

Tourism Promotion Authority Act 1993

No. 9 of 1993.

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Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

AN ACT

entitled

Tourism Promotion Authority Act 1993,

Being an Act—

(a) to establish the Tourism Promotion Authority and to define its functions and powers; and
(b) to repeal the *Tourism Development Corporation Act 1990*,
and for related purposes.

PART I. – PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

(1) This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C of the *Constitution*, namely, the right to privacy conferred by Section 49 of the *Constitution*, is a law that is made for the purpose of giving effect to the public interest in public order and public welfare.

(2) For the purposes of Section 41 of the *Organic Law on Provincial Governments and Local-level Governments*, it is declared that this law relates to a matter of national interest.

(3) For the purposes of any law, the purposes of the Authority are a public purpose.

2. INTERPRETATION.

“**Authority**” means the Tourism Promotion Authority established by Section 3;

“**Board**” means the Tourism Promotion Authority Board established by Section 8;

“**Chairman**” means the Chairman of the Board appointed under Section 10;

“**Chief Executive Officer**” means the Chief Executive Officer of the Authority appointed under Section 21;

“Corporation” means the Tourism Development Corporation established under the *Tourism Development Corporation Act* 1990 repealed by this Act;

“Deputy Chairman” means the Deputy Chairman of the Board appointed under Section 10;

“member” means a member of the Board appointed under Section 9;

“this Act” includes the regulations;

“tourism development” includes any business or industry that is wholly or partly engaged in providing services—

(a) for visitors and tourists to Papua New Guinea; or

(b) for persons travelling within the country for the purpose of holidays, recreation or amusement,

or both, by way of transport, hotel accommodation, tour guides, attractions, sports and entertainments;

“tourism products” means all services, activities, productions, fixed plant, building and machinery that are hired or employed for consumption and enjoyment by international visitors and tourists and local people as well as for enhancement of increase in output of the tourism industry;

“tourism promotion” includes any legitimate marketing or business activity undertaken in any country for the purposes of encouraging visitors and tourists to travel to and within Papua New Guinea.

PART II. – TOURISM PROMOTION AUTHORITY.

3. ESTABLISHMENT OF THE AUTHORITY.

A body to be known as the Tourism Promotion Authority is hereby established.

4. INCORPORATION OF THE AUTHORITY.

(1) The Authority—

(a) is a body corporate with perpetual succession; and

(b) shall have a common seal; and

(c) may acquire, hold and dispose of real and personal property; and

(d) may sue and be sued in its corporate name.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall presume that it was duly affixed.

5. FUNCTIONS OF THE AUTHORITY.

The function of the Authority is to foster the development of tourism in Papua New Guinea so as to maximize the economic benefits of the industry to Papua New Guinea whilst minimizing any disruption to society, culture and the environment, and to this end—

(a) to formulate a tourism policy for the consideration of the National Executive Council; and

(b) to implement the tourism policy approved by the National Executive Council; and

(c) to promote Papua New Guinea overseas as a tourist destination; and

(d) to enhance awareness overseas of Papua New Guinea as a tourist destination; and

(e) to co-ordinate the overseas promotional efforts of the Papua New Guinea tourist industry in co-operation with governmental bodies at all levels and with other bodies; and

- (f) to encourage the provision, development and expansion of tourism infrastructure, facilities and products in Papua New Guinea; and
- (g) to encourage, assist and promote appropriately high levels of service, education and management within Papua New Guinea tourism facilities and products; and
- (h) to assist, guide and facilitate new investment by local and national tourism entrepreneurs and by overseas investors; and
- (i) to enhance awareness within Papua New Guinea of the tourism industry and tourism opportunities; and
- (j) to monitor and report the effects of international tourism on Papua New Guinea society, culture and environment.

6. POWERS OF THE AUTHORITY.

The Authority has power to do all things not inconsistent with this Act, which by this Act are required or permitted to be done or that are necessary or convenient to be done in connection with the performance of its functions and, without limiting the generality of the foregoing, has power—

- (a) to conduct promotional activities, both in Papua New Guinea and overseas, to publicize the tourism attractions and features of Papua New Guinea and its image as a tourist destination; and
- (b) to seek and accept grants, subscriptions, contributions and corporate sponsorships, and enter into co-operative arrangements with other persons and commercial entities for the purpose of increasing promotional activities; and
- (c) to undertake research and disseminate information obtained from such research; and
- (d) to make charges for work done, services rendered and goods and information supplied by or on behalf of the Authority; and
- (e) to produce, or arrange for the production and distribution of magazines, publications and other promotional materials; and
- (f) to devolve grants, and provide operational and financial assistance to small-scale tourism initiatives and development projects in accordance with due process; and
- (g) to induce and assist the travel, tourism and transport industries to attract tourists to travel to and within Papua New Guinea; and
- (h) to provide information and advice to tourism operators, prospective developers and government instrumentalities to assist sensitive, environmentally and socially sound, tourism developments; and
- (i) to prepare or arrange for local, regional and national tourism development plans and strategies, and implement the investment and promotional recommendations of same; and
- (j) to enter into contracts, establish offices, appoint agents and attorneys, and act as agent for other persons; and
- (k) to liaise with appropriate government and private sector bodies for the purpose of encouraging the introduction of appropriate standards and regulations for the effective and satisfactory operation of tourism and hospitality enterprises and products in Papua New Guinea; and
- (l) to administer, control and/or operate, or assist in any way, the development and operation of training and educational facilities and programmes associated with the tourism and hospitality industries in Papua New Guinea; and
- (m) to acquire, hold and dispose of real and personal property; and
- (n) to occupy, use and control any land or building owned or held under lease by the State and made available for the purposes of the Authority.

7. POLICY DIRECTIONS.

The Minister or the National Executive Council may give to the Board directions as to the overall tourism policies on the development and promotion of tourism and the Authority and the Board shall give effect to any such directions.

PART III. – THE BOARD.

8. THE BOARD.

(1) There shall be a Tourism Promotion Authority Board.

(2) The Board shall be responsible for the efficient and effective accomplishment of the government tourism policy and for the satisfactory management of the Authority subject to the provisions of this Act and shall from time to time advise the Minister on any matters associated with tourism promotion and the tourism industry.

9. MEMBERSHIP OF THE BOARD.

(1) The Board shall consist of–

- (a) the Chairman of the Permanent Parliamentary Committee on tourism, *ex officio*; and
- (b) the Departmental Head of the Department responsible for finance and planning matters, or his nominee, *ex officio*; and
- (c) the Chief Executive Officer, *ex officio*; and
- (d) seven members, each of whom shall represent national tourism interests and shall be drawn from one of the following organizations and industry sectors:–
 - (i) hoteliers industry;
 - (ii) tour operators;
 - (iii) the National Airline of Papua New Guinea;
 - (iv) banks or financial institutions licensed under the *Banks and Financial Institutions Act 2000*;
 - (v) tourist attraction sectors;
 - (vi) the commuter and charter airline industry;
 - (vii) the executive committee of the National Tourism Association, or a body or organization recognized and notified to the Minister by the Authority as being most representative of the national tourism industry; and
- (e) one member experienced in tourism development generally.

(2) Subject to Subsection (3), the members referred to in Subsection (1)(d) and (e)–

- (a) ^[1] shall be appointed in accordance with the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*; and
- (b) shall be appointed for a term of two years; and
- (c) shall hold office on a part-time basis on such terms and conditions as are determined under the *Board (Fees and Allowances) Act 1955*; and
- (d) are eligible for re-appointment.

(3) In the case of the first appointments of the members of the Board after the coming into operation of this Act a member referred to in Subsection (1)(d)(ii), (v), (vi) and (vii) shall be appointed for a term of one year and is eligible for re-appointment.

(4) The member appointed under Subsection (1)(e) shall act in an advisory and facilitatory capacity to the Board, and shall not be entitled to vote on any matter arising.

(5) A person nominated under Subsection (1)(b) shall be of a level not less than First Assistant Secretary in the Public Service or the equivalent.

(6) Before appointing a person to be a member the Minister shall satisfy himself that that person will have no such financial or other interests as a member as are likely to affect prejudicially discharge by him of his functions as a member, and the Minister shall also satisfy himself from time to time with respect to every member that the member has no such interest.

(7) A person who is, or whom the Minister proposes to appoint to be, a member shall, whenever requested by the Minister so to do, furnish to the Minister such information as the Minister considers necessary for the performance by the Minister of his duties under this Act.

10. CHAIRMAN AND DEPUTY CHAIRMAN.

(1) The member holding office under Section 9(1)(a) shall be the Chairman of the Board.

(2) The Board shall appoint another member to be the Deputy Chairman of the Board for such period as may be determined by the Board, or until he ceases to be a member, whichever shall first happen.

11. LEAVE OF ABSENCE OF MEMBERS.

The Minister may grant leave of absence to a member on such terms and conditions as the Minister determines.

12. VACATION OF OFFICE.

(1) A member, other than the member referred to in Section 9(1)(a), (b) or (c), may resign his office by writing under his hand and addressed to the Minister.

(2) Where a member of the Board—

(a) becomes permanently incapable of performing his functions; or

(b) resigns his office in accordance with Subsection (1); or

(c) absents himself from three consecutive meetings of the Board except with the written consent of the Minister; or

(d) fails to comply with Section 16 or with any provisions of this Act; or

(e) becomes bankrupt, or applies to take the benefit of any law for the benefit of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or

(f) is convicted of an offence punishable under a law by a term of imprisonment for one year or longer, or by death, and as a result of the conviction is sentenced to imprisonment or death, or is under a bond to appear for sentence if called on,

the Minister shall terminate his appointment.

(3) The Minister, may, at any time, by written notice, advise a member that he intends to terminate his appointment on the grounds of inefficiency, incapacity or misbehaviour.

(4) Within 14 days of the receipt of a notice under Subsection (3), the member may reply in writing to the Minister, who shall consider the reply, and, where appropriate, terminate the appointment.

(5) Where the member referred to in Subsection (3) does not reply in accordance with Subsection (4), his appointment is terminated.

13. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS.

The exercise of a power or the performance of a function of the Board is not invalidated by reason of there being a vacancy in the membership of the Board.

14. CALLING OF MEETINGS.

(1) The Board shall meet as often as the business of the Authority requires, and at such times and places as the Board determines, or as the Chairman, or in his absence, the Deputy Chairman, directs, but in any event shall meet not less frequently than once in every three months.

(2) Where the Chairman receives a request to do so by the Minister, or by not less than two members, the Chairman, or in his absence the Deputy Chairman, shall convene a meeting of the Board within 14 days.

(3) For the purposes of Subsection (1), the Chairman or the Deputy Chairman, as the case may be, shall give to every member at least 14 days' notice of the meeting.

15. MEETINGS OF THE BOARD.

(1) At a meeting of the Board—

(a) five members form a quorum; and

(b) the Chairman, or in his absence the Deputy Chairman, shall preside, but, if both the Chairman and Deputy Chairman are absent, the members present shall appoint a Chairman for that meeting from amongst their own number; and

(c) subject to this Act—

(i) matters arising shall be decided by a majority of the votes of the members present and voting; and

(ii) the person presiding has a deliberative and, in the event of an equality of votes on any matter, also a casting vote.

(2) The Board shall cause minutes of its meetings to be recorded and kept.

(3) Subject to this Act, the procedures of the Board are as determined by the Board.

16. DISCLOSURE OF INTEREST BY MEMBERS.

(1) A member who is directly or indirectly interested in a matter being considered or about to be considered by the Board, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(2) A disclosure under Subsection (1), shall be recorded in the minutes of the Board, and the member—

(a) shall not take part, after the disclosure, in any deliberation or decision of the Board in relation to that matter; and

(b) shall be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

17. COMMITTEES OF THE BOARD.

(1) The Board may establish such number of Committees as the Board considers necessary for the purposes of the Authority.

(2) The Board may—

(a) appoint persons (including members of the Board) to be members of the Committees; and

(b) prescribe the powers, functions and procedures of the Committees.

(3) A member of a Committee shall be paid such fees and allowances as are determined under the *Board (Fees and Allowances) Act 1955*.

18. DELEGATION.

The Board may, by instrument, delegate to any member of the Board or to a senior officer of the staff of the Authority, all or any of its powers and functions under this Act (except this power of delegation).

19. CORPORATE PLAN.

(1) The Board shall, within six months of the coming into operation of this Act and thereafter as required by the Minister, prepare and submit to the Minister, a corporate plan for the Authority for a period of three to five years.

(2) The Board shall, by 31 December in each year, prepare and submit to the Minister an operational plan for the Authority for the year commencing 1 January following.

20. REPORTS.

(1) The Board shall, by 31 March in each year, furnish to the Minister a report on the progress and performance of the Authority in relation to its functions for the year ending 31 December previously.

(2) As soon as practicable, after he has received a report under Subsection (1), the Minister shall forward the report to the Speaker for presentation to the Parliament.

PART IV. – STAFF OF THE AUTHORITY.

21. CHIEF EXECUTIVE OFFICER.

(1)^[2] ^[3] There shall be a Chief Executive Officer of the Authority whose manner of appointment, suspension and dismissal is as specified in the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*.

(2) Subject to Subsection (3), the Chief Executive Officer shall hold office under a contract of employment with the Authority on terms and conditions determined by the Minister subject to the *Salaries and Conditions Monitoring Committee Act 1988*.

(3) Where the person first appointed to be Chief Executive Officer after the coming into operation of this Act is a person employed in relation to tourism matters under a contract of employment with the State, he shall hold office as Chief Executive Officer in accordance with that contract of employment, except that the Authority shall assume the responsibilities of the State in relation to that contract, and that contract is deemed to have been amended to give effect to this subsection.

22. FUNCTIONS OF THE CHIEF EXECUTIVE OFFICER.

(1) The Chief Executive Officer–

- (a) is the chief executive of the Authority; and
- (b) is the head of the staff of the Authority; and
- (c) shall manage the Authority in accordance with the policy and directions of the Board; and
- (d) shall advise the Board on any matter concerning the Authority referred to him by the Board.

(2) The Chief Executive Officer–

- (a) shall carry out and perform the duties required of him under this Act and his contract of employment; and
- (b) has such functions as the Board may, from time to time, determine.

23. STAFF.

(1) The Board may appoint to be officers and employees of the Authority such persons (not exceeding 25 in number) as it considers necessary and appropriate for the purposes of giving effect to this Act.

(2) The Chief Executive Officer and the officers and employees appointed under Subsection (1) constitute the staff of the Authority.

(3) An officer or employee appointed under Subsection (1) shall hold office on such terms and conditions as are determined by the Board, subject to the *Salaries and Conditions Monitoring Committee Act 1988*.

24. PUBLIC SERVICE RIGHTS.

Where an officer or employee of the Public Service is appointed to be Chief Executive Officer or an officer or employee of the Authority, his service on the staff of the Authority shall be counted as service in the Public Service for the purpose of determining his rights (if any) in respect of—

- (a) leave of absence on grounds of illness; and
- (b) furlough or pay instead of furlough (including pay to dependents on the death of the officer).

25. CONSULTANTS.

(1) The Board may, from time to time—

- (a) after consultation with—
 - (i) the Minister; and
 - (ii) the Chief Executive Officer; and
- (b) within the limit of funds lawfully available for the purpose; and
- (c) on such terms and conditions as are determined by the Board,

employ such consultants as, in the opinion of the Board, are necessary for the purposes of the Authority.

(2) The Minister may employ such consultants as he considers necessary to advise him independently on any of the functions of the Board.

PART V. – FINANCES OF THE AUTHORITY.

26. APPLICATION OF PUBLIC FINANCES (MANAGEMENT) ACT.

(1) Part VIII of the *Public Finances (Management) Act 1995* applies to and in relation to the Authority.

(2) The Authority is a trading enterprise for the purpose of Section 62 of the *Public Finances (Management) Act 1995*.

27. MONEYS OF THE AUTHORITY GENERALLY.

(1) The Authority shall open and maintain such bank accounts, with such bank or banks as the Minister approves for the purpose of the Authority, and shall pay into them—

- (a) all moneys appropriated by Act for the purposes of carrying out or giving effect to this Act; and
- (b) all moneys received by the Authority for the sale, leasing or hire of property; and
- (c) all other moneys received by the Authority in the exercise and performances of its powers and functions.

(2) Out of the moneys standing to the credit of the accounts of the Authority referred to in Subsection (1), the Authority shall pay—

- (a) all moneys payable by it in repayment of advances or loans under this or any other Act; and

- (b) the costs, charges and expenses incurred by the Authority in the performance of its functions under this Act; and
- (c) the costs, charges and expenses incurred by the Authority after consultation with the Minister, in establishing and maintaining tourism and development and in giving effect to the functions of the Authority; and
- (d) the remuneration and allowances of the members of the Board and of the Chief Executive Officer and officers and employees of the Authority; and
- (e) any other payments that the Authority is authorized or required to make under this Act or any law.

(3) In respect of moneys advanced or borrowed under this or any other Act, the Authority shall maintain a separate account in respect of the moneys that are related to each such purpose, and shall cause proper entries of—

- (a) all moneys so advanced or borrowed for a particular purpose of the Authority; and
- (b) the purpose to which the moneys have been applied,

to be made in the account maintained in respect of that purpose.

28. AUTHORITY LIABLE TO TAXATION.

Income, property and operations of the Authority are subject to the provisions of the *Income Tax Act 1959*.

PART VI. – MISCELLANEOUS.

29. PROTECTION FROM PERSONAL LIABILITY.

A member of the Board or of a Committee, or the Chief Executive Officer or an officer, employee, servant or agent of the Authority is not personally liable for any act or default of himself or the Authority done or omitted to be done in good faith in the course of the operations of the Authority, or for the purposes of the Authority.

30. PROOF OF CERTAIN MATTERS.

In any proceedings by or against the Authority, proof is not required, unless evidence is given to be contrary, of—

- (a) the constitution of the Board or a Committee; or
- (b) a resolution of the Board or a Committee; or
- (c) the appointment of a member of the Board or a Committee or the Chief Executive Officer or an officer, employee, servant or agent of the Authority; or
- (d) the presence of a quorum at a meeting at which a determination is made or an act done by the Board or a Committee.

31. SERVICE OF PROCESS.

Any notice, summons, writ or other process required to be served on the Authority may be served by being left at the office of the Authority or, in the case of a notice, by post.

32. AUTHENTICATION OF DOCUMENTS.

Any document requiring authentication by the Authority is sufficiently authenticated without the seal of the Authority if signed by the Chairman.

33. APPOINTMENT OF ATTORNEYS.

(1) The Authority may, by instrument under its seal, appoint a person to act as its attorney outside the country for the purpose of doing anything that the Authority itself might lawfully do.

(2) A person appointed under Subsection (1), may, on behalf of, and in the name of the Authority, do any act, exercise any power and perform any function that he is authorized by the instrument to do, exercise or perform.

34. COMPENSATION.

(1) Where loss or damage is suffered by any person by reason of the exercise, by or on behalf of the Authority, of a power conferred by or under this Act, compensation for the loss or damage is payable to the person by the Authority.

(2) Subject to Subsection (3), the amount of compensation payable under Subsection (1), is as determined by the Minister.

(3) A person, aggrieved by a determination of the Minister under Subsection (2), may appeal to the National Court.

35. RECOVERY OF MONEY DUE.

Any money due to the Authority under this Act may be recovered by the Authority as a debt.

36. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters and things 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, and in particular may prescribe fees and charges payable in respect of services rendered or goods supplied by the Authority or the Board.

PART VII. – REPEAL AND TRANSITIONAL ARRANGEMENTS.

37. REPEAL.

The *Tourism Development Corporation Act* 1990 is repealed.

38. DETERMINATION OF TOURISM ASSETS, ETC.

(1) The Auditor-General shall, as soon as practicable after the coming into operation of this section—

(a) examine the—

- (i) assets held by and obligations and liabilities (other than those relating to staff) of the Corporation; and
 - (ii) sums at credit of and in bank accounts opened by the Corporation; and
 - (iii) contracts and agreements (other than contracts of employment) entered into made with or addressed to the Corporation; and
 - (iv) actions, arbitrations or proceedings pending or existing by, against or in favour of the Corporation; and
- (b) determine which of the matters referred to in Paragraph (a)(i) to (iv) inclusive relate to the functions of the Authority under this Act.

(2) In carrying out his functions under Subsection (1), the Auditor-General may—

- (a) exercise all or any of the powers conferred on him by Section 4 of the *Audit Act 1989*; and
- (b) obtain such advice, professional or otherwise, as he considers necessary.

(3) A person who hinders or obstructs the Auditor-General, or a person authorized by the Auditor-General, in the exercise of his functions and powers under this section, is guilty of an offence.

Penalty: A fine not exceeding K10,000.00 or imprisonment for a term not exceeding two years.

39. TRANSFER OF ASSETS, ETC., TO THE CORPORATION.

(1) All assets held by, and obligations and liabilities (other than those relating to the staff of the Corporation) imposed on, the Corporation, determined by the Auditor-General under Section 38(1)(b) to relate to the functions of the Authority, immediately before the coming into operation of this Act, are, on that date, transferred to the Authority.

(2) Where any property vested in the Corporation to which Subsection (1) applies is land registered under the *Land Registration Act 1981*, the Registrar of Titles shall, without formal transfer and without fee, on application in that behalf by the Authority, enter or register the Authority in the register kept under that Act and, on entry and registration grant a certificate of title, lease or other instrument evidencing title to the land within that Act.

40. TRANSFER OF ACCOUNTS.

All sums, immediately before the coming into operation of this Act, at credit of, and on accounts opened by the Corporation, determined by the Auditor-General under Section 38(1)(b) to relate to the functions of the Authority, are, on that coming into operation, transferred to equivalent accounts opened in the name of the Authority under the provisions of this Act or the *Public Finances (Management) Act 1995*.

41. SAVING OF CONTRACTS.

All contracts and agreements (other than, subject to Section 42, contracts of employment), entered into, made with or addressed to the Corporation, determined by the Auditor-General under Section 38(1)(b) to relate to the functions of the Authority, are, to the extent that they were immediately before the coming into operation of this Act, binding on and enforceable against or in favour of the Corporation, binding on and of full force and effect against or in

favour of the Authority as fully and effectively as if the Authority had been a party to them or entitled to the benefit of them.

42. CONTRACTS OF EMPLOYMENT.

Where—

- (a) immediately before the coming into operation of this Act, a member of the staff of the Corporation held office under a contract of employment with the Corporation; and
- (b) on that coming into operation, the Board wishes to employ that person as a member of the staff of the Authority, on the same terms and conditions as applied under the contract of employment with the Corporation; and
- (c) that person is agreeable to be so employed by the Authority,

the Authority will assume the obligations of the Corporation in respect of that contract of employment.

43. ACTIONS, ETC., NOT TO ABATE.

Where, immediately before the coming into operation of this Act, any action, arbitration or proceeding was pending or existing by, against or in favour of the Corporation, determined by the Auditor-General under Section 38(1)(b) to relate to the functions of the Authority, it does not, on the coming into operation of this Act, abate or discontinue or be in any way affected by any provision of this Act, but it may be prosecuted, continued and enforced by, against or in favour of the Authority.

44. APPLICATION OF ACTS, ETC.

Where—

- (a) any Act or subordinate enactment, other than this Act; and
- (b) any document or instrument whenever made or executed, contains,

a reference, express or implied, to the Corporation that reference shall, on and after the coming into operation of this Act, except where the context otherwise requires, be read and construed as a reference to the Authority.

Office of Legislative Counsel, PNG

^[1] Section 9 Subsection (2) amended by No. 97 of 2006, Sched. 1.

^[2] Section 21 Subsection (1) substituted by No. 97 of 2006, Sched. 1.

^[3] Section 21 Subsection (1) substituted by No. 97 of 2006, Sched. 1.