

No. of 2016.

Papua New Guinea Planning and Monitoring Responsibility Act 2016.

Certified on:



No. of 2016.

Papua New Guinea Planning and Monitoring Responsibility Act 2016.

ARRANGEMENT OF SECTIONS.

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No. of 2016.

AN ACT

entitled

Papua New Guinea Planning and Monitoring Responsibility Act 2016,

Being an Act to -

- (a) establish the national planning framework; and
- (b) establish the national service delivery framework; and
- (c) establish the annual budget framework paper; and
- (d) establish the MTDP monitoring and evaluation framework; and
- (e) link the annual budget to the MTDPs; and
- (f) impose obligations, duties and responsibilities on heads of State bodies to ensure and observe compliance with the national planning framework, national service delivery framework, annual budget framework paper and the MTDP monitoring and evaluation framework at all times; and
- (g) empower and authorise the department responsible for planning and monitoring matters to establish and ensure consistency and full implementation of the national planning framework, national service delivery framework, annual budget framework paper and the MTDP monitoring and evaluation framework,

and for related purposes.

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

PART I. - PRELIMINARY.

1. INTERPRETATION.

(1) In this Act, unless the contrary intention appears -

“capital investment programme” means a five-year programme with programmes and projects funded annually under the National Government’s capital investment budget;

“capital investment report” means a report that outlines the progress of all programmes and projects funded under the capital investment programme published quarterly and annually;

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- “critical activity matrix” means a summary report of key policy interventions of the Government of the day;
- “Department” means the department responsible for planning and monitoring matters established under Section 19 of the *Public Service (Management) Act 2014*;
- “development plan” means a detailed written statement covering a given period setting out desired targets and outcomes in socio-economic development and implementation strategies to achieve those outcomes, and the monitoring of performance indicators, and includes a revised or a renewed development plan;
- “Medium Term Development Plan (MTDP)” means the five-year plan published by the department responsible for planning and monitoring matters outlining the priorities of the Government over the relevant five-year period;
- “Minister” means the Minister responsible for planning and monitoring matters;
- “NSRSD” means the National Strategy for Responsible Sustainable Development;
- “results monitoring framework pocketbook” means the outcome report of the MTDP published annually;
- “service delivery centres” means areas or locations where Government has located facilities and capacity for the provision of services to the people which should generally occur at ward headquarters, ward cluster headquarters, Local-level Government headquarters, district headquarters, provincial headquarters and at regional headquarters;
- “State body” includes -
- (a) a department or an arm or division of a department or an agency of the National Government, Provincial Government or Local-level Government;
 - or
 - (b) a State service; or
 - (c) a body, authority, state owned enterprise or instrumentality established under an Act of the Parliament or by the National Executive Council that is required to, or out of necessity has to, carry out a development plan;
- “this Act” includes the Regulations made under this Act;
- “ward” has the same meaning given in the *Local-level Government Administration Act 1997*;
- “ward zone headquarters” means a group or a cluster of wards which are sharing common services for reasons of scale due to geographic, ethnic or other factors.

(2) For purposes of clarity, “State” may be used inter-changeably with “the National Government”.

2. APPLICATION OF ACT.

(1) This Act binds the State.

(2) Notwithstanding the definition of State bodies, this Act only applies to state owned enterprises in so far as they relate to the implementation of priority impact projects that are -

- (a) identified by the National Government for implementation by the state owned enterprise; and
- (b) funded by the National Government.

(3) For the purposes of this section, state owned enterprise includes an entity that is self-funded, has its own board and is established and provided for under its own enabling legislation, including but not limited to the *Companies Act 1997*.

PART II. - FRAMEWORKS.

3. DEVELOPMENT OF FRAMEWORKS.

(1) The Department shall be responsible for the development, review, amendment and oversight of the national planning framework, national service delivery framework, annual budget framework paper and the MTDP monitoring and evaluation framework.

(2) The Department shall ensure that it consults all relevant State bodies when developing, reviewing and amending the national planning framework, national service delivery framework, annual budget framework paper and the MTDP monitoring and evaluation framework.

(3) The development of, review and amendments to the national planning framework, national service delivery framework, annual budget framework paper and the MTDP monitoring and evaluation framework shall be approved by the National Executive Council before they take effect.

4. THE NATIONAL PLANNING FRAMEWORK.

(1) The national planning framework consists of -

- (a) the *Constitution* which provides the underlying directive principles; and
- (b) the NSRSD which prescribes the consequent development paradigm; and
- (c) the Vision 2050 Human Development Index objective and its subsequent reviews; and
- (d) the MTDPs; and
- (e) the sector plans; and
- (f) the annual budgets relating to the implementation of the MTDP; and
- (g) any other documents made for such purposes.

(2) The elements of the national planning framework shall operate in a cascading manner from Subsections 1(a) to (g) in that order.

(3) The MTDPs shall coincide with the term of each Parliament.

5. THE NATIONAL SERVICE DELIVERY FRAMEWORK.

(1) The national service delivery framework -

- (a) is based on a spatial distribution of service delivery centres throughout the country that are connected by transport and communication links; and
- (b) consists of service delivery centres which include regional headquarters, provincial headquarters, district headquarters, Local-level Government headquarters, ward zone headquarters and ward headquarters; and
- (c) sets out the minimum level of services that Government will provide at each service delivery centre; and
- (d) shall provide the demarcation of responsibilities in the delivery of minimum service functions and infrastructure; and

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- (e) ensures that the National Government is responsible for provision and maintenance of national service functions and infrastructure where designated; and
- (f) ensures that State bodies at the provincial and district levels are responsible for the provision and maintenance of provincial, district and ward service functions and infrastructure at those levels using the various grants that are allocated to them; and
- (g) requires all levels of Government and the State bodies to contribute to the implementation of the national service delivery framework.

(2) The five-year rolling development plans, prepared by the respective provincial and local-level governments under Section 16 of the *Organic Law on Provincial Governments and Local-level Governments* and Section 38 of the *Local-level Government Administration Act 1997* respectively, shall take into account the national service delivery framework.

6. THE ANNUAL BUDGET FRAMEWORK PAPER.

The annual budget framework paper shall -

- (a) link the annual budget to the MTDP; and
- (b) be published by the Department at least four months before the budget is tabled in Parliament; and
- (c) provide guidance in the preparation of the budget strategy paper under Part III (*Annual Fiscal Reporting*) of the *Papua New Guinea Fiscal Responsibility Act 2006*.

7. THE MTDP MONITORING AND EVALUATION FRAMEWORK.

(1) The MTDP monitoring and evaluation framework shall -

- (a) consist of a national reporting system that collects information on Government development activities to measure performance against the targets in the MTDP; and
- (b) ensure that results monitoring framework pocketbook, critical activity matrix, capital investment report and other relevant reports shall be produced by the Department and published annually to report on the outcomes of the MTDP and the annual budget; and
- (c) require all levels of Government and the State bodies to contribute to the implementation of the MTDP monitoring and evaluation framework.

(2) For the purposes of Subsection (1), information shall be sourced from the relevant State bodies, in particular, the National Statistical Office and the Civil Identity and Registry Office.

PART III. - DUTIES AND RESPONSIBILITIES.

8. DUTY AND RESPONSIBILITY OF STATE BODIES.

(1) For the purposes of this Act, a State body shall -

- (a) ensure that its plans comply with the requirements of this Act and is consistent with the national planning framework, especially the MTDP, the national service delivery framework, MTDP monitoring and evaluation framework and the expenditure priorities of Government; and
- (b) submit to the Department -
 - (i) an annual work plan and cash flow plan by the 31st of January of each year for the purpose of accessing funds; and

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- (ii) a quarterly budget review and performance report for monitoring purposes within 28 days at the end of a quarter.
- (2) For the purposes of this Act, the Department shall -
- (a) consolidate and submit cash flows and work plans to the department responsible for the issuance of warrants; and
 - (b) consolidate the results monitoring framework pocketbook, critical activity matrix, capital investment reports and other relevant reports; and
 - (c) upon the approval of the National Executive Council, publish the reports annually in the first quarter of the year following the reporting year specified under Paragraph (b).
- (3) In complying with Subsection (1), a State body shall submit -
- (a) in the case of a State body at the national level, to the Department; and
 - (b) in the case of a State body at the provincial level, to the Department; and
 - (c) in the case of a State body at the district level, to the Provincial Administrator; and
 - (d) in any other case, as prescribed or, where there is doubt, as directed by the Minister.
- (4) The Department shall consolidate and submit all reports received under Subsection (1)(a) and (b) to the National Executive Council.

PART IV. - MISCELLANEOUS.

9. OFFENCES GENERALLY.

(1) It is the responsibility of the head of a State body to ensure the effective implementation of the provisions of this Act.

(2) The head of a State body that fails to ensure the effective implementation of the provisions of this Act is guilty of a disciplinary offence and appropriate action shall be taken against the respective head of that State body under his contract of employment under the *Public Service (Management) Act 2014* or any appropriate applicable law.

10. 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.

11. WHERE NO PROVISION MADE.

Where there is no provision or insufficient provision made in this Act for the doing of an act or the exercising of a power to make a decision -

- (a) in the case of an administrative matter or the performance of a function, the decision shall be made or action taken by the head of the State body, subject to any direction from the Minister; and

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- (b) in the case of a policy matter, the decision shall be made, subject to any direction from the National Executive Council, by the Minister.

I hereby certify that the above is a fair print of the *Papua New Guinea Planning and Monitoring Responsibility Act 2016* which has been made by the National Parliament.

Acting Clerk of the National Parliament.

I hereby certify that the *Papua New Guinea Planning and Monitoring Responsibility Act 2016* was made by the National Parliament on 30 March 2016.

Speaker of the National Parliament.