

No. 3 of 2025.

*National Executive Council Act 2025.*

Certified on : 08 APR 2025



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No. 3 of 2025.

AN ACT

entitled

***National Executive Council Act 2025,***

Being an Act to -

- (a) implement Section 149(5) of the *Constitution* to provide for the implementation of the decisions of the National Executive Council; and
  - (b) implement Section 150 of the *Constitution* in providing the functions and responsibilities of the Secretary to the National Executive Council,
- and for related purposes.

MADE by the National Parliament.

**PART I. - PRELIMINARY.**

**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 freedom from arbitrary search and entry conferred by Section 44; and
- (b) the right to freedom of expression conferred by Section 46; and
- (c) the right to privacy conferred by Section 49; and
- (d) the right to freedom of information by Section 51; and
- (e) the right to freedom of movement conferred by Section 52,

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. INTERPRETATION.**

In this Act, unless the contrary intention appears -

“governmental body” has the same meaning under Schedule 1.2 of the *Constitution* (*meaning of certain expressions*) and means -

- (a) the National Government; or
- (b) a provincial government; or
- (c) an arm, department, agency or instrumentality of the National Government or a provincial government; or
- (d) a body set up by statute or administrative act for governmental or official purposes;

“Key Result Areas” means the approved policy priorities of the Government of the day that are allocated to each Minister of State by the National Executive Council for implementation in a term of Parliament;

“Liaison Officer” means a Liaison Officer appointed under Section 15;

“Minister” means a Minister of State appointed by the Head of State on the recommendation of the Prime Minister under Section 144 of the *Constitution*;

“NEC” means the National Executive Council;

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“NEC Handbook” means the National Executive Council Procedures Handbook made by the National Executive Council, which sets out rules and procedures of the National Executive Council;

“Office” means the Office of the Secretary to the National Executive Council consisting of the Secretary and staff;

“portfolio” means the ministerial responsibilities determined and entrusted upon a Minister of State by the Prime Minister by virtue of his powers conferred by Section 148 of the *Constitution*;

“Secretary” means the Secretary to the National Executive Council;

“staff” means an employee of the Office of National Executive Council established by the Head of State in accordance with Sections 20 and 22 of the *Public Services (Management) Act 1995*;

“Submission” includes -

- (a) a Policy Submission; and
- (b) a Statutory Business Paper; and
- (c) an Information Paper; and
- (d) a policy; and
- (e) a draft of a proposed law; and
- (f) a report; and
- (g) any matter presented by a governmental body or member of the National Executive Council for deliberation and decision by the National Executive Council.

### **3. APPLICATION OF THIS ACT.**

This Act binds the State.

## **PART II. - PROCEDURES OF THE NATIONAL EXECUTIVE COUNCIL.**

### **4. DISCLOSURE OF INTERESTS.**

(1) A member who has a direct or indirect interest in a matter being considered or about to be considered by the NEC 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 NEC and the disclosure shall be recorded by the Secretary.

(2) The member of the NEC making the disclosure shall -

- (a) may be excused from the discussions in relation to the matter during the meeting at which the disclosure is made or at any other meeting of the NEC; and
- (b) be re-admitted into the meeting after the matter has been discussed and a decision is reached by the other members of the NEC.

### **5. PROTECTION OF NATIONAL INTEREST.**

A member of the NEC, the Secretary, staff of the Office, heads of governmental bodies, or a Liaison Officer shall protect the national interest of the Independent State of Papua New Guinea when dealing with matters of the NEC and shall not be subject to any outside influence.

### **6. COMMITTEES.**

(1) The NEC may establish committees where necessary to assist the NEC in its various matters.

(2) For the avoidance of doubt, committees established under this Act are not committees for the purpose of the *Boards (Fees and Allowances) Act* (Chapter 299).

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(3) The term of the committees established under this Act shall expire at the end of each term of Government.

### **7. PROCESS OF BRINGING SUBMISSIONS TO NATIONAL EXECUTIVE COUNCIL.**

(1) A Submission under this Act shall comply with this Act and the NEC Handbook.

(2) A Submission to the NEC shall be made -

(a) by a portfolio minister in line with his approved key result areas; or

(b) by a government department or agency through its respective portfolio minister;  
or

(c) by any other governmental body, where appropriate, through the relevant portfolio minister.

(3) The Prime Minister may request a Submission from a portfolio minister on any matter of national importance.

(4) The Prime Minister may, in a meeting of the NEC, present Submissions on behalf of the respective portfolio ministers who are absent from this meeting, if their Submissions relate to matters of great national importance.

(5) A portfolio minister may withdraw his Submission at any point before a decision is made by the NEC, with a formal notification to the Secretary.

(6) The withdrawn Submission can be relodged with the Office at a later date if it meets the requirements of this Act and the NEC Handbook.

(7) The Secretary shall issue clearance to any Submission lodged with the Office before its presentation to the NEC, and where necessary, has the authority not to accept any Submission that does not comply with this Act or the NEC Handbook.

(8) Where clearance under Subsection (7) is refused, the Submission shall not be resubmitted to the Secretary, unless the aspects of the Submission that were deemed to be non-compliant with the Act and the NEC Handbook are rectified.

(9) A Submission shall be in the following format:

(a) a Policy Submission as prescribed in the NEC Handbook; and

(b) a Statutory Business Paper as prescribed in the NEC Handbook; and

(c) an Information Paper as prescribed in the NEC Handbook; and

(d) any other Submission as prescribed in the NEC Handbook.

### **8. SECRECY.**

(1) The Secretary and staff shall maintain secrecy in respect to all matters that come to their knowledge in the exercise of their duties and shall, before entering on the exercise of their duties, take an oath or make an affirmation in the form of the Schedule before a Magistrate.

(2) The Secretary and staff shall protect and maintain confidentiality of the Decisions of the National Executive Council.

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(3) Notwithstanding Subsection (2), the Office may disclose on a 'need to know basis' the Decisions of the National Executive Council for the purposes of implementing its decisions.

(4) A written Decision of the National Executive Council under this section is a privileged and confidential document, and is non-justiciable.

(5) A person who is not -

- (a) in any way, involved in the implementation of a Decision of the National Executive Council; or
- (b) listed on the distribution list of a Decision of the National Executive Council; or
- (c) an authorised person to receive, possess or deal with a Decision of the National Executive Council, in any manner or form,

but has possession and discloses, uses, distributes or deals with the Decision of the National Executive Council without authorisation of the Secretary, in accordance with the decision of the National Executive Council, is guilty of an offence.

### **9. CONFIDENTIALITY.**

(1) The Secretary shall take all reasonable steps to protect, from unauthorised use or disclosure, information given to him in confidence or in connection with the performance of his functions or the exercise of his powers.

(2) For the purposes of Subsection (1), the disclosure of information as required and permitted by any law or Court of competent jurisdiction is to be taken to be authorised use and disclosure of the information.

(3) For the purposes of Subsection (1), the disclosure of information by a person for the purposes of performing that person's functions as an employee of the Office or as a member of the National Executive Council is to be taken to be authorised use and disclosure of the information.

(4) A person who fails to comply with this section is guilty of an offence.

### **10. REPORT BY HEAD OF DEPARTMENTS AND STATE AGENCIES, ETC.**

(1) A Head of a Department or State Agency shall submit quarterly implementation reports on NEC Decisions he has implemented.

(2) A Head of a Department or State Agency shall submit his annual report on the affairs, operation and how appropriated funds were expended by his department or agency to the National Executive Council no later than 31<sup>st</sup> March of the following year.

(3) Failure to comply with Subsection (1) and (2) for two consecutive years is a ground for dismissal stated in the contract of employment of the Head of the Department or State Agency.

(4) For the purposes of this section, a Department or State Agency shall include reference to a body set up by statute or administrative act for government or official purposes.

## **PART III. - SECRETARY TO THE NATIONAL EXECUTIVE COUNCIL.**

### **11. ESTABLISHMENT OF THE OFFICE OF THE SECRETARY TO THE NATIONAL EXECUTIVE COUNCIL.**

(1) The Office of the Secretary to the National Executive Council is established in accordance with Section 150 of the *Constitution*.

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(2) The Office of the Secretary to the National Executive Council consists of the Secretary and the staff of the Office of the National Executive Council, which was established by the Head of State in accordance with Sections 20 and 22 of the *Public Services (Management) Act 1995*.

(3) The Secretary is appointed under Section 193 of the *Constitution*.

(4) The Secretary to the National Executive Council is the departmental head of the Office of National Executive Council.

(5) The staff of the Office of the National Executive Council shall be officers of the National Public Service employed under the *Public Services (Management) Act 1995*.

### **12. FUNCTIONS OF THE SECRETARY TO THE NATIONAL EXECUTIVE COUNCIL.**

(1) The Secretary has the following functions:

- (a) to manage and coordinate the affairs of the National Executive Council; and
- (b) in relation to any matter concerning the affairs of the National Executive Council, to act in accordance with any directions of the National Executive Council; and
- (c) to advise the National Executive Council on any matter concerning the affairs that is referred to him by the National Executive Council; and
- (d) to assist the Prime Minister in formulating, monitoring and reporting on the Minister's Key Result Areas; and
- (e) to maintain records of the National Executive Council and be the custodian of NEC records; and
- (f) to receive all National Executive Council Submissions and to ensure their compliance with procedures of the National Executive Council established under this Act and the NEC Handbook; and
- (g) to provide secretarial services to the National Executive Council; and
- (h) to provide secretarial services to all the Committees of the National Executive Council established under Section 6; and
- (i) to assist in the coordination and implementation of decisions of the National Executive Council; and
- (j) to provide secretarial services to the committees chaired by the Prime Minister including the National Security Council; and
- (k) to assist the Prime Minister provide secretarial services to Government caucus and parliamentary liaison; and
- (l) to liaise between the National Executive Council and the Office of the Governor-General;
- (m) has such other powers, functions, duties, and responsibilities as are determined by the National Executive Council from time to time or as are specified by law.

(2) Any other function of the Office may be specified in accordance with Section 21(c) of the *Public Services (Management) Act 1995*.

### **13. POWERS OF THE SECRETARY TO THE NATIONAL EXECUTIVE COUNCIL.**

(1) The Secretary has the powers necessary to enable the performance of the functions specified in this Act.

(2) A person shall -

- (a) co-operate with the Secretary in the performance of his functions and the exercise of his powers under this Act; and
- (b) comply with the NEC Handbook.

**14. REPORT BY THE SECRETARY.**

The Secretary shall, at the end of each quarter in each year, give to the Prime Minister, for presentation to the National Executive Council, a report on all submissions received from each Minister and decisions made.

**15. LIAISON OFFICER.**

(1) A governmental body shall appoint a Liaison Officer within its organisation to be responsible for the co-ordination of all submissions between the Office and the governmental body.

(2) The Office shall communicate matters of the National Executive Council to a governmental body through the Liaison Officer.

(3) The role of the Liaison Officer does not, however, exclude the Head of the Department or Agency from communicating directly with the Office of the National Executive Council on matters of the National Executive Council concerning their respective organisations.

(4) Despite Subsection (3), the Liaison Officer is the only person other than the Head of the Department or Agency from within their agency who will be provided the NEC correspondences.

(5) A Liaison Officer must be an officer at the deputy head level.

(6) A Liaison Officer shall not use, disclose or disseminate any matters in connection to the National Executive Council to any other person who is not privy to such matters.

(7) A Liaison Officer who, having access to confidential information by virtue of their official position or relationship, uses, discloses or disseminates the information for his own benefit or the benefit of another person, is guilty of an offence.

**16. APPLICATION OF OTHER ACTS.**

The following laws do not apply to the National Executive Council:

- (a) *Digital Government Act 2022*; and
- (b) *National Library and Archives Act 1993*.

**PART IV. - MISCELLANEOUS.**

**17. SERVICE OF PROCESS.**

Any notice, summons, writ or other process required to be served on the Office of the National Executive Council may be served at the physical address of the Office, in the case of a notice, by being sent by post.

**18. AUTHENTICATION OF DOCUMENTS.**

Any document requiring authentication by the Office of the National Executive Council is sufficiently authenticated with the common seal of the Office of the National Executive Council affixed in accordance with this Act.

**19. PROTECTION FROM PERSONAL LIABILITY.**

Any member of the National Executive Council, or a member of a committee of the National Executive Council, the Secretary, a member of the staff, a Liaison Officer, or an agent of the Office is not personally liable for any act or default of himself or the Office done or omitted to be done in good faith in the course of the activities or operations carried out under this Act.

**20. GENERAL PENALTY.**

- (1) A person who -
- (a) discloses, uses, distributes or deals with the decision of the National Executive Council in contravention of Section 8; or
  - (b) discloses confidential information in contravention of Section 9 and Section 15; or
  - (c) commits any other offence under this Act,
- is guilty of an offence against this Act.

Penalty: A fine not exceeding K50,000.00 or imprisonment for a term not exceeding five years.

- (2) Action taken to prosecute an offence under Subsection (1), shall not prevent disciplinary action from being taken against a person.

**21. REGULATIONS.**

The Head of State, acting on advice, may make regulations not inconsistent with this Act, prescribing all matters that by this Act are permitted or required to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

**PART V. - SAVINGS AND TRANSITIONAL PROVISIONS.**

**22. TRANSFER OF ASSETS, OBLIGATIONS AND LIABILITIES.**

All assets, which immediately before the coming into operation of this Act were occupied, held or owned by the Office while the Office was under the Department of Prime Minister and National Executive Council, and all obligations and liabilities of the Office while under the Department of Prime Minister and National Executive Council shall, immediately before the coming into operation, continue to be assets, obligations and liabilities of the Office.

**23. SAVING OF CONTRACTS.**

All appointments, contracts and agreements (other than contracts of employment) entered into, made with, or addressed to the Office while it was under the Department of Prime Minister and National Executive Council before the coming into operation of this Act, are, to the extent that they were, immediately before the coming into operation of this Act, are binding on and of full force and effect against or in favour of the Office while under the Department of Prime Minister and National Executive Council on that coming into operation of this Act.

**24. TRANSFER OF OFFICERS.**

A person who, immediately before the coming into operation of this Act was the substantive occupant of a position in the Office while under the Department of Prime Minister and National Executive Council shall, on that coming into operation of this Act, is to be on that same substantive position until the Secretary determines otherwise under this Act.

**25. ACTIONS, ETC., NOT TO ABATE.**

- (1) Where, immediately before the coming into operation of this Act, any action, arbitration or proceeding was pending or existing by or against a person or body previously undertaken by the Office while it was under the Department of Prime Minister and National Executive Council, does not, on that coming into operation, abate or discontinue, and is not 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 person or body as if this Act has not been made.

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(2) Any existing decision made or documents or any other confidential information registered, granted or made under the Office while it was under the Department of Prime Minister and National Executive Council, that are valid and in force immediately before the coming into operation of this Act, shall continue, on that coming into operation, to have full force and effect as if it had been granted or made under this Act.

(3) Where under an Act or other law (other than this Act) any document or instrument wherever made or executed, contains a reference, express or implied, to the Office while it was under the Department of Prime Minister and National Executive Council, that reference shall, on the coming into operation of this Act, except where the context otherwise requires, be read and construed and have effect as a reference to this Act.

(4) Nothing in this Act affects the validity of any act or decision done or made by the Office while under the Department of Prime Minister and National Executive Council before the coming into operation of this Act, and every such act and decision is taken to be valid and effectual and to have continuing effect despite anything in this Act.

### **SCHEDULE.**

#### **OATHS AND AFFIRMATION.**

Sec. 8

*Oaths and Affirmation of Secrecy to be taken or made by the officer and employee of the Office of the National Executive Council*

#### **OATH**

I,.....(an officer or employee of the Office of the National Executive Council, as the case requires), do swear at all times to maintain secrecy in relation to the affairs of the National Executive Council, 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 an officer/employee of the Office of the National Executive Council, except under compulsion under/or obligation of law or as provided by law.

So help me God!

*National Executive Council*

I hereby certify that the above is a fair print of the *National Executive Council Act 2025* which has been made by the National Parliament.

Clerk of the National Parliament.

08 APR 2025

I hereby certify that the *National Executive Council Act 2025* was made by the National Parliament on 13 March 2025, by an absolute majority in accordance with the *Constitution*.

Speaker of the National Parliament.

08 APR 2025

