

No. 14 of 2007

National Aids Council (Amendment) Act 2007

Certified on: 03.10.07
Operation: 26.10.2007



No. of 2007

National AIDS Council (Amendment) Act 2007.

ARRANGEMENT OF SECTIONS.

1. Interpretation (Amendment of Section 2).
2. Repeal and Replacement of Section 7.

"7. COMPOSITION OF THE COUNCIL".

3. Repeal of Section 8.
4. New Section 11A.

"11A. FILLING OF VACANCIES."

5. Transitional arrangements.



No. of 2007.

AN ACT

entitled

National AIDS Council (Amendment) Act 2007,

Being an Act to amend the *National AIDS Council Act 1997,*

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

1. INTERPRETATION (AMENDMENT OF SECTION 2).

Section 2 of the Principal Act is amended -

- (a) by repealing the definition of "chairman" and inserting the following definitions:-

"Chairman" means Chairman of the Council appointed under Section 7(2); and

- (b) by inserting before the definition of "council" the following:-

"Deputy Chairman" means Deputy Chairman of the Council appointed under Section 7(6);".

2. REPEAL AND REPLACEMENT OF SECTION 7.

Section 7 of the Principal Act is repealed and substituted with the following:-

"7. COMPOSITION OF THE COUNCIL.

"(1) The Council shall consist of the following members:-

- (a) a person nominated by commercial and industrial organizations for his understanding of the socio-economic impact of HIV/AIDS and the need to plan at workplace, industry, and national levels; and
- (b) a person nominated by health workers for his knowledge and understanding of public health issues in Papua New Guinea; and

- (c) a person living with HIV/AIDS nominated by those living with persons living with HIV/AIDS for his expertise and public recognition as advocate of the rights and responsibilities of such persons; and
- (d) a person nominated by the universities and research institutes for expertise in clinical matters related to treatment of HIV and AIDS and opportunistic infections; and
- (e) a person nominated by the universities and research institutes for expertise in social aspects of sexuality, prevention of HIV and AIDS, and support for PLWHAs and other affected persons; and
- (f) a person nominated by national or provincial women's groups and having a record of active and credible response to problems offered by HIV and AIDS; and
- (g) a person nominated by Community-based Organisations, who have a major focus on matters connected with the HIV/AIDS epidemics; and
- (h) a person nominated by enclave industries, including mining, petroleum and forestry, with expertise on challenges offered by the HIV and AIDS epidemic to the industries and in the enclave project impact area; and
- (i) a person nominated by non-government organizations operating at the national level, and whose mission statement includes a major focus on HIV and AIDS; and
- (j) a person nominated by the churches of Papua New Guinea for knowledge and experience of the prevention and treatment of HIV and AIDS and opportunistic infections, and support for those indirectly affected by the epidemic; and
- (k) a person nominated by bilateral aid partners working with and supporting the work of PNG agencies fighting the HIV/AIDS epidemic; and
- (l) a person nominated by the global agencies working with and supporting the work of PNG agencies fighting the HIV/AIDS epidemic.

"(2) The Council shall also include a person nominated by any leader, as defined by Section 26 of the *Constitution* for -

- (a) ability and commitment to strengthen multisectoral partnership between all key stakeholders (public, private, faith-based, community-based, non-government, and local, national, regional and global;

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- (b) ability to ensure a holistic and multi-sectoral approach to mitigating the HIV/AIDS epidemic and its socio-economic impact through long term sustainable strategic programs; and
- (c) ability to ensure critical analysis of HIV/AIDS programs, mainstreaming to avoid duplication, and development of quality, relevance, and sustainability; and
- (d) wide knowledge and understanding of public health issues;
- (e) ability to strengthen implementation of the National HIV/AIDS Strategic Plan; and
- (f) ability to communicate with people from all sections of our nation, who shall be *ex officio* Chairman of the National AIDS Council.

"(3) The Council Members appointed under Subsections 1 and 2 shall be appointed at the same time and for a term of three years.

- "(4) Persons appointed under Subsections (1) and (2) -
- (a) shall be appointed following procedures required by the *Regulatory Statutory Authorities (Appointment of Certain Offices) Act 2004*; and
 - (b) shall be appointed for 5 years; and
 - (c) shall be eligible for re-appointment; and
 - (d) shall hold office on such terms and conditions as are determined under the *Boards (Fees and Allowances) Act 1955*.

- "(5) The Council constituted under Subsection (1) shall also include as *ex-officio* members -
- (a) the Chairman of the Parliamentary Committee responsible for HIV and AIDS matters; and
 - (b) the Departmental Head of the Department responsible for national planning and implementation matters; and
 - (c) the Departmental Head of the Department responsible for health matters; and
 - (d) the Departmental Head of the Department responsible for community development matters; and
 - (e) the Departmental Head of the Department responsible for education matters; and
 - (f) the Head of the National AIDS Council Secretariat.

"(6) The Members shall elect one of their member to be Deputy Chairman."

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3. REPEAL OF SECTION 8.

Section 8 of the Principal Act is repealed.

4. NEW SECTION 11A.

The Principal Act is amended by inserting immediately after Section 11 the following new section.

"11A. FILLING OF VACANCIES.

"(1) Where a person ceases to be a non *ex-officio* member of the Council as a result of vacation of office, an appointment to fill the vacancy shall subject to Subsection (3) be made as soon as practicable and in any case not later than three months after the date on which the vacancy occurs.

"(2) In the event of vacancy in the Council, a member shall be appointed in accordance with the provision of Section 7(3), and the person so appointed holds office, subject to this Act, for the residue of his predecessor's term of office.

"(3) If a vacancy occurs within six months before the expiry of the term of office of non *ex-officio* members, the vacancy shall not be filled for the remainder of that term."

5. TRANSITIONAL ARRANGEMENTS.

(1) Notwithstanding the provisions of this Act regarding the membership of the National AIDS Council, the former Council shall remain in office until the appointment of a Council under the provisions of the new Section 7 of the Principal Act or July 7th 2007, whichever is the earlier.

(2) The appointment of non *ex-officio* members under the provisions of Section 7(1), whatever the term of their previous appointment, shall cease on the appointment of the non *ex-officio* members or on July 7th 2007, whichever is the earlier.

(3) The non *ex-officio* members of the National AIDS Council in office at the time of the coming into operation of this Act are eligible for reappointment.

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I hereby certify that the above is a fair print of the *National Aids Council (Amendment) Act 2007* which as been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *National Aids Council (Amendment) Act 2007* was made by the National Parliament on 30 April 2007.

Speaker of the National Parliament

