

No. 10 of 2023.

National Capital District Commission (Amendment) Act 2023.

Certified on : 10 JUL 2023



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ARRANGEMENT OF SECTIONS.

1. Membership of the Commission (Repeal and replacement of Section 5).
“5. MEMBERSHIP OF THE COMMISSION.”
2. Meetings of the Commission (Repeal and replacement of Section 11).
“11. MEETINGS OF THE COMMISSION.”
3. Goods and Services Tax Revenue Redistribution to Central Provincial Government, Gulf Provincial Government and Motu Koita Assembly (Repeal and replacement of Section 33).
“33. GOODS AND SERVICES TAX REVENUE REDISTRIBUTION TO CENTRAL PROVINCIAL GOVERNMENT, GULF PROVINCIAL GOVERNMENT AND MOTU KOITA ASSEMBLY.”



No. 10 of 2023.

AN ACT

entitled

National Capital District Commission (Amendment) Act 2023,

Being an Act to amend the *National Capital District Commission Act 2001* and for related purposes.

MADE by the National Parliament.

1. MEMBERSHIP OF THE COMMISSION (REPEAL AND REPLACEMENT OF SECTION 5).

The Principal Act is amended by repealing Section 5 and replacing it with the following:

“5. MEMBERSHIP OF THE COMMISSION.

- (1) The National Capital District Commission shall consist of the following members -
- (a) the Governor, who shall be the member representing the National Capital District regional electorate in the National Parliament, *ex-officio*; and
 - (b) the Deputy Governor, who shall be the Chairman of the Motu Koita Assembly *ex-officio*; and
 - (c) the member of the National Parliament for the National Capital District regional electorate and for each other electorates within the National Capital District who shall be *ex-officio* members of the Commission, except that where one of such members is appointed as the Minister responsible for Provincial and Local-level Government Affairs, that person is not eligible to be a member of the Commission and his membership in the Commission shall remain vacant until he ceases to be Minister responsible for Provincial and Local-level Government Affairs or otherwise ceases to be eligible as a member of the Commission; and
 - (d) subject to Subsection (4), six members who shall be appointed to represent each of the following interest groups -
 - (i) women; and
 - (ii) youths; and
 - (iii) unions; and
 - (iv) settlements; and
 - (v) businesses; and
 - (vi) religion; and
 - (e) two members of the Motu Koita Assembly comprising -
 - (i) the Chairman of the Motu Koita Assembly, *ex-officio*; and
 - (ii) one other member of the Motu Koita Assembly appointed by the board from a minimum of three members nominated by the Motu Koita Assembly; and
 - (f) the Provincial Administrator of the Central Province, *ex-officio*.

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- (2) The members referred to in Subsection (1)(d) and (1)(e)(ii) -
 - (a) shall hold office for a term of three years; and
 - (b) shall be persons who comply with the eligibility requirements specified in Section 8.

- (3) Section 10 of the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004* does not apply to the appointment, revocation or termination of persons appointed to the Commission pursuant to Subsections (1)(d) and (1)(e)(ii).

- (4) The Board shall follow a merit-based appointment process in appointing members under Subsection (1)(d), whereby -
 - (a) the Commission shall call for nominations from one or more accredited organisations that deal with the respective interest groups specified in Subsection (1)(d)(i), (ii), (iii), (iv), (v) and (vi) to nominate individuals suitable to serve the Commission Board; and
 - (b) if there is no registered organisation to deal with any of the interest groups specified in Subsection (1)(d)(i), (ii), (iii), (iv), (v) and (vi), then the Commission shall place advertisements in the daily newspapers to invite nominations from interested individuals; and
 - (c) the Commission shall appoint a committee to screen all the nominations and prepare a shortlist to the Board by considering the person's knowledge, experience, contribution to the particular interest groups and their community standing; and
 - (d) the committee shall submit its shortlist to the Board and the Board shall appoint one member each from the nominations who shall represent the interest of the respective groups within the overall interest of National Capital District."

2. MEETINGS OF THE COMMISSION (REPEAL AND REPLACEMENT OF SECTION 11).

The Principal Act is amended by repealing Section 11 and replacing it with the following:

"11. MEETINGS OF THE COMMISSION.

- (1) The Commission shall hold meetings at such times and in such places as the Chairman, or in his absence the Deputy Chairman determines, but in any event not less frequently than once in each month.

- (2) Where the Chairman receives a request in writing by not less than six members, the Chairman or in his absence the Deputy Chairman, shall convene a meeting of the Commission within 14 days of such written request.

- (3) At a meeting of the Commission -
 - (a) subject to Subsection (4) the quorum for a meeting of the commission is half the total membership of the Commission, provided one of such members is the Chairman or in his absence, the Deputy Chairman; and
 - (b) the Chairman, or in his absence the Deputy Chairman, shall preside at any meeting of the Commission; and

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- (c) matters arising shall be determined by a majority of votes of the members present and voting; and
 - (d) the Chairman, or in his absence the Deputy Chairman, shall have a deliberative vote and in the event of an equality of votes on a matter, also a casting vote.
- (4) Subject to Subsection (3)(a), where -
- (a) at the time determined for the commencement of a meeting of the Commission a quorum is not present, the meeting stands adjourned for one hour; and
 - (b) at the expiry of the period of one hour referred to in Paragraph (a) -
 - (i) a quorum is present - the meeting shall proceed; or
 - (ii) a quorum is not present - the meeting stands adjourned for such period as the person presiding determines, being a period of not less than one day, not more than one week and at the same time and place as was determined for the meeting adjourned and at the time and place to which the meeting was so adjourned the members then and there present are a quorum.

(5) All questions before a meeting of a Commission shall be decided in accordance with a majority of the members present at the meeting and voting and the person presiding at the meeting has a deliberative vote and in the event of an equality of votes on a matter, also a casting vote.

(6) The Commission shall cause minutes of its meetings to be kept. Such minutes shall be verified and certified by the Chairman as correct proceedings of that meeting.

(7) Subject to this Act, the procedures of the Commission are as determined by the Commission.”.

3. GOODS AND SERVICES TAX REVENUE REDISTRIBUTION TO CENTRAL PROVINCIAL GOVERNMENT, GULF PROVINCIAL GOVERNMENT AND MOTU KOITA ASSEMBLY (REPEAL AND REPLACEMENT OF SECTION 33).

The Principal Act is amended by repealing Section 33 and replacing it with the following:

“33. GOODS AND SERVICES TAX REDISTRIBUTION TO CENTRAL PROVINCIAL GOVERNMENT, GULF PROVINCIAL GOVERNMENT AND MOTU KOITA ASSEMBLY.

(1) Subject to Subsections (2) and (3), Central Provincial Government, Gulf Provincial Government and Motu Koita Assembly are entitled to receive a share of Goods and Services Tax collections in the National Capital District and such amounts shall be sourced in the manner stipulated in Subsection (4).

(2) Subject to Subsection (4), Central and Gulf Provincial Governments shall receive 10 percent and three percent respectively of the Goods and Services Tax distribution determined in accordance with Section 40 of the *Intergovernmental Relations (Functions and Funding) Act 2009* to the National Capital District Commission.”.

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(3) Subject to Subsections (4) and (6), Motu Koita Assembly shall receive 10 percent of the Goods and Services Tax distribution determined in accordance with Section 40 of the *Intergovernmental Relations (Functions and Funding) Act 2009* to the National Capital District Commission.

(4) Subject to Subsection (5), the Internal Revenue Commission shall administer the respective shares of Goods and Services Tax distribution under Subsections (2) and (3) and sourced as follows:

- (a) from the total 23 percent shares identified in Subsection (2) and (3) respectively -
 - (i) five percent each to Central Provincial Government and Motu Koita Assembly shall come out of the National Capital District Commission's charge under Section 42(c) of the *Intergovernmental Relations (Functions and Funding) Act 2009*; and
 - (ii) the remaining five percent each to Central Provincial Government and Motu Koita Assembly and three percent to Gulf Provincial Government shall come out of Consolidated Revenue Fund's charge under Section 42(d) of *Intergovernmental Relations (Functions and Funding) Act 2009*; and
- (b) subject to Subsection (6), distribute one-twelfth of each of the amounts sourced hereunder on or before the 21st day of each calendar months to Central and Gulf Provinces and Motu Koita Assembly.

(5) Subsection (2) continues in force and expires at the end of the period of 10 years beginning the day on which it came into operation or continues in force until 31st December 2033, whichever falls first.

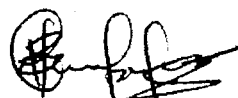
(6) Internal Revenue Commission shall transfer the amount due to Motu Koita Assembly to a jointly controlled bank account by the Motu Koita Assembly and National Capital District Commission, and the funds out of this account shall be disbursed in accordance with -

- (a) 30 percent of the amount payable every month shall be transferred to the Motu Koita Assembly's operative account; and
- (b) 70 percent of the amount payable shall be quarantined for social and infrastructure development in Motu Koita boundary and such programs shall be jointly decided and implemented by the Motu Koita Assembly and the National Capital District Commission.

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(7) Notwithstanding anything in any other Act in force at any time, Central Province, Gulf Province and Motu Koita Assembly shall be entitled to Goods and Services Tax payments from the National Capital District Commission's charge under Section 42(c) of the *Intergovernmental Relations (Functions and Funding) Act 2009* only in accordance with this section."

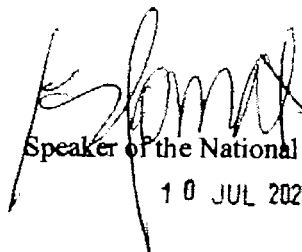
I hereby certify that the above is a fair print of the *National Capital District Commission (Amendment) Act 2023*, which has been made by the National Parliament.



Acting Clerk of the National Parliament.

10 JUL 2023

I hereby certify that the *National Capital District Commission (Amendment) Act 2023*, was made by the National Parliament on 8 June 2023.



Speaker of the National Parliament.

10 JUL 2023