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INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

ALTERATION TO THE CONSTITUTION

The Honourable Member for Esa'ala Open, Mr. Moses Maladina, proposes to alter the *Organic Law on the Duties and Responsibilities of Leadership* and, pursuant to the requirements of Section 14(2)(making of alterations to the Constitution and Organic Laws) of the Constitution, I, Jeffrey Nape, the Speaker of the National Parliament, hereby publish the proposed Law:—

Draft of: 29/8/06

INDEPENDENT STATE OF PAPUA NEW GUINEA

THE CONSTITUTION

PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE DUTIES AND RESPONSIBILITIES OF LEADERSHIP

entitled

*The Organic Law on the Duties and Responsibilities of Leadership (Amendment) Law.*

ARRANGEMENT OF CLAUSES.

1. Shareholdings (Amendment of Section 8).
2. Proceedings of the Commission (Amendment of Section 20).
3. Tribunals (Amendment of Section 27).

INDEPENDENT STATE OF PAPUA NEW GUINEA

PROPOSED LAW TO ALTER THE ORGANIC LAW ON THE DUTIES AND RESPONSIBILITIES OF LEADERSHIP

entitled

*The Organic Law on the Duties and Responsibilities of Leadership (Amendment) Law.*

being

A Law to alter the *Organic Law on the Duties and Responsibilities of Leadership*, 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. SHAREHOLDINGS (AMENDMENT OF SECTION 8).

Section 8 of the *Organic Law* is amended by repealing subsection (4) and replacing it with the following:—

“(4) Subsections (1) and (2) do not prevent a person to whom this Law applies, or the spouse or the child of that person, from holding shares or maintaining an investment upon such terms and conditions as approved by the Ombudsman Commission”

2. PROCEEDINGS OF THE COMMISSION (AMENDMENT OF SECTION 20).

Section 20 of the *Organic Law* is amended:—

(a) in Subsection (4), by repealing the word “shall” and replacing it with the following:—  
“may”; and

(b) after Subsection (4), by adding the following new Subsection:—

“(5) Notwithstanding Subsection (4), if after an investigation, the Commission is of the opinion that there is evidence of misconduct in office, which is in the nature of a minor offence, by a person to whom this Law applies, it may make such directives to that person as shall ensure compliance with this Law”.

3. TRIBUNALS (AMENDMENT OF SECTION 27).

Section 27 of the *Organic Law* is amended:—

(a) in Subsection (1), by repealing the word “shall” and replacing it with the following:—  
“may”; and

(b) after Subsection (1), by adding the following new Subsection:—

“(1A) Notwithstanding Subsection (1), if the Commission is satisfied that there is evidence of misconduct in office by a person to whom this Law applies, which is inadvertent or is of a minor technical nature or is in the nature of a minor offence, and that the objectives of this Division can be achieved without prosecution, it may make such directives to that person as shall ensure compliance with this Law.”