



No. 49 of 1995.

Broadcasting Commission (Change of Name and Corporate Structure) Act 1995.

Certified on : 6 FEB 1996

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1995.

Broadcasting Commission (Change of Name and Corporate Structure) Act 1995.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1995.

AN ACT

entitled

Broadcasting Commission (Change of Name and Corporate Structure) Act 1995,

Being an Act to amend the *Broadcasting Commission Act* (Chapter 149) by -

- (a) providing for a change of name of the National Broadcasting Commission to the National Broadcasting Corporation; and
- (b) changing the corporate structure of the National Broadcasting Commission,

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. AMENDMENT OF SHORT TITLE.

The short title of the Principal Act is amended by repealing the word "Commission" and replacing it with "Corporation".

2. AMENDMENT OF LONG TITLE.

The long title of the Principal Act is amended by repealing the word "Commission" and replacing it with "Corporation".

3. INTERPRETATION (AMENDMENT OF SECTION 1).

Section 1 of the Principal Act is amended -

- (a) by inserting before the definition of "the Deputy Chairman" the following:-

"'the Corporation' means the National Broadcasting Corporation (formerly the Commission) established by Section 3;"; and

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- (b) by inserting after the definition of "Deputy Chairman" the following:-

"Deputy Managing Director' means the Deputy Managing Director appointed under Section 21B;
'Managing Director' means the Managing Director appointed under Section 21B;"

4. AMENDMENT OF HEADING TO PART II.

The heading to Part II of the Principal Act is amended by repealing the word "COMMISSION" and replacing it with the following:-

"CORPORATION".

5. ESTABLISHMENT OF THE COMMISSION (AMENDMENT OF SECTION 3).

Section 3 of the Principal Act is amended by adding the following new subsection:-

"(4) With effect on and from the date of coming into operation of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995*, the name of the National Broadcasting Commission shall be changed to the National Broadcasting Corporation.

6. CONSTITUTION OF THE BOARD (AMENDMENT OF SECTION 12).

Section 12(1) of the Principal Act is repealed and is replaced with the following:-

"(1) The National Broadcasting Board shall consist of -
(a) the Managing Director, *ex officio*; and
(b) five members, appointed by the Head of State, acting on advice, by notice in the National Gazette; and
(c) the Departmental Head of the Department responsible for finance matters or his nominee."

7. APPOINTMENT, ETC., OF CHAIRMAN AND DEPUTY CHAIRMAN (AMENDMENT OF SECTION 16).

Section 16 of the Principal Act is amended -

(a) in Subsection (1)(b), by adding the following:-

"from amongst the members appointed under Section 12(1)(b);"
and

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(b) in Subsection (2), by repealing the words "responsible for public service matters".

8. REPEAL OF SECTION 18.

Section 18 of the Principal Act is repealed.

9. REPEAL AND REPLACEMENT OF SECTION 20.

Section 20 of the Principal Act is repealed and is replaced with the following:-

"20. FUNCTIONS OF THE CHAIRMAN.

The functions of the Chairman are as follows:-

- (a) to preside over meetings of the Board; and
- (b) in conjunction with the Board to formulate the policies of the Corporation; and
- (c) to liaise with appropriate authorities or institutions for the purposes of the Corporation; and
- (d) to ensure that a favourable image of the Corporation is promoted and protected; and
- (e) to be responsible for strategic planning in relation to the management and administration of the Corporation; and
- (f) in conjunction with the Board, to assess the output and performance of the management of the Corporation."

10. FUNCTIONS OF THE DEPUTY CHAIRMAN (AMENDMENT OF SECTION 21).

Section 21(2) of the Principal Act is repealed.

11. AMENDMENT OF HEADING TO PART V.

The heading to Part V of the Principal Act is amended by repealing the word "COMMISSION" and replacing it with 'CORPORATION'.

12. NEW SECTION 21A.

The Principal Act is amended, by inserting in Part V immediately before Section 22 the following new sections:-

"21A. SERVICE OF THE CORPORATION.

The Service of the Corporation shall consist of -

- (a) the Managing Director, who shall be the Chief Executive of the Corporation; and
- (b) the Deputy Managing Director; and
- (c) such other officers as are appointed under Section 22.

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"21B. MANAGING DIRECTOR AND DEPUTY MANAGING DIRECTOR.

(1) There shall be a Managing Director and a Deputy Managing Director of the Corporation who shall -

- (a) be appointed by the Head of State, acting on advice; and
- (b) be appointed for such period as the Head of State, acting on advice, determines; and
- (c) hold office subject to good behaviour.

"(2) Subject to the *Salaries and Conditions Monitoring Committee Act* 1988 the terms and conditions of appointment of the Managing Director and Deputy Managing Director are as determined by the Minister responsible for Public Service matters.

"(3) Where a person appointed as Managing Director or Deputy Managing Director was, immediately before his appointment, an officer of the Public Service, his service as Managing Director or Deputy Managing Director shall be counted as service in the Public Service for the purpose of determining his rights (if any) in respect of -

- (a) leave of absence on the ground of illness; and
- (b) long leave or furlough (including pay to dependants on the death of the officer).

"(4) The offices of Managing Director and Deputy Managing Director are offices to which apply the provisions of the *Public Services (Management) Act* 1995 relating to leave to serve under another Act.

"(5) The Managing Director is responsible for -

- (a) ensuring the efficient use of staff and of the resources of the Corporation; and
- (b) ensuring the adequacy of broadcasting and other programmes; and
- (c) co-ordinating different stations and networks and ensuring a complementary set of services; and
- (d) promoting the services provided by the Corporation; and
- (e) assessing audience needs through audience research and community dialogue."

13. APPOINTMENT OF OFFICERS (AMENDMENT OF SECTION 22).

Section 22 of the Principal Act is amended -

- (a) in Subsection (1), by repealing the words "such persons" and replacing them with "such other persons"; and

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(b) by repealing Subsection (2).

14. REGULATIONS FOR THE SERVICE OF THE COMMISSION (AMENDMENT OF SECTION 23.)

Section 23(b) of the Principal Act is amended by repealing the words "Chairman, Deputy Chairman" and replacing them with "Managing Director, Deputy Managing Director".

15. SUPPLY OF ACCOMMODATION (AMENDMENT OF SECTION 25.)

Section 25 of the Principal Act is amended by repealing the words "Chairman and the Deputy Chairman" and replacing them with "Managing Director and the Deputy Managing Director".

16. NEW PART VIII.

The Principal Act is amended by adding the following new Part:-

"PART VIII - SAVINGS AND TRANSITIONAL".

"32. TRANSFER OF ASSETS, ETC., TO THE CORPORATION.

(1) All assets occupied or held by the Commission and all obligations and liabilities of the Commission immediately before the coming into operation of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* are, on that coming into operation, transferred to the Corporation.

(2) Where any property vested in the Commission is land registered under the *Land Registration Act* (Chapter 191), the Registrar of Titles shall, without formal transfer and without fee, on application in that behalf by the Corporation, enter on register the Corporation in the Register Book and, on entry or registration, grant a certificate of title, lease or other instrument evidencing title of the land, as the owner of the land within that Act.

"33. SAVING OF CONTRACTS, ETC.,

All contracts and agreements entered into, made with or addressed to the Commission are, to the extent that they were immediately before the coming into operation of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* binding on and enforceable against the Commission, binding and of full force and effect against or in favour of the Corporation as fully and effectually as if the Corporation had been a party to them or bound by them or is entitled to the benefit of them.

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"34. BOARD MEMBERS, ETC.,

The persons who, immediately before the coming into operation of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* respectively held positions as -

- (a) officers; and
- (b) employees,

of the Commission shall hold the equivalent positions on the same terms and conditions in the Corporation until further provision is made in accordance with this Act.

"35. ACTIONS, ETC., NOT TO ABATE.

Where, immediately before the coming into operation of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* any arbitration, action or proceeding was pending or existing by, against or in favour of the Commission it does not, on that coming into operation abate or discontinue but it may be prosecuted, continued or enforced by, against or in favour of the Corporation.

"36. APPLICATION OF ACTS, ETC.,

Where -

- (a) any Act or subordinate enactment other than this Act; or
- (b) any document or instrument whenever made executed,

contains a reference, express or implied, to the Commission that reference shall, on and after the coming into operation of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995*, except where the context otherwise requires, be read and construed as a reference to the Corporation."

17. FURTHER CONSEQUENTIAL AMENDMENTS.

The Principal Act is further amended in accordance with the Schedule.

Section 17.

S C H E D U L E.

Further Consequential Amendments.

Provision	Nature of amendment.
Sections 3(2) and (3), 4(2), 5(1), (2) and (3), 6 (heading), (1), (2) and (3), 7(heading), (1), (2), (3)(a) and (b) and (4),	In each case repeal the word "Commission" wherever occurring and replace with "Corporation".

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8(1) and (2), 9, 10(1) and (2), 11(heading and text), 22(1), (3), (4) and (5), 23(heading and text), 24(1) and (2), 25, 26, 28 29(1), (2) and (3), 30 (heading and text).

I hereby certify that the above is a fair print of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* which has been made by the National Parliament.

Clerk of the National Parliament.

I certify that the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* was made by the National Parliament on 21 June 1995.

Speaker of the National Parliament.

