

No. 6 of 2000.

*Privatization (Amendment) Act 2000.*

Certified on : 07.06.00

**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

**No. of 2000.**

***Privatization (Amendment) Act 2000.***

**ARRANGEMENT OF SECTIONS.**

1. Interpretation (Amendment of Section 1).
2. Functions of the Commission (Amendment of Section 5).
3. Members of the Commission (Amendment of Section 6).
4. Executive Chairman (Amendment of Section 7).
5. New Section 7A.

**“7A. MANAGING DIRECTOR”.**

6. Vesting of Assets in the Commission (Amendment of Section 14).
7. General Reserve Fund (Amendment of Section 16).
8. Dealing with Profits (Amendment of Section 17).
9. Repeal of Section 28.
10. Confidentiality (Amendment of Section 31).

**“31. CONFIDENTIALITY, TRANSPARENCY, ETC.,”.**

11. Further amendments.

**SCHEDULE.**

INDEPENDENT STATE OF PAPUA NEW GUINEA

No. of 2000.

AN ACT

entitled

*Privatization (Amendment) Act 2000,*

Being an Act to amend the *Privatization Act 1999,*

MADE by the National Parliament.

1. INTERPRETATION (AMENDMENT OF SECTION 1).

Section 1 of the Principal Act is amended -

- (a) by inserting after the definition of "liabilities" the following new definition:-

"Managing Director" means the Managing Director appointed under Section 7A;" and

- (b) in the definition of "special project", by repealing the word "Minister" (twice occurring) and replacing it in each case with the following:-

"National Executive Council".

2. FUNCTIONS OF THE COMMISSION (AMENDMENT OF SECTION 5).

Section 5(1)(c) the Principal Act is amended by repealing the word "Minister" (twice occurring) and replacing it in each case with the following:-

"National Executive Council".

3. MEMBERS OF THE COMMISSION (AMENDMENT OF SECTION 6).

Section 6 of the Principal Act is amended -

- (a) in Subsection (1) by inserting after Paragraph (a) the following new Paragraph:-

"(ab) the Managing Director, *ex officio*; and"; and

- (b) in Subsection (3), by repealing the words in parenthesis "(except the Executive Chairman)" and replacing them with the following:-

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“(except the Executive Chairman and the Managing Director)”.

**4. EXECUTIVE CHAIRMAN (AMENDMENT OF SECTION 7).**

Section 7 of the Principal Act is amended by adding the following new subsection:-

- “(5) The functions of the Executive Chairman are –
- (a) to ensure that the Commission fulfills its functions; and
  - (b) to ensure that the work of the Commission complies with this Act; and
  - (c) to preside at meetings of the Commission in accordance with this Act; and
  - (d) on behalf of the Commission to present recommendations of the Commission to the National Executive Council; and
  - (e) to promote and explain to the management and staff of enterprises and to the public generally the relevant policies and procedures relating to corporatization and privatization; and
  - (f) such other functions as are specified in this Act; and
  - (g) functions incidental to the functions specified in Paragraphs (a) to (f) inclusive.”.

**5. NEW SECTION 7A.**

The Principal Act is amended by inserting after Section 7 the following new section:-

**”7A. MANAGING DIRECTOR.**

- (1) There shall be a Managing Director of the Commission who –
- (a) shall be a person with experience in accountancy, banking, commerce or law and who shall be appointed by the Head of State, acting on advice; and
  - (b) shall be appointed for such period, not exceeding four years, as the Head of State, acting on advice, determines; and
  - (c) subject to this Act, shall hold office under a contract of employment with the Commission on such terms and conditions as are determined by the Parliament following consideration of a recommendation by the Salaries and Remuneration Commission; and

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(d) is eligible for re-appointment.

“(2) Where an officer of the Public Service is appointed under Subsection (1), his service as 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 grounds of illness; or
- (b) furlough or pay instead of furlough (including pay to dependants on the death of the officer).

“(3) The functions of the Managing Director are—

- (a) to be the head of the staff of the Secretariat; and
- (b) to administer the Secretariat; and
- (c) to be responsible for the appointment of the staff of the Secretariat; and
- (d) to be responsible for all financial matters relating to the Commission; and
- (e) to oversee the Project Management Team; and
- (f) to report to the Commission, the Executive Chairman and the National Planning Committee on the performance of his functions; and
- (g) such other functions as are specified in this Act; and
- (h) functions incidental to the functions specified in Paragraphs (a) to (g) inclusive.”.

**6. VESTING OF ASSETS IN THE COMMISSION (AMENDMENT OF SECTION 14)**

Section 14(2) of the Principal Act is amended by repealing the word “Minister” and replacing it with the following:-

“National Executive Council”.

**7. GENERAL RESERVE FUND (AMENDMENT OF SECTION 16).**

Section 16(2) of the Principal Act is amended by repealing the word “Minister” and replacing it with the following:-

“National Executive Council”.

**8. DEALING WITH PROFITS (AMENDMENT OF SECTION 17).**

Section 17 of the Principal Act is amended—

(a) in Subsection (1), by repealing the word “Minister” (twice occurring) and replacing it in each case with the following:-

“National Executive Council”; and

(b) in Subsection (3), by inserting after the word “Minister” the following:-

“responsible for the Consolidated Revenue Fund”.

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**9. REPEAL OF SECTION 28.**

Section 28 of the Principal Act is repealed.

**10. CONFIDENTIALITY (AMENDMENT OF SECTION 31).**

Section 31 of the Principal Act is amended -

(a) by repealing the heading and replacing it with the following:-

**”31. CONFIDENTIALITY, TRANSPARENCY,  
ETC.,”.**

(b) by repealing the word “Information” (first occurring) and replacing it with the following:-

“Commercially sensitive information”; and

(c) by adding the following new subsection:-

“(2) All commercially non-sensitive information relating the affairs of the Commission and decisions and activities of the Commission will be transparent, fully accountable and available for public scrutiny in the prescribed manner.”.

**11. FURTHER AMENDMENTS.**

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

**SCHEDULE.**

**Provision**

Section 8(1), (3), (4) and (5);  
18(2); 19(1); 20;

Section 27(1) and (3).

**Amendment**

Repeal “Executive Chairman” and  
replace with “Managing Director”

Repeal “Executive Chairman” and  
Replace with “Commission”.

I hereby certify that the above is a fair print of the *Privatization (Amendment) Act 2000* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Privatization (Amendment) Act 2000* was made by the National Parliament on 11 April, 2000.

Speaker of the National Parliament.