

No. 14 of 2021.

***District Development Authority (Amendment) Act 2021.***

Certified on : 4 NOV 2021



No. 14 of 2021.

***District Development Authority (Amendment) Act 2021.***

**ARRANGEMENT OF SECTIONS.**

1. Repeal and replacement of Section 1.

**“1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.”.**

2. Repeal and replacement of Section 24.

**“24. APPLICATION OF PART VIII OF THE *PUBLIC FINANCES (MANAGEMENT) ACT 1995.*”.**

3. New Section 24A.

**“24A. APPLICATION OF THE *NATIONAL PROCUREMENT ACT 2018.*”.**

4. Repeal and replacement of Section 25.

**“25. FUNDING OF THE AUTHORITY.”.**

5. Repeal and replacement of Section 26.

**“26. FISCAL DUTY AND OBLIGATION OF THE AUTHORITY.”.**



No. 14 of 2021.

AN ACT

entitled

***District Development Authority (Amendment) Act 2021.***

Being an Act to amend the ***District Development Authority Act 2014*** -

- (a) to align the procurement undertaken by District Development Authorities to the ***National Procurement Act 2018***; and
- (b) to further allow for the management of public finances, and for related purposes,

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 National Executive Council.

**1. REPEAL AND REPLACEMENT OF SECTION 1.**

The Principal Act is amended by repealing Section 1 and replacing it with the following:

**“1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

(1) This Act, to the extent that it regulates or restricts certain rights and freedoms referred to in Subdivision III.3.C. (***qualified rights***) of the ***Constitution***, namely -

- (a) the freedom from arbitrary search and entry conferred by Section 44; and
- (b) the freedom of expression conferred by Section 46; and
- (c) the freedom of assembly and association conferred by Section 47; and
- (d) the freedom of employment conferred by Section 48; and
- (e) the right to privacy conferred by Section 49; and
- (f) the right to freedom of information conferred by Section 51; and
- (g) the right of freedom of movement conferred by Section 52,

of the ***Constitution*** is a law that is made under Section 38 of the ***Constitution***, taking into account the National Goals and Directive Principles and Basic Social Obligations, made for the purpose of giving effect to the public interest in public order and public welfare.

(2) For the purposes of Section 53(2) of the ***Constitution***, this Act is expressed to be made in the national interest.

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

**2. REPEAL AND REPLACEMENT OF SECTION 24.**

The Principal Act is amended by repealing Section 24 and replacing it with the following new sections:

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**“24. APPLICATION OF PART VIII OF THE *PUBLIC FINANCES (MANAGEMENT) ACT 1995.***

The *Public Finances (Management) Act 1995* applies to and in relation to an Authority.”.

**3. NEW SECTION 24A.**

The Principal Act is amended by inserting immediately after Section 24 the following new section:

**24A. APPLICATION OF THE *NATIONAL PROCUREMENT ACT 2018.***

The *National Procurement Act 2018* applies to and in relation to an Authority.”.

**4. REPEAL AND REPLACEMENT OF SECTION 25.**

The Principal Act is amended by repealing Section 25 and replacing it with the following:

**“25. FUNDING OF THE AUTHORITY.**

(1) The funds of an Authority shall consist solely of monies lawfully appropriated for the purpose of carrying out or giving effect to this Act and such other monies as may be allowed by any other laws in force in Papua New Guinea.

(2) The funds of an Authority shall be expended only -

(a) in payment or discharge of lawful expenses, obligations and liabilities of the Authority, incurred in compliance with all laws in force in Papua New Guinea; and

(b) in accordance with the budget of the Authority, and any amendment to the budget, approved and ratified under this Act.

(3) After the passage of the National Budget and prior to the commencement of each financial year, the Board shall approve a budget consisting solely of the appropriated revenues, as are appropriated in the National Budget, and expenditures for the Authority.

(4) The budget of an Authority shall have no effect unless and until it is ratified by the Treasurer to ensure that the budget reflects the priorities of the National Budget.

(5) Where other monies may be allowed by any other laws in force in Papua New Guinea for expenditure by an Authority, those monies -

(a) shall be included by the Board in the budget of the Authority, approved and ratified under this Act by an amendment to the budget of the Authority; and

(b) shall not be committed or expended in payment or discharge of lawful expenses, obligations and liabilities of the Authority, incurred in compliance with all laws in force in Papua New Guinea, until those monies are included in the budget.

(6) The Chief Executive Officer shall, within seven days after the end of each calendar month, submit for review -

(a) to the Board; and

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(b) to the Treasurer and the Finance Minister, a revenue and expenditure report which shall compare such revenues and expenditures with the budget approved under this section, including the opinion of the Chief Executive Officer for any variances between revenues and expenditures.”.

**5. REPEAL AND REPLACEMENT OF SECTION 26.**

The Principal Act is amended by repealing Section 26 and replacing it with the following new section:


**“26. FISCAL DUTY AND OBLIGATION OF THE AUTHORITY.**

(1) The Board, the Authority and the Chief Executive Officer shall carry out its fiscal duties and obligations on the principles of fiscal restraint and probity in accordance with this Act and the *Public Finances (Management) Act 1995*.

(2) Subject to subsection (1), the Board, the Authority and the Chief Executive Officer shall ensure that adequate control and management is maintained over its revenues and expenditures to -

- (a) render the greatest financial benefit for the Independent State of Papua New Guinea; and
- (b) ensure that the mandate of the Authority is addressed in the most cost effective manner without undue burden on the Independent State of Papua New Guinea.”.

I hereby certify that the above is a fair print of the *District Development Authority (Amendment) Act 2021*, which has been made by the National Parliament.

  
Clerk of the National Parliament.

4 NOV 2021

I hereby certify that the *District Development Authority (Amendment) Act 2021*, was made by the National Parliament on 13 September 2021, by an absolute majority in accordance with the *Constitution*.

  
Speaker of the National Parliament.

4 NOV 2021