

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 57A.

Local Government (Consolidation of Proclamations).

GENERAL ANNOTATION.

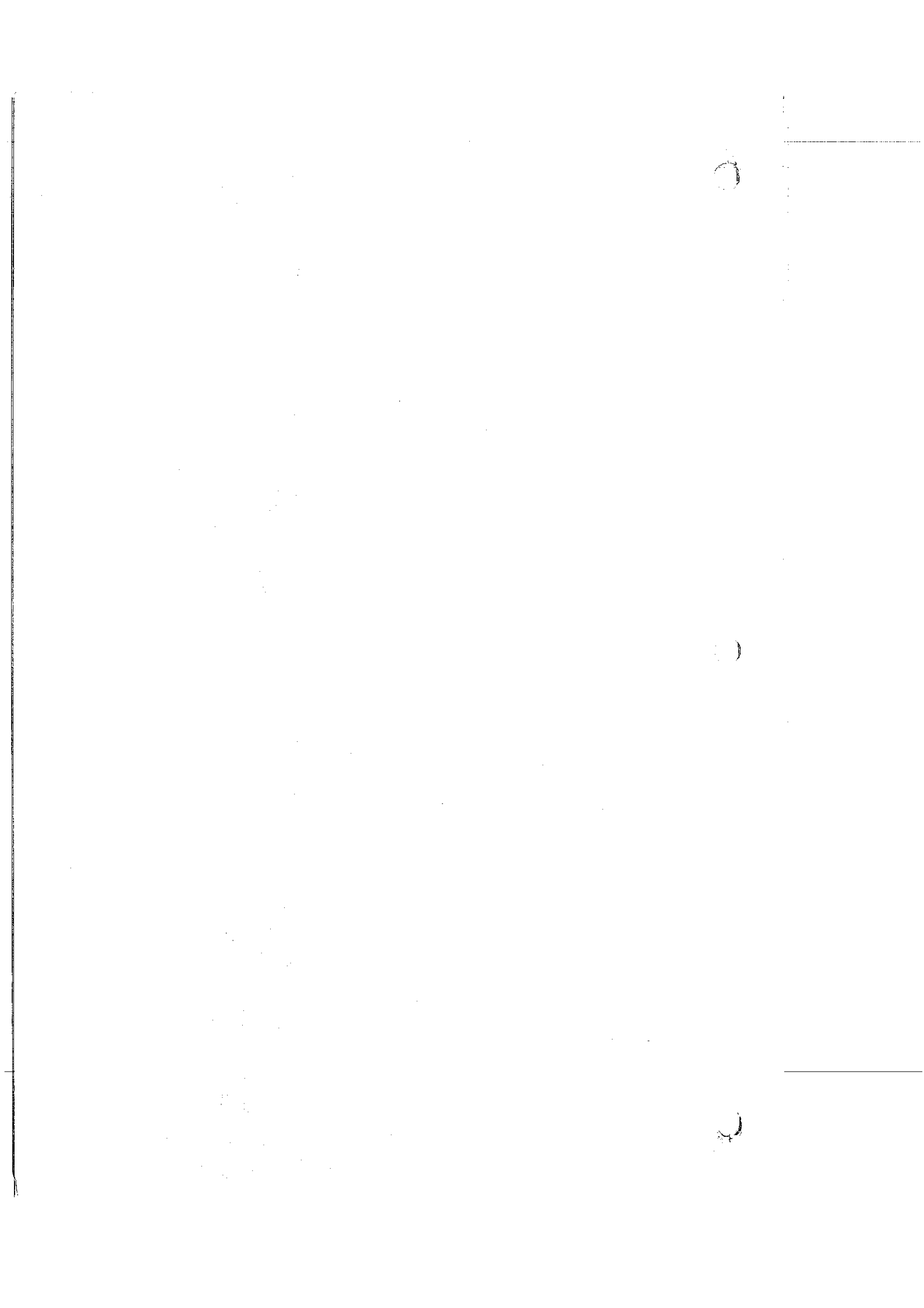
ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Decentralization at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO.57A.

Local Government (Consolidation of Proclamations) Act .

ARRANGEMENT OF SECTIONS.

1. Consolidation of proclamations.
2. Effect of consolidated proclamation.
3. Powers of Commissioner.
4. Certain omissions, etc., by Commissioner permitted.
5. Transitional.
6. Printing in Revised Edition of the Laws.

SCHEDULE.—Form of Consolidated Proclamations.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 57A.

Local Government (Consolidation of Proclamations) Act.

Being an Act to enable the consolidation and revision of proclamations made under the *Local Government Act* relating to Local Government Councils and Local Government Authorities, to be incorporated and read as one with that Act.

1. Consolidation of proclamations.

(1) The Commissioner may cause a document (to be known as a "consolidated proclamation") to be published in accordance with Subsection (2) consolidating all of the proclamations relating to a Council or Local Government Authority.

(2) A consolidated proclamation under Subsection (1)—

- (a) shall be in the appropriate form in the Schedule, with any adaptations and modifications as appear necessary or convenient to the Commissioner or in such other form as is approved by the First Legislative Counsel; and
- (b) shall be published in the *Local Government Gazette* by the Government Printer or a person authorized for the purpose under the *Printing of the Laws Act*.

2. Effect of consolidated proclamation.

(1) Subject to its terms, a consolidated proclamation published under Section 1—

- (a) does not affect the powers, functions, duties, responsibilities, status or identity of the Council or Local Government Authority to which it relates; and
- (b) shall, as at the date of notification be deemed to have been made under Part IV. of the Principal Act and is the constituent proclamation of the Council or Local Government Authority to which it relates; and
- (c) shall be deemed to repeal and replace all proclamations previously issued in respect—
 - (i) of the Council to which it relates or of any other Council amalgamated with or forming part of it; or
 - (ii) of the Local Government Authority to which it relates or of any other Authority amalgamated with or forming part of it.

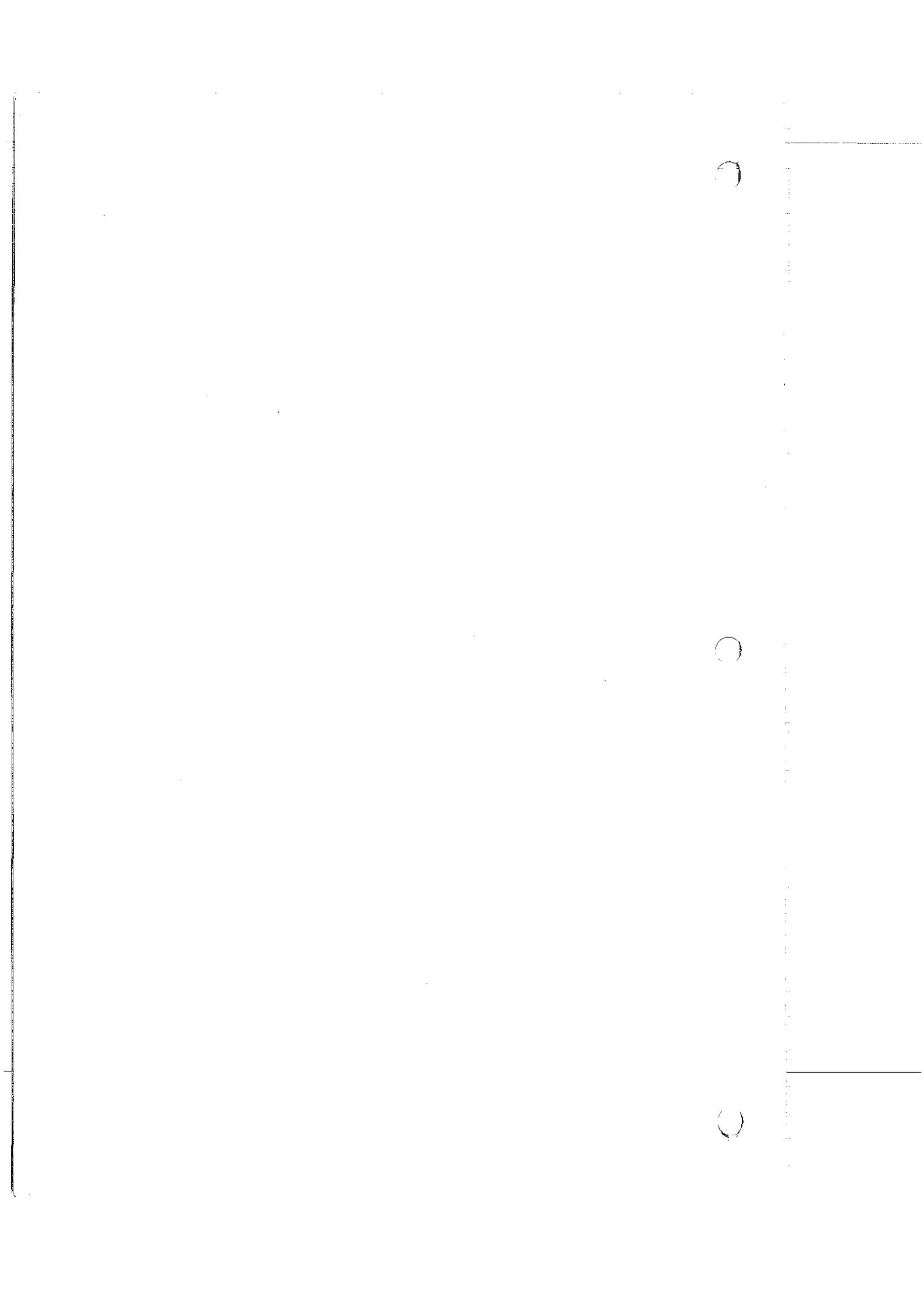
(2) The provisions of the Principal Act requiring consultation with Councils or Local Government Authorities do not apply to or in respect of the publication of a consolidated proclamation under Section 1.

3. Powers of Commissioner.

The Commissioner has, in relation to any consolidated proclamation to be published under this Act, all the powers of the First Legislative Counsel under the *Revision of the Laws Act* in relation to any law.

4. Certain omissions, etc., by Commissioner permitted.

(1) Subject to Subsection (2), where, in relation to a Council or Local Government Authority, the Principal Act or any repealed Act relating to Local Government provided or



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allowed for the inclusion of a certain provision in a proclamation and, in the opinion of the Minister, such a provision where included in a proclamation—

- (a) is no longer appropriate or relevant; or
- (b) is no longer appropriate or relevant in the form in which it appears in the constituent proclamation,

to the Council or Authority, as the case may be, the Commissioner may, for the purposes of this Act, omit, alter or amend that provision.

(2) The power under Subsection (1) to omit, alter or amend a provision of a proclamation shall not be exercised in any case where by proclamation under Section 14 of the Principal Act the provision could be omitted, altered or amended.

5. Transitional.

Where, in relation to a Council or Local Government Authority, a consolidated proclamation is published under Section 1—

- (a) all members of the Council or Authority, as the case may be, in office immediately before the date of publication of the consolidated proclamation continue in office, subject to any subsequent proclamation which amends their term of office, on and from that date for the balance of their term of office; and
- (b) all rules in force immediately before the date of publication of the consolidated proclamation continue in force on and from that date as rules of the Council; and
- (c) all contracts, agreements, conveyances, deeds, leases, licences and other instruments and undertakings entered into by, made with or addressed to the Council or Authority, as the case may be, and in effect immediately before the date of publication of the consolidated proclamation, are, on that date, to the extent that they were binding on and enforceable by or against the Council or Authority immediately before that date, binding on and enforceable by or against the Council or Authority, as the case may be; and
- (d) immediately before the date of publication of the consolidated proclamation, any action, arbitration or proceeding, or any cause of action, arbitration or proceeding, was pending or existing by, against or in favour of the Council or Authority, as the case may be, it does not, on that date, abate or discontinue and is not in any way affected, but it may be prosecuted, continued and enforced by, against or in favour of the Council or Authority as and when it might have been enforced by, against or in favour of the Council or Authority immediately before that date.

6. Printing in Revised Edition of the Laws.¹

In the preparation of the Revised Edition of the Laws of Papua New Guinea under the *Revision of the Laws Act*, but without derogating any power conferred by that Act, a constituent proclamation may be included in the appropriate form in the Schedule with any adaptations and modifications that appear necessary or convenient to the Commissioner appointed under the *Revised Edition of the Laws Act*.

¹But, see, Chapter 57, Subsidiary Legislation, Footnote to Item 5.



SCHEDULE.

Secs. 1, 3.

FORM OF CONSOLIDATED PROCLAMATIONS.

Form 1.—Councils.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Local Government Council Proclamation (Consolidated)

MADE under the *Local Government (Consolidation of Proclamations) Act*.

1. Council Area.

The Council area consists of all the areas of land (and water) in the Province set out in the Schedule.

2. Wards.

The Council is divided into the wards set out in the Schedule.

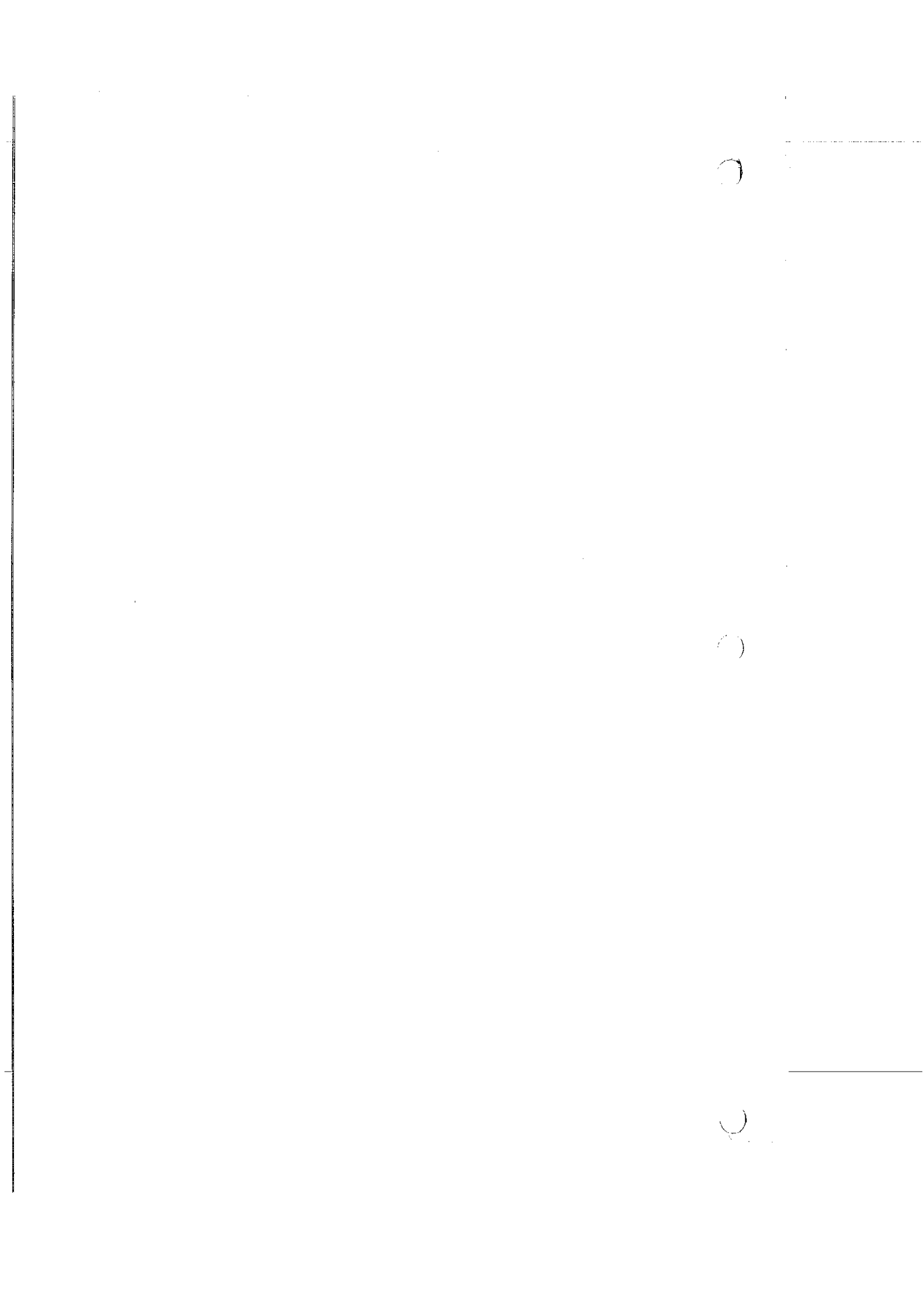
3. Membership.

The Council consists of Councillors being

4. Special or other provisions.

SCHEDULE.

Council Area, Wards, etc.



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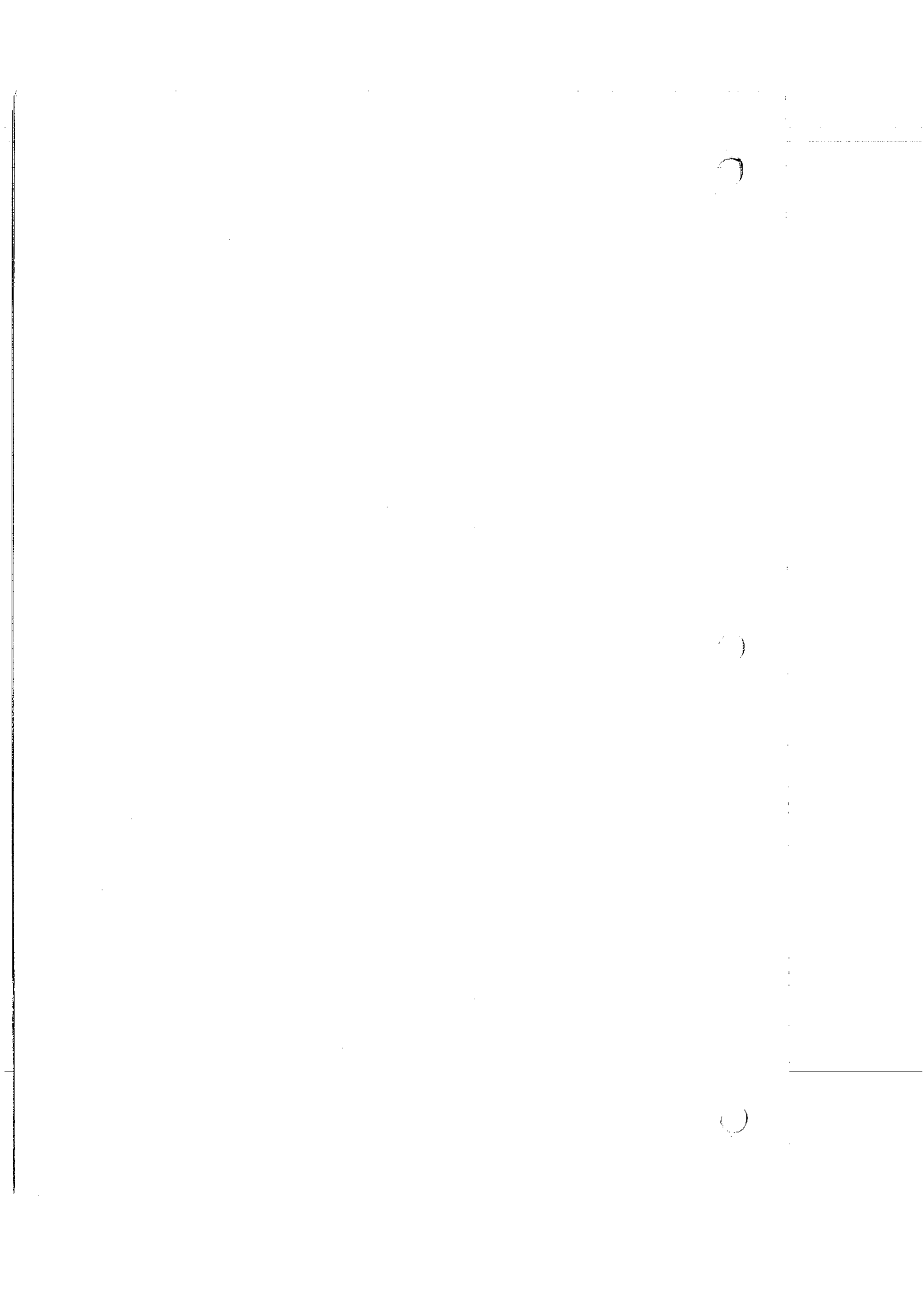
Form 2.—Authorities.

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Local Government Area/Special Purposes Authority Proclamation (Consolidated).

MADE under the *Local Government (Consolidation of Proclamations) Act.*

1. Purposes.
 2. Area.
 3. Membership.
 4. Functions.
 5. Powers.
 6. Special or other provisions.
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 57A.

Local Government (Consolidation of Proclamations).

APPENDIX.

SOURCE OF THE LOCAL GOVERNMENT (CONSOLIDATION OF PROCLAMATIONS) ACT.

Part A.—Previous Legislation.

Local Government (Consolidation of Proclamations) Act 1977 (No. 32 of 1977).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ¹
1	1
2	2
3	3
4	4
5	5
6	6
Schedule	Schedule

¹Unless otherwise indicated, references are to the Act set out in Part A.

