

No. 17 of 1990.

National Volunteer Service Act 1990.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

National Volunteer Service Act 1990,

Being an Act to establish a National Volunteer Service and for related purposes.

PART I. – PRELIMINARY.

1. PUBLIC INTEREST.

For the purposes of Section 41 of the *Organic Law on Provincial Governments and Local-level Governments*, it is declared that this law relates to a matter of national interest.

2. INTERPRETATION.

In this Act unless the contrary intention appears—

“**Council**” means the Council for the National Volunteer Service;

“**Councillor**” includes the Chairman;

“**Director**” means the Director of the National Volunteer Service appointed under Section 14;

“**National Volunteer Service**” means the National Volunteer Service established by Section 3;

“**the Service**” means the National Volunteer Service;

“**volunteer employee**” means a person employed under Part V;

“**this Act**” includes the regulations made under this Act.

PART II. – NATIONAL VOLUNTEER SERVICE.**3. NATIONAL VOLUNTEER SERVICE.**

(1) A body to be known as the National Volunteer Service is established.

(2) The National Volunteer Service—

- (a) is a body corporate with perpetual succession; and
- (b) shall have a common seal; and
- (c) may acquire, hold and dispose of property; and
- (d) may sue and be sued in its corporate name.

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

4. FUNCTIONS OF THE NATIONAL VOLUNTEER SERVICE.

The functions of the Service are—

- (a) to promote a spirit of sacrifice and service; and
- (b) to participate generally in the economic development of Papua New Guinea; and
- (c) to provide labour and skills to the community for development projects either free of charge or at a much reduced labour cost; and
- (d) to encourage and participate in the development of economic activity at the village and community levels; and
- (e) to provide a means for its employees to educate and train others for the better development of Papua New Guinea; and
- (f) to provide a means for its employees to demonstrate a commitment to the advancement of the development of Papua New Guinea; and
- (g) to co-operate and work with agencies of the State and Provincial Governments in the achievement of their plans and purposes; and
- (h) to work with other voluntary agencies whose goal is the development of the people of Papua New Guinea; and
- (i) to co-operate with and assist institutions having similar functions, in countries outside Papua New Guinea, in the spirit of solidarity to achieve humanitarian objectives of those countries; and
- (j) generally to do such supplementary, incidental or consequential acts and things as are necessary or convenient for carrying out its functions.

5. POWERS OF THE SERVICE.

The Service has, in addition to the powers otherwise conferred on it by this Act and any other law, power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.

PART III. – THE COUNCIL.**6. COUNCIL FOR THE NATIONAL VOLUNTEER SERVICE.**

(1) There is established a Council for the National Volunteer Service.

(2) The Council shall perform the functions, exercise the powers and manage the affairs of the Service.

7. MEMBERSHIP OF THE COUNCIL.

(1) The Council shall consist of–

(a) the Chairman; and

(b)¹ six other Councillors.

(2) The Chairman and the Councillors–

(a) shall be appointed by the Minister; and

(b)² shall be appointed in accordance with the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*; and

(c) hold office on such terms and conditions as are determined under the *Boards (Fees and Allowances) Act 1955*; and

(d) are eligible for re-appointment.

8. VACATION OF OFFICE.

(1) A Councillor may resign his office in writing signed by him and delivered to the Minister.

(2) If a Councillor–

(a) becomes permanently incapable of performing his duties; or

(b) resigns his office under Subsection (1); or

(c) is absent, except with written consent of the Minister, from three consecutive meetings of the Board; or

(d) fails to comply with Section 11; or

(e) becomes bankrupt, or applies to take the benefit of any law for the benefit of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or

(f) is convicted of an offence punishable under a law by a term of imprisonment for one year, or longer, or by death, and as a result of the conviction is sentenced to imprisonment or death,

the Minister shall terminate his appointment.

¹ Section 7(1)(b) amended by *National Volunteer Service (Amendment) Act 1992* (No. 11 of 1992).

² Section 7 Subsection (2) amended by No. 97 of 2006, Sched. 1.

(3) The Minister, may, at any time, by written notice, advise a Councillor that he intends to terminate his appointment on the grounds of inefficiency or misbehaviour.

(4) Within 14 days of the receipt of a notice under Subsection (1), the Councillor may reply in writing to the Minister, who shall consider the reply, and, where appropriate, terminate the appointment.

(5) Where the Councillor referred to in Subsection (3), does not reply in accordance with Subsection (4), his appointment is terminated.

9. VACANCY NOT TO AFFECT POWER OR FUNCTION.

The exercise of a power or the performance of a function of the Council is not invalidated by reason of a vacancy in the membership of the Council.

10. MEETINGS OF THE BOARD.

(1) The Council shall meet as often as the business of the Service requires, at such times and places as the Chairman directs.

(2) At a meeting of the Council—

- (a) three Councillors constitute a quorum; and
- (b) the Chairman, or in his absence a Councillor appointed by the Councillors from among their own number, shall preside; and
- (c) matters arising shall be decided by a majority of the votes of the Councillors present and voting; and
- (d) the person presiding has a deliberative, and in the event of an equality of votes on any matter, also a casting vote.

(3) The Council shall cause minutes of its meetings to be recorded and kept.

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

11. DISCLOSURE OF INTEREST BY COUNCILLORS.

(1) A Councillor who has a direct or indirect interest in a matter being considered or about to be considered by the Council, otherwise than as a member of, and in common with other members of, an incorporated company consisting of not less than 25 persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council.

(2) A disclosure under Subsection (1) shall be recorded in the minutes of the Council and the Councillor—

- (a) shall not take part, after the disclosure, in any deliberation or decision of the Council in relation to the matter; and

- (b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberation or decision.

12. DELEGATION.

The Council may, by instrument, delegate to any person all or any of its powers and functions (except this power of delegation).

13. REPORTS.

(1) The Council shall on 31 December in each year furnish to the Minister a report on the progress and performance of the Service.

(2) As soon as practicable, after he has received the report referred to in Subsection (1), the Minister shall forward the report to the Speaker for presentation to the Parliament.

PART IV. – STAFF OF THE SERVICE.

14. DIRECTOR.

(1)³ ⁴There shall be a Director of the National Volunteer Service whose manner of appointment, suspension and dismissal is as specified in the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*.

(2) The Director is the head of the staff of the Service.

(3) Subject to the *Salaries and Conditions Monitoring Committee Act 1988*, the Director shall be employed under and hold office in accordance with, a written contract of employment.

15. FUNCTIONS OF THE DIRECTOR.

The Director shall–

- (a) manage the Service in accordance with the directions of the Council; and
- (b) advise the Council on any matter concerning the Service referred to him by the Council; and
- (c) carry out and perform the duties required of him under the Act; and
- (d) perform such other functions as the Council may, from time to time, determine.

16. OTHER STAFF.

(1) The Director may appoint to be officers and employees of the Service such persons as he considers necessary for the purpose of giving effect to this Act.

(2) The Director and the officers and employees appointed under Subsection (1), constitute the staff of the Service.

(3) Subject to the *Salaries and Conditions Monitoring Committee Act 1988* the officers and employees appointed under Subsection (1), are appointed on such terms and conditions as the Council determines.

³ Section 14 Subsection (1) substituted by No. 97 of 2006, Sched. 1.

⁴ Section 14 Subsection (1) substituted by No. 97 of 2006, Sched. 1.

PART V. – VOLUNTEER EMPLOYEES.

17. APPLICATION FOR EMPLOYMENT.

(1) A person may apply to the Director for employment as a volunteer employee.

(2) An application under Subsection (1), shall be in such form and contain such particulars as may be prescribed by the Director.

18. APPOINTMENT OF VOLUNTEER EMPLOYEES.

(1) On receipt of an application under Section 17, the Director may employ a person as a volunteer employee.

(2) A volunteer employee shall be employed for a term not exceeding two years and is eligible for re-employment.

19. CONDITIONS OF EMPLOYMENT.

(1) A volunteer employee shall be–

(a) employed under a written contract of employment prescribed by the Council; and

(b) subject to Subsection (2), paid such salary and allowances as the Council may determine.

(2) In determining the salaries and allowances under Subsection (1)(b), the Council has power to determine salaries and allowances lower than the minimum salaries prescribed by any law relating to the determination of salaries and conditions of employment.

20. DUTIES OF VOLUNTEER EMPLOYEES.

A volunteer employee shall perform such functions and carry out such duties as are provided for in his contract of employment and as are directed by the Director.

21. NON-CITIZEN VOLUNTEER EMPLOYEES.

(1) The Council may employ a non-citizen to be a volunteer employee.

(2) A non-citizen volunteer employee shall be employed under a written contract of employment prescribed by the Council and is otherwise subject to the same conditions as a citizen volunteer employee.

(3) The *Public Employment (Non-citizens) Act 1978* does not apply to a non-citizen employed under this section.

PART VI. – FINANCES.

22. APPLICATION OF *PUBLIC FINANCES (MANAGEMENT) ACT*.

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

23. CHARGES FOR SERVICES.

(1) The Service may charge for services provided by it at such rates as the Council, after consultation with the Director, may determine.

(2) The charges may be collected in such manner as the Director may determine.

24. FUNDS OF THE SERVICE.

(1) The funds of the Service consist of–

- (a) all monies appropriated by Act for the purpose of carrying out or giving effect to this Act; and
- (b) all monies received by the Service by way of grants and subscriptions; and
- (c) all monies received by the Service for services provided by the Service; and
- (d) all other monies received by the Service in the exercise and performance of its powers, functions and duties.

(2) The monies of the Service may be expended only–

- (a) in payment or discharge of expenses, obligations and liabilities of the Service; and
- (b) in payment of the remuneration and allowances of the members of the Council and of officers, employees and volunteer employees of the Service; and
- (c) for such other purpose that is consistent with the functions of the Service the Council, after consultation with the Director, may determine.

PART VII. – MISCELLANEOUS.

25. PUBLIC SERVICE RIGHTS.

Where the Director or a person employed under Part IV or V was, immediately before his employment, an officer in the Public Service, a state service or other governmental body, his service on the staff of the Service or as a volunteer employee, as the case may be, shall be counted as service in the Public Service, the state service or governmental body, for the purpose of determining his rights (if any) in respect of—

- (a) leave of absence on the grounds of illness; and
- (b) furlough or pay instead of furlough (including pay to dependants on the death of a person).

26. 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, in particular for prescribing penalties of fines not exceeding K200.00 for offences against the regulations.

Office of Legislative Counsel, PNG