

Chapter 149.
Broadcasting Corporation Act 1973.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 149.

Broadcasting Corporation Act 1973.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Broadcasting Corporation Act 1973,¹

Being an Act to provide for a National Broadcasting Corporation and for related purposes.

²**PART I. – PRELIMINARY.**

1. INTERPRETATION.

In this Act, unless the contrary intention appears–

“the Board” means the National Broadcasting Board established by Section 4;

“broadcasting” includes sound transmissions, television transmissions and other transmissions;

“the Chairman” means the Chairman of the Board, and includes the Deputy Chairman acting in his place;

“the Commission” means the National Broadcasting Commission established by Section 3;

³**“the Corporation”** means the National Broadcasting Corporation (formerly the Commission) established by Section 3;

“the Deputy Chairman” means the Deputy Chairman of the Board;

⁴**“Deputy Managing Director”** means the Deputy Managing Director appointed under Section 21B;

¹ Short title amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s1.

² Long title amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s2.

³ Section 1 (definition of “the Corporation”) inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s3(a).

⁵**“Managing Director”** means the Managing Director appointed under Section 21B;

“member of the Board” includes the Chairman;

“the regulations” means any regulations made under this Act;

“this Act” includes the regulations.

2. APPLICATION TO THE STATE.

(1) This Act binds the State.

(2) This Act does not affect the operation of the *Radio Spectrum Act 1996*.

⁴ Section 1 (definition of “Deputy Managing Director”) inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s3(b).

⁵ Section 1 (definition of “Managing Director”) inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s3(b).

PART II.⁶ – THE NATIONAL BROADCASTING CORPORATION.

3. ESTABLISHMENT OF THE COMMISSION.

(1) A National Broadcasting Commission is hereby established.

(2)⁷ ⁸The Corporation—

(a) is a corporation, with perpetual succession; and

(b) has a seal; and

(c) may acquire, hold and dispose of property; and

(d) may sue and be sued in its corporate name.

(3)⁹ ¹⁰All courts, Judges and persons acting judicially shall take judicial notice of the seal of the Corporation affixed to a document and shall presume that it was duly affixed.

(4)¹¹ ¹²With effect on and from the date of coming into operation of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995*, the name of the National Broadcasting Commission shall be changed to the National Broadcasting Corporation.

4. NATIONAL BROADCASTING BOARD.

(1) A National Broadcasting Board, constituted in accordance with Part III, is hereby established.

(2)¹³ ¹⁴The Board is responsible for the affairs of the Corporation.

5. ADVISORY COMMITTEES.

(1)¹⁵ ¹⁶The Corporation may establish an advisory committee for any area or subject.

⁶ Part II heading amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s4.

⁷ Section 3(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁸ Section 3(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁹ Section 3(3) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

¹⁰ Section 3(3) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

¹¹ Section 3(4) inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s5.

¹² Section 3(4) inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s5.

¹³ Section 4(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

¹⁴ Section 4(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

(2)¹⁷ ¹⁸The membership and procedures of each advisory committee are as determined by the Corporation.

(3)¹⁹ ²⁰The function of an advisory committee is to advise the Corporation on any matter concerning the broadcasting services and other business of the Corporation in so far as they or it relate or relates to the area or subject for which the committee was established.

6. FUNCTIONS OF THE CORPORATION.

²¹(1)²² ²³Subject to this Act, it is the duty of the Corporation to provide balanced, objective and impartial broadcasting services within and, if so directed by the Head of State, acting on advice, outside the country, and in so doing to take, in the interests of the community, all such measures as, in the opinion of the Corporation, are conducive to the full development of suitable broadcasting programmes.

(2)²⁴ ²⁵In particular, the Corporation shall—

- (a) ensure that the services that it provides, when considered as a whole, reflect the drive for national unity and at the same time give adequate expression to the culture, characteristics, affairs, opinions and needs of the people of the various parts of the country and in particular of rural areas; and
- (b) do all in its power to preserve and stimulate pride in the indigenous and traditional cultural heritage of Papua New Guinea; and
- (c) take extreme care in broadcasting material that could inflame racial or sectional feelings; and

¹⁵ Section 5(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

¹⁶ Section 5(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

¹⁷ Section 5(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

¹⁸ Section 5(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

¹⁹ Section 5(3) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

²⁰ Section 5(3) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

²¹ Section 6 headnote amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

²² Section 6(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

²³ Section 6(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

²⁴ Section 6(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

²⁵ Section 6(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

(d) co-operate with the Government in broadcasting social, political and economic extension, and educational programmes.

(3)²⁶ ²⁷At the request of the Minister, the Corporation may make recommendations to the Minister concerning the granting of licences for broadcasting services under the *Radio Spectrum Act 1996* and the conditions of those licences.

7. THE CORPORATION AND GOVERNMENT POLICY.

²⁸(1)²⁹ ³⁰From time to time the Government shall advise the Corporation of its policies and priorities.

(2)³¹ ³²Subject to this Act, the Corporation shall broadcast from all stations under its control, or from such of them as the Minister specifies, any matter the broadcasting of which is directed by the Minister in writing as being in the national interest.

(3) Subject to this Act, the Minister may, from time to time, by telegram or in writing—

(a)³³ prohibit the Corporation from broadcasting any matter, or matter of any class or character, specified in the notice; or

(b)³⁴ request the Corporation to refrain from broadcasting any such matter.

(4)³⁵ ³⁶The Corporation shall include in its annual report all cases in which the powers conferred by Subsections (2) and (3) have been exercised, and all such cases shall be laid before the Parliament at the first meeting after receipt of the report by the Minister.

²⁶ Section 6(3) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17. .

²⁷ Section 6(3) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17. .

²⁸ Section 7 headnote amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

²⁹ Section 7(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

³⁰ Section 7(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

³¹ Section 7(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

³² Section 7(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

³³ Section 7(3)(a) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

³⁴ Section 7(3)(b) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

³⁵ Section 7(4) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

³⁶ Section 7(4) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

8. SETTING OF STANDARDS.

(1)^{37 38}The Corporation may, by direction in writing, lay down standards of taste, impartiality and accuracy for the programmes broadcast by the Corporation from any source.

(2)^{39 40}All officers and employees of the Corporation shall ensure that any standards laid down under Subsection (1) are observed.

9. COMMERCIAL OR SPONSORED BROADCASTING.

⁴¹The Corporation may, if it thinks proper, introduce commercial broadcasting, but must at all times retain full control over, and is at all times fully responsible for, its programmes.

10. EVALUATION OF RESULTS.

(1)^{42 43}From time to time, and in particular when directed by the Minister, the Corporation shall employ an independent consultant to evaluate the impact and effectiveness of the Corporation's broadcasting programmes, and in particular the degree to which they assist in attaining the objects of the Corporation.

(2)^{44 45}As soon as practicable after receipt of a report from the consultant, the Corporation shall give a copy to the Minister.

11. GENERAL POWERS OF THE CORPORATION.

⁴⁶The Corporation has power to carry on all such activities as appear to it to be necessary or convenient for it to carry on for or in connection with the performance of its functions, and in particular it may—

- (a) subject to obtaining a licence under the *Radio Spectrum Act 1996* erect, maintain and operate transmitting and receiving stations; and

³⁷ Section 8(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

³⁸ Section 8(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

³⁹ Section 8(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁴⁰ Section 8(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁴¹ Section 9 amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁴² Section 10(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁴³ Section 10(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁴⁴ Section 10(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁴⁵ Section 10(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁴⁶ Section 11 headnote amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

- (b) install and operate wired radio distribution services; and
- (c) enter into arrangements with the State or any public body for the purpose of obtaining licences, rights, privileges and concessions; and
- (d) produce, manufacture, purchase or otherwise acquire films, gramophone or other records and materials and apparatus for use in connection with films and records, and use them in connection with the broadcasting service; and
- (e) provide to and receive from other persons matter to be broadcast; and
- (f) organize, provide and subsidize public entertainment for the purpose of broadcasting; and
- (g) collect news and information in any part of the world and in any manner that the Corporation thinks fit, and establish or subscribe to news services; and
- (h) acquire copyrights; and
- (i) publish printed matter that may be conducive to the performance of any of the functions of the Corporation; and
- (j) do anything for the purpose of advancing—
 - (i) the skill of persons employed by the Corporation; or
 - (ii) the efficiency of the equipment of the Corporation; or
 - (iii) the manner in which that equipment is operated,
including the provision by the Corporation, or assistance in the provision by others, of facilities for training and research; and
- (k)⁴⁷ purchase land, and purchase or construct buildings, for use in carrying on the operations of the Corporation, and dispose of land or buildings owned by the Corporation.

⁴⁷ Section 11(k) added by *Broadcasting Commission (Amendment) Act 1990* (No. 2 of 1990), s1. Amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

PART III. – THE NATIONAL BROADCASTING BOARD.

12. CONSTITUTION OF THE BOARD.

(1)⁴⁸ ⁴⁹The National Broadcasting Board shall consist of—

- (a) the Managing Director, *ex officio*; and
- (b) five members, appointed by the Head of State, acting on advice, by notice in the National Gazette; and
- (c) the Departmental Head of the Department responsible for finance matters or his nominee.

(2) A member appointed under Subsection (1)(b)—

- (a) shall be appointed for a period of three years, and is eligible for re-appointment; and
- (b) holds office subject to good behaviour.

13. VACATION OF OFFICE OF MEMBERS OF THE BOARD.

Where a member of the Board appointed under Section 12(1)(b)—

- (a) becomes permanently incapable of performing his duties; or
- (b) resigns his office by writing under his hand addressed to the Minister; or
- (c) is absent, except on leave granted by the Minister, from all meetings of the Board held during two consecutive months or during any three months in any period of 12 months,

the Minister shall terminate his appointment.

14. MEETINGS OF THE BOARD.

⁵⁰(1) The Board shall meet at such time and places as the Board determines or the Chairman directs, but so that the period between any two consecutive meetings does not exceed 12 months.

(2) At a meeting of the Board—

- (a) four members, of whom the Chairman is one, are a quorum; and
- (b) the Chairman shall preside; and
- (c) all questions arising shall be decided by a majority of the votes of the members present and voting; and

⁴⁸ Section 12(1) amended by No. 39 of 1983, s1; repealed and replaced by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s6.

⁴⁹ Section 12(1) amended by No. 39 of 1983, s1; repealed and replaced by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s6.

⁵⁰ Section 14 amended by No. 39 of 1983, s2.

(d) the Chairman has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

(3) The Board shall cause minutes of its meetings to be kept, and forward copies of its minutes to the Minister.

(4) Subject to this Act, the procedures of the Board are as determined by the Board.

15. DELEGATION.

The Board may, in writing, delegate to any person all or any of its powers and functions (except this power of delegation).

PART IV. – THE CHAIRMAN AND THE DEPUTY CHAIRMAN.**16. APPOINTMENT, ETC., OF CHAIRMAN AND DEPUTY CHAIRMAN.**

(1) There shall be a Chairman and a Deputy Chairman of the Board who shall—

- (a) be appointed by the Head of State, acting on advice, by notice in the National Gazette; and
- (b)⁵¹ be appointed for such period as the Head of State, acting on advice, determines from amongst the members appointed under Section 12(1)(b); and
- (c) hold office subject to good behaviour.

(2)⁵² ⁵³The terms and conditions of appointment and service of the Chairman and the Deputy Chairman are as determined by the Minister.

17. VACATION OF OFFICE OF CHAIRMAN AND DEPUTY CHAIRMAN.

Where the Chairman or the Deputy Chairman—

- (a) becomes permanently incapable of performing his duties; or
- (b) resigns his office by writing under his hand to the Minister; or
- (c) engages, without the consent of the Minister, in any paid employment outside the duties of his office,

the Minister shall terminate his appointment.

18⁵⁴. [REPEALED.]**19. OATH AND AFFIRMATION OF OFFICE.**

(1) Before entering on the duties of their respective offices, the Chairman and the Deputy Chairman shall take an oath or make an affirmation in the form in Schedule 1.

(2) The oath or affirmation shall be taken or made before the Minister or a person appointed by the Minister for the purpose.

⁵¹ Section 16(1)(b) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s7(a).

⁵² Section 16(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s7(b).

⁵³ Section 16(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s7(b).

⁵⁴ Section 18(2) repealed and replaced by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s41; Section 18 repealed by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s8.

20. FUNCTIONS OF THE CHAIRMAN.

⁵⁵The functions of the Chairman are as follows:—

- (a) to preside over meetings of the Board;
- (b) in conjunction with the Board to formulate the policies of the Corporation;
- (c) to liaise with appropriate authorities or institutions for the purposes of the Corporation;
- (d) to ensure that a favourable image of the Corporation is promoted and protected;
- (e) to be responsible for strategic planning in relation to the management and administration of the Corporation;
- (f) in conjunction with the Board, to assess the output and performance of the management of the Corporation.

21. FUNCTIONS OF THE DEPUTY CHAIRMAN.

(1) The Deputy Chairman shall perform such duties as the Chairman directs.

(2)⁵⁶ [*Repealed.*]

(3) In the event of a vacancy in the office of Chairman, or his absence from a meeting of the Board or inability to act, the Deputy Chairman shall perform the duties of the Chairman and has and may exercise and perform the powers and functions of the Chairman, and any reference in this Act or any other law to the Chairman shall be read as including a reference to the Deputy Chairman accordingly.

⁵⁵ Section 20 repealed and replaced by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s9.

⁵⁶ Section 21(2) repealed by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s10.

PART V.⁵⁷ – THE SERVICE OF THE CORPORATION.**21A. SERVICE OF THE CORPORATION.**

⁵⁸The Service of the Corporation shall consist of–

- (a) the Managing Director, who shall be the Chief Executive of the Corporation; and
- (b) the Deputy Managing Director; and
- (c) such other officers as are appointed under Section 22.

21B. MANAGING DIRECTOR AND DEPUTY MANAGING DIRECTOR.

⁵⁹(1) There shall be a Managing Director and a Deputy Managing Director of the Corporation who shall–

- (a) be appointed by the Head of State, acting on advice; and
- (b) be appointed for such period as the Head of State, acting on advice, determines; and
- (c) hold office subject to good behaviour.

(2) Subject to the *Salaries and Conditions Monitoring Committee Act 1988* the terms and conditions of appointment of the Managing Director and Deputy Managing Director are as determined by the Minister responsible for Public Service matters.

(3) Where a person appointed as Managing Director or Deputy Managing Director was, immediately before his appointment, an officer of the Public Service, his service as Managing Director or Deputy Managing Director shall be counted as service in the Public Service for the purpose of determining his rights (if any) in respect of–

- (a) leave of absence on the ground of illness; and
- (b) long leave or furlough (including pay to dependents on the death of the officer).

(4) The offices of Managing Director and Deputy Managing Director are offices to which apply the provisions of the *Public Services (Management) Act 1995* relating to leave to serve under another Act.

(5) The Managing Director is responsible for–

- (a) ensuring the efficient use of staff and of the resources of the Corporation; and

⁵⁷ Part V heading amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s11.

⁵⁸ Section 21A inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s12.

⁵⁹ Section 21B inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s12.

- (b) ensuring the adequacy of broadcasting and other programmes; and
- (c) co-ordinating different stations and networks and ensuring a complementary set of services; and
- (d) promoting the services provided by the Corporation; and
- (e) assessing audience needs through audience research and community dialogue.

22. APPOINTMENT OF OFFICERS.

(1)⁶⁰ ⁶¹The Corporation may appoint such other persons as it thinks fit and necessary for the purposes of the Corporation to be officers of the Corporation.

(2)⁶² [*Repealed.*]

(3)⁶³ ⁶⁴Subject to this Part and to the regulations, officers hold office on such terms and conditions as the Corporation determines.

(4)⁶⁵ ⁶⁶Where an officer appointed under this section was, immediately before his appointment, an officer of the Public Service, his service as an officer of the Corporation shall be counted as service in the Public Service for the purpose of determining his rights (if any) in respect of—

- (a) leave of absence on the ground of illness; and
- (b) long leave, furlough or pay in lieu (including pay to dependents on the death of the officer).

(5)⁶⁷ ⁶⁸The offices of officers in the Corporation are offices to which apply the provisions of the *Public Services (Management) Act 1995* relating to leave to serve under another Act.

⁶⁰ Section 22(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s13; amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁶¹ Section 22(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s13; amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁶² Section 22(2) repealed by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s13.

⁶³ Section 22(3) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁶⁴ Section 22(3) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁶⁵ Section 22(4) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁶⁶ Section 22(4) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁶⁷ Section 22(5) repealed and replaced by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s42; amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁶⁸ Section 22(5) repealed and replaced by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s42; amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

23. REGULATIONS FOR THE SERVICE OF THE CORPORATION.

⁶⁹The regulations may make provision in relation to the Service of the Corporation and, in particular, may—

- (a) prescribe the terms and conditions of appointment of officers; and
- (b)⁷⁰ make provision for a superannuation scheme to provide benefits for the Managing Director, Deputy Managing Director and officers of the Corporation on retirement.

24. TEMPORARY AND CASUAL EMPLOYEES.

(1)⁷¹ ⁷²The Corporation may appoint such temporary and casual employees as it considers necessary for the purposes of this Act.

(2)⁷³ ⁷⁴Employees appointed under Subsection (1) shall be employed on such terms and conditions as the Corporation determines.

25. SUPPLY OF ACCOMMODATION.

⁷⁵The Corporation may make available to its officers and employees, and to the Managing Director and the Deputy Managing Director, or any of them, such housing or other accommodation as it thinks proper on such terms and conditions as it thinks proper.

26. USE OF OFFICERS, ETC., OF OTHER AUTHORITIES.

⁷⁶By agreement with the appropriate authorities and on such terms and conditions as are agreed on, the Corporation may make use of the services of officers and employees, and of technical resources, of other authorities.

⁶⁹ Section 23 headnote amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17; Section 23 amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁷⁰ Section 23(b) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s14.

⁷¹ Section 24(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁷² Section 24(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁷³ Section 24(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁷⁴ Section 24(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁷⁵ Section 25 amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s15; amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁷⁶ Section 26 amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

PART VA.⁷⁷ – HOME OWNERSHIP SCHEME.

26A. SALE OF SPECIAL CATEGORIES OF HOUSES.

⁷⁸(1) The Minister may, on the request of the Corporation after receiving the approval of the National Executive Council, declare Special Categories of houses.

(2) A declaration under Subsection (1) shall–

- (a) specify the terms and conditions under which the Special Categories of houses are to be sold; and
- (b) be published in the National Gazette.

26B. HOME OWNERSHIP SCHEME.

⁷⁹The Corporation may devise and operate a Home Ownership Scheme for officers and employees of the Corporation.

26C. LOANS FOR HOUSING PURPOSES.

⁸⁰The Corporation may make a loan to, or guarantee a mortgage on behalf of, an officer or employee of the Corporation for the purpose of house purchase or construction where such officer or employee has been accepted to take part in a Home Ownership Scheme.

26D. HOME OWNERSHIP ACCOUNT.

⁸¹(1) The Corporation shall open and maintain such bank accounts as are necessary for a Home Ownership Scheme and shall pay into them–

- (a) all moneys received by the Corporation, for the sale of houses under the Scheme and otherwise for the sale or leasing of houses; and
- (b) all other moneys received by the Corporation in the exercise and performance of its powers and functions under the Scheme.

(2) Out of the moneys standing to the credit of the accounts of the Corporation referred to in Subsection (1), the Corporation–

- (a) shall pay–
 - (i) all moneys payable by it in repayment of advances under the Scheme and as interest on such advances; and
 - (ii) the costs, charges and expenses incurred by the Corporation in the performance of its functions under the Scheme; and

⁷⁷ Part VA added by *Broadcasting Commission (Amendment) Act 1990* (No. 2 of 1990), s2.

⁷⁸ Section 26A added by *Broadcasting Commission (Amendment) Act 1990* (No. 2 of 1990), s2.

⁷⁹ Section 26B added by *Broadcasting Commission (Amendment) Act 1990* (No. 2 of 1990), s2.

⁸⁰ Section 26C added by *Broadcasting Commission (Amendment) Act 1990* (No. 2 of 1990), s2.

⁸¹ Section 26D added by *Broadcasting Commission (Amendment) Act 1990* (No. 2 of 1990), s2.

- (iii) the remuneration and allowances of persons employed by the Corporation for the purposes of the Scheme; and
 - (iv) any other payments the Corporation is authorized or required to make under the Scheme; and
- (b) may—
- (i) make loans to officers and employees of the Corporation to assist with home ownership; and
 - (ii) pay the cost of redeveloping or purchasing residential properties initially for accommodation of non-citizen officers and employees of the Corporation and later for sale to citizen officers and employees of the Corporation.

26E. REPORT ON HOME OWNERSHIP SCHEME.

⁸²The Corporation shall, at least once in each fiscal year, furnish to the Minister for presentation to the National Executive Council, a report on any Home Ownership Scheme devised and operated by the Corporation.

⁸² Section 26E added by *Broadcasting Commission (Amendment) Act 1990* (No. 2 of 1990), s2.

PART VI. – FINANCE, ETC.

27. APPLICATION OF *PUBLIC FINANCES (MANAGEMENT) ACT 1995*.

⁸³(1) Part VIII of the *Public Finances (Management) Act 1995* applies to and in relation to the Corporation.

(2) For the purposes of Section 62 of the *Public Finances (Management) Act 1995*, the Corporation is a trading enterprise.

⁸³ Section 27 repealed and replaced by *Broadcasting Commission (Amendment) Act 1990* (No. 2 of 1990), s3.

PART VII. – MISCELLANEOUS.**28. ATTORNEY.**

⁸⁴The Corporation may, by instrument under its seal, appoint a person (whether within or outside the country) to be its attorney and, subject to the instrument, a person so appointed may do any act or execute any power or function that he is authorized by the instrument to do or execute.

29. EXECUTION OF CONTRACTS.

(1)⁸⁵ ⁸⁶Contracts on behalf of the Corporation may be made, varied or discharged in accordance with this section, and any contract so made is effectual in law and is binding on it and on all other parties to the contract, their heirs, executors, administrators and assigns.

(2)⁸⁷ ⁸⁸A contract that, if made between private persons, would by law–

- (a) be required to be in writing under seal–may be made, varied or discharged in the name of and on behalf of the Corporation in writing under its seal; or
- (b) be required to be in writing and signed by the parties to be charged with it–may be made, varied or discharged in the name of and on behalf of the Corporation in writing signed by any person acting with its express or implied authority; or
- (c) be valid although made by parol only and not reduced to writing–may be made, varied or discharged by parol in the name of and on behalf of the Corporation by any person acting with its express or implied authority.

(3)⁸⁹ ⁹⁰This section does not invalidate a contract executed on behalf of the Corporation by a duly appointed attorney of the Corporation if the contract would be valid if executed by the attorney on his own behalf.

⁸⁴ Section 28 amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁸⁵ Section 29(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁸⁶ Section 29(1) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁸⁷ Section 29(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁸⁸ Section 29(2) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁸⁹ Section 29(3) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

⁹⁰ Section 29(3) amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

30. VALIDITY OF ACTS AND TRANSACTIONS OF THE CORPORATION.

⁹¹The validity of an act or transaction of the Corporation shall not be called in question in any legal proceedings on the ground that any provision of this Act has not been complied with.

31. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing penalties of fines not exceeding K100.00 and default penalties of fines not exceeding K25.00 for offences against the regulations.

⁹¹ Section 30 amended by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s17.

PART VIII.⁹² – SAVINGS AND TRANSITIONAL.

32. TRANSFER OF ASSETS, ETC., TO THE CORPORATION.

⁹³(1) All assets occupied or held by the Commission and all obligations and liabilities of the Commission immediately before the coming into operation of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* are, on that coming into operation, transferred to the Corporation.

(2) Where any property vested in the Commission is land registered under the *Land Registration Act* (Chapter 191), the Registrar of Titles shall, without formal transfer and without fee, on application in that behalf by the Corporation, enter on register the Corporation in the Register Book and, on entry or registration, grant a certificate of title, lease or other instrument evidencing title of the land, as the owner of the land within that Act.

33. SAVING OF CONTRACTS, ETC.

⁹⁴All contracts and agreements entered into, made with or addressed to the Commission are, to the extent that they were immediately before the coming into operation of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* binding on and enforceable against the Commission, binding and of full force and effect against or in favour of the Corporation as fully and effectually as if the Corporation had been a party to them or bound by them or is entitled to the benefit of them.

34. BOARD MEMBERS, ETC.

⁹⁵The persons who, immediately before the coming into operation of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* respectively held positions as—

- (a) officers; and
- (b) employees,

of the Commission shall hold the equivalent positions on the same terms and conditions in the Corporation until further provision is made in accordance with this Act.

⁹² Part VIII inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s16.

⁹³ Section 32 inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s16.

⁹⁴ Section 33 inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s16.

⁹⁵ Section 34 inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s16.

35. ACTIONS, ETC., NOT TO ABATE.

⁹⁶Where, immediately before the coming into operation of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* any arbitration, action or proceeding was pending or existing by, against or in favour of the Commission it does not, on that coming into operation abate or discontinue but it may be prosecuted, continued or enforced by, against or in favour of the Corporation.

36. APPLICATION OF ACTS, ETC.

⁹⁷Where—

(a) any Act or subordinate enactment other than this Act; or

(b) any document or instrument whenever made executed,

contains a reference, express or implied, to the Commission that reference shall, on and after the coming into operation of the *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995*, except where the context otherwise requires, be read and construed as a reference to the Corporation.

⁹⁶ Section 35 inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s16.

⁹⁷ Section 36 inserted by *Broadcasting Commission (Change of Name and Corporate Structure) Act 1995* (No. 49 of 1995), s16.

SCHEDULE 1 – OATH AND AFFIRMATION OF OFFICE.

Act., Sec. 19.

Oath.

“I, . . . , do swear that I will give good and faithful service in the office of Chairman (*or* Deputy Chairman) of the National Broadcasting Board of Papua New Guinea.

So help me God!”

Affirmation.

“I, . . . do solemnly and sincerely promise and declare that I will give good and faithful service in the office of Chairman (*or* Deputy Chairman) of the National Broadcasting Board of Papua New Guinea.”

Office of Legislative Counsel, PNG