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Constitutional Amendment No. —Equality and Participation—Law 2010 Draft of 2/03/2010

ALTERATION TO THE CONSTITUTION

The Government proposes to alter the Constitution pursuant to Section 14(2) (*Making of alteration to the Constitution and the Organic Laws*) of the Constitution, I, Jeffery Nape, Speaker of the National Parliament, hereby published the proposed Law.

Constitutional Amendment No. —Equality and Participation—Law 2010

ARRANGEMENT OF CLAUSES

1. Compliance with Constitutional Requirements.
2. Right to vote and stand for Public Office (Amendment of Section 50).
3. Membership (Repeal and Replacement of Section 101(1)).
4. Meaning of certain expressions (Repeal and Replacement of the Definition of "seat" in Schedule 1.2).

A PROPOSED LAW TO ALTER THE CONSTITUTION

entitled

Constitutional Amendment No. —Equality and Participation—Law 2010

being

A Law to alter the Constitution—

- (a) to give effect to the second Goal of the National Goals and Directive Principles on equality and participation called for in the preamble to the Constitution, and in particular to equal participation by women citizens in all political, economic, social and religious activities and for every citizen to be able to participate, either directly or through a representative, in the consideration of any matter affecting his or her interests or the interest of his or her community; and
- (b) to improve the equality, participation and representation of the women of PNG in the National Parliament and Provincial Assemblies; and
- (c) to create two member provincial electorates; and
- (d) out of the two seats created in each two member provincial electorate:—
 - (i) to reserve one seat exclusively for a female member; and
 - (ii) to reserve one seat for a member, and for other related matters.

A Proposed Law to Alter the Constitution—*continued*

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. CONSTITUTIONAL REQUIREMENTS.

(1) This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the Constitution namely:—

- (a) the right to freedom of assembly and association conferred by Section 47 of the Constitution; and
 - (b) the right to vote and stand for public office conferred by Section 50 of the Constitution; and
 - (c) the right to equality of citizens conferred by Section 55 of the Constitution,
- is a law that is made for the purposes of complying with Section 38 of the Constitution, taking account of the National Goals and Directive Principles of integral human development called for in the Preamble to the Constitution in particular—
- (d) equal participation by women citizens in all political, economic, social and religious activities; and
 - (e) every citizen to be able to participate, either directly or through a representative, in the consideration of any matter affecting his interests or the interest of his community and,
- is made for the purpose of giving effect to the public interest in public welfare and the development of women as an under-privileged or less advanced group and in order to protect the exercise of the rights and freedoms of women and for the special benefit, welfare, protection and advancement of women.

2. RIGHT TO VOTE AND STAND FOR PUBLIC OFFICE (AMENDMENT OF SECTION 50).

Section 50 of the Constitution is amended by adding the following subsection:—

“(1A). Any woman, who is qualified for membership of Parliament under Section 103, is hereby granted the right to stand for a reserved woman’s seat in a two-member provincial electorate.

“(1B). The right granted in Subsection (1A) is granted exclusively to women.”.

3. MEMBERSHIP (AMENDMENT OF SECTION 101).

Schedule 101(1) of the Constitution is repealed and replaced with the following new Subsection (1):—

- “(1). Subject to this section, the Parliament is a single-chamber legislature consisting of:—
- (a) a number of members elected from single-member open electorates; and
 - (b) a number of members elected from two-member provincial electorates of whom—
 - (i) one member shall represent the province and occupy the governor’s seat; and
 - (ii) one female member shall represent the province and occupy the woman’s seat; and
 - (c) not more than three nominated members, appointed and holding office in accordance with Section 102 (*nominated members*).”.

4. MEANING OF CERTAIN EXPRESSIONS (AMENDMENT OF SCHEDULE 1.2).

Schedule 1.2 of the Constitution is amended:—

- (a) by repealing the definition of “seat” and replacing it with the following definition:—

““seat”, in relation to the Parliament, includes:—

- (a) the position of an elected member, whether or not the position is for the time being filled; and
- (b) if the member is elected by a two-member provincial electorate, the position of either one of the two elected members; and
- (c) where there is for the time being a nominated member appointed in accordance with Section 102 (*nominated members*)—the position of that nominated member;”, and

- (b) and by adding in alphabetical order the following definitions:—

““governors seat”, in relation to the Parliament, means the position of a member elected from a two member provincial electorate representing the province and occupying the seat which is not the seat reserved for the female member;

““woman’s seat”, in relation to the Parliament, means the position of a member elected from a two member provincial electorate representing the province and occupying the seat reserved for a female member;”.