

No. 14 of 2000.

National Identity (Amendment) Act 2000.

Certified on : 13/09/2000

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2000.

National Identity (Amendment) Act 2000.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2000.

AN ACT

entitled

National Identity (Amendment) Act 2000,

Being an Act to amend the *National Identity Act* (Chapter 9),

MADE by the National Parliament.

1. **REPEAL AND REPLACEMENT OF LONG TITLE.**

The long title to the Principal Act is repealed and is replaced with the following:-

“Being an Act to foster and encourage the growth of a feeling of national identity and unity in Papua New Guinea by providing for -

- (a) a national flag; and
- (b) a national emblem; and
- (c) a national pledge; and
- (d) a national anthem; and
- (e) a system of national honours and awards; and
- (f) various matters relating to State Protocol and State Ceremonies; and
- (g) national logos, and official flags, songs and themes for special anniversaries and events; and
- (h) a national dress; and
- (i) other matters relevant to national identity and unity.”.

2. **NEW PART IIB.**

The Principal Act is amended by inserting after Part IIA the following new Part:-

“PART IIB. - NATIONAL HONOURS AND AWARDS.

“10E. INTERPRETATION.

In this Part -

“Committee” means the Honours and Awards
Committee established by Section 10I;

“Order” means the Order of Papua New Guinea
established by Section 10F;

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“other award” means an order, medal or award established under Section 10H.

“10F. ORDER OF PAPUA NEW GUINEA.

(1) There is established an order of merit to be known as the Order of Papua New Guinea (O.P.N.G.).

(2) The Order of Papua New Guinea may be divided into different classes as specified by the Head of State, acting on advice.

(3) Membership of the Order of Papua New Guinea shall not exceed 30 living persons.

“10G. ADMITTANCE TO THE ORDER.

The Head of State, acting on advice, given after consideration of recommendations from the Committee shall admit persons to the Order.

“10H. OTHER AWARDS.

The Head of State, acting on advice, given after consideration of a recommendation from the Honours and Awards Committee, may –

- (a) establish other Orders, medal or awards; and
- (b) specify the circumstances in which or reasons for which a person is eligible for admittance to such Order or to the award of such medal.

“10I. HONOURS AND AWARDS COMMITTEE.

(1) There is established an Honours and Awards Committee which shall consist of -

- (a) the Chief Secretary to Government, who shall be Chairman; and
- (b) the Chief of State Protocol and Ceremonies; and
- (c) one person nominated by the Papua New Guinea Council of Churches; and
- (d) one person nominated by the National Council of Women; and
- (e) one person nominated by the Papua New Guinea Trade Union Congress; and
- (f) a prominent citizen nominated by the National Executive Council; and

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- (g) one person nominated by the Papua New Guinea Chamber of Commerce and Industry; and
- (h) one person to represent the disciplined forces appointed by the National Executive Council.

“(2) The functions of the Committee are -

- (a) to consider the suitability for admittance to the Order of persons proposed for admittance by members of the Committee or of the public; and
- (b) to recommend to the National Executive Council persons suitable for admission to the Order; and
- (c) to recommend to the National Executive Council the establishment of any other Orders, medals or awards; and
- (d) to consider the suitability for bestowing on persons any other award established by Section 10H; and
- (e) to recommend to the National Executive Council persons suitable for any other award established by Section 10H; and
- (f) to advise the Prime Minister on such matters relating to honours and awards in respect of which the Prime Minister requests advice.

“(3) At a meeting of the Committee -

- (a) a majority of members shall constitute a quorum; and
- (b) the Committee shall otherwise determine its own procedures.

“10J. RULES RELATING TO THE ORDER AND TO OTHER AWARDS.

The Head of State, acting on advice, may make and cause to be published rules in connection with -

- (a) the insignia of the Order; and
- (b) the manner in which and the occasions on which the insignia of the Order may be worn; and
- (c) the insignia of any other awards; and
- (d) the manner in which and the occasions on which the insignia of any other award may be worn; and

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- (e) the order in which the insignia of the Order and other medals and awards should be worn; and
- (f) the manner of investiture of the Order or of any other award; and
- (g) the priority of the Order and of any other award.

“10K. WEARING OF INSIGNIA.

(1) A person admitted to the Order is entitled to wear the insignia of the Order in accordance with the Rules.

“(2) A person awarded any other award under this Part is entitled to wear the insignia of the award in accordance with the Rules.

“10L. OFFENCES AGAINST THIS PART.

(1) A person, who wears the insignia of the Order or of any other award or a replica or representation of such insignia, without being entitled to do so, is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

“(2) A person, who, by deed or word, holds himself out as having been admitted to the Order or to any other order or awarded any other medal or award when he has not been so admitted or such other medal or award has not been made to him, is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

“(3) A person, who, by deed or action, insults or denigrates the Order or any other order, medal or award, is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.”.

3. NEW PART IIC.

The Principal Act is amended by inserting after Part IIB the following new Part:-

“PART IIC. - STATE PROTOCOL.

“10M. CHIEF OF STATE PROTOCOL AND CEREMONIES.

(1) There shall be a Chief of State Protocol and Ceremonies who shall -

- (a) be appointed by the National Executive Council; and

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- (b) be appointed for such term, not exceeding four years, as the National Executive Council determines; and
- (c) be appointed on such terms and conditions as the National Executive Council, subject to *the Salaries and Conditions Monitoring Committee Act 1988*, determines; and
- (d) be eligible for re-appointment.

“(2) The Chief of State Protocol and Ceremonies shall, during his tenure of office as such, be an officer of the Public Service.

“(3) The functions of the Chief of State Protocol and Ceremonies are -

- (a) to be responsible for protocol in all State ceremonies and other State matters; and
- (b) to ensure that the proper protocol is adhered to in all aspects of State ceremonies and other State matters; and
- (c) to advise the National Executive Council, Chief Secretary to Government, Departments, agencies of Government, State Services including disciplined services, Provincial Governments, Local-level Governments and community, business and sporting organizations in matters relating to protocol, cultural and sporting events.

“10N. PROTOCOL AND CEREMONIAL DIRECTIVES AND GUIDELINES.

(1) The Chief Secretary to Government may, after consultation with the Chief of State Protocol and Ceremonies, issue directives and guidelines -

- (a) specifying the protocol to be followed in relation to State ceremonies; and
- (b) establishing Orders of Precedence and forms of address; and
- (c) specifying dress standards (including a form or forms of national dress) in relation to State ceremonies; and
- (d) specifying other matters relating to protocol.

“(2) The Chief Secretary to Government shall cause directives and guidelines issued under Subsection (1) to be published in such manner as he considers effective.

“(3) All officers, Departments and agencies of Government shall comply with directives issued under Subsection (1).”

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4. **NEW PART IID.**

The Principal Act is amended by inserting after Part IIC the following new Part:-

"PART IID. - NATIONAL LOGOS, OFFICIAL FLAGS AND SONGS, ETC.,

"100. INTERPRETATION.

In this Part -

"logo" means a design or symbol;

"National Logo" means a logo declared under Section 10P to be a National Logo;

"official flag" means a flag declared under Section 10Q to be an official flag;

"official song" means a song declared under Section 10Q to be an official song;

"official theme" means a motto or theme declared under Section 10Q to be an official theme;

"relevant event or anniversary", in relation to a National Logo, official flag, official song or official theme, means the event or anniversary in relation to which the National Logo, official emblem, official song or official theme was declared.

"10P. DECLARATION OF NATIONAL LOGO.

(1) The Head of State, acting on advice, given after considering a report from the Registrar of Trade Marks, may from time to time, by notice in the National Gazette, declare a logo to be a National Logo in relation to an event or anniversary which, in the opinion of the Head of State, acting on advice, is of national significance.

"(2) A declaration under Subsection (1) -

(a) shall contain a description of the logo; and

(b) may contain a reproduction of the logo; and

(c) shall specify the event or anniversary in relation to which the logo is declared to be a National Logo.

"10Q. DECLARATION OF OFFICIAL FLAG, OFFICIAL SONG AND OFFICIAL THEME.

(1) The Head of State, acting on advice, may from time to time, by notice in the National Gazette, make any one or more of the following declarations:-

(a) that a flag is an official flag;

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(b) that a song is an official song;
(c) that a theme is an official theme,
for use in relation to an event or anniversary, which in the opinion of the Head of State, acting on advice, is of national significance.

“(2) A declaration under Subsection (1) shall specify the event or anniversary in relation to which the declaration is made and -

- (a) in the case of a declaration under Subsection (1)(a) -
 - (i) shall contain a description of the official flag; and
 - (ii) may contain a reproduction of the official flag; and
- (b) in the case of a declaration under Subsection (1)(b) shall contain the words and music of the official song; and
- (c) in the case of a declaration under Subsection (1)(c) shall contain the words of the official theme.

“10R. RULES AS TO USE OF NATIONAL LOGO, ETC.,

(1) The Head of State, acting on advice, may make and cause to be published rules in connection with the use of -

- (a) a National Logo and of stylized or other versions of it for special purposes; and
- (b) an official flag; and
- (c) an official song; and
- (d) an official theme.

“(2) The *Interpretation Act* (Chapter 2) does not apply to or in relation to rules made under Subsection (1).

“10S. OFFICIAL USE OF A NATIONAL LOGO, ETC.,

A National Logo or an official flag, official song or official theme may be used for all official purposes of the Government in relation to the relevant event or anniversary and on all occasions on which, and for all purposes for which, it is desired to use a National Logo, official flag, official song or official theme in relation to the relevant event or anniversary.

“10T. IMPROPER USE OF NATIONAL LOGO, ETC.,

(1) A person who, not being authorized by the Head of State, acting on advice, or otherwise by law, directly or indirectly -

- (a) prints or publishes, or causes to be printed or published; or

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(b) sends or delivers to or serves on, or causes to be sent or delivered to or served on, any person, any written or printed matter in or on which there appears a National Logo, or any token or symbol so nearly resembling a National Logo, in such circumstances as to be likely to lead other persons to believe that he is so authorized, is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

“(2) A person who, not being authorized by the Head of State, acting on advice, or otherwise by law, directly or indirectly, uses a National Logo, or any token or symbol or symbol so nearly resembling a National Logo as to be capable of being readily mistaken for it, in connection with any business, trade, calling or profession in such a manner or in such circumstances as to be likely to lead other persons to believe that he is so authorized, is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

“(3) A person who, without lawful excuse -

(a) defaces or destroys a National Logo or an official flag or a replica or representation of a National Logo or official flag; or

(b) prints, reproduces, plays, sings or recites an official song or a parody of an official song, in a manner that is insulting, derisory or derogatory to the Independent State of Papua or its Peoples or to the relevant event or anniversary,

is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

“10U. PROVISIONS OF *TRADE MARKS ACT* NOT TO APPLY.

The provisions of the *Trade Marks Act* (Chapter 385) and of any other law relating to marks, tokens or symbols do not apply to a National Logo.”.

5. NEW PART IIE.

The Principal Act is amended by inserting after Part IID the following new Part:-

“PART IIE. - NATIONAL ANTHEM.

“10V. INTERPRETATION.

In this Part, “National Anthem” means the words and music declared under Section 10W to be the Papua New Guinea National Anthem.

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“10W. PAPUA NEW GUINEA NATIONAL ANTHEM.

The Head of State, acting on advice, may declare words and music specified in the declaration to be the National Anthem of Papua New Guinea.

“10X. OFFICIAL USE OF NATIONAL ANTHEM.

The National Anthem may be played on all official and other occasions on which it is appropriate to play the National Anthem.

“10Y. IMPROPER USE OF NATIONAL ANTHEM.

A person who prints, reproduces, plays, sings or recites the National Anthem or a parody of the National Anthem in a manner that is insulting, derisory or derogatory to the Independent State of Papua New Guinea or its Peoples is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.”.

I hereby certify that the above is a fair print of the *National Identity (Amendment) Act 2000* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *National Identity (Amendment) Act 2000* was made by the National Parliament on 30 August 2000.

Speaker of the National Parliament.