

No. **17** of 2020.

The Joint Forces College of Papua New Guinea Act 2020.

Certified on : **02 NOV 2020**



No. **17** of 2020.

The Joint Forces College of Papua New Guinea Act 2020.

ARRANGEMENT OF SECTIONS.

PART I. - PRELIMINARY.

1. Compliance with constitutional requirements.
2. Interpretation -
 - “academic posts”
 - “affiliated institution”
 - “authority”
 - “by-laws”
 - “cadet”
 - “Commandant”
 - “Council”
 - “Defence Council”
 - “Deputy College Commandant”
 - “document”
 - “enrolled candidate”
 - “officer” or “graduate”
 - “reserved business”
 - “Rules” or “Orders”
 - “Statute”
 - “the College”
 - “this Act”
 - “Training and Academic Board”.

PART II. - THE JOINT FORCES COLLEGE.

3. Establishment of the College.
4. Objects of the College.
5. Powers of the College.
6. No discrimination.

PART III. - ADMINISTRATION OF THE COLLEGE.

7. Authorities of the College.
8. The Council.
9. Functions of the Council.
10. Misconduct of the Commandant.
11. Meetings of the Council.
12. Other authorities.
13. Membership of authorities generally.

14. Training and Academic Board.
15. Functions of the Training and Academic Board.

PART IV. - OFFICERS.

16. Officers of the College.
17. The College Commandant.
18. Functions of the College Commandant.
19. Powers of the College Commandant.
20. The Deputy College Commandant.
21. Other officers.

PART V. - STATUTES.

22. Statutes.

PART VI. - FINANCE, PROPERTY, ETC.

23. Application of Part VIII of the *Public Finances (Management) Act 1995*.
24. Acquisition, control and management of property.

PART VII. - MISCELLANEOUS.

25. Validity of proceedings.
26. Regulations.

PART VIII. - TRANSITIONAL PROVISIONS.

27. Repeal.
28. Continuation of establishment of Papua New Guinea Joint Forces College.
29. Privileges, honors, etc., deemed granted under this Act.
30. Officers appointed, etc., under any previous Act or arrangement.
31. Saving of contracts.
32. Actions, etc., not to abate.
33. Application of Parts III and IV.



No. of 2020.

AN ACT

entitled

The Joint Forces College of Papua New Guinea Act 2020,

Being an Act -

- (a) to provide for the establishment and incorporation of the Joint Forces College of Papua New Guinea; and
 - (b) to repeal the Joint Services College of Papua New Guinea by the Charter of 1951 by her Majesty Queen Elizabeth II,
- and for related purposes,

MADE by the National Parliament.

PART I. - PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

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

- (a) the right to freedom of expression and publication conferred by Section 46; and
 - (b) the right to freedom of assembly and association conferred by Section 47; and
 - (c) the right to freedom of privacy conferred by Section 49; and
 - (d) the right to freedom of information conferred by Section 51; and
 - (e) the right to freedom of movement conferred by Section 52; and
 - (f) the right to protection from unjust deprivation of property conferred by Section 53,
- is a law that is made pursuant to Section 38 of the *Constitution*, for the purpose of giving effect to the public interest in public order and public welfare.

(2) For the purposes of Section 53 (*protection from unjust deprivation of property*) of the *Constitution* and of this Act and of any other law, the College is for public purposes.

2. INTERPRETATION.

In this Act, unless the contrary intention appears -

“academic posts” includes instructors, trainers, principalships, directorships, professorships, lectureships and any other category determined by the Council from time to time;

“affiliated institution” means an institution affiliated with the College in accordance with Section 5(d);

“authority” means an authority of the College as specified in Section 7;

“by-laws” means the by-laws of the College as approved by the Council;

“cadet” means a young man or woman being trained in the Joint Forces College to become an officer of the Papua New Guinea Defence Force, the Royal Papua New Guinea Constabulary or the Papua New Guinea Correctional Services;

“Commandant” means the College Commandant appointed under Section 17;

“Council” means the Council of the College established by Section 8;

“Defence Council” means the Defence Council established under Section 7 of the *Defence Act* (Chapter 74);

The Joint Forces College of Papua New Guinea

- “Deputy College Commandant” means the Deputy College Commandant appointed under Section 20;
- “document” means the certificate, diploma, degree and any other official or legal document issued by the College under Section 5(a);
- “enrolled candidate” means a student enrolled in the College other than a cadet;
- “officer” or “graduate” means a person whose name is inscribed on a roll to be kept by the Council, of holders of academic awards or degrees conferred by the College;
- “reserved business” means business relating to -
- (a) appointments, promotions and other matters affecting the personal affairs of staff; and
 - (b) admission and assessment of individual students;
- “rules” or “orders” means rules or orders made by an appropriate authority or officer of the College under Section 22(2);
- “statute” means a regulation, by-law, rules, codes and orders of the College in force under Part V;
- “the College” means the Joint Forces College of Papua New Guinea established by Section 3;
- “this Act” includes the statutes;
- “Training and Academic Board” means the Training and Academic Board established by Section 14.

PART II. - THE JOINT FORCES COLLEGE.

3. ESTABLISHMENT OF THE COLLEGE.

- (1) The Joint Forces College is hereby established.
- (2) The College is comprised of the following schools:
 - (a) Joint Forces Academy; and
 - (b) School of Strategic Studies; and
 - (c) Command and Staff College; and
 - (d) Leadership School.
- (3) The College -
 - (a) is a body corporate with perpetual succession; and
 - (b) has 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.
- (4) All courts, judges and persons acting in a judicial capacity must take judicial notice of the seal of the College affixed to a document and shall presume that it was duly affixed.
- (5) The Council may establish or maintain as part of the College such other training institution or college as it deems necessary from time to time.

4. OBJECTS OF THE COLLEGE.

- (1) The objects of the College are -
 - (a) to pursue advancement and dissemination of knowledge, understanding and wisdom; and
 - (b) to graduate officers who are trained in an environment conducive to producing highly disciplined, mature, responsible, loyal and honest officers to carry the three disciplined forces; and

The Joint Forces College of Papua New Guinea

- (c) to deliver high quality and competent courses for cadets; and
- (d) to maintain a high standard of instructional proficiency; and
- (e) to competently produce high quality cadets; and
- (f) to deliver and monitor comprehensive joint training management plans; and
- (g) to provide and maintain a conducive learning environment; and
- (h) to uphold gender equality and a friendly training environment; and
- (i) to maintain professional staff, development and research.

(2) In pursuing the objects, the College must pay particular attention to the human resource development and other developmental needs of Papua New Guinea and must endeavor to achieve academic and professional excellence to meet those needs through teaching, research and community service.

5. POWERS OF THE COLLEGE.

The College has power -

- (a) to grant degrees, diplomas, certificates or other academic awards as authorised by the statutes and as the College determines; and
- (b) to provide instructions and facilities for study, education and research to persons registered to study for degrees, diplomas, certificates or other awards of the College; and
- (c) to provide facilities for extramural study and continuing education to persons whether members of the College or not, in such fields and in such manner the College may, from time to time, determine; and
- (d) to enter into agreements as authorised by statute, with other institutions -
 - (i) to affiliate with those institutions; or
 - (ii) incorporate those institutions into the College, to achieve any of its objects; and
- (e) to appoint, subject to the *Salaries and Conditions Monitoring Committee Act 1988*, academic, administrative and other staff on such terms and conditions as the College determines; and
- (f) to promote the health and general welfare of the students of the College, including the establishment and supervision of residences; and
- (g) to regulate and enforce discipline among the employees and students of the College by such measures as the College determines; and
- (h) to cancel, annul or revoke any act done in the exercise of these powers; and
- (i) to do all things necessary or convenient to be done for or in connection with the performance of its functions and the achievement of its objects.

6. NO DISCRIMINATION.

No person shall be discriminated and denied -

- (a) admission as a student to the College; or
- (b) appointment to an office or post of the College; or
- (c) graduation; or
- (d) any benefit or privilege of the College,

on the grounds of religious or political beliefs, sex or ethnic origin.

PART III. - ADMINISTRATION OF THE COLLEGE.

7. AUTHORITIES OF THE COLLEGE.

The College consists of the following authorities:

- (a) the Council, which is the principal executive authority of the College; and
- (b) the Training and Academic Board, which is the principal academic body of the College; and

The Joint Forces College of Papua New Guinea

- (c) such other authorities as may be established and declared by statute to be authorities of the College.

8. THE COUNCIL.

- (1) The Council of the College is hereby established.
- (2) The Council consists of -
- (a) the Head of the Papua New Guinea Defence Force, *ex officio*; and
 - (b) the Commissioner of the Royal Papua New Guinea Constabulary, *ex officio*; and
 - (c) the Commissioner of Correctional Services, *ex officio*; and
 - (d) a representative of the Department of Prime Minister and the National Executive Council at Deputy Secretary level, particularly the officer dealing with national security matters, *ex officio*; and
 - (e) the head of the department responsible for higher educational matters or his nominee, *ex officio*; and
 - (f) the Commandant of the Joint Forces College, *ex officio*; and
 - (g) the Deputy Commandant of the Joint Forces College, *ex officio*; and
 - (h) five other members appointed by the Council of whom two shall be women.
- (3) The appointees to the Council must be well versed with the directions and management of the disciplined forces or a security agency.
- (4) The Commandant, or in his absence, the Deputy Commandant -
- (a) is responsible to the Council to give advice and direction to the Council; and
 - (b) is a non-voting member of the Council.
- (5) The Chairmanship of the Council is to rotate on a two yearly basis amongst the heads of the three disciplined forces with the head of the Papua New Guinea Defence Force being the first Chairperson.
- (6) The Head of the affiliated institution or its representative shall preside at convocations of the College for conferring degrees, diplomas and certificates.

9. FUNCTIONS OF THE COUNCIL.

- (1) Subject to Subsection (2), the functions of the Council are -
- (a) to promote and ensure the attainment of the objectives of the College; and
 - (b) to formulate the policies of the College and ensure the implementation of those policies; and
 - (c) to appoint the officers of the College, the heads of the academic administration and such other staff members of the College; and
 - (d) to be in charge of the management and administration of the finances, property and personnel of the College; and
 - (e) to approve the annual report, the annual accounts, the audit report and the budget of the College for the following year; and
 - (f) to exercise such other powers and perform such other duties as may be conferred on it by this Act.
- (2) In determining any matter that directly affects the academic programs of the College, the Council is to consult with the Training and Academic Board.

10. MISCONDUCT OF THE COMMANDANT.

Where the Commandant's actions amount to misconduct or breach of the College's statutes, the Council is to recommend to the Defence Council to appoint a new Commandant.

11. MEETINGS OF THE COUNCIL.

- (1) The Council is to determine the conduct of its meetings.
- (2) The Council is to conduct its meetings at the minimum of three times a year.
- (3) At a meeting of the Council, four members constitute a quorum.

12. OTHER AUTHORITIES.

The composition, Chairpersonship, powers and functions of such other authorities as may be declared by statute to be authorities of the College, shall be as prescribed by the statutes under which they are established.

13. MEMBERSHIP OF AUTHORITIES GENERALLY.

(1) A person other than a student appointed to an authority holds office for a period of two years and is eligible for re-appointment or re-election.

(2) The first period of appointment to the Council and Training and Academic Board is in accordance with the statute.

(3) For any other authority, the period of appointment is in accordance with the statute under which that particular authority is established.

14. TRAINING AND ACADEMIC BOARD.

(1) The Training and Academic Board is hereby established.

- (2) The Training and Academic Board consists -
- (a) of the Commandant of the College who shall be the Chairman; and
 - (b) such other persons as the Council may, in accordance with statutes, determine.

(3) Subject to Subsection (1), the composition of the Training and Academic Board is as prescribed by the statutes.

15. FUNCTIONS OF THE TRAINING AND ACADEMIC BOARD.

The Training and Academic Board has the following functions:

- (a) to have control and general administration over the College statutes; and
- (b) to be responsible for the maintenance of standards of admission, instruction, education, research and examination; and
- (c) to decide matters relating to the award or conferment of degrees, diplomas, certificates and other academic distinctions; and
- (d) to decide to graduate cadets and enrolled candidates or to remove cadets or enrolled candidates from training that do not meet the required academic standards; and
- (e) to exercise such other powers and perform such other duties as may be conferred on it by this Act.

PART IV. - OFFICERS.

16. OFFICERS OF THE COLLEGE.

The officers of the College are -

- (a) the Commandant of the College; and
- (b) the Deputy Commandant of the College; and
- (c) the Chief Instructor; and
- (d) the Staff Officer of the Royal Papua New Guinea Constabulary; and
- (e) the Staff Officer of the Papua New Guinea Correctional Services; and
- (f) the Head of an affiliated institution or its representative; and
- (g) such other persons in the service of the College as may be declared by statutes to be officers of the College.

17. THE COLLEGE COMMANDANT.

(1) The Office of the College Commandant is hereby established.

(2) The College Commandant must be an officer of the Papua New Guinea Defence Force with rank of Colonel or above who shall be appointed by the National Executive Council on recommendation by the Defence Council.

(3) The College Commandant's appointment is for a term of four years.

18. FUNCTIONS OF THE COLLEGE COMMANDANT.

The College Commandant -

- (a) is the academic and administrative head of the College and must exercise general supervision and control over the affairs of the College; and
- (b) must give effect to the decisions of the authorities of the College and ensure that the provisions of this Act are duly observed; and
- (c) where in his opinion, there has arisen an emergency which requires that immediate action be taken, must take such actions as he deems necessary and report the same to the next meeting of the authority which in the ordinary course would have dealt with the matter; and
- (d) is the Chairman of the Training and Academic Board and of such authorities as the Council determines; and
- (e) must convene meetings of the Council and Training and Academic Board of the College; and
- (f) must appoint officers of the College, the heads of the academic administrations and such other staff members of the College; and
- (g) must have the charge of the management and administration of the finances, property and personnel of the College; and
- (h) shall perform such other functions as may be prescribed by this Act.

19. POWERS OF THE COLLEGE COMMANDANT.

The College Commandant has, in addition to the powers otherwise conferred on him by this Act and any other law, power to do all things necessary or convenient to be done for or in connection with the performance of his functions.

20. THE DEPUTY COLLEGE COMMANDANT.

(1) Subject to Subsection (4), the Council is to appoint the Deputy Commandant.

The Joint Forces College of Papua New Guinea

(2) The Deputy College Commandant, in the absence of the Commandant, exercises the powers, performs the functions and discharges the duties of the Commandant.

(3) The Deputy College Commandant exercises such powers, performs such functions and discharges such duties as the College Commandant may, from time to time delegate to him, or as maybe imposed or conferred on him by this Act.

(4) The Council may, as and when the need arises, establish and appoint, not more than two additional officers as Deputy College Commandants.

21. OTHER OFFICERS.

The powers, duties and functions of other officers are as prescribed by the statutes.

PART V. - STATUTES.

22. STATUTES.

(1) The Council may make statutes in respect of -

- (a) any matter for which this Act specifically so provides; and
- (b) the attainment of any of the objects of the College; and
- (c) the powers and duties of the Council, Academic Board, an authority or other body or an officer of the College; and
- (d) generally, the management and governance of the College.

(2) The statutes may empower an officer or an authority of the College to make rules or orders not inconsistent with this Act, for -

- (a) regulating any specified matter; or
- (b) carrying out or giving effect to the statutes and any such by-laws, rule or order, and has the same force and effect as a statute.

PART VI. - FINANCE, PROPERTY, ETC.

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

The *Public Finances (Management) Act 1995* applies to this Act.

24. ACQUISITION, CONTROL AND MANAGEMENT OF PROPERTY.

(1) Subject to this section, the Council has the control and management of all properties vested in or acquired by the College.

(2) The College may, through the Commandant, acquire, hold and dispose of real and personal property to the maximum value of K100,000.00.

(3) The Council must authorise any deals regarding property over the maximum value.

PART VII. - MISCELLANEOUS.

25. VALIDITY OF PROCEEDINGS.

No act or proceedings of any authority or committee or by any person acting as a member of an authority or committee or as an officer of the College is invalidated by reason of -

- (a) a defect in the appointment of such a person; or

- (b) a disqualification of such a person; or
- (c) a defect in the convening of a meeting; or
- (d) a vacancy in the number of members of an authority.

26. 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 and generally for achieving the purposes of this Act.

PART VIII. - TRANSITIONAL PROVISIONS.

27. REPEAL.

The Joint Services College of Papua New Guinea by the Charter of 1951 by Her Majesty Queen Elizabeth II is repealed.

28. CONTINUATION OF ESTABLISHMENT OF PAPUA NEW GUINEA JOINT FORCES COLLEGE.

(1) All assets and property, apart from land title, which immediately before the commencement of this Act, were vested in or imposed on the Joint Services College, on the commencement of this Act, continue to be vested in or imposed on the Joint Forces College.

(2) All rights, obligations and liabilities, which, immediately before the commencement of this Act, were vested in or imposed on the Joint Services College, on the commencement of this Act, continue to be vested in or imposed on the Joint Forces College.

29. PRIVILEGES, HONOURS, ETC., DEEMED GRANTED UNDER THIS ACT.

All privileges, awards, degrees, honours, distinctions and duties granted, conferred, awarded, imposed or incurred under any previous arrangements or otherwise, are deemed to have been granted, conferred, awarded, imposed or incurred under this Act.

30. OFFICERS APPOINTED, ETC., UNDER ANY PREVIOUS ACT OR ARRANGEMENT.

All elected, nominated or appointed officers of the College under any arrangement before the coming into operation of this Act continue to hold such offices on the terms and conditions determined under the previous arrangement until the expiration of the period for which they were elected, nominated or appointed or until such officers are elected, nominated or appointed under this Act, whichever occurs first.

31. SAVING OF CONTRACTS.

All contracts, agreements, conveyances, leases, deeds, licences and other instruments and undertakings entered into by or on behalf of the College immediately before the commencement of this Act, continue to be in full force and in effect after commencement of this Act.

32. ACTIONS, ETC., NOT TO ABATE.

Where, immediately before the commencement of this Act, any action, arbitration or proceeding was pending or existing by, against or in favour of the College, in so far as it relates to functions of the College under this Act, it does not, at the commencement of this Act, abate or discontinue or be in any way affected by anything in this Act, but it may be prosecuted, continued or enforced by, against or in favour of the College as if this Act had not been made.

The Joint Forces College of Papua New Guinea

32. APPLICATION OF PARTS III AND IV.

Parts III and IV apply so far as applicable and with necessary modifications and adaptations in respect to the Interim Council and of committees constituted and the officers appointed.

I hereby certify that the above is a fair print of the *The Joint Forces College of Papua New Guinea Act 2020*, which has been made by the National Parliament.


Clerk of the National Parliament.

02 NOV 2020

I hereby certify that the *The Joint Forces College of Papua New Guinea Act 2020*, was made by the National Parliament on 10 September 2020, by an absolute majority in accordance with the *Constitution*.


Speaker of the National Parliament.

02 NOV 2020