

## **Unvalidated References:**

*Public Services Conciliation and Arbitration Act 1969*

*Public Services Conciliation and Arbitration Act*

*Public Services Conciliation and Arbitration Act*

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 10 May 2002.

.....  
Legislative Counsel  
Dated 25 November 2006

**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

Chapter 69.

***Public Services Conciliation and Arbitration Regulation 1971***



## ARRANGEMENT OF SECTIONS.

1. Prescribed public employees and public employers.
2. Oath and affirmation of office.
3. Seal of the Tribunal.
4. Stamp of the Tribunal.
5. Form of documents.
6. Summons to witnesses.
7. Printing and supply of forms.
8. Registers and records of proceedings.
9. Execution of determinations.
10. Settlement of determinations.
11. Filing of determinations and agreements.
12. Registration of determinations and agreements.
13. Filing of documents.
14. Removal of exhibits, etc.
15. Transcripts.
16. Fees for determinations.

### **SCHEDULE 1**

### **SCHEDULE 2 – Oath and Affirmation of Office of Members and Assistant Members of the Tribunal.**

### **SCHEDULE 3 – Oath and Affirmation of Office of Member of Board of Inquiry.**

### ***Public Services Conciliation and Arbitration Regulation 1971***

MADE under the *Public Services Conciliation and Arbitration Act 1969*.

Dated                    200 .

## **1. PRESCRIBED PUBLIC EMPLOYEES AND PUBLIC EMPLOYERS.**

(1) For the purposes of Paragraph (c) of the definition “public employee” in Section 1(1) of the Act—

- (a) the prescribed statutory institutions, authorities and bodies are—
  - (i) the Papua New Guinea Copra Marketing Board; and
  - (ii) and
  - (iii)<sup>1</sup> [*Repealed.*]
  - (iv) the Papua New Guinea Harbours Board; and

---

<sup>1</sup> Section 1 SubSection (1) amended by S.R. 2006, No. 68.

- (v) the Housing Corporation; and
- (b) the prescribed classes of persons are all persons employed by any of those Boards or Commissions on conditions that, in the opinion of the Chairman of the Tribunal, are analogous to those of officers or employees of the Public Service, but not including the members of any of those Boards, Commissions or Corporations.

(2) For the purposes of Paragraph (c) of the definition “public employer” in Section 1(1) of the Act, each of the Boards, Commissions and Corporations referred to in Subsection (1)(a) is the employer of persons employed by it.

## **2. OATH AND AFFIRMATION OF OFFICE.**

(1) The oath and affirmation to be taken under Section 5 of the Act is as set out in Schedule 2.

(2) The oath and affirmation to be taken under Section 10 of the Act is as set out in Schedule 3.

## **3. SEAL OF THE TRIBUNAL.**

(1) There shall be a seal of the Tribunal bearing the words “Seal of the Public Services Conciliation and Arbitration Tribunal, Papua New Guinea”.

(2) The seal shall be kept in the custody of the Registrar, and an impression of the seal shall be affixed by him or with his authority to—

- (a) all determinations and orders of the Tribunal; and
- (b) such other documents as the Tribunal or the Chairman of the Tribunal directs.

## **4. STAMP OF THE TRIBUNAL.**

(1) There shall be a stamp of the Tribunal bearing the words “Stamp of the Public Services Conciliation and Arbitration Tribunal, Papua New Guinea”.

(2) The stamp shall be kept in the custody of the Registrar, and an impression of the stamp shall be affixed by him or with his authority to—

- (a) all documents issued by him in relation to proceedings before the Tribunal; and
- (b) such other documents as the Chairman of the Tribunal directs,

not including determinations, orders and documents to which, under Section 3(2), the seal of the Tribunal is to be affixed.

## **5. FORM OF DOCUMENTS.**

(1) A report under Section 15(1) of the Act shall be in Form 1, and shall set out—

- (a) the parties to the claim; and
- (b) the subject-matter of the claim, set out in consecutively numbered paragraphs; and
- (c) the date on which details of the claim were given by the claimant to the other party; and
- (d) details of all attempts to arrive at a settlement in the matter.

(2) An application to set aside under Section 26(1) of the Act a determination or any of the terms of a determination shall be in Form 2, and shall specify—

- (a) the determination, or the terms of the determination, the subject of the application; and
- (b) a brief statement of the grounds of the application, set out in consecutively numbered paragraphs.

(3) An application to vary under Section 26(2) of the Act any of the terms of a determination shall be in Form 3, and shall specify—

- (a) the terms of the variation sought to be made to the determination; and
- (b) a brief statement of the grounds of the application, set out in consecutively numbered paragraphs.

(4) Where an application referred to in Subsection (2) or (3) is in effect a claim against another party, the application shall also specify—

- (a) the date on which details of the claim were given by the applicant to the other party; and
- (b) details of all attempts to arrive at a settlement in the matter.

(5) An application under Section 48(1) of the Act for a decision as to any question relating to the application or interpretation of a determination shall be in Form 4, and shall specify—

- (a) the determination the subject of the application; and
- (b) the interpretation or method of application of the determination, or the part of it in question, desired by the applicant,

and shall be supported by an affidavit setting out the facts arising from which the question or interpretation is submitted for decision.

(6) All reports and applications shall be signed by a person having authority to do so under the rules of the organization, or by a duly authorized officer of the public employer concerned.

(7) Immediately after their receipt by the Registrar, copies of all reports and applications filed at or sent to the office of the Registrar shall be forwarded by the claimant or applicant to the other party concerned in the claim or application, together with a statement showing the date of forwarding to or lodgement with the Registrar.

**6. SUMMONS TO WITNESSES.**

(1) An order under Section 35(1)(b) or (c) of the Act shall be in Form 5.

(2) An order referred to in Subsection (1) that is issued at the instance of a party to any proceedings shall be served by that party on the person to whom it is directed.

**7. PRINTING AND SUPPLY OF FORMS.**

The Registrar shall cause copies of each of the forms under this Regulation to be printed and, as necessary, supplied on request, free of cost, to any person concerned in any proceedings or intending to make a report or application to the Tribunal.

**8. REGISTERS AND RECORDS OF PROCEEDINGS.**

(1) The Registrar shall, personally or by such officer as he directs acting in the name and on behalf of the Registrar, keep a register or registers of—

- (a) all claims as reported; and
- (b) all applications to set aside or vary determinations under Section 26 of the Act; and
- (c) all applications under Section 48(1) of the Act for decisions as to questions relating to the application or interpretation of determinations; and
- (d) all special cases stated under Section 28 of the Act; and
- (e) such other matters as the Chairman of the Tribunal directs,

in such form as he thinks proper or the Chairman of the Tribunal directs.

(2) The Registrar shall, personally or by such officer as he directs acting in the name and on behalf of the Registrar, keep a record of proceedings before the Tribunal in such form as the Chairman of the Tribunal directs.

**9. EXECUTION OF DETERMINATIONS.**

(1) Subject to Section 10 and to Subsection (2)—

- (a) each decision made by the Tribunal shall be immediately reduced to writing and embodied in a determination; and
- (b) the determination—
  - (i) shall bear the date of its making; and
  - (ii) shall be signed by the Chairman, or one of the members, of the Tribunal who constituted the Tribunal for the purpose of the making of the decision.

(2) If—

- (a) a member of the Tribunal dies or otherwise ceases to be a member after a decision has been made by the Tribunal constituted by him (whether or not with assistant members); and
- (b) the determination has not been reduced to writing or signed by him,

a determination recording the decision so made, signed by the Registrar and sealed with the seal of the Tribunal, has effect as if the determination had been signed by the member.

#### **10. SETTLEMENT OF DETERMINATIONS.**

(1) Where—

- (a) the Tribunal is constituted otherwise than by the Chairman of the Tribunal sitting with two assistant members; and
- (b) the Chairman so directs,

the Registrar shall settle the minutes of any determination of the Tribunal as so constituted.

(2) Within 14 days after the making of the determination, the Registrar shall give to the parties such notice of his intention to settle the minutes as he thinks proper.

(3) If a party is dissatisfied with the form in which the minutes of a determination have been settled, he may, within three days after the settlement, apply to a member of the Tribunal to vary the minutes as settled.

(4) If so requested by the parties or proposed parties to an agreement referred to in Section 45 of the Act, the Registrar shall settle the minutes of the agreement.

#### **11. FILING OF DETERMINATIONS AND AGREEMENTS.**

The original of each agreement filed with the Registrar and the original of each determination of the Tribunal shall be kept by the Registrar with the documents relating to the proceedings in which the agreement was entered into or the determination was made.

#### **12. REGISTRATION OF DETERMINATIONS AND AGREEMENTS.**

(1) The Registrar shall register, in a register book to be kept for the purpose, all determinations and agreements filed with him.

(2) The register book shall be maintained in such manner as the Registrar determines.

#### **13. FILING OF DOCUMENTS.**

(1) All agreements, reports, applications and other documents to be made or given to the Tribunal shall be—

- (a) sent in duplicate by registered post to the office of the Registrar; or



(b) filed in duplicate at the office of the Registrar during ordinary office hours.

(2) The Registrar shall give to any party filing or lodging an agreement, report, application or other document with him a written acknowledgement, setting out—

- (a) the date of receipt of the document and any registry number given to the document; and
- (b) the nature of the document; and
- (c) the name and address of the party filing or lodging the document.

**14. REMOVAL OF EXHIBITS, ETC.**

A person who, without the permission of the Tribunal or a member of the Tribunal, takes away any exhibit or any other document lodged in connection with proceedings before the Tribunal is guilty of an offence.

Penalty: A fine not exceeding K50.00.

**15. TRANSCRIPTS.**

One copy of any transcript of proceedings before the Tribunal, as prepared for the Tribunal, shall, subject to any limitations on its availability that are determined by the Chairman of the Tribunal or by the Tribunal, be made available, free of charge, to each party to the proceedings.

**16. FEES FOR DETERMINATIONS.**

(1) The fee for a copy of a printed registered determination is the expense of printing, as assessed by the Government Printer.

(2) The fee for a copy of an unprinted registered determination is the reasonable expense of preparing copies of the determination for sale, as assessed by the Registrar.

**Sch. 1**

*Public Services Conciliation and Arbitration Regulation 9999*

**SCHEDULE 1**

***PAPUA NEW GUINEA.***

***Public Services Conciliation and Arbitration Act 1969.***

***Form 1 – Report of Claim.***

Act, Sec. 15(1).      Form 1.&#x2013;Reg., Sec. 5(1).

To: The Registrar of the Public Services Conciliation and Arbitration Tribunal.

And to: *(insert the name of the other party or parties concerned)*.

The *(insert the name of the applicant, public employer or public service organization, as the case may be)* has to report that it did, on . . . 20..., give notice to the *(insert the name of the other party or parties concerned)* of a claim *(set out a general description of the claim)*, and that the claimant has made all reasonable attempts to arrive at a settlement of the matter but has been unsuccessful *(detail the attempts made)* and there is no real likelihood of the matter being settled without action under the Act.

Details of the claim are as follows:—

*(Set out the claim in numbered paragraphs)*

The grounds on which the claim is made are as follows:—

*(Set out in numbered paragraphs the grounds on which the claim is made)*

Dated . . . 20...

*(Signature.)*

***PAPUA NEW GUINEA.***

***Public Services Conciliation and Arbitration Act 1969.***

***Form 2 – Application to Set aside Determination or Terms of  
Determination.***

Act, Sec. 26(1).      Form 2.&#x2013;Reg., Sec. 5(2).

To: The Registrar of the Public Services Conciliation and Arbitration Tribunal.

And to: *(insert the name of the other party or parties bound by the determination).*

The *(insert the name of the applicant, public employer or public service organization, as the case may be)* applies for the setting aside of *(state the number and date of the determination)* No. . . . of 20 . . . , dated . . . 20 . . . , which related to *(state the short title (if any) or main subject-matter with which the determination deals)*, so far as the following terms of the determination are concerned:—

*(State "the whole of those terms" or specify the terms desired to be set aside).*

The grounds of this application are as follows:—

*(Set out in numbered paragraphs the grounds on which the application is made).*

Dated . . . 20...

*(Signature.)*

***PAPUA NEW GUINEA.***

***Public Services Conciliation and Arbitration Act 1969.***

***Form 3 – Application to Vary Terms of Determination.***

Act, Sec. 26(2).      Form 3.&#x2013;Reg., Sec. 5(3).

To: The Registrar of the Public Services Conciliation and Arbitration Tribunal.

And to: *(insert the name of the other party or parties bound by the determination).*

The *(insert the name of the applicant, public employer or public service organization, as the case may be)* applies for the variation of *(state the number and date of the determination)* No. . . ., of 20..., dated . . . 20..., which related to *(state the short title (if any) or main subject-matter with which the determination deals).*

The determination is sought to be varied in the following respects:—

*(Set out in numbered paragraphs the variations sought to be made).*

The grounds of this application are as follows:—

*(Set out in numbered paragraphs the grounds on which the application is made).*

Dated . . . 20...

*(Signature.)*



***PAPUA NEW GUINEA.***

***Public Services Conciliation and Arbitration Act 1969.***

***Form 4 – Application for Interpretation of Determination.***

Act, Sec. 48(1).      Form 4.&#x2013;Reg., Sec. 5(5).

To: The Registrar of the Public Services Conciliation and Arbitration Tribunal.

And to: *(insert the name of the other party or parties bound by the determination).*

The *(insert the name of the applicant, public employer or public service organization, as the case may be)* applies—

\* (a) for a decision on the following question relating to the application of *(state the number and date of the determination)* No. . . . of 20. . . , dated . . . 20. . . , which related to *(state the short title (if any) or main subject-matter with which the determination deals):—*

*(Set out the question sought to be determined).*

\* (b) for the interpretation of *(state the number and date of the determination)* No. . . . of 20. . . , dated . . . 20. . . , which related to *(state the short title (if any) or main subject-matter with which the determination deals).*

The applicant submits that on its true interpretation

*(Insert a reference to the provision of the determination sought to be interpreted and the interpretation placed on it by the applicant).*

Dated . . . 20. . .

*(Signature.)*

\* Omit whichever is inapplicable.

***PAPUA NEW GUINEA.***

***Public Services Conciliation and Arbitration Act 1969.***

***Form 5 – Summons to Witness.***

Act, Sec. 35(1)(b),(c).

Form 5.&break;Reg., Sec. 6.

To: *(insert the name and address of the person concerned)*.

You are ordered to attend before the *(insert "Public Services Conciliation and Arbitration Tribunal", "Chairman of the Public Services Conciliation and Arbitration Tribunal" or "Board of Inquiry", as the case may be)* at *(state the place at which the witness is required to attend)* at . . . a.m./p.m. on . . . 20... *(state the time and date)*, to give evidence (on oath or otherwise) and to continue in attendance until notified by the *(insert "Public Services Conciliation and Arbitration Tribunal", "Chairman of the Public Services Conciliation and Arbitration Tribunal" or "Board of Inquiry", as the case may be)* that your attendance is no longer required *(and, if appropriate)* and you are further ordered to produce *(set out the books, documents or things required to be produced)*.

Dated . . . 20...

*(Signature.)*

This Order was obtained by *(set out the public employer or public service organization on whose behalf the order was sought)*.

**SCHEDULE 2 – OATH AND AFFIRMATION OF OFFICE OF MEMBERS AND ASSISTANT MEMBERS OF THE TRIBUNAL.**

Act, Sec. 5.Reg., Sec. 2(1).

*Oath.*

I, . . . , do swear that I will well and truly serve the Independent State of Papua New Guinea in the office of Chairman (*or* member *or* assistant member) of the Public Services Conciliation and Arbitration Tribunal of Papua New Guinea.

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 in the office of Chairman (*or* member *or* assistant member) of the Public Services Conciliation and Arbitration Tribunal of Papua New Guinea.

**SCHEDULE 3 – OATH AND AFFIRMATION OF OFFICE OF MEMBER OF  
BOARD OF INQUIRY.**

Act, Sec. 10.Reg., Sec. 2(2).

*Oath.*

“I, . . . , do swear that I will well and truly serve the Independent State of Papua New Guinea in the office of Chairman (*or* member) of a Board of Inquiry established under the *Public Services Conciliation and Arbitration Act*.

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 in the office of Chairman (*or* member) of a Board of Inquiry established under the *Public Services Conciliation and Arbitration Act*.”

