

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Constitutional Amendment No. 22 - Integrity of Political Parties and Candidates

ARRANGEMENT OF SECTIONS.

1. Offices of Speaker and Deputy Speaker (Amendment of Section 107).
2. Right to introduce Bills, etc.. (Amendment of Section 111).
3. Voting in the Parliament (Amendment of Section 114).
4. Chairmen and Deputy Chairmen (Amendment of Section 119).
5. Amendment of heading to Subdivision VI.2.H.
6. Repeal and replacement of Section 127.

"127. PURPOSES OF SUBDIVISION H."

7. Integrity of Political Parties (Amendment of Section 129).
8. New Section 130A.

"130A. PROVISIONS RELATING TO POLITICAL PARTIES."

9. Prime Minister (Amendment of Section 142).
10. Other Ministers (Amendment of Section 144).
11. Rules for shortening and interpretation of the Constitutional Laws (Amendment of Schedule 1).

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Constitutional Amendment No. 22 - Integrity of Political Parties and Candidates

Being a Law to alter the *Constitution* by making further provisions for an Organic Law for the purposes of Subdivision VI.2.H (*Protection of Elections from Outside or Hidden Influences*) of the *Constitution*, and for related purposes.

MADE by the National Parliament to come into operation on certification.

1. OFFICES OF SPEAKER AND DEPUTY SPEAKER (AMENDMENT OF SECTION 107).

Section 107(4) of the *Constitution* is amended by inserting after the word "Minister" (twice occurring) the following in each case:-

"or Parliamentary Leader of a registered political party".

2. RIGHT TO INTRODUCE BILLS, ETC., (AMENDMENT OF SECTION 111).

Section 111(1) of the *Constitution* is amended by repealing the words and figure "Subject to Section 210 (*executive initiative*)" and replacing them with the following:-

"Subject to Section 210 (*executive initiative*) and to an Organic Law made for the purposes of Subdivision VI.2.H (*Protection of Elections from Outside or Hidden Influence and Strengthening of Political Parties*)."

3. VOTING IN THE PARLIAMENT (AMENDMENT OF SECTION 114).

Section 114 of the *Constitution* is amended -

- (a) in Subsection (1), by repealing the words "Except as otherwise provided" and replacing them with the following:-

"Subject to Subsection (5) and except as otherwise provided";
and

- (b) in Subsection (2), by repealing the words "The member presiding" and replacing them with the following:-

"Subject to Subsection (5), the member presiding"; and

- (c) in Subsection (3), by repealing the words "Except in a case" and replacing them with the following:-

"Subject to Subsection (5), except in a case"; and

- (d) by adding the following new subsection:-

"(5) An Organic Law made for the purposes of Subdivision VI.2.H (*Protection of Elections from Outside or Hidden Influence and Strengthening of Political Parties*) may restrict the voting rights of a member of the Parliament in certain circumstances."

4. CHAIRMEN AND DEPUTY CHAIRMEN (AMENDMENT OF SECTION 119).

Section 119 of the *Constitution* is amended by adding the following new subsection:-

"(4) An Organic Law made for the purposes of Subdivision VI.2.H (*Protection of Elections from Outside or Hidden Influence and the Strengthening of Political Parties*) may provide that in certain circumstances a member of the Parliament is not eligible to be appointed to or hold the office of Chairman or Deputy-Chairman of a Permanent Parliamentary Committee."

5. AMENDMENT OF HEADING TO SUBDIVISION VI.2.H.

The heading to Subdivision VI.2.H of the *Constitution* is amended by adding the following:-

"and Strengthening of Political Parties."

6. REPEAL AND REPLACEMENT OF SECTION 127.

Section 127 of the *Constitution* is repealed and is replaced with the following:-

"127. PURPOSES OF SUBDIVISION H.

The purposes of this Subdivision are -

- (a) to protect elections and to prevent candidates from being, or appearing to be or to have been, improperly influenced by outside (especially foreign) or hidden influences; and
- (b) to permit the funding of registered political parties; and
- (c) to restrict a member of the Parliament in certain circumstances from resigning or withdrawing from or failing to support a political party of which he is a member; and

Constitutional Amendment No. 22 - Integrity of Political Parties and Candidates

- (d) to provide that in certain circumstances a member of the Parliament who -
 - (i) resigns or withdraws from the political party of which he is a member; or
 - (ii) fails to support the political party of which he is a member; or
 - (iii) is a member of a political party whose registration is cancelled.
- (e) to restrict in certain circumstances the voting rights of a member of the Parliament.

and an Organic Law may make provision, in addition to the provisions expressly referred to in this Subdivision, for achieving those purposes.”.

7. **INTEGRITY OF POLITICAL PARTIES (AMENDMENT OF SECTION 129).**

Section 129(1) of the *Constitution* is amended by adding the following new Paragraphs:-

- “(g) authorizing the funding of registered political parties from the National Budget and establishing a body to manage and distribute the funds in accordance with established procedures; and
- (h) authorizing the payment in certain circumstances of a percentage of electoral expenses incurred by a female candidate in an election.”.

8. **NEW SECTION 130A.**

Subdivision VI.2.H of the *Constitution* is amended by inserting after Section 130 the following new section:-

“130A. **PROVISIONS RELATING TO POLITICAL PARTIES.**
An Organic Law made for the purposes of this Subdivision may -

- (a) restrict a member of the Parliament from resigning or withdrawing from a political party of which he is a member; and
- (b) restrict a member of the Parliament from failing to support, in certain circumstances, a political party of which he is a member; and
- (c) provide that, in certain circumstances, a member of Parliament who -
 - (i) resigns or withdraws from the political party of which he is a member; or
 - (ii) fails to support the political party of which he is a member; or

Constitutional Amendment No. 22 - Integrity of Political Parties and Candidates

- (iii) is a member of a political party whose registration is cancelled, is guilty of misconduct in office; and
- (d) permit a member of the Parliament who at the time of his election to the Parliament was not a member of a registered political party to join a registered political party; and
- (e) authorize the Head of State to invite a registered political party to form the Government in certain circumstances; and
- (f) restrict a member of the Parliament in certain circumstances, from exercising his voting rights in the Parliament.”.

9. **PRIME MINISTER (AMENDMENT OF SECTION 142).**

Section 142 of the *Constitution* is amended by adding the following new Subsection:-

“(7) An Organic Law made for the purposes of Subdivision VI.2.H (*Protection of Elections from Outside or Hidden Influence and Strengthening of Political Parties*) may provide that in certain circumstances a member of the Parliament is not eligible to be appointed to or hold the office of Prime Minister.”.

10. **OTHER MINISTERS (AMENDMENT OF SECTION 144).**

Section 144 of the *Constitution* is amended by adding the following new Subsection:-

“(5) An Organic Law made for the purposes of Subdivision VI.2.H (*Protection of Elections from Outside or Hidden Influence and Strengthening of Political Parties*) may provide that in certain circumstances a member of the Parliament is not eligible to be appointed to or hold the office of Minister.”.

11. **RULES FOR SHORTENING AND INTERPRETATION OF THE CONSTITUTIONAL LAWS (AMENDMENT OF SCHEDULE 1).**

Schedule 1.2 (*Meaning of certain expressions*) of the *Constitution* is amended -

- (a) in the definition of “misconduct in office” by adding the following:-

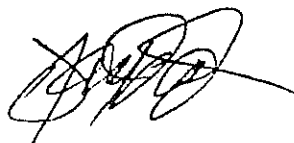
“or as prescribed by an Organic Law made for the purposes of Subdivision VI.2.H (*Protection of Elections from Outside or Hidden Influences and Strengthening of Political Parties*):”; and

Constitutional Amendment No. 22 – Integrity of Political Parties and Candidates

- (b) by inserting after the definition of “Papua New Guinea” the following:-

“‘Parliamentary Leader of, a registered political party’ or ‘Parliamentary Leader’ means the member of the Parliament elected by a registered political party to be its Parliamentary Leader;”.

I hereby certify that the above is a fair print of the *Constitutional Amendment No. 22 – Integrity of Political Parties and Candidates* which has been made by the National Parliament.



Acting Clerk of the National Parliament.

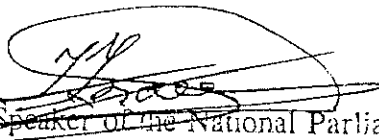
02 FEB 2001

Constitution.

CERTIFICATE UNDER SECTION 14.

I, THOMAS KORAEA, Acting Speaker of the National Parliament hereby certify that the requirements of Section 14(1), (2) and (3) of the *Constitution* were complied with in respect of *Constitutional Amendment No. 22 – Integrity of Political Parties and Candidates* and that the law was made by the National Parliament as follows:-

- (a) the first vote was taken on 30 August 2000 when the number of seats in the National Parliament were 109 and those voting for the proposal were 79 and those voting against the proposal were 0; and
- (b) the second vote was taken on 7 December 2000 when the number of seats in the National Parliament were 109 and those voting for the proposal were 82 and those voting against the proposal were 0.



Acting Speaker of the National Parliament.

02 FEB 2001