

No. 21 of 2021.

National Capital District Commission (Amendment) Act 2021.

Certified on : 13 JAN 2022



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ARRANGEMENT OF SECTIONS.

1. Membership of the Commission (Amendment of Section 5).
2. Chairman and Deputy Chairman (Amendment of Section 6).
3. Authentication of documents, etc. (Amendment of Section 13).
4. Powers of the Commission (Amendment of Section 16).
5. Staff (Amendment of Section 20).
6. Manager (Amendment of Section 21).
7. Financial Assistance to Central Provincial Government (Repeal and replacement of Section 33).

“33. GOODS AND SERVICES TAX REVENUE REDISTRIBUTION TO CENTRAL PROVINCIAL GOVERNMENT, GULF PROVINCIAL GOVERNMENT AND MOTU-KOITABU COUNCIL.”.



No. 21 of 2021.

AN ACT

entitled

National Capital District Commission (Amendment) Act 2021,

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 (AMENDMENT OF SECTION 5).

Section 5 of the Principal Act is amended in Subsection (1) -

(a) by repealing Paragraph (d) and replacing it with the following:

“(d) four representative members as follows:

- (i) President of the National Council of Women, *ex-officio*, or her delegate; and
- (ii) Director General of the National Youth Development Authority, *ex-officio*, or his delegate; and
- (iii) President of the Trade Union Congress, *ex-officio*, or his delegate; and
- (iv) President of the Port Moresby Chamber of Commerce and Industry, *ex-officio* or his delegate; and”;

(b) by repealing Paragraph (e) and replacing it with the following:

“(e) the Governor of the Central Province, *ex-officio* or his delegate.”.

2. CHAIRMAN AND DEPUTY CHAIRMAN (AMENDMENT OF SECTION 6).

Section 6 of the Principal Act is amended -

(a) by repealing Subsection (3) and replacing it with the following:

“(3) Subject to this Act, the Chairman, or in his absence the Deputy Chairman -

- (a) shall conduct meetings of the Commission in accordance with this Act; and
- (b) shall, on behalf of the Commission and at its direction, present recommendations to the National Government on matters pertaining to the powers and functions of the Commission; and
- (c) has such other functions as are specified in this Act.”; and

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- (b) by repealing Subsection (6) and replacing it with the following:

“(6) The Chairman and Deputy Chairman, or any other member of the Commission, shall not unilaterally exercise a duty, power or function bestowed on the Commission by this Act or any other Act of Parliament without the prior approval of the Commission expressed in a resolution.”.

3. AUTHENTICATION OF DOCUMENTS, ETC. (AMENDMENT OF SECTION 13).
Section 13 of the Principal Act is amended -

- (a) by inserting “(1)” immediately before the word “The” first occurring in the section; and

- (b) by inserting immediately after Subsection (1), the following new subsection:

“(2) A document that has been affixed with the seal of the Commission, but has not been authenticated according to Subsection (1), shall be deemed to be invalid and of no legal effect.”.

4. POWERS OF THE COMMISSION (AMENDMENT OF SECTION 16).

Section 16 of the Principal Act is amended by inserting, immediately after Subsection (1)(e), the following:

“(ea) to formulate estimates of its receipts and expenditure for the next financial year and to recommend to the Minister for his approval and certification of proposed changes to such estimates in accordance with Section 32; and

(eb) shall review and, where necessary, order an investigation into the circumstances under which any transaction or deal involving any property, monies or asset of the Commission was made.”.

5. STAFF (AMENDMENT OF SECTION 20).

Section 20 of the Principal Act is amended -

- (a) in Subsection (1)(b) by repealing the word “Commission” and replacing it with the word “Manager”; and

- (b) by adding immediately after Subsection (3), the following new subsections:

“(4) Subject to this Act and any resolution of the Commission, the staff of the Commission shall be subject to the lawful direction and superintendence of the Manager and their failure to do so amounts to a misconduct.

(5) No individual member of the Commission shall exercise control or direction over the Manager or staff of the Commission, except to the extent approved by the Board.”.

6. MANAGER (AMENDMENT OF SECTION 21).

Section 21 of the Principal Act is amended -

- (a) by repealing Subsection (3) and replacing it with the following:

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“(3) Subject to this Act and the directions of the Commission, the Manager shall -

- (a) be the Chief Executive Officer of the Commission and the administrative head of staff of the Commission; and
- (b) maintain overall supervision and direction over all staff of the Commission; and
- (c) have overall superintendence of the affairs and the management of the Commission; and
- (d) manage and assist in the preparation of statutory or management accounts and the preparation of budgets, estimates of revenue and expenditures, cash flows and other financial data or information or accounting records of the Commission; and
- (e) take all steps to ensure that the Commission and all members of the Commission are able to perform their duties; and
- (f) take all steps to give full effect to the resolutions and policies of the Commission; and
- (g) ensure the Commission performs its duties and functions as specified in this Act.”; and

(b) by inserting immediately after Subsection (4), the following new subsection:

“(5) The Commission may, by board resolution and publication in the National Gazette, determine the title of the Manager from time to time.”.

7. FINANCIAL ASSISTANCE TO CENTRAL PROVINCIAL GOVERNMENT (REPEAL AND REPLACEMENT OF SECTION 33).

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

“33. GOODS AND SERVICES TAX REVENUE REDISTRIBUTION TO CENTRAL PROVINCIAL GOVERNMENT, GULF PROVINCIAL GOVERNMENT AND MOTU-KOITABU COUNCIL.

(1) The goods and services tax revenue entitlement due to the Commission under Section 40 of the *Inter-Government Relations (Functions and Funding) Act 2009* shall be redistributed in accordance with this section.

(2) The Commissioner General of the Internal Revenue Commission shall pay to -

- (a) the Central Provincial Government 10 percent of the goods and services tax revenue entitlement; and
- (b) the Motu-Koita Council 2 percent of the goods and services tax revenue entitlement; and
- (c) the Gulf Provincial Government 3 percent of the goods and services tax revenue entitlement.

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(3) The Commissioner General of the Internal Revenue Commission shall make payments under Subsection (2) by deducting the prescribed portions from the goods and services tax revenue entitlement due to the Commission, created and held under Sections 40 and 42(c) of the ***Inter-Governmental Relations (Functions and Funding) Act 2009*** in the Provincial Inland Goods and Services Tax Trust Account for the National Capital District.”.

I hereby certify that the above is a fair print of the ***National Capital District Commission (Amendment) Act 2021***, which has been made by the National Parliament.



Acting Clerk of the National Parliament.

13 JAN 2022

I hereby certify that the ***National Capital District Commission (Amendment) Act 2021***, was made by the National Parliament on 2 December 2021.



Acting Speaker of the National Parliament.

13 JAN 2022