

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 384.

Salaries and Conditions Monitoring Committee.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was not vested specifically in any Minister at the date of its preparation for inclusion. It seems, therefore, that under Constitution Section 148(2) the Prime Minister was politically responsible.

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.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 384.

Salaries and Conditions Monitoring Committee Act.

ARRANGEMENT OF SECTIONS.

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 - “public authority”
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CHAPTER NO. 384.

Salaries and Conditions Monitoring Committee Act.

Being an Act to assist in the implementation of the Government's wages policy by—

(a) giving statutory authority to the Salaries and Conditions Monitoring Committee; and

(b) specifying the functions and powers of the Committee,

and for related purposes.

1. Compliance with Constitutional requirements.

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 privacy conferred by Section 49 of the Constitution; and

(b) the right to freedom of information conferred by Section 51 of the Constitution,

is a law that is made for that purpose.

2. Interpretation.

In this Act unless the contrary intention appears—

“the Committee” means the Salaries and Conditions Monitoring Committee established under Section 4;

“public authority” means any governmental body, authority, or instrumentality or other body (corporate or unincorporate) established by or under a Constitutional Law or an Act of the Parliament and includes the State Services;

“State Services” means the State Services established by Section 188 of the Constitution;

“this Act” includes the regulations.

3. Application of other laws.

(1) The provisions of this Act apply notwithstanding anything in any other law relating to the determination of terms and conditions of employment of officers and employees of a public authority.

(2) Where by or under any law, power is given to a public authority, a person or authority, to determine the terms and conditions of employment of officers and employees of the public authority, that power shall be exercised subject to this Act.

4. Establishment of committee.

(1) The Salaries and Conditions Monitoring Committee is hereby established.

(2) The Committee shall consist of—

(a) the Chairman of the Public Services Commission, who is the Chairman; and

(b) the Secretary to the Prime Minister; and

(c) the Secretary for Finance; and

- (d) the Secretary for Labour and Industry; and
- (e) the Director of the National Planning Office.

5. Meetings of the Committee.

(1) The Committee may meet and transact business at such times and in such places as are determined by the Chairman.

(2) At a meeting of the Committee—

- (a) three members are a quorum; and
- (b) the Chairman shall preside; and
- (c) in the absence of the Chairman the members present shall elect one of their number to preside; and
- (d) matters arising shall be determined by a majority of the members present and voting; and
- (e) the person presiding has a deliberative and, in the event of an equality of votes, also a casting vote.

(3) The Committee shall cause full minutes of its meetings to be kept in such manner as determined by it.

(4) Subject to this section, the procedures at a meeting of the Committee are as determined by it.

6. Functions of the Committee.

The functions of the Committee are—

- (a) to co-ordinate and monitor the wages policy of the National Executive Council; and
- (b) to ensure that the wages policy of the National Executive Council is implemented in all its conditions; and
- (c) to recommend to and advise the Prime Minister on matters that may be taken to further the wages policy; and
- (d) generally to do such supplementary, incidental or consequential acts and things as are necessary or convenient for carrying out its functions.

7. Powers of the Committee.

The Committee has power to do all things necessary or convenient to be done for or in connexion with the performance of its functions under this Act.

8. Secretariat.

(1) A secretariat is hereby established, consisting of—

- (a) one representative of each of the following:—
 - (i) the Department of Finance; and
 - (ii) the Department of Labour and Industry; and
 - (iii) the National Planning Office; and
 - (iv) the Department of the Public Services Commission; and
- (b) such other staff as determined by the Committee.

- (2) The functions of the Secretariat are—
- (a) to process all submissions to the Committee; and
 - (b) generally to provide secretarial services for the Committee.

9. Public authority not to vary salaries, etc.

(1) A public authority shall not vary the salaries or other conditions of service of its officers or employees except in accordance with this Act.

(2) A variation of salaries or other conditions of service of its officers or employees by a public authority except in accordance with this Act is null and void.

10. Submissions by public authorities for variations to salaries, etc.

(1) Where a public authority proposes to vary the salaries or other conditions of service of its officers or employees, the proposal shall be submitted to the Committee for its consideration and approval.

(2) A submission for the purposes of Subsection (1) shall be accompanied with a statement of—

- (a) salary and wage rates; and
- (b) terms and conditions of employment; and
- (c) other emoluments,

of officers and employees of the public authority.

(3) In addition to the particulars referred to in Subsection (2), where the submission is made by—

- (a) a public authority which is wholly funded from the National Budget, the submission for a proposed variation shall be accompanied with a certificate from the Secretary for Finance certifying that funds are available for that purpose; and
- (b) a public authority which is self-funded, the submission for a proposed variation shall be accompanied with a statement, signed by the chief executive of the public authority, setting out the budgetary implications of the proposed variation with particular reference to the effect on the profitability of the public authority.

11. Power of the Committee to determine variations to salaries, etc.

(1) Where the Committee has received a submission in accordance with Section 10, the Committee may, if it considers necessary, require or permit officers of a public authority to appear before it.

(2) The Committee may, where it considers necessary, obtain or take extracts of any information, document, book or paper.

(3) After considering the submission and any information obtained in accordance with Subsections (1) and (2) and after making any inquiries or investigations it considers necessary, the Committee may approve, reject or amend the proposed variation.

(4) A decision of the Committee shall be notified in the National Gazette.

12. Review of decision of the Committee.

(1) If a public authority is not satisfied with the decision of the Committee given under Section 11(3), it may, by written submission signed by the Minister responsible for it,

request the Prime Minister that the decision of the Committee be reviewed by the National Executive Council.

(2) Where a public authority has made a submission under Subsection (1), the Committee shall submit to the Prime Minister the reasons for its decision and all information relevant to the submission.

(3) On receipt of the submission referred to in Subsection (1), the Prime Minister shall table the submission together with the matters referred to in Subsection (2) before the National Executive Council for its consideration.

(4) The National Executive Council may, if it considers necessary, request or permit officers of the public authority to appear before it and may require production of such further information as it considers necessary.

(5) After considering the submission and information obtained or submitted to it, in accordance with this section, the National Executive Council shall either confirm or reject the decision of the Committee and may give such directives in relation to the matter as it considers appropriate.

13. Offences.

A person who—

- (a) when required by the Committee, fails to appear before it; or
- (b) hinders or obstructs the Committee or a member of the Committee from the lawful exercise of its or his powers and functions under this Act,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

14. Unauthorized variation to be reported to National Executive Council.

Where the Committee ascertains that a public authority has varied the salaries or other conditions of service of its officers or employees without authorization under this Act, the Committee shall immediately report the matter to the National Executive Council.

15. Unauthorized variations amount to misconduct.

Where a public authority has made a variation of salaries or to the conditions of service of its officers or employees without authorization under this Act, every person who, at the date of the making of the variation, was a head, director or member of the governing body of the public authority or is concerned with the management of the public authority, and who authorized or knowingly permitted the variation, is, for the purposes of any law, guilty of misconduct in office.

16. 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.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 384.

Salaries and Conditions Monitoring Committee.

APPENDIX 1.

SOURCE OF THE SALARIES AND CONDITIONS MONITORING COMMITTEE ACT.

Part A.—Previous Legislation.

Salaries and Conditions Monitoring Committee Act 1981 (No. 50 of 1981).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ¹	Section, etc., in Revised Edition.	Previous Reference. ¹
1	1	9	9
2	2	10	10
3	3	11	11
4	4	12	12
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¹Unless otherwise indicated, references are to the Act set out in Part A.

