

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 29.

Statute Law Revision Machinery.

GENERAL ANNOTATION.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), there was no gazetted indication where the administration of this Chapter was vested, although due to the presence on the Statute Law Revision Commission of the Principal Legal Adviser to the National Executive and its connexion with law reform it is likely that it was the responsibility of the Minister for Justice.

The Chapter does not refer to "the Minister", "the Departmental Head" or "the Department".

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 29.

Statute Law Revision Machinery Act.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 29.

Statute Law Revision Machinery Act.

Being an Act to help in the speedy revision of the laws by establishing—

(a) a Statute Law Revision Commission; and

(b) a Standing Committee of the Parliament on Statute Law Revision,

and providing for their respective duties, and by laying down a simplified procedure in the Parliament for certain Bills intended to effect law revision¹.

1. Meaning of law revision.

(1) For the purposes of this Act, the expression "law revision" refers to the process of correcting and improving the form, content and operation of the law without major change to its substance, and to related matters.

(2) In particular, but without limiting the generality of Subsection (1), the expression applies to—

(a) the processes of—

(i) amalgamating the separate laws of the former Territory of Papua and of the former Territory of New Guinea that were adopted by Section Sch. 2.6 (*adoption of pre-Independence laws*) of the Constitution; and

(ii) consolidating into one enactment laws relating to the same subject; and

(b) amendments the effect of which is confined to—

(i) resolving ambiguities; and

(ii) removing doubts; and

(iii) bringing obsolete laws into conformity with modern practice, or removing unnecessary provisions or anomalies that are not of substantial importance; and

(c) amendments that are designed to facilitate improvement in the form or manner in which the law is stated,

including any transitional provisions that may be necessary in consequence of any such processes or amendments.

2. Interpretation.

In this Act, unless the contrary intention appears—

"the Commission" means the Statute Law Revision Commission established by Section 4;

"the Standing Committee" means the Standing Committee of the Parliament on Statute Law Revision established under Section 6.

¹ Compare the Constitution, Schedule 2, Part 6 and the *Law Reform Commission Act*.

3. Effect of this Act.

This Act does not—

- (a) affect any power, function, duty or responsibility of the Commission under any other law; or
- (b) prevent the Parliament or the Head of State, acting on advice, from referring to the Commission, or the Commission from considering, any matter relating to law revision; or
- (c) operate so as to invalidate or call in question any act of the Parliament.

4. The Statute Law Revision Commission.

- (1) A Statute Law Revision Commission is hereby established.
- (2) The Commission shall consist of—
 - (a) the Chief Justice or a Judge nominated by him, who shall be the Chairman; and
 - (b) the Principal Legal Adviser, who shall be the Deputy Chairman; and
 - (c) the Dean of the Faculty of Law of the University of Papua New Guinea; and
 - (d) not more than two persons (of whom one shall, if practicable, be an officer of the Law Society of Papua New Guinea), appointed by the Chief Justice by notice in the National Gazette; and
 - (e) the First Legislative Counsel.
- (3) The Commission shall meet at such times and places as are fixed by the Chairman.
- (4) The Head of State, acting on advice may direct that a meeting of the Commission be held.

5. Meetings of the Commission.

- (1) For the conduct of business at a meeting of the Commission—
 - (a) four members, of whom one is the Chairman or the Deputy Chairman, are a quorum; and
 - (b) the Chairman, or in his absence the Deputy Chairman, shall preside; and
 - (c) subject to Subsection (2), all questions shall be decided by the majority of votes of the members present and voting.
- (2) Where, in relation to a matter before a meeting of the Commission, all members are not present when—
 - (a) a matter is being considered; or
 - (b) a vote is taken on a matter,any member of the Commission present may ask that the matter be referred to a full meeting of the Commission, and thereupon—
 - (c) the matter stands referred to a full meeting; and
 - (d) any vote taken shall be deemed to have been rescinded.

6. The Standing Committee on Statute Law Revision.

- (1) A Standing Committee of the Parliament to be known as the Standing Committee on Statute Law Revision, is hereby established.
- (2) The Standing Committee may sit during recess.

(3) The Speaker and the Chairman of Committees are ex officio members of the Standing Committee.

(4) The membership of the Standing Committee is as determined by the Parliament.

(5) The quorum at a meeting of the Standing Committee is as determined by the Parliament.

(6) Subject to this Act, the procedures of the Standing Committee are as determined by the Parliament or, in the absence of such determination, as determined by the Committee.

7. Functions of the Commission as to Bills.

(1) The Head of State, acting on advice, may submit for the consideration of the Commission, any draft Bill that in his opinion relates to law revision.

(2) The Parliament may direct that a Bill, or a part of a Bill, before it that in its opinion relates to law revision be submitted to the Commission for its consideration, and the Clerk of the Parliament shall forward it, together with any relevant information, to the Head of State, for submission to the Commission.

(3) Where a draft Bill is submitted to the Commission under Subsection (1), the Commission shall, as soon as practicable, make a report to the Head of State on it, and if the draft is presented to the Parliament as a Bill the Head of State, acting on advice, may cause the report to be presented to the Parliament.

(4) Where a Bill or part of a Bill is submitted to the Commission under Subsection (2), the Commission shall, as soon as practicable, make a report to the Parliament on it.

(5) Without limiting the matters that may be dealt with, the report shall state whether, and if so how, in the opinion of the Commission the Bill or part of a Bill—

(a) deals primarily with law revision; and

(b) would result in the correction or improvement, by way of law revision, of the law; and

(c) would result in substantive change in the law of such importance that it ought not be dealt with simply as an aspect of law revision.

(6) Each report of the Commission presented or made to the Parliament stands referred to the Standing Committee, unless the report states that in the opinion of the Commission the Bill, or the part of a Bill, the subject of the report—

(a) does not deal primarily with law revision; or

(b) would not result in the correction or improvement, by way of law revision, of the law; or

(c) would result in substantive change in the law of such importance that it ought not be dealt with simply as an aspect of law revision.

(7) Where a report of the Commission is withheld from the Standing Committee by virtue of Subsection (6), Section 8 does not apply to any Bill to which the report relates, but this subsection does not prevent the report being discussed or dealt with according to the forms of the Parliament.

8. Parliamentary proceedings.

(1) As soon as practicable after the receipt of a report from the Commission, the Standing Committee shall make a report to the Parliament on the matter of the report.

(2) Without limiting the matters that may be dealt with, the report of the Standing Committee shall—

- (a) set out the opinion of the Standing Committee on the matters referred to in Section 7(5)(a), (b) and (c); and
- (b) state whether, in the case of a report on a Bill, the Bill could, in the opinion of the Standing Committee, be properly dealt with in accordance with the procedure set out in Subsection (3).

(3) Notwithstanding the Standing Orders of the Parliament or any other law, where the report of the Standing Committee on a Bill states that, in the opinion of the Standing Committee, the Bill could properly be dealt with in accordance with the procedure set out in this subsection, the Bill may be passed by the Parliament and made an Act on a motion to the following effect :—

“that (*the Bill*) do now pass and be an Act”,

and no amendment to the question shall be allowed.

(4) Where—

- (a) the report of the Standing Committee on a Bill does not state that, in the opinion of the Standing Committee, the Bill could properly be dealt with in accordance with the procedure set out in Subsection (3); or
- (b) a motion in accordance with Subsection (3) is rejected by the Parliament; or
- (c) the Parliament rescinds a direction under Section 7(2),

then—

- (d) if the Second Reading of the Bill in question has not been moved—the Second Reading may be moved immediately or at any time afterwards; and
- (e) if the Second Reading of the Bill in question has been moved—consideration of the Bill shall be resumed,

and the Bill shall be dealt with according to the forms of the Parliament.

(5) Where a direction under Section 7(2) is rescinded by the Parliament, any report actually prepared by the Commission or the Standing Committee—

- (a) shall be presented by the Speaker for the information of the Parliament; and
- (b) may be discussed and dealt with according to the forms of the Parliament.

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Statute Law Revision Machinery.

APPENDIX.

SOURCE OF THE STATUTE LAW REVISION MACHINERY ACT.

Part A.—Previous Legislation.

Statute Law Revision Machinery Act 1972 (No. 67 of 1972).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous References. ¹
1	3
2	4
3	9
4	5(1), (2), (3)
5	5(4)-(7)
6	6
7	7
8	8

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

