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THE CONSTITUTION

ALTERATION TO THE CONSTITUTION

The Government proposes to alter the Constitution, and pursuant to Section 14(2) (Making of Alterations to the Constitution and Organic Laws) of the Constitution, I, Theodore Zurenuoc, Speaker of the National Parliament, hereby publish the following proposed Law:

Draft 5/5/2014

PROPOSED LAW TO ALTER THE CONSTITUTION

Constitution Amendment No. Integrity of Political Parties and Candidates

ARRANGEMENT OF CLAUSES.

1. Compliance with constitutional requirements.
2. Freedom of Assembly and Association (Amendment of Section 47).
3. Voting in the Parliament (Amendment of Section 114).
4. Parliamentary Privileges, etc., (Amendment of Section 115).
5. Purpose of Subdivision H. (Amendment of Section 127).
6. Repeal and replacement of Section 128.
7. Motions of No Confidence (Amendment of Section 145).

PROPOSED LAW TO ALTER THE CONSTITUTION

entitled

Constitution Amendment No Integrity of Political Parties and Candidates

being

A Law to amend the Constitution to —

- (a) give effect to the National Goals and Directive Principles relating to political stability and the protecting the integrity of the Papua New Guinea nation-state; and
- (b) to promote the active participation of citizens in the political process through strong and effective political parties; and
- (c) to improve greater transparency and accountability of political leaders and their political parties; and
- (d) to better protect political parties and candidates to enable them to effectively play a greater role in the development of the country; and
- (e) provide for other related matters.

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. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS

This law, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (qualified rights) of the Constitution namely —

- (a) The right to freedom of assembly and association conferred by Section 47 of the Constitution; and
- (b) The right to vote and stand for public office conferred by Section 50 of the Constitution; and
- (c) the right to the freedom of movement of citizens conferred by Section 52 of the Constitution, is a law that is made for the purposes of complying with Section 38 of the Constitution, taking account the National Goals and Directive Principles on equality and participation called for in the Preamble to the Constitution in particular —
- (d) equal participation by citizens in all political, economic, social and religious activities; and
- (e) every citizen to be able to participate actively in the political life of the country, is made for the purpose of giving effect to the public interest in public welfare and the protection and strengthening of political parties, members of political parties and candidates for a stable and prosperous nation.

2. FREEDOM OF ASSEMBLY AND ASSOCIATION (AMENDMENT OF SECTION 47)

Section 47 of the Constitution is amended by inserting the following new paragraph after Paragraph (c):

“(ca) that impose reasonable restrictions on members of political parties”.

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

Section 114 of the Constitution is amended by inserting the following new subsections:—

“(6) Subject to Subsection (2) and except as otherwise provided by a Constitutional Law or the Standing Orders of the Parliament, all questions before a meeting of the Parliament shall be decided in accordance with the majority of votes of the members present and voting.

(7) The voting by members present and voting in Parliament shall be in accordance with the political party resolution”.

Proposed Law to Alter the Constitution—continued**4. PARLIAMENTARY PRIVILEGES, ETC., (AMENDMENT OF SECTION 115)**

Subsection (2) of Section 115 of the Constitution is repealed and is replaced as follows:—

“(2) Except on a matter referred to in Section 114(2) there shall be freedom of speech, debate, voting and proceeding in Parliament, and the exercise of those freedoms shall not be questioned in any court or in any proceedings whatever (otherwise than in proceedings in the Parliament or before a committee of the Parliament).”.

5. PURPOSE OF SUBDIVISION H. (AMENDMENT OF SECTION 127)

Section 127 of the Constitution is amended by inserting after Paragraph (b) the following new paragraphs:—

- “(ba) to provide rules for the registration of political parties; and
- (bb) to provide for the monitoring and management of political parties; and
- (bc) to provide for the conduct of executives and members of political parties; and
- (bd) to provide for the discipline of members of political parties; and
- (be) to provides for fines and penalties on political parties and executives of political parties.”.

6. REPEAL AND REPLACEMENT OF SECTION 128

Section 128 of the Constitution is repealed and replaced with following new section:

“128 REGISTERED POLITICAL PARTY”.

- (1) In this Subdivision, “registered political party” means a political party or organization registered under an Organic Law made for the purpose of Section 129(1)(a) (*integrity of political parties*).
- (2) A “registered political party” means a political party or organization registered under an Organic Law made for the purpose.
- (3) A registered political party is a body corporate and capable of being sued and to sue and may acquire, hold and sell properties.
- (4) A registered political party shall have a party constitution.
- (5) A registered political party shall —
 - (a) have objectives, policies or platforms that encourage the development of the country as one nation and do not encourage secession; and
 - (b) not discriminate on the basis of sex, race or religion except to the extent permitted by Section 55(2) (*equality of citizens*) of the Constitution; and
 - (c) not have membership confined by its constitution to persons from a particular province, region or group; and
 - (d) have a president, a secretary and a treasurer and such executive officers who have been appointed or elected in accordance with the party constitution; and
 - (e) have a public officer of the party; and
 - (f) have at least 2000 financial members —
 - (i) who are eligible for enrolment on the National Electoral Roll; and
 - (ii) who are registered as financial members according to the party registered; and
 - (iii) of which 500 shall come from each of the four regions; and

Proposed Law to Alter the Constitution—*continued*

- (iv) for the Registry to supervise the registration of membership; and
- (g) have policies that do not encourage any illegal or unlawful purposes.”

7. MOTIONS OF NO CONFIDENCE (AMENDMENT OF SECTION 145)

Section 145 of the Constitution is amended —

- (a) in Subsection (1) by repealing Sub-Paragraph (b) and inserting the following —

“(b) of which not less than three month’s notice, signed by a number of members of the Parliament being not less than one-third of the total number of seats in the Parliament, has been given in accordance with the Standing Orders of the Parliament and the notice has been published by the Speaker, who shall set the time for the motion of vote of non-confidence to be taken, after the lapse of the three month’s notice period”; and

- (b) by inserting the following new subsection:—

“(5) Where a Prime Minister is removed in a vote of non-confidence in accordance with this section, any other candidate within the party with the biggest number can be invited to be the Prime Minister if the Party Leader fails to muster the required number.