

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 136.

Banking Corporation.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Finance at the date of its preparation for inclusion, except for Section 12 of the Act, the administration of which was vested in the Prime Minister.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in and in relation to this Chapter to—

“the Departmental Head” should be read as references to the Secretary for Finance;

“the Department” should be read as references to the Department of Finance.

TABLE OF CONTENTS.

	<i>Page.</i>
<i>Banking Corporation Act</i>	3
Regulations	—
Subsidiary Legislation ¹	—
Appendix—	
Source of Act.	

¹Subsidiary legislation has not been up-dated.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 136.

Banking Corporation Act.

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

1. Interpretation—
 - "the Banking Corporation"
 - "the Board"
 - "the Deputy Managing Director"
 - "the Executive Committee"
 - "the Managing Director"
 - "the regulations"
 - "this Act".

2. Effect.

PART II.—THE PAPUA NEW GUINEA BANKING CORPORATION.

3. Establishment of the Corporation.
4. Incorporation of the Corporation.
5. Basic objects of the Corporation.
6. Functions of the Corporation.
7. Powers of the Corporation.
8. The Papua New Guinea Banking Corporation Board.
9. Policies of the Corporation.

PART III.—THE PAPUA NEW GUINEA BANKING CORPORATION BOARD.

10. Constitution of the Board.
11. Alternate of Departmental Head.
12. Remuneration of members.
13. Oath and affirmation of office and declaration of secrecy.
14. Managing Director and Deputy Managing Director.
15. Vacation of office, etc.
16. Chairman and Deputy Chairman.
17. Meetings of the Board.
18. Executive Committee.
19. Delegation.
20. Disclosure of interest.

PART IV.—THE SERVICE OF THE BANKING CORPORATION.

21. Appointment of officers.
22. Regulations for the Service of the Corporation.
23. Temporary and casual employees.
24. Loans to officers, etc.

Banking Corporation

PART V.—FINANCE.

25. Capital.
26. General Reserve Fund.
27. Dealing with profits.
28. Application of the Public Bodies (Financial Administration) Act.

PART VI.—MISCELLANEOUS.

29. Head office.
30. Attorney.
31. Offices, agents, etc.
32. Guarantee by State.
33. Taxation. (*Repealed*)
34. Periodical returns.
35. Transfer of business to Corporation.
36. Power to improve property and carry on business.
37. Execution of contracts.
38. Validity of acts and transactions of the Corporation.
39. Special appointment of Managing Director and Deputy Managing Director.
40. Regulations.

SCHEDULES.

- SCHEDULE 1.—Oath and affirmation of office.
SCHEDULE 2.—Declaration of secrecy.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 136.

Banking Corporation Act.

Being an Act to establish the Papua New Guinea Banking Corporation and to define its powers and functions, and for related purposes.

PART I.—PRELIMINARY.

1. Interpretation.

In this Act, unless the contrary intention appears—

- “the Banking Corporation” means the Papua New Guinea Banking Corporation established by Section 3;
- “the Board” means the Papua New Guinea Banking Corporation Board established by Section 8;
- “the Deputy Managing Director” means the Deputy Managing Director of the Banking Corporation appointed under Section 14;
- “the Executive Committee” means the Executive Committee of the Board constituted under Section 18;
- “the Managing Director” means the Managing Director of the Banking Corporation appointed under Section 14;
- “the regulations” means any regulations made under this Act;
- “this Act” includes the regulations.

2. Effect.

This Act has effect subject to the *Central Banking Act* and the *Banks and Financial Institutions Act*, and to the regulations under those Acts.

PART II.—THE PAPUA NEW GUINEA BANKING CORPORATION.

3. Establishment of the Corporation.

A body by the name of the Papua New Guinea Banking Corporation is hereby established.

4. Incorporation of the Corporation.

(1) **The Banking Corporation—**

- (a) is a corporation, with perpetual succession; and
- (b) shall have a seal; and
- (c) may acquire, hold and dispose of property; and
- (d) may sue or be sued in its corporate name.

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

5. Basic objects of the Corporation.

Within the context of the general framework of the policy objectives of the Government, the Banking Corporation shall, within the limits of its powers, ensure, in performing its functions, that its policies are directed to the greatest advantage of the people of Papua New Guinea.

6. Functions of the Corporation.

The functions of the Banking Corporation are to carry on the business of banking, investment and finance and any other business that is capable of being carried on advantageously with the general business of the Corporation and that the Minister, on the advice of the Board, thinks it desirable for it to undertake.

7. Powers of the Corporation.

(1) The Banking Corporation has power, in the country or elsewhere, to do all things necessary or convenient to be done for or in connexion with the performance of its functions.

(2) Without limiting the generality of Subsection (1), the powers of the Banking Corporation under that subsection include power—

- (a) to receive money on deposit; and
- (b) to borrow and lend money; and
- (c) to buy, sell, discount and rediscount bills of exchange, promissory notes, Treasury bills and Treasury notes; and
- (d) to buy and sell Government securities and other securities; and
- (e) to buy, sell and otherwise deal in foreign exchange and gold and other precious metals; and
- (f) to establish credits and engage in hire-purchase, lease financing and factoring; and
- (g) generally to carry on and transact any business of financiers as principal or agent; and
- (h) to issue bills and drafts and effect transfers of money; and
- (i) to guarantee the due fulfilment of contracts and obligations by any person or corporation; and
- (j) to act as attorney for any person; and
- (k) to form subsidiaries in any manner permitted by law; and
- (l) to subscribe to, buy or otherwise acquire, hold and sell shares, stock and other securities; and
- (m) to enter into—
 - (i) any arrangement for the sharing of profits, union of interest, co-operation, joint venture, reciprocal concession or otherwise with any person or company; or
 - (ii) any business or transaction capable of being conducted so as to directly or indirectly benefit the Corporation; and
- (n) to promote, effect, insure, guarantee, underwrite, participate in, manage and carry out any issue of shares, stock, debentures or debenture stock of any company, corporation or association and to lend or borrow money for the purpose of any such issue; and

- (o) to keep for any company, authority or body any register relating to any shares, stock, funds or other securities or to undertake any duties in relation to the registration of transfers, the issue of certificates or otherwise; and
- (p) to act as trustee and administer any superannuation, provident or retirement fund scheme, and generally to undertake and execute any other trust the undertaking of which seems desirable; and
- (q) to furnish managerial, financial, technical and administrative advice and assist in obtaining managerial, financial, technical and administrative services for industrial, agricultural and commercial enterprises; and
- (r) to undertake research, studies, investigations and experiments in regard to the economic, financial and technical feasibility of industrial, agricultural, commercial and other projects or enterprises; and
- (s) to do anything incidental to any of its powers.

8. The Papua New Guinea Banking Corporation Board.

- (1) A Papua New Guinea Banking Corporation Board is hereby established.
- (2) The Board shall be constituted as provided by Part III.

9. Policies of the Corporation.

(1) Subject to this Act, the Board is responsible for determining the policy of the Banking Corporation.

(2) After consultation with the Board the Minister may issue written directions to the Banking Corporation to give effect to the policies of the Government and, subject to this section, the Corporation shall ensure that effect is given to any such direction while it remains in force.

(3) The Board shall—

- (a) from time to time inform the Minister of the policies of the Banking Corporation; and
- (b) furnish to the Minister such information in relation to the exercise and performance of the powers and functions of the Corporation as the Minister requires.

(4) In the event of a difference of opinion as to a matter of policy, the Minister and the Board shall endeavour to reach agreement.

(5) If the Minister and the Board are unable to reach agreement, the Board shall immediately furnish to the Minister a statement in relation to the matter in respect of which the difference of opinion has arisen.

(6) The Head of State, acting on advice, may then, by order, determine the policy to be adopted by the Banking Corporation.

(7) The Minister shall inform the Board of the policy determined under Subsection (6), and, at the same time inform the Board that the Government—

- (a) accepts responsibility for the adoption by the Banking Corporation of that policy; and
- (b) will take such action (if any) within its powers as the Government thinks necessary by reason of the adoption of that policy.

(8) The Board shall ensure that effect is given to the policy while the order remains in force.

(9) Within 15 sitting days of the Parliament after the Board has been informed of the policy determined under Subsection (6), the Head of State, acting on advice, shall cause to be laid before the Parliament—

- (a) a copy of the order determining the policy; and
- (b) a statement by the Minister in relation to the matter in respect of which the difference of opinion arose; and
- (c) a copy of the statement furnished to the Minister by the Board under Subsection (5).

PART III.—THE PAPUA NEW GUINEA BANKING CORPORATION BOARD.

10. Constitution of the Board.

(1) Subject to Section 11, the Board shall consist of—

- (a) the Managing Director; and
- (b) the Deputy Managing Director; and
- (c) the Departmental Head; and
- (d) not less than six or more than eight persons appointed by the Head of State, acting on advice, by notice in the National Gazette.

(2) Subject to Subsection (3), a member appointed under Subsection (1)(d) holds office, subject to this Part, for a period of three years, and is eligible for re-appointment.

(3) In the event of a member appointed under Subsection (1)(d) ceasing to hold office before the expiration of the period of his appointment and the appointment in his place of another person, the period of that appointment is the remainder of the period of office of the member ceasing to hold office.

11. Alternate of Departmental Head.

The Departmental Head may, by instrument, appoint a person to be an alternate member of the Board, to attend any meeting at which the Departmental Head is unable to be present, and in relation to any meeting that he attends as alternate the person appointed has all the powers, functions, duties and responsibilities of a member.

12. Remuneration of members.

A member of the Board appointed under Section 10(1)(d) shall be paid by the Banking Corporation such remuneration (if any) as the Minister¹ determines.

13. Oath and affirmation of office and declaration of secrecy.

(1) Before entering on the duties of his office, a member of the Board (other than the Departmental Head but including his alternate) shall take an oath or make an affirmation in the form in Schedule 1 and make a declaration of secrecy in the form in Schedule 2.

(2) The oath or affirmation shall be taken or made, and the declaration shall be made, before the Minister or a person appointed by the Minister for the purpose.

¹ As at the effective date, the reference was to the Prime Minister.

14. Managing Director and Deputy Managing Director.

(1) There shall be a Managing Director and a Deputy Managing Director of the Banking Corporation who—

- (a) shall be appointed by the Head of State, acting on advice, by notice in the National Gazette; and
- (b) shall be appointed for such period, not exceeding five years, as the Head of State, acting on advice, determines; and
- (c) subject to this Act, hold office on such terms and conditions as the Head of State, acting on advice, determines; and
- (d) are eligible for re-appointment.

(2) The remuneration of a Managing Director or Deputy Managing Director shall not be diminished during his term of office.

(3) The Banking Corporation may make available to the Managing Director or the Deputy Managing Director such housing or other accommodation, and on such terms and conditions, as it thinks proper.

(4) While holding their respective offices, the Managing Director and the Deputy Managing Director shall devote the whole of their professional time to the service of the Banking Corporation and shall not occupy or hold any other paid office or employment, or engage in the practice of any profession or business, without the written consent of the Minister.

(5) The Managing Director shall manage the Banking Corporation and direct its affairs and, in relation to the management of the Corporation and the direction of its affairs, shall act in accordance with any policies determined by the Board.

(6) The Deputy Managing Director shall perform such duties as the Managing Director directs, and in the event of a vacancy in the office of the Managing Director the Deputy Managing Director shall perform the duties of the Managing Director and has and may exercise and perform all the powers and functions of the Managing Director.

15. Vacation of office, etc.

(1) Subject to Section 39, a person who is—

- (a) a member of the Parliament; or
- (b) a director, officer or employee of a corporation (other than the Banking Corporation or the Development Bank) engaged in banking business in respect of which the Central Bank may exercise a regulatory power under the *Central Banking Act* and the *Banks and Financial Institutions Act*,

is not qualified to be the Managing Director or Deputy Managing Director or a member of the Board referred to in Section 10(1)(d).

(2) A person is not qualified to be a member of the Board referred to in Section 10(1)(d) if he is an officer or employee of the Public Service or of any public authority, if there are already two members of the Board holding such positions.

(3) If the Managing Director or the Deputy Managing Director—

- (a) becomes permanently incapable of performing his duties; or
- (b) without the consent of the Minister, occupies or holds any paid office or employment or engages in the practice of any profession or business; or

- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary for their benefit; or
- (d) resigns his office by writing under his hand addressed to the Minister; or
- (e) becomes a person referred to in Subsection (1),

the Head of State, acting on advice, shall terminate his appointment.

(4) If a member of the Board appointed under Section 10(1)(d)—

- (a) becomes permanently incapable of performing his duties; or
- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (c) resigns his office by writing under his hand addressed to the Minister; or
- (d) is absent, except on leave granted by the Minister, from two consecutive meetings of the Board or from two meetings of the Board held during four consecutive months; or
- (e) fails to comply with his obligation under Section 20; or
- (f) becomes a person referred to in Subsection (1),

the Head of State, acting on advice, shall terminate his appointment.

(5) If, in the opinion of the Minister after receiving a recommendation from the Board, the Managing Director, the Deputy Managing Director or a member of the Board referred to in Section 10(1)(d) is—

- (a) incapable of performing his duties; or
- (b) guilty of conduct prejudicial to the performance of the duties of his office,

the Head of State, acting on advice, may remove him from office.

16. Chairman and Deputy Chairman.

(1) The Head of State, acting on advice, shall appoint one of the members of the Board to be the Chairman of the Board and another member to be the Deputy Chairman of the Board, for such period as the Head of State, acting on advice, determines.

(2) The Chairman and the Deputy Chairman of the Board hold office as Chairman and Deputy Chairman until the expiration of the periods of their respective appointments or until they cease to be members of the Board, whichever first happens.

17. Meetings of the Board.

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

(2) On receipt of a request of two or more members of the Board, the Chairman, or in his absence the Deputy Chairman, shall convene a meeting of the Board.

(3) At a meeting of the board—

- (a) six members of the Board, of whom one is the Managing Director or the Deputy Managing Director, are a quorum; and
- (b) the Chairman, or in his absence the Deputy Chairman, shall preside if he is present, and in the absence of both the Chairman and the Deputy Chairman

the members present shall elect one of their own number to preside at that meeting; and

- (c) all matters shall be decided by a majority of votes of the members present and voting; and
 - (d) the person presiding has a deliberative, and in the event of an equality of votes on a matter, also a casting vote.
- (4) The Board shall cause minutes of its meetings to be kept.
- (5) Subject to this Act, the procedures of the Board are as determined by it.

18. Executive Committee.

(1) There shall be an Executive Committee of the Board, consisting of the Managing Director and three other members of the Board.

(2) The members of the Executive Committee (other than the Managing Director) shall—

- (a) be appointed by the Minister after consultation with the Board; and
- (b) hold office during the pleasure of the Minister or until they cease to be members of the Board.

(3) If the Deputy Managing Director is not a member of the Executive Committee, he may attend a meeting of the Committee at which the Managing Director is not present as the deputy of the Managing Director, and in relation to any meeting which he attends as deputy he has all the powers, functions, duties and responsibilities of a member.

(4) If the Departmental Head is a member of the Executive Committee, he may appoint a person by instrument, to be an alternate member of the Committee to attend any meeting at which he is unable to be present, and in relation to any meeting which he attends as alternate the person appointed has all the powers, functions, duties and responsibilities of a member.

(5) The procedures of the Executive Committee are as determined by the Board or, in the absence of a determination, by the Committee.

19. Delegation.

The Board may delegate to the Executive Committee all or any of its powers or functions (except this or any other power of delegation) under this Act or any other law.

20. Disclosure of interest.

(1) A member of the Board who is directly or indirectly interested in a contract made, or proposed to be made, by the Banking Corporation, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than 25 persons, must disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

(2) If a member of the Board who is required by Subsection (1) to disclose to the Board the nature of his interest in a contract is a member of the Executive Committee, unless he has previously disclosed the nature of the interest to the Board he must disclose the nature of the interest at the first meeting of the Executive Committee at which he is present after the relevant facts have come to his knowledge.

(3) A disclosure under this section to the Board or to the Executive Committee shall be recorded in the minutes of the Board or of the Executive Committee, as the case may be, and after the disclosure the member—

- (a) shall not take part in any deliberation or decision of the Board or of the Executive Committee with respect to the contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board or of the Executive Committee for any such deliberation or decision.

PART IV.—THE SERVICE OF THE BANKING CORPORATION.

21. Appointment of officers.

(1) The Banking Corporation may appoint such officers as are necessary for the purposes of this Act.

(2) The officers of the Banking Corporation constitute the Service of the Banking Corporation.

(3) Where, immediately before his appointment, an officer of the Banking Corporation was an officer of the Public Service, his service as an officer of the Banking Corporation 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 the ground of illness; and
- (b) furlough, or pay in lieu of furlough (including pay to dependants or personal representatives on the death of the officer).

(4) Section 104 of the *Public Service Act* applies in relation to offices in the Service of the Banking Corporation as if they had been specifically included in that section.

(5) Where an officer of the Banking Corporation was, immediately before his appointment, an officer of the Commonwealth Banking Corporation, he is entitled in respect of that service—

- (a) to his accrued rights with the latter corporation in respect of long service leave; and
- (b) to such other rights under this Act as are specified in his instrument of appointment to the Service of the Banking Corporation.

(6) Subject to this Act, officers hold office on such terms and conditions as are determined by the Banking Corporation.

22. Regulations for the Service of the Corporation.

The regulations may make provision in relation to the Service of the Banking Corporation, and in particular may—

- (a) prescribe the terms and conditions of employment of officers; and
- (b) make provision for the establishment of a superannuation scheme to provide benefits for the Managing Director, Deputy Managing Director and officers of the Banking Corporation, on retirement.

23. Temporary and casual employees.

(1) The Banking Corporation may appoint such temporary and casual employees as are necessary for the purposes of this Act.

(2) Employees appointed under Subsection (1) shall be employed on such terms and conditions as the Banking Corporation determines.

24. Loans to officers, etc.

- (1) Subject to this section, the Banking Corporation shall not lend money to an officer or employee.
- (2) The Banking Corporation may lend money to an officer or employee—
 - (a) for the purchase, erection, alteration, renovation or enlargement of a home in which he resides or intends to reside; or
 - (b) to discharge a mortgage, charge or encumbrance on such a home.
- (3) In addition to and not in derogation of the powers conferred by Subsection (2), but subject to Subsection (4), where the Managing Director is satisfied that special circumstances exist the Banking Corporation may make a loan or loans to an officer or employee of the Corporation, on such terms and conditions as the Managing Director thinks proper.
- (4) The total amount of any loan or loans under Subsection (3) outstanding to an officer or employee of the Banking Corporation shall not exceed an amount equal to his salary for six months. (*Amended by No. 2 of 1978.*)

PART V.—FINANCE.

25. Capital.

- (1) The initial capital of the Banking Corporation is K10 000 000.00.
- (2) The capital may be increased from time to time by the Minister, by order made on the recommendation of the Board.
- (3) The capital or any increase in capital that is not met by a transfer under Section 26(2) shall be paid out of moneys appropriated by Act for the purpose.

26. General Reserve Fund.

- (1) The Banking Corporation shall have a general reserve fund, to be called the Papua New Guinea Banking Corporation General Reserve Fund, consisting of such sums as are placed to the credit of the Fund under Section 27(2)(a).
- (2) There may be transferred from time to time from the Papua New Guinea Banking Corporation General Reserve Fund to the capital of the Banking Corporation such sums as the Board, with the approval of the Minister, determines.

27. Dealing with profits.

- (1) At the end of each financial year, the net profit of the Banking Corporation for that financial year shall be determined by the Board, after allowing for the expenses of operation and after making provision for—
 - (a) bad and doubtful debts; and
 - (b) depreciation of assets; and
 - (c) contributions to staff superannuation funds; and
 - (d) such other contingencies and accounting provisions as are customarily made by banking institutions.
- (2) Subject to Subsection (3), the net profit of the Banking Corporation shall be dealt with as follows :—
 - (a) such amount as the Minister, after consultation with the Board, determines shall be placed to the credit of the Papua New Guinea Banking Corporation General Reserve Fund; and

(b) the balance shall be paid into and form part of the Consolidated Revenue Fund.

(3) No amount shall be paid into the Consolidated Revenue Fund under Subsection (2)(b) if, in the opinion of the Board, the assets of the Banking Corporation are, or after the payment would be, less than the sum of its liabilities and paid-up capital.

28. Application of the Public Bodies (Financial Administration) Act.

(1) Subject to this Part, Sections 7, 10, 12 and 15 of the *Public Bodies (Financial Administration) Act* apply to and in relation to the Banking Corporation.

(2) The Banking Corporation is a trading enterprise for the purposes of the *Public Bodies (Financial Administration) Act*.

PART VI.—MISCELLANEOUS.

29. Head office.

The head office of the Banking Corporation shall be at Port Moresby, or at such other place in the country as the Board from time to time decides.

30. Attorney.

The Banking Corporation may, by instrument under its seal, appoint a person (whether within or outside the country) to be its attorney and, subject to the instrument, a person so appointed may do any act or exercise or perform any power or function that he is authorized by the instrument to do, exercise or perform.

31. Offices, agents, etc.

In the exercise of its powers and the performance of its functions, the Banking Corporation may—

- (a) establish offices, branches and agencies, within and outside the country, as it thinks necessary; and
- (b) appoint agents and correspondents within and outside the country.

32. Guarantee by State.

The State is responsible for the payment of all moneys due by the Banking Corporation, but this section does not authorize a creditor or other person claiming against the Corporation to sue the State in respect of the claim.

33. Taxation. (*Repealed by No. 32 of 1979.*)

34. Periodical returns.

The Banking Corporation shall furnish to the Minister such periodical statements as are prescribed.

35. Transfer of business to Corporation.

With the approval of the Minister, the Banking Corporation may enter into an arrangement with any other bank or financial institution for the transfer to the Corporation, on such terms and conditions as are agreed on between the Corporation and that other bank or financial institution, of the whole or any part of the assets, liabilities and business of that other bank or financial institution.

36. Power to improve property and carry on business.

Where the Banking Corporation holds any property or business as a security for a loan or advance, and the property or business falls into the hands of the Corporation, the Corporation may maintain, repair or improve the property or carry on the business until the Corporation, in its discretion, can dispose of the property or business in the best interests of the Corporation.

37. Execution of contracts.

(1) Contracts on behalf of the Banking Corporation may be made, varied or discharged in accordance with this section, and any contract so made is effectual in law, and is binding on the Corporation and on all other parties to the contract, their heirs, successors, assigns, executors and administrators.

(2) A contract that, if made between private persons, would by law be required to be in writing under seal may be made, varied or discharged in the name and on behalf of the Banking Corporation in writing under the seal of the Corporation.

(3) A contract that, if made between private persons, would by law be required to be in writing and signed by the parties to be charged with it may be made, varied or discharged in the name and on behalf of the Banking Corporation in writing signed by a person acting with the express or implied authority of the Corporation.

(4) A contract that, if made between private persons, would by law be valid although made by parol only may be made, varied or discharged by parol in the name and on behalf of the Banking Corporation by a person acting with the express or implied authority of the Corporation.

(5) This section does not invalidate a contract executed on behalf of the Banking Corporation by a duly appointed attorney of the Corporation if the contract would be valid if executed by the attorney on his own behalf.

38. Validity of acts and transactions of the Corporation.

The validity of an act or transaction of the Banking Corporation shall not be called in question on the ground that any provision of this Act has not been complied with.

39. Special appointment of Managing Director and Deputy Managing Director.

(1) Notwithstanding Section 15, if at any time the Head of State, acting on advice, is of the opinion that there is no suitably qualified person available for appointment as, or to act in the office of, the Managing Director or the Deputy Managing Director, the Head of State, acting on advice, may appoint a person who is otherwise disqualified by Section 15(1)(b) to be, or to act in the office of, the Managing Director or the Deputy Managing Director, as the case requires.

(2) An appointment in accordance with Subsection (1) shall be made only on secondment from a corporation to which Section 15(1)(b) applies.

40. 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 or for the conduct of business by the Banking Corporation.

Banking Corporation

SCHEDULES.

SCHEDULE 1.

Sec. 13.

OATH AND AFFIRMATION OF OFFICE.

Oath.

I, _____, do swear that I will give good and faithful service as a member of the Papua New Guinea Banking Corporation Board.

So help me God!

Affirmation.

I, _____, do solemnly and sincerely promise and declare that I will give good and faithful service as a member of the Papua New Guinea Banking Corporation Board.

SCHEDULE 2.

Sec. 13.

DECLARATION OF SECRECY.

I, _____, a member of the Papua New Guinea Banking Corporation Board, do solemnly and sincerely declare that I will at all times maintain secrecy in relation to the affairs of the Board and the Papua New Guinea Banking Corporation and, in particular, that I will not directly or indirectly communicate or divulge any information that comes to my knowledge in the performance of my functions as a member of the Board except by authority of the Board or under compulsion or obligation of law.

(Signature of declarant.)

Declared at _____

19 _____

Before me—

(Signature of person before whom declaration is made.)

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 136.

Banking Corporation.

APPENDIX.

SOURCE OF THE BANKING CORPORATION ACT.

Part A.—Previous Legislation.

Banking Corporation Act 1973 (No. 1 of 1974)

as amended by—

Banking Corporation (Amendment) Act 1978 (No. 2 of 1978)

Banking Corporation (Amendment) Act 1979 (No. 32 of 1979).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous References ¹ .	Section, etc., in Revised Edition.	Previous References ¹ .
1	5	23	26
2	6	24	27
3	7(1)	25	28
4	7(2), (3)	26	29
5	8	27	30
6	9	28	31
7	10	29	32
8	11	30	33
9	12	31	34
10	13	32	35
11	14	33 (Rep.)	36
12	15	34	37
13	16	35	38
14	17	36	39
15	18	37	40
16	19	38	41
17	20	39	43
18	21	40	42
19	22	Schedules—	
20	23	Schedule 1	Schedule 1
21	24	Schedule 2	Schedule 2
22	25		

¹Unless otherwise indicated, references are to the Act set out in Part A.

