

No. 11 of 1987.

National Judicial Staff Service Act 1987.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



No. 11 of 1987.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

National Judicial Staff Service Act 1987,

Being an Act to make provision for and in respect of a National Judicial Staff Service.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Act, unless the contrary intention appears–

“**the Appeal Tribunal**” means the Appeal Tribunal constituted under Section 18;

“**classification**” means the arrangement of officers and offices in classes, and includes the allotment to officers or offices of salaries or limits of salary according to the value of the work;

“**the Commission**” means the Judicial and Legal Services Commission established by Section 183 of the *Constitution*;

¹“**the Council**” means the Judicial Council established under Section 3A;

²“**the Court**” means the Supreme Court of Justice, the National Court of Justice and District Courts;

“**employee**” means a person employed to render temporary or casual assistance in the Service, but does not include a person who is–

- (i) employed in an honorary capacity; or
- (ii) remunerated by fees, allowances or commission only;

¹ Section 1 (definition of “the Council”) inserted by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s1(a).

² Section 1 (definition of “the Court”) repealed and replaced by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s1(b).

“holiday” means a day appointed to be a holiday in the National Public Service;

“office” means an office in the Service created under Section 11;

“officer” means an officer in the Service, but does not include—

- (a) an employee; or
- (b) a person employed in an honorary capacity; or
- (c) a person remunerated by fees, allowances or commission only;

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

“the Service” means the National Judicial Staff Service established by Section 2;

“the Secretary” means the Secretary of the Service appointed under Section 4;

“this Act” includes the regulations.

PART II. – THE NATIONAL JUDICIAL STAFF SERVICE.

2. ESTABLISHMENT OF THE NATIONAL JUDICIAL STAFF SERVICE.

(1) A National Judicial Staff Service is hereby established.

(2)³ ⁴The Service shall consist of–

- (a) the Secretary; and
- (b) the Registrar and Deputy Registrar appointed under the *National Court Act 1975*; and
- (c) the other officers and employees of the Service.

(3)⁵ ⁶The provisions of Sections 5, 6, 7 and 8 relating to the Secretary shall apply *mutatis mutandis* to the Registrar and the Deputy Registrar.

3. FUNCTIONS OF THE SERVICE.

The functions of the Service are to provide–

- (a) legal, secretarial and clerical staff to enable the Courts to operate efficiently; and
- (b) research, legal and other services for the Courts; and
- (c) an efficient Court reporting service; and
- (d) adequate library services for the Courts; and
- (e) attendants, interpreters and other staff to ensure the efficient functioning of the Courts.

3A. ESTABLISHMENT, ETC., OF THE JUDICIAL COUNCIL.

⁷(1) A Judicial Council is hereby established.

(2) The Council shall consist of the following members:–

- (a) the Chief Justice; and
- (b) the Deputy Chief Justice; and
- (c) the Chief Magistrate; and
- (d) the Judge nominated by the Chief Justice; and
- (e) a Magistrate nominated by the Chief Magistrate.

(3) The members referred to in Subsection (2)(d) and (e) shall be appointed by the Chief Justice for a period of one year, and shall cease to hold office as members of

³ Section 2(2) repealed and replaced by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s2(a).

⁴ Section 2(2) repealed and replaced by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s2(a).

⁵ Section 2(3) inserted by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s2(b).

⁶ Section 2(3) inserted by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s2(b).

⁷ Section 3A inserted by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s3.

the Council in the event of their ceasing to hold office as Judge or Magistrate, respectively.

(4) The functions of the Council are as specified in this Act and the Council has full power to carry out its functions.

(5) A majority of the members of the Council form a quorum and the Council shall otherwise determine its own procedures.

(6) The Secretary shall be the Executive Officer to the Council.

4. THE SECRETARY.

(1) The Office of the Secretary of the National Judicial Staff Service is established.

(2)⁸ The Secretary is the Head of the Service, and is responsible to the Council for the general working and the efficient conduct of the business of the Service.

(3) He shall be appointed by the Judicial and Legal Services Commission for a term not exceeding three years and is eligible for re-appointment.

(4) The salary and other conditions of employment of the Secretary shall be determined by the Commission after consultation with the Departmental Head of the Department responsible for personnel management matters.

(5) Where the Secretary is absent from his office or is unable to perform the duties of his office, or when there is a vacancy in the office of Secretary, the Commission may appoint another officer to act in the place of the Secretary during his absence or inability, or may appoint an officer to fill the vacancy temporarily.

5. SUSPENSION AND TERMINATION OF THE SECRETARY.

The Commission may—

(a) at any time suspend; or

(b) at any time terminate the appointment of; or

(c) where the Secretary has been found guilty of a disciplinary offence under Section 6, dismiss; or

(d) where the Secretary has been convicted of a criminal offence, dismiss,

the Secretary.

6. DEALING WITH DISCIPLINARY OFFENCES COMMITTED BY THE SECRETARY.

(1) Where the Commission has reason to believe that the Secretary has committed a disciplinary offence as specified in Section 14, it may charge the Secretary.

⁸ Section 4(2) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s4.

⁹ Section 4(2) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s4.

(2) If the Secretary does not, in writing, admit the truth of the charge, the Commission shall inquire into the truth of the charge.

(3) The procedures to be followed in relation to any charge or inquiry by the Commission under this section are as determined by the Commission.

7. PENALTIES FOR DISCIPLINARY OFFENCES COMMITTED BY THE SECRETARY.

(1) Where, under Section 6—

(a) a charge has been admitted; or

(b) the Commission after inquiry, is satisfied that the charge is proved,

the Secretary may—

(c) be dismissed; or

(d) have a lesser penalty imposed on him.

(2) Where a charge is found by the Commission not to be proved, the suspension (if any) of the Secretary may be immediately removed.

8. SECRETARY CHARGED WITH CRIMINAL OFFENCE.

Where the Secretary is charged with having committed a criminal offence, the Commission shall—

(a) where the criminal offence relates to the duties of his office, suspend him without pay; or

(b) where the offence does not relate to the duties of his office, suspend him on full pay.

9. DELEGATION BY SECRETARY.

The Secretary may, in respect of an officer or employee, or officers or employees included in a class of officers or employees, by writing under his hand delegate to a person all or any of his powers and functions under this Act (except this power of delegation).

10. RESPONSIBILITIES OF SECRETARY.

(1)¹⁰ ¹¹The Secretary shall report to the Council whenever the necessity arises—

(a) any alterations in the organisation, staffing or management of the Service that are, in his opinion necessary or expedient for the more economical, efficient or convenient working of the Service or any branch of it; and

¹⁰ Section 10(1) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s5(a).

¹¹ Section 10(1) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s5(a).

- (b) any alterations that are, in his opinion, necessary in the salaries or allowances of any of the officers or employees of the Service.

(2)¹² ¹³The Secretary shall bring to the attention of the Council any matter, whether in relation to an officer or to the work of a branch or section of the Service, that he thinks it desirable for the Council to be acquainted with.

11. CREATION AND ABOLITION OF OFFICES.

(1)¹⁴ ¹⁵The section does not apply to the Office of—

- (a) Secretary; or
- (b) Registrar; or
- (c) Deputy Registrar.

(2) The Secretary may—

- (a) create an office and specify the qualifications for, and the duties of, the office; or
- (b) abolish an office; or
- (c) alter the designation of an office; or
- (d) raise the classification of an office; or
- (e) lower the classification of an office; or
- (f) alter the qualifications for, or the duties of, an office; or
- (g) transfer an officer from one office to another office.

(3) The Secretary may—

- (a) provide a temporary office in the Service; or
- (b) temporarily raise the classification of an office.

(4)¹⁶ ¹⁷In carrying out his functions under this section, the Secretary shall consult with the Departmental Head of the Department responsible for personnel management matters and shall be subject to the general direction and control of the Council.

12. QUALIFICATIONS FOR ADMISSION TO THE SERVICE.

A person shall not be appointed under this Act as an officer unless—

- (a) he provides evidence to the satisfaction of the Secretary of—
 - (i) his health and physical fitness; and

¹² Section 10(2) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s5(b).

¹³ Section 10(2) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s5(b).

¹⁴ Section 11(1) repealed and replaced by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s6(a).

¹⁵ Section 11(1) repealed and replaced by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s6(a).

¹⁶ Section 11(4) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s6(b).

¹⁷ Section 11(4) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s6(b).

- (ii) his possession of qualifications that will enable him to perform the duties of the office to which he is to be appointed; and
- (iii) his good character; and
- (b) he makes and subscribes the oath or affirmation in Schedule 1.

13. TEMPORARY EMPLOYMENT.

- (1) Where, in the opinion of the Secretary, the business of the Service—
 - (a) warrants the engagement or temporary assistance to provide a particular skill or service to the Service; or
 - (b) has given rise to an unexpected workload which could not have been anticipated and is not expected to continue for more than six months,

the Secretary may approve the employment of a person or persons to render temporary assistance to the Service.

(2) A person employed under Subsection (1) shall be employed on contract in a prescribed form.

(3) Notwithstanding the provisions of Subsection (1)(b), a person may be employed on contract under this section for a period in excess of six months where the Secretary so authorizes.

PART III. – DISCIPLINE.

Division 1.

Definition of Disciplinary Offences.

14. DISCIPLINARY OFFENCES.

An officer who—

- (a) commits a breach of this Act; or
- (b) except as authorized in the course of official duty, uses or divulges, directly or indirectly, any confidential information concerning the business of the Court or any matters of which he has official knowledge; or
- (c) except with the consent of the Secretary or of an officer authorized for the purpose by the Secretary, publicly comments on administrative action or the administration of the Service; or
- (d) willfully disobeys or disregards a lawful order made or given by a person having authority to make or give it; or
- (e) is negligent or careless in the discharge of his duties; or
- (f) is inefficient or incompetent from causes within his own control; or
- (g) uses intoxicating liquors or drugs to excess; or
- (h) solicits or accepts a fee, reward, gratuity or gift in connection with the discharge of his official duties (other than his official remuneration); or
- (i) is guilty of disgraceful or improper conduct in his official capacity or otherwise; or
- (j) having taken an oath or made an affirmation in the form in Schedule 1, does or says anything in violation of it; or
- (k) seeks the influence or interest of any person in order to obtain promotion, transfer or other advantage; or
- (l) supplies to another officer, for use for any purpose referred to in Paragraph (k), a certificate or testimonial relating to official capacity or the performance of official duties,

is guilty of a disciplinary offence and is liable to be dealt with and punished—

- (m) in the case of the Secretary, under Part II; and
- (n) in the case of an officer other than the Secretary, under this Part.

Division 2.

Minor Disciplinary Offences.

15. DEALING WITH MINOR DISCIPLINARY OFFENCES.

(1) If the Secretary, or any officer authorized by the Secretary to deal with minor offences, has reason to believe that an officer has committed a disciplinary offence that, in his opinion would properly be dealt with under this section, he may call on the officer for an explanation as to the alleged offence, and if, on consideration of the explanation, he is of the opinion that the offence has been committed, he may caution or reprimand the offending officer or suspend him without pay for a period not exceeding a week.

(2) A caution, reprimand or suspension without pay by an officer other than the Secretary shall be immediately reported to the Secretary, and where the offence has been punished by a suspension without pay the officer affected may appeal to the Secretary within 48 hours after the notification to him of the punishment.

(3) On an appeal under Subsection (2) the Secretary may confirm, annul or vary the punishment, and his decision is final.

Division 3.

Serious Disciplinary Offences.

16. DEALING WITH SERIOUS DISCIPLINARY OFFENCES.

(1) Where there is reason to believe that an officer has committed a disciplinary offence other than an offence that may be dealt with under Division 2, this Division applies.

(2) The officer may—

(a) be charged by the Secretary or an officer authorized by the Secretary to lay charges under this Division; and

(b) if it is considered that the charge is of such a serious nature that the charged officer should not continue in the performance of his duty, be suspended—

(i) by the Secretary; or

(ii) in the case of emergency, by an officer authorized by the Secretary to lay charges under this Division.

(3) Suspension may be effected before, at the time of or after the laying of the charges, and may be removed at any time by the Secretary pending determination of the charge, and where the charge has not been sustained shall be lifted immediately on a finding to that effect.

(4) On a charge being laid against an officer, he shall—

(a) be furnished with a copy of the charge; and

(b) be directed—

(i) to reply in writing stating whether he admits or denies the truth of the charge; and

(ii) to give any explanation that he desires in regard to the charge,

and if a reply is not given by the officer within seven days after his receipt of the charge the officer may be deemed to have admitted the charge.

(5) If, after consideration of reports relating to the offence and charge, the reply and explanation (if any) of the officer charged and any further report that he considers necessary, the Secretary is of the opinion that the charge has been sustained, he may—

(a) fine the officer any sum not exceeding 20% of the officer's gross fortnightly pay; or

(b) reduce the officer's pay; or

(c) reduce the officer to an office having a lower classification, and to salary within that classification; or

(d) in addition to or instead of imposing a punishment specified in Paragraph (a), (b) or (c), transfer the officer to some other office; or

(e)¹⁸ recommend to the Council that the officer be dismissed from the Service.

(6) The Secretary shall notify an officer of a punishment imposed or recommendation made under Subsection (5).

(7) An officer may, within 14 days, appeal to the Appeal Tribunal constituted under this Part, against punishment imposed under this Part.

17. POWERS OF THE COUNCIL IN RELATION TO SERIOUS OFFENCES.

¹⁹Where—

(a)²⁰ the Secretary, under Section 16, recommends to the Council that an officer be dismissed from the Service; and

(b) the officer does not appeal to the Appeal Tribunal within the prescribed time; and

(c)²¹ the Council after consideration of—

(i) reports relating to the offence and charge; and

(ii) the reply and explanation (if any) of the officer charged; and

(iii) the recommendation of the Secretary; and

(iv) any further reports that he thinks necessary,

¹⁸ Section 16(5)(e) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s7.

¹⁹ Section 17: headnote amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s8(a); Section 17 amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s8(d).

²⁰ Section 17(a) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s8(b).

²¹ Section 17(c) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s8(c).

is of the opinion that the charge has been sustained,
the Council may impose a punishment specified in Section 16(5)(a), (b), (c) or (d), or dismiss the officer from the Service.

18. CONSTITUTION OF APPEAL TRIBUNAL.

(1) For the purposes of this Division, there shall be an Appeal Tribunal.

(2) The Appeal Tribunal shall consist of a Judge or a Principal Magistrate, appointed by the Chief Justice.

(3) Before taking up the duties of his office, the person referred to in Subsection (2) shall make the Declaration of Office before the Chief Justice.

19. APPEALS.

(1) An appeal under this Division may be made on the ground of innocence of the charge or excessive severity of the punishment.

(2) The Appeal Tribunal may confirm, annul or vary the decision appealed against, and if the Tribunal varies the decision it may—

(a) impose a punishment specified in Section 16(5)(a), (b), (c) or (d); or

(b)²² recommend to the Council that the officer be dismissed from the Service.

(3) Except where the Appeal Tribunal recommends that an officer be dismissed from the Service, its decision is final.

(4) In deciding an appeal made on the ground of excessive severity of the punishment, the Appeal Tribunal shall take into consideration the previous record of the officer.

(5)^{23 24}Where, under this section—

(a)²⁵ the Appeal Tribunal recommends to the Council that an officer be dismissed from the Service; or

(b)²⁶ the Secretary recommends to the Council that an officer be dismissed from the Service and on appeal the Tribunal confirms the recommendation—

the Council may—

(c) impose a punishment specified in Section 16(5)(a), (b), (c) or (d); or

(d) dismiss the officer from the Service.

²² Section 19(2)(b) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s9(a).

²³ Section 19(5) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s9(b).

²⁴ Section 19(5) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s9(b).

²⁵ Section 19(5)(a) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s9(b).

²⁶ Section 19(5)(b) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s9(b).

(6)²⁷ ²⁸Before imposing a punishment under Subsection (5), the Council shall consider—

- (a) the reports relating to the offence; and
- (b) the reply and explanation (if any) of the officer charged; and
- (c) the evidence (if any) given before the Appeal Tribunal; and
- (d) any recommendation of the Secretary or the Tribunal.

Division 4.

Miscellaneous.

20. SALARY DURING SUSPENSION.

²⁹Where an officer has been suspended in connection with a charge of a disciplinary offence, he is entitled to receive his pay during the period of suspension unless he absconds or unless it is otherwise ordered by the Council after receiving a report from the Secretary.

21. DEDUCTION OF FINES, ETC., FROM PAY.

(1) Where a fine or pecuniary penalty is imposed on an officer under this Act, the amount of the fine or penalty may be deducted from the pay of the officer.

(2) All fines and penalties imposed and recovered under this Act shall be paid into the Consolidated Revenue Fund.

22. OFFICER CHARGED WITH CRIMINAL OFFENCE.

(1) Where an officer is charged with having committed an offence against a law, he may be suspended by the Secretary.

(2)³⁰ ³¹If the officer is convicted of the offence by a court of competent jurisdiction, the Council may whether or not the officer has been suspended—

- (a) dismiss him from the Service; or
- (b) reduce him to an office of lower classification or reduce his salary, or both; or
- (c) impose such other punishment as the case demands.

(3)³² ³³Unless the Council otherwise directs, an officer who is suspended or dismissed under this section shall not receive any pay from the date on which, or for the period during which, he ceased to perform the duties of his office.

²⁷ Section 19(6) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s9(c).

²⁸ Section 19(6) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s9(c).

²⁹ Section 20 amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s10.

³⁰ Section 22(2) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s11(a).

³¹ Section 22(2) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s11(a).

³² Section 22(3) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s11(b).

(4) The Secretary may at any time remove the suspension of an officer suspended under this section.

(5) This section does not prevent an officer from being dealt with under some other provision of this Act, but an officer shall not be punished under this Act twice in respect of the same offence or matter.

23. STRIKES.

(1) An officer who aids, abets, foments or takes part in a strike that—

- (a) interferes with or prevents; or
- (b) is intended or calculated to interfere with or prevent,

the carrying on of any part of the administration of the Court, or attempts to do so, shall be deemed to have committed an illegal action against the peace and good order of the country.

(2) An officer adjudged by the Secretary, after investigation and hearing, to be guilty of any action referred to in Subsection (1) may be summarily dismissed by the Secretary from the Service, without regard to the procedure prescribed in this Act for dealing with disciplinary offences.

24. HOLIDAY.

(1) All holidays in the National Public Service are holidays in the Service.

(2) The Secretary may require an officer or employee to work in the public interest for the whole or a part of a holiday.

(3) The regulations may make provision for, and in relation to—

- (a) the payment of holiday pay, in respect of his attendance and services on a holiday to an officer who is included in a class of officers specified in the regulations; and
- (b) the grant of leave of absence in place of holiday pay, in respect of his attendance and services on a holiday, to an officer who is not included in a class of officers so specified.

25. ATTACHMENT OF SALARIES.

An order for the attachment of the pay of an officer or employee may be made by any court of competent jurisdiction in the country.

26. REGULATIONS.

(1) 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

³³ Section 22(3) amended by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s11(b).

giving effect to this Act, or for the more efficient control and management of the Service, and in particular for—

- (a) prescribing the terms and conditions of appointment and of employment of officers, the manner of recruitment of persons to the Service and the powers and procedures of an Appeal Tribunal; and
 - (b) making provision for the establishment of a superannuation scheme or provident fund to provide benefits for officers of the Service on retirement, resignation, retrenchment or death; and
 - (c) prescribing penalties (other than fines) for offences against the regulations.
- (2) A regulation may provide for the insurance of an officer or his goods.

PART IV. – TRANSITIONAL.

27. INTERPRETATION.

In this Part, unless the contrary intention appears, “office” does not include an office of the Court within the meaning of the *Supreme Court Act 1975* and the *National Court Act 1975*.

28. TRANSFER OF OFFICES.

All offices in the National Public Service for the purposes of the Court in existence immediately before the commencement of this Act are abolished and shall, on that commencement, be deemed to have been created under this Act with—

- (a) the same salaries or scale of salaries; and
- (b) the same conditions of service; and
- (c) the same allowances; and
- (d) the same qualifications; and
- (e) the same designations; and
- (f) the same duties; and
- (g) the classifications,

as they had under the *Public Services (Management) Act 1986* before the commencement of this Act.

29. TRANSFERS OF OFFICERS, ETC.

(1) A person who, immediately before the commencement of this Act, was the substantive occupant of an office referred to in Section 28, shall on that commencement, be deemed to have been appointed to an equivalent position under this Act.

(2) A person who, immediately before the commencement of this Act, was an employee in the National Public Service for the purposes of the Court, shall on that commencement, be deemed to be an employee under this Act.

(3) A person who was immediately before the commencement of this Act, acting in an office in the National Public Service for the purposes of the Court, shall on that commencement, continue to act in the equivalent office under this Act.

30. ACTS, ETC., DONE UNDER *PUBLIC SERVICES (MANAGEMENT) ACT 1995*.

(1) All acts, matters and things done or suffered under or for the purposes of a provision of the *Public Services (Management) Act 1995* in connection with the offices in the National Public Service for the purposes of the Court, shall be deemed to have been done or suffered under the equivalent provisions of this Act or the Regulations.

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(2) Without limiting the generality of Subsection (1), that subsection applies to any act, matter or thing relating to appointment, transfer or discipline.

31. SERVICE.

All periods that were counted as service in the National Public Service shall be counted as service for the equivalent purpose under this Act.

PART V.³⁴ – ADDITIONAL TRANSITIONAL PROVISIONS.

32. INTERPRETATION.

³⁵In this Act, “**commencement date**” means the date of the coming into operation of the *National Judicial Staff Service (Amendment) Act 1990*.

33. TRANSFER OF OFFICES.

³⁶All offices in the Magisterial Service (other than the offices of magistrates), in existence immediately before the commencement date, are abolished and shall, on the commencement date, be deemed to have been created under this Act with—

- (c) the same salaries or scale of salaries; and
- (d) the same conditions of service; and
- (e) the same allowances; and
- (f) the same qualifications; and
- (g) the same designations; and
- (h) the same duties; and
- (i) the same classifications,

as they had under the *Magisterial Service Act 1975* immediately before the commencement date.

34. TRANSFER OF OFFICERS.

³⁷(1) A person who, immediately before the commencement date, was the substantive occupant of an office referred to in Section 33, shall on the commencement date, be deemed to have been appointed to an equivalent office under this Act.

(2) A person who, immediately before the commencement date, was acting in an office referred to in Section 33, shall on and from the commencement date, continue to act in the equivalent office under this Act.

35. ACTS, ETC., DONE UNDER *MAGISTERIAL SERVICE ACT 1975*.

³⁸(1) All acts, matters and things done and suffered under or for the purposes of a provision of the *Magisterial Services Act 1975* in connection with the offices referred to in Section 33, shall be deemed to have been done or suffered under the equivalent provisions of this Act.

³⁴ Part V inserted by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s12.

³⁵ Section 32 inserted by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s12.

³⁶ Section 33 inserted by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s12.

³⁷ Section 34 inserted by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s12.

³⁸ Section 35 inserted by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s12.

(2) Without limiting the generality of Subsection (1), that subsection applies to any act, matter or thing relating to appointment, transfer or discipline.

36. SERVICE.

³⁹All periods that were counted as service, in the Magisterial Service in respect of the officers transferred under Section 34, shall be counted as service for the equivalent purpose under this Act.

³⁹ Section 36 inserted by *National Judicial Staff Service (Amendment) Act 1990* (No. 26 of 1990), s12.

SCHEDULE 1 – OATH AND AFFIRMATION OF OFFICE OF OFFICERS.

Sec. 12.

Oath.

“I, ... , do swear that I will well and truly serve the Independent State of Papua New Guinea as an officer of the National Judicial Staff Service.

So Help me God!”

Affirmation.

“I, ... , do solemnly and sincerely promise and declare that I will well and truly serve the Independent State of Papua New Guinea as an officer of the National Judicial Staff Service.”

Office of Legislative Counsel, PNG