (c) is not subject to prohibition, mandamus or injunction in any court on any account.
- (2) A finding of the Tribunal or of the Chairman of the Tribunal on a question as to the existence of, and otherwise as to, a claim to changed conditions of public employment is, in all courts and for all purposes, conclusive and binding on all persons affected by the question.
- (3) A determination shall not be called in question on the ground that it was made by the Tribunal constituted otherwise than as provided by this Act.

¹ But see Constitution, Section 155.

28. Statement of case to National Court.

(1) The Tribunal—

(a) may at any stage of the proceedings; and

(b) shall if so directed by the National Court,

state in the form of a special case for the opinion of the National Court a question of law arising in the course of any proceedings under this Act.

(2) Notwithstanding Section 27, an opinion given by the National Court under Subsection (1) may be appealed against as if it were a judgement of that Court.

29. Mediation, etc.

(1) The Tribunal or the Chairman of the Tribunal may—

(a) at any stage of any proceedings under this Act in respect of a claim, postpone or adjourn the proceedings if in its or his opinion an amicable settlement of the whole or part of the claim may be come to by the parties; and

(b) mediate or arrange consultations between the parties with a view to such a settlement.

(2) Mediation or consultation arranged under Subsection (1) may be in public or in private.

(3) Subject to Sections 46 and 50, a determination may be made by consent of parties.

30. Reference to Board of Inquiry.

In addition to its powers and functions under this Act, where in its opinion issues of general public importance are involved the Tribunal, in dealing with a claim, may—

(a) request the Head of State, acting on advice, to refer the claim or any aspect of, or matter arising out of, the proceedings to a Board of Inquiry; and

(b) adjourn the proceedings for that purpose.

PART V.—PROCEDURE AND EVIDENCE GENERALLY.*Division 1.—Procedure Generally.***31. Exclusion of other arbitration provisions.**

Except as provided in this Act or in a determination or an agreement made under this Act, no law relating to arbitration applies to any determination, proceedings or matter under this Act.

32. Reference of matters for report.

(1) The Tribunal or the Chairman of the Tribunal may refer any matter arising under this Act to a person for investigation and report, and may delegate to that person such of its or his powers (except the power to arbitrate on a claim or make a determination, and this power of delegation) as it or he thinks desirable.

(2) In the case of an arbitration, the Tribunal may, on the report, and after hearing further evidence or argument (or both) or without hearing further evidence or argument, as it thinks proper, decide the arbitration and make a determination.

33. Publicity of proceedings.

Subject to Section 29¹, where any proceedings before, or inquiry by, the Tribunal, a Board of Inquiry or the Chairman of the Tribunal are in public a fair and accurate report or summary of, and fair comment on, the proceedings or inquiry (including any evidence adduced) may be published, unless the Tribunal, the Board or the Chairman, as the case may be, orders otherwise for reasons affecting the public interest.

34. Costs.

Costs shall not be allowed in respect of any proceedings under this Act.

Division 2.—Evidence Generally.

35. Evidence.

(1) In any proceedings relating to a matter under this Act, the Tribunal, a Board of Inquiry or the Chairman of the Tribunal is not bound to observe strict legal procedure or to apply technical rules of evidence, but shall inform itself or himself as to the matter by such means as in the circumstances are thought proper, and for that purpose may, by order, require a person—

- (a) to furnish, in writing or otherwise, such particulars in relation to the matter as it or he requires; or
- (b) to attend before it or him and to give evidence on oath or otherwise; or
- (c) to answer any question or produce any document or thing that, in its or his opinion, is or may be relevant to the matter.

(2) For the purposes of this Act, a requirement of the Tribunal or of a Board of Inquiry purporting to have been made or given by the Tribunal or Board shall be deemed to have been properly made or given if it is signed—

- (a) by the Chairman of the Tribunal or by the Chairman of the Board, as the case may be; or
- (b) in the case of a matter into which a member of a Board of Inquiry is authorized to inquire under Section 11(3), by the member.

36. Inspection of books, etc.

Any book, paper, document or thing produced in evidence before the Tribunal, a Board of Inquiry or the Chairman of the Tribunal may be inspected—

- (a) by the Tribunal, Board or Chairman, as the case may be; and
- (b) by such of the parties as the Tribunal, Board or Chairman, as the case may be, allows.

Division 3.—Independent Experts.

37. Interpretation of Division 3.

In this Division, unless the contrary intention appears—

“expert” includes a scientific person, a lawyer, a medical man, an engineer, an accountant, an actuary, an architect, a surveyor or any other skilled person whose opinion on a question relevant to the issues involved would be received by the Tribunal;

¹See, also, Section 58.

"independent expert" means an independent expert appointed under Section 38 to inquire into and report on a question of fact or opinion.

38. Appointment of independent expert.

In a case that involves a question for an expert witness, the Tribunal may at any time, in its discretion, appoint an independent expert to inquire into and report on a question of fact or opinion not involving a question of law or construction.

39. Report.

(1) The report under Section 38 of an independent expert shall, so far as it is not accepted by all parties, be treated as information furnished to the Tribunal, and shall be given such weight as the Tribunal thinks proper.

(2) The report shall be made in writing to the Tribunal, together with such copies as the Tribunal requires.

(3) Copies of the report shall be forwarded by the Registrar to the parties.

40. Cross-examination.

A party is not entitled to cross-examine an independent expert on his report.

41. Further reports.

The Tribunal may at any time direct the independent expert to make a further or supplemental report, which shall be treated as if it were annexed to his original report.

42. Remuneration of independent expert.

(1) The remuneration of an independent expert shall be fixed by the Minister and shall include—

(a) a fee for making the report and a fee for any supplementary report; and

(b) a sum for each day during which the presence of the independent expert is required before the Tribunal.

(Amended by No. 25 of 1976, Schedule 29.)

(2) The State is liable to pay the remuneration of the expert unless he is appointed on the application of a party, in which case the remuneration shall be paid as the Tribunal directs.

PART VI.—DETERMINATIONS.

Division 1.—Determinations Generally.

43. Determinations inconsistent with other laws.

(1) Except as provided in this section, the Tribunal shall not make a determination that is not in accordance with the law.

(2) A determination may be made that is not in accordance with a law relating to salaries, wages, rates of pay or other terms and conditions of service or employment of public employees.

(3) Where the Chairman of the Tribunal is of opinion that a determination is not, or may not be, in accordance with a law referred to in Subsection (2), he shall cause to be sent to the Minister¹, for presentation to the National Executive Council, with the certified

¹The reference was to the Prime Minister.

copy of the determination referred to in Section 52 (1), a statement of the law with which, in his opinion, it is not or may not be in accord.

44. Filing of determinations.

A determination of the Tribunal under this Act shall be filed with the Registrar for registration.

45. Filing and registration of agreements.

(1) Subject to Sections 46 and 50, an agreement made under this Act between a public employer and a public service organization shall be filed with the Registrar for registration and, on being registered, shall be deemed to be a determination as between the parties to the agreement.

(2) Where in his opinion an agreement filed with him under Subsection (1) is inconsistent with the terms of a registered determination binding on the parties to the agreement or some of them or with a law, and by reason of that conflict ought not be registered, the Registrar shall not register the agreement without the approval of the Chairman of the Tribunal.

46. Limitation of determinations to conditions of public employment.

(1) A determination of the Tribunal shall relate to conditions of public employment only.

(2) An agreement made and registered under this Act shall be deemed to be a determination only in relation to conditions of public employment.

47. Retrospectivity of determinations.

A determination of the Tribunal does not, except with the consent of all parties or unless the Tribunal for any special reason otherwise determines, have effect from a date before the date on which the matter out of which the determination arose was reported to the Registrar under Section 15.

48. Interpretation and application of determinations in certain cases.

(1) Any interested party may apply to the Chairman of the Tribunal to decide any question relating to the application or interpretation of a determination, and the Chairman may decide that question.

(2) A decision under Subsection (1) shall—

(a) be notified without delay to all public employers and public service organizations concerned; and

(b) be filed with the Registrar for registration; and

(c) be deemed to be incorporated into and form part of the determination in respect of which it is made.

49. Inconsistency with other determinations.

Subject to Section 45(2), a determination may be made that is inconsistent with another determination.

50. Determinations restricting employment.

This Act does not authorize a determination or agreement that purports to oblige a public employer to employ only—

(a) members of; or

(b) persons who are willing to become, or do become, members of, a specified or any public service organization, but this section does not affect any restrictions imposed by any other provision of this Act.

Division 2.—Registration, Disallowance, etc., of Determinations.

51. Registration of determinations.

Subject to this Act, the Registrar shall, in the prescribed manner, register a determination filed with him under this Act for registration.

52. Submission of determinations.

(1) When a determination has been registered under Section 51, the Registrar shall, without delay, send to the Minister by registered post a certified copy of the determination.

(2) As soon as practicable after its receipt, the Minister shall cause the certified copy of the determination, together with any statement of the Chairman of the Tribunal under Section 43(3), to be submitted to the National Executive Council.

(Replaced by No. 25 of 1983, s. 1.)

52A. Disallowance of determination.

(1) The Head of State, acting on advice, may at any time disallow a determination or any part of it on the grounds that it—

(a) is contrary to public policy; or

(b) is not in accordance with the best interests of Papua New Guinea.

(2) Notice of disallowance of a determination or of part of a determination shall be published in the National Gazette and the determination or the part of it ceases to have effect on the publication of the notice.

(3) The disallowance of a determination or of part of a determination—

(a) does not affect any right or liability accrued or incurred before the date of the publication of the notice of disallowance; and

(b) revives, as from the date of publication of a notice of disallowance, any determination that was, wholly or in part, superseded or revoked (whether expressly or impliedly) by the disallowed determination.

(Added by No. 25 of 1983, s. 2.)

53. Publication of determinations.

On the registration of a determination, the Registrar shall immediately cause to be published in the National Gazette notice of—

(a) the making of the determination; and

(b) the place where copies of it may be obtained.

54. Effect of determinations.

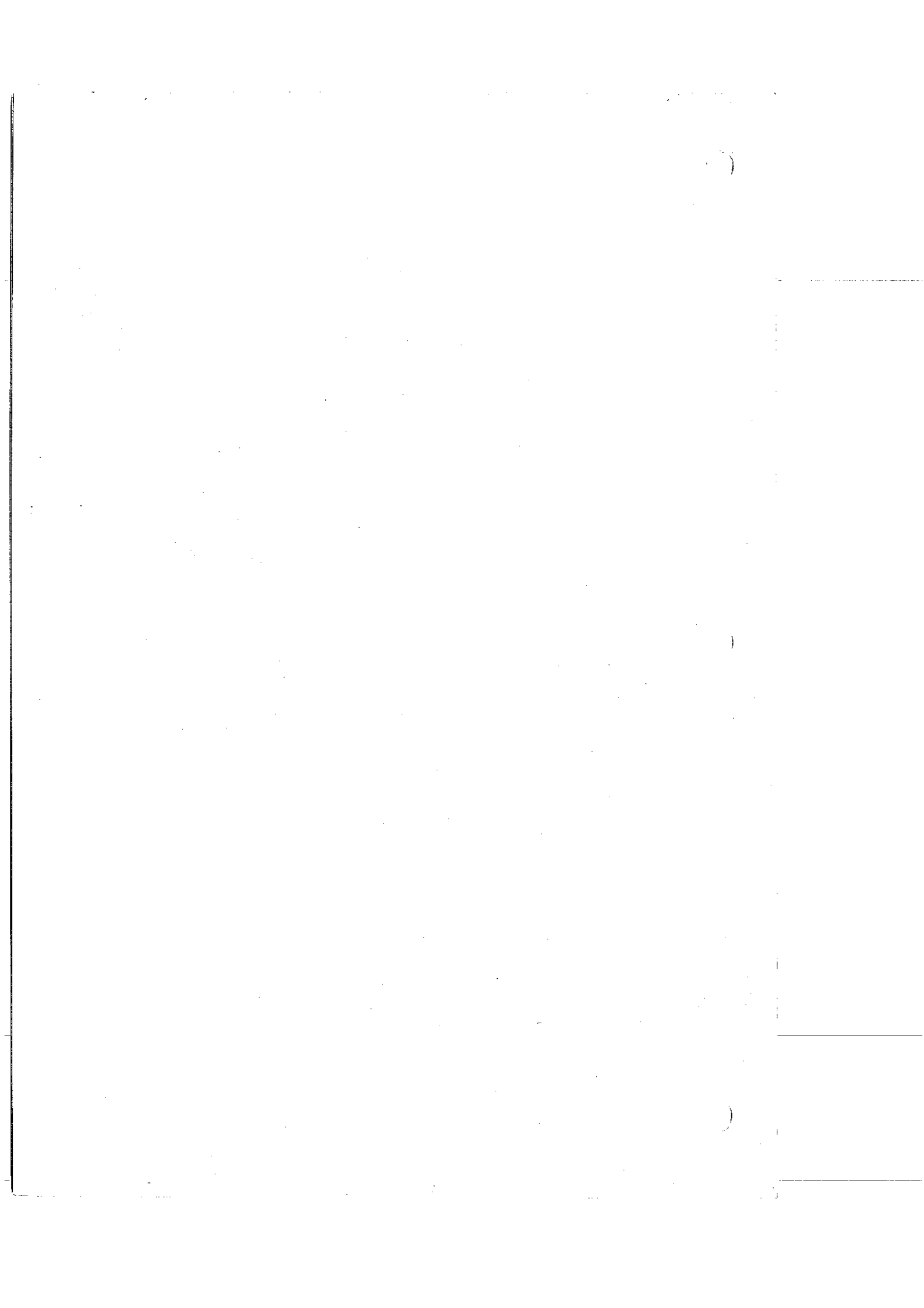
(1) A determination is of no force or effect until registered and notified in the National Gazette in accordance with this Act.

(2) Subject to this Act—

(a) a registered determination is binding on the public employers and the public employees to whom it relates; and

(b) as from the date (if any) specified in the determination, the conditions of public employment to be observed shall be in accordance with the determination until varied by a subsequent registered determination or otherwise by law.

(3) The date referred to in Subsection (2) shall not be earlier than the day after the expiration of 14 days after the determination has been submitted to the National Executive Council under Section 52.



(4) Where no date is specified in the determination, it shall come into operation as from the end of the period of 14 days referred to in Subsection (3).

55. Copies of registered determinations.

On payment of the prescribed fee, a person may obtain from the Registrar a copy of a registered determination.

PART VII.—OFFENCES.

56. Failure to comply with determinations, etc.

A public employer, public service organization or public employee who fails to comply with a provision of a determination is guilty of an offence.

Penalty: A fine not exceeding K100.00.

Default penalty: A fine not exceeding K10.00.

57. Powers of National Court as to enforcement of determinations, etc.

(1) The National Court may—

- (a) order compliance with a determination proved to the satisfaction of the Court to have been broken or not observed; or
- (b) enjoin a public employer, a public service organization or any other person from committing or continuing a contravention of this Act or a breach or non-observance of a determination.

(2) The Principal Legal Adviser may, on behalf of the State, and in the public interest, apply to the National Court for an order under Subsection (1), but this subsection does not prejudice any right that any other person has to apply for such an order.

58. Unauthorized publication.

Except as provided in Section 14, a person who—

- (a) publishes the whole or part of a report by a Board of Inquiry in respect of a matter referred to it under this Act; or
- (b) discloses any matter or information coming to the knowledge of, or obtained by, a Board of Inquiry in the course of an inquiry by it,

without having first obtained the permission of¹, and the consent of, any other person to which that permission is subject is guilty of an offence.

Penalty: A fine not exceeding K100.00.

59. Failure to answer questions, etc.

(1) A person who, without reasonable excuse (proof of which is on him)—

- (a) refuses or fails—
 - (i) to answer questions or to produce documents or things lawfully required under this Act; or
 - (ii) to obey an order, direction or requirement lawfully made or given under this Act; or

¹ *Sic*, the words "the Minister" were omitted from the original Act by Act No. 82 of 1973, but were not replaced.

- (b) hinders or obstructs a person in the performance of his functions or the exercise of his powers under this Act,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) Where a person fails to obey an order, direction or requirement lawfully made or given under this Act, in addition to any penalty imposed on him under Subsection (1) the court imposing the penalty may, in its discretion, order him to be imprisoned until the order in respect of which the penalty is imposed is obeyed¹.

(3) It is a defence to a prosecution for an offence against Subsection (1) for failing without reasonable excuse to produce a document or thing if the defendant proves that the document or thing is not relevant to the matter in connexion with which the production was required.

60. Offences in relation to hearings, etc.

(1) A person who—

- (a) wilfully insults or disturbs the Tribunal or a Board of Inquiry, or a member of the Tribunal or of a Board of Inquiry, when it or he is exercising powers or functions under this Act; or
- (b) interrupts any proceedings or inquiry before the Tribunal or a Board of Inquiry, or a member of the Tribunal or of a Board of Inquiry; or
- (c) uses insulting language towards the Tribunal or a Board of Inquiry, or a member of the Tribunal or of a Board of Inquiry; or
- (d) by writing or speech uses words calculated—
 - (i) to influence improperly—
 - (A) the Tribunal or a Board of Inquiry, or a member of the Tribunal or of a Board of Inquiry; or
 - (B) a witness before the Tribunal or a Board of Inquiry; or
 - (ii) to bring the Tribunal or a Board of Inquiry, or a member of the Tribunal or of a Board of Inquiry, into disrepute,

is guilty of an offence.

(2) A person who creates or continues a disturbance, or takes any part in creating or continuing a disturbance, in or near any place in which the Tribunal or a Board of Inquiry, or a member of the Tribunal or of a Board of Inquiry, is sitting is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding six months, or both.

PART VIII.—MISCELLANEOUS.

61. Amounts payable by Public Services Commission as a public employer.

Any amount (other than the penalty for an offence against this Act) that is payable by a public employer under this Act or a determination is payable, in the case of the Public Services Commission, by the State.

¹ Compare Constitution, Section 37(2).

62. Protection of members of the Tribunal, etc.

In the performance of his functions and duties as such, a member of the Tribunal or of a Board of Inquiry has the same protection, privileges and immunities as a Judge.

63. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for—

- (a) prescribing the method of filing and registering determinations; and
 - (b) prescribing the forms to be used and the fees to be paid in connexion with any matter arising under this Act; and
 - (c) prescribing the returns to be made, records to be kept and notices to be given under this Act; and
 - (d) the imposition of penalties of fines not exceeding K50.00 for offences against the regulations.
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 69.

Public Services Conciliation and Arbitration Regulation.

ARRANGEMENT OF SECTIONS.

1. Prescribed public employees and public employers.
2. Oath and affirmation of office.
3. Seal of the Tribunal.
4. Stamp of the Tribunal.
5. Form of documents.
6. Summons to witnesses.
7. Printing and supply of forms.
8. Registers and records of proceedings.
9. Execution of determinations.
10. Settlement of determinations.
11. Filing of determinations and agreements.
12. Registration of determinations and agreements.
13. Filing of documents.
14. Removal of exhibits, etc.
15. Transcripts.
16. Fees for determinations.

SCHEDULES.

SCHEDULE 1.—

FORM 1.—Report of Claim.

FORM 2.—Application to Set aside Determination or Terms of Determination.

FORM 3.—Application to Vary Terms of Determination.

FORM 4.—Application for Interpretation of Determination.

FORM 5.—Summons to Witness.

SCHEDULE 2.—Oath and Affirmation of Office of Members and Assistant Members of the Tribunal.

SCHEDULE 3.—Oath and Affirmation of Office of Member of Board of Inquiry.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 69.

Public Services Conciliation and Arbitration Regulation.

MADE under the *Public Services Conciliation and Arbitration Act.*

1. Prescribed public employees and public employers.

(1) For the purposes of Paragraph (c) of the definition "public employee" in Section 1(1) of the Act—

(a) the prescribed statutory institutions, authorities and bodies are—

- (i) the Papua New Guinea Copra Marketing Board; and
- (ii) the Papua New Guinea Coffee Marketing Board; and
- (iii) the Papua New Guinea Electricity Commission; and
- (iv) the Papua New Guinea Harbours Board; and
- (v) the Housing Commission; and

(b) the prescribed classes of persons are all persons employed by any of those Boards or Commissions on conditions that, in the opinion of the Chairman of the Tribunal, are analogous to those of officers or employees of the Public Service, but not including the members of any of those Boards or Commissions.

(2) For the purposes of Paragraph (c) of the definition "public employer" in Section 1(1) of the Act, each of the Boards and Commissions referred to in Subsection (1)(a) is the employer of persons employed by it.

2. Oath and affirmation of office.

(1) The oath and affirmation to be taken under Section 5 of the Act is as set out in Schedule 2.

(2) The oath and affirmation to be taken under Section 10 of the Act is as set out in Schedule 3.

3. Seal of the Tribunal.

(1) There shall be a seal of the Tribunal bearing the words "Seal of the Public Services Conciliation and Arbitration Tribunal, Papua New Guinea".

(2) The seal shall be kept in the custody of the Registrar, and an impression of the seal shall be affixed by him or with his authority to—

- (a) all determinations and orders of the Tribunal; and
- (b) such other documents as the Tribunal or the Chairman of the Tribunal directs.

4. Stamp of the Tribunal.

(1) There shall be a stamp of the Tribunal bearing the words "Stamp of the Public Services Conciliation and Arbitration Tribunal, Papua New Guinea".

(2) The stamp shall be kept in the custody of the Registrar, and an impression of the stamp shall be affixed by him or with his authority to—

- (a) all documents issued by him in relation to proceedings before the Tribunal; and
- (b) such other documents as the Chairman of the Tribunal directs,

not including determinations, orders and documents to which, under Section 3(2), the seal of the Tribunal is to be affixed.

5. Form of documents.

(1) A report under Section 15(1) of the Act shall be in Form 1, and shall set out—

- (a) the parties to the claim; and
- (b) the subject-matter of the claim, set out in consecutively numbered paragraphs; and
- (c) the date on which details of the claim were given by the claimant to the other party; and
- (d) details of all attempts to arrive at a settlement in the matter.

(2) An application to set aside under Section 26(1) of the Act a determination or any of the terms of a determination shall be in Form 2, and shall specify—

- (a) the determination, or the terms of the determination, the subject of the application; and
- (b) a brief statement of the grounds of the application, set out in consecutively numbered paragraphs.

(3) An application to vary under Section 26(2) of the Act any of the terms of a determination shall be in Form 3, and shall specify—

- (a) the terms of the variation sought to be made to the determination; and
- (b) a brief statement of the grounds of the application, set out in consecutively numbered paragraphs.

(4) Where an application referred to in Subsection (2) or (3) is in effect a claim against another party, the application shall also specify—

- (a) the date on which details of the claim were given by the applicant to the other party; and
- (b) details of all attempts to arrive at a settlement in the matter.

(5) An application under Section 48(1) of the Act for a decision as to any question relating to the application or interpretation of a determination shall be in Form 4, and shall specify—

- (a) the determination the subject of the application; and
- (b) the interpretation or method of application of the determination, or the part of it in question, desired by the applicant,

and shall be supported by an affidavit setting out the facts arising from which the question or interpretation is submitted for decision.

(6) All reports and applications shall be signed by a person having authority to do so under the rules of the organization, or by a duly authorized officer of the public employer concerned.

(7) Immediately after their receipt by the Registrar, copies of all reports and applications filed at or sent to the office of the Registrar shall be forwarded by the claimant or applicant to the other party concerned in the claim or application, together with a statement showing the date of forwarding to or lodgement with the Registrar.

6. Summons to witnesses.

(1) An order under Section 35(1) (b) or (c) of the Act shall be in Form 5.

(2) An order referred to in Subsection (1) that is issued at the instance of a party to any proceedings shall be served by that party on the person to whom it is directed.

7. Printing and supply of forms.

The Registrar shall cause copies of each of the forms under this Regulation to be printed and, as necessary, supplied on request, free of cost, to any person concerned in any proceedings or intending to make a report or application to the Tribunal.

8. Registers and records of proceedings.

(1) The Registrar shall, personally or by such officer as he directs acting in the name and on behalf of the Registrar, keep a register or registers of—

- (a) all claims as reported; and
- (b) all applications to set aside or vary determinations under Section 26 of the Act; and
- (c) all applications under Section 48(1) of the Act for decisions as to questions relating to the application or interpretation of determinations; and
- (d) all special cases stated under Section 28 of the Act; and
- (e) such other matters as the Chairman of the Tribunal directs,

in such form as he thinks proper or the Chairman of the Tribunal directs.

(2) The Registrar shall, personally or by such officer as he directs acting in the name and on behalf of the Registrar, keep a record of proceedings before the Tribunal in such form as the Chairman of the Tribunal directs.

9. Execution of determinations.

(1) Subject to Section 10 and to Subsection (2)—

- (a) each decision made by the Tribunal shall be immediately reduced to writing and embodied in a determination; and
- (b) the determination—
 - (i) shall bear the date of its making; and
 - (ii) shall be signed by the Chairman, or one of the members, of the Tribunal who constituted the Tribunal for the purpose of the making of the decision.

(2) If—

- (a) a member of the Tribunal dies or otherwise ceases to be a member after a decision has been made by the Tribunal constituted by him (whether or not with assistant members); and
 - (b) the determination has not been reduced to writing or signed by him,
- a determination recording the decision so made, signed by the Registrar and sealed with the seal of the Tribunal, has effect as if the determination had been signed by the member.

10. Settlement of determinations.

(1) Where—

- (a) the Tribunal is constituted otherwise than by the Chairman of the Tribunal sitting with two assistant members; and
- (b) the Chairman so directs,

the Registrar shall settle the minutes of any determination of the Tribunal as so constituted.

(2) Within 14 days after the making of the determination, the Registrar shall give to the parties such notice of his intention to settle the minutes as he thinks proper.

(3) If a party is dissatisfied with the form in which the minutes of a determination have been settled, he may, within three days after the settlement, apply to a member of the Tribunal to vary the minutes as settled.

(4) If so requested by the parties or proposed parties to an agreement referred to in Section 45 of the Act, the Registrar shall settle the minutes of the agreement.

11. Filing of determinations and agreements.

The original of each agreement filed with the Registrar and the original of each determination of the Tribunal shall be kept by the Registrar with the documents relating to the proceedings in which the agreement was entered into or the determination was made.

12. Registration of determinations and agreements.

(1) The Registrar shall register, in a register book to be kept for the purpose, all determinations and agreements filed with him.

(2) The register book shall be maintained in such manner as the Registrar determines.

13. Filing of documents.

(1) All agreements, reports, applications and other documents to be made or given to the Tribunal shall be—

- (a) sent in duplicate by registered post to the office of the Registrar; or
- (b) filed in duplicate at the office of the Registrar during ordinary office hours.

(2) The Registrar shall give to any party filing or lodging an agreement, report, application or other document with him a written acknowledgement, setting out—

- (a) the date of receipt of the document and any registry number given to the document; and
- (b) the nature of the document; and
- (c) the name and address of the party filing or lodging the document.

14. Removal of exhibits, etc.

A person who, without the permission of the Tribunal or a member of the Tribunal, takes away any exhibit or any other document lodged in connexion with proceedings before the Tribunal is guilty of an offence.

Penalty: A fine not exceeding K50.00.

15. Transcripts.

One copy of any transcript of proceedings before the Tribunal, as prepared for the Tribunal, shall, subject to any limitations on its availability that are determined by the

Chairman of the Tribunal or by the Tribunal, be made available, free of charge, to each party to the proceedings.

16. Fees for determinations.

(1) The fee for a copy of a printed registered determination is the expense of printing, as assessed by the Government Printer.

(2) The fee for a copy of an unprinted registered determination is the reasonable expense of preparing copies of the determination for sale, as assessed by the Registrar.

SCHEDULES.

SCHEDULE 1.

PAPUA NEW GUINEA.

Public Services Conciliation and Arbitration Act.

Act, Sec. 15(1).

Form 1.

Reg., Sec. 5(1).

REPORT OF CLAIM.

To: The Registrar of the Public Services Conciliation and Arbitration Tribunal.

And to: *(insert the name of the other party or parties concerned).*

The *(insert the name of the applicant, public employer or public service organization, as the case may be)* has to report that it did, on 19 , give notice to the *(insert the name of the other party or parties concerned)* of a claim *(set out a general description of the claim)*, and that the claimant has made all reasonable attempts to arrive at a settlement of the matter but has been unsuccessful *(detail the attempts made)* and there is no real likelihood of the matter being settled without action under the Act.

Details of the claim are as follows:—

(Set out the claim in numbered paragraphs)

The grounds on which the claim is made are as follows:—

(Set out in numbered paragraphs the grounds on which the claim is made)

Dated 19 .

(Signature)

Ch. No. 69 **Public Services Conciliation and Arbitration**

PAPUA NEW GUINEA.

Public Services Conciliation and Arbitration Act.

Act, Sec. 26(1).

Form 2.

Reg., Sec. 5 (2).

APPLICATION TO SET ASIDE DETERMINATION OR TERMS OF DETERMINATION.

To: The Registrar of the Public Services Conciliation and Arbitration Tribunal.

And to: *(insert the name of the other party or parties bound by the determination).*

The *(insert the name of the applicant, public employer or public service organization, as the case may be)* applies for the setting aside of *(state the number and date of the determination)* No. _____ of 19 _____, dated _____ 19 _____, which related to *(state the short title (if any) or main subject-matter with which the determination deals)*, so far as the following terms of the determination are concerned:—

(State "the whole of those terms" or specify the terms desired to be set aside).

The grounds of this application are as follows:—

(Set out in numbered paragraphs the grounds on which the application is made).

Dated _____ 19 _____

(Signature.)

PAPUA NEW GUINEA.

Public Services Conciliation and Arbitration Act.

Act, Sec. 26(2).

Form 3.

Reg., Sec. 5(3).

APPLICATION TO VARY TERMS OF DETERMINATION.

To: The Registrar of the Public Services Conciliation and Arbitration Tribunal.

And to: *(insert the name of the other party or parties bound by the determination).*

The *(insert the name of the applicant, public employer or public service organization, as the case may be)* applies for the variation of *(state the number and date of the determination)* No. _____ of 19 _____, dated _____ 19 _____, which related to *(state the short title (if any) or main subject-matter with which the determination deals)*.

The determination is sought to be varied in the following respects:—

(Set out in numbered paragraphs the variations sought to be made).

The grounds of this application are as follows:—

(Set out in numbered paragraphs the grounds on which the application is made).

Dated _____ 19 _____

(Signature.)

PAPUA NEW GUINEA.

Public Services Conciliation and Arbitration Act.

Act, Sec. 48(1).

Form 4.

Reg., Sec. 5(5).

APPLICATION FOR INTERPRETATION OF DETERMINATION.

To: The Registrar of the Public Services Conciliation and Arbitration Tribunal.

And to: *(insert the name of the other party or parties bound by the determination).*

The *(insert the name of the applicant, public employer or public service organization, as the case may be)* applies—

*(a) for a decision on the following question relating to the application of *(state the number and date of the determination)* No. _____ of 19 _____, dated _____ 19 _____, which related to *(state the short title (if any) or main subject-matter with which the determination deals)*:—

Public Services Conciliation and Arbitration

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(Set out the question sought to be determined).

**(b)* for the interpretation of *(state the number and date of the determination)* No. _____ of 19 _____, dated _____ 19 _____, which related to *(state the short title (if any) or main subject-matter with which the determination deals)*.

The applicant submits that on its true interpretation

(Insert a reference to the provision of the determination sought to be interpreted and the interpretation placed on it by the applicant).

Dated _____ 19 _____

(Signature.)

* Omit whichever is inapplicable.

PAPUA NEW GUINEA.

Public Services Conciliation and Arbitration Act.

Act, Sec. 35(1)(b),(c).
Reg., Sec. 6.

Form 5.

SUMMONS TO WITNESS.

To: *(insert the name and address of the person concerned).*

You are ordered to attend before the *(insert "Public Services Conciliation and Arbitration Tribunal", "Chairman of the Public Services Conciliation and Arbitration Tribunal" or "Board of Inquiry", as the case may be)* at *(state the place at which the witness is required to attend)* at _____ a.m./p.m. on _____ 19 _____ *(state the time and date)*, to give evidence (on oath or otherwise) and to continue in attendance until notified by the *(insert "Public Services Conciliation and Arbitration Tribunal", "Chairman of the Public Services Conciliation and Arbitration Tribunal" or "Board of Inquiry", as the case may be)* that your attendance is no longer required *(and, if appropriate)* and you are further ordered to produce *(set out the books, documents or things required to be produced)*.

Dated _____ 19 _____

(Signature.)

This Order was obtained by *(set out the public employer or public service organization on whose behalf the order was sought)*.

SCHEDULE 2.

Act, Sec. 5.
Reg., Sec. 2(1).

OATH AND AFFIRMATION OF OFFICE OF MEMBERS AND ASSISTANT MEMBERS OF THE TRIBUNAL.

Oath.

I, _____, do swear that I will well and truly serve the Independent State of Papua New Guinea in the office of Chairman *(or member or assistant member)* of the Public Services Conciliation and Arbitration Tribunal of Papua New Guinea.

So help me God!

Affirmation.

I, _____, do solemnly and sincerely promise and declare that I will well and truly serve the Independent State of Papua New Guinea in the office of Chairman *(or member or assistant member)* of the Public Services Conciliation and Arbitration Tribunal of Papua New Guinea.

SCHEDULE 3.

Act, Sec. 10.

Reg., Sec. 2(2).

OATH AND AFFIRMATION OF OFFICE OF MEMBER OF BOARD OF INQUIRY.

Oath.

I, _____, do swear that I will well and truly serve the Independent State of Papua New Guinea in the office of Chairman (or member) of a Board of Inquiry established under the *Public Services Conciliation and Arbitration Act*.

So help me God!

Affirmation.

I, _____, do solemnly and sincerely promise and declare that I will well and truly serve the Independent State of Papua New Guinea in the office of Chairman (or member) of a Board of Inquiry established under the *Public Services Conciliation and Arbitration Act*.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 69.

Public Service Conciliation and Arbitration.

SUBSIDIARY LEGISLATION.

1. Act, Section 8—Registrar of the Tribunal.

Industrial Registrar under the *Industrial Organizations Act*.

2. Act, Section 52—Disallowance of determinations.

Since disallowance of a determination means (Section 52(4)) that the determination does not take effect (and hence is not included below in the subsidiary legislation under Section 53), and gazettal of "non-disallowance" is in effect for public information only, no point is seen in including notifications under this section.

3. Act, Section 53—Gazettal of determinations^{1 2}.

Determination.	Subject or title.	Date of making.	Date of registration.
No. 1 of 1970	Salary rates for officers of the Second Division of the Public Service designated as Land Development Officers, Land Development Section, Department of Lands, Surveys and Mines	21 July 1970	27 July 1970
No. 2 of 1970	Salary rates for local officers and employees of the Public Service (agreement)	28 July 1970	6 August 1970
No. 3 of 1970	Non-reduction allowances for local officers and employees of the Public Service (agreement)	30 October 1970	2 November 1970
No. 4 of 1970	Salary rates and allowances for Overseas Health Extension Officers of the Public Service (agreement)	14 December 1970	14 December 1970
No. 1 of 1971	Retrospective operation of salary classifications of Area Finance Officer (4 positions), Senior Finance Officer and Authorizing Officer, Department of the Treasury (agreement)	5 March 1971	22 March 1971
No. 2 of 1971	Leave fare entitlements for local officers and employees of the Public Service	13 August 1971	27 July 1970 ^d
No. 3 of 1971	Salary rate of Secretary, Department of Social Development and Home Affairs	13 August 1971	13 August 1971

¹ Due to the nature of such determinations, no attempt has been made to show which are current and how any of them may have been affected since registration.

² Notices of "non-disallowance" of Determinations Nos. 1, 2, 3 and 4 of 1968 and No. 2 of 1969 were also gazetted, but notices of their making do not appear to have been published.

^d *Sic*. Apparently the correct date of registration was 13 August 1971; see notice of non-disallowance published in *Papua New Guinea Government Gazette* No. 37 of 2 December 1971, p. 623.

Determination.	Subject or title.	Date of making.	Date of registration.
No. 4 of 1971	Variation of No. 2 of 1971 (agreement)	9 December 1971	9 December 1971
No. 5 of 1971	Secondary education allowance payable to overseas officers	17 December 1971	17 December 1971
No. 1 of 1972	Salary rates for Health Inspectors and Local Health Extension Officers of the Public Service	24 May 1972	24 May 1972
No. 2 of 1972	Service increments for local officer drivers, Department of Transport	14 June 1972	14 June 1972
No. 3 of 1972	Salary rates and allowances for local officers of the Public Service, including temporary employees, members of the Teaching Service, and local staff employed by the Electricity Commission	19 July 1972	20 July 1972
No. 4 of 1972	Salaries and allowances of local officers of the Public Service including temporary employees	28 November 1972	28 November 1972
No. 5 of 1972	Salaries and allowances for local staff of Electricity Commission	30 November 1972 ¹	30 November 1972
No. 6 of 1972 ²	Increases in salaries and allowances for local officers of the Public Service, including temporary employees	20 December 1972 ¹	20 December 1972
No. 6 of 1972	Salaries and allowances for members of the Teaching Service	20 December 1972 ¹	20 December 1972
No. 7 of 1972	Salaries and allowances for local teachers who are members of the Papua New Guinea Teachers' Association	20 December 1972 ¹	20 December 1972
No. 1 of 1973	Overtime rates and retrospectivity of payment of such rates to overseas officers performing the duties of Customs Officers	28 December 1972 ¹	3 January 1973
No. 2 of 1973	Local officers' leave fares for members of the Public Service	16 January 1973 ¹	31 January 1973
No. 3 of 1973	Variation of secondary education allowances payable to overseas officers who are members of the Public Service Association	15 June 1973	19 June 1973
No. 4 of 1973	Salaries of Overseas Rural Development Officers	20 June 1973	20 June 1973
No. 1 of 1975	"Australia ³ Exempt Employees (conditions of employment) Determination No. 1 of 1975".	11 July 1975	— ⁴

¹ The relevant gazette reads: "approved by the Chairman of the Public Services Conciliation and Arbitration Commission".

² In *Papua New Guinea Government Gazette* No. 5 of 18 January 1973, p. 7, it was notified that this Determination was "withdrawn".

³ *Sic*, in Gazette.

⁴ Date not given. Notice published in *Papua New Guinea Government Gazette* No. 64 of 7 August 1975, p. 9.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 69.

Public Services Conciliation and Arbitration.

APPENDIX 1.

SOURCE OF THE PUBLIC SERVICES CONCILIATION AND ARBITRATION ACT.

Previous Legislation.

Public Services Conciliation and Arbitration Act

as amended by—

Public Services Conciliation and Arbitration (Amendment) Act 1983 (No. 25 of 1983).

APPENDIX 2.

SOURCE OF THE PUBLIC SERVICES CONCILIATION AND ARBITRATION
REGULATION.

Part A.—Previous Legislation.

Public Services Conciliation and Arbitration Regulations 1971 (Statutory Instrument No. 33 of 1971)

as amended by—

Public Service Conciliation and Arbitration (Amendment) Regulation (Statutory Instrument No. 4 of 1980).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	3	14	15
2	Act, 8, 11 (in part)	15	16
3	4	16	17
4	5	Schedules—	
5	6	Schedule 1	Schedule—
6	7	Form 1	Form 1
7	8	Form 2	Form 2
8	9	Form 3	Form 3
9	10	Form 4	Form 4
10	11	Form 5	Form 5
11	12	Schedule 2	Act, Schedule 2
12	13	Schedule 3	Act, Schedule 3.
13	14		

¹Unless otherwise indicated, references are to the regulations set out in Part A.