

No. 7 of 2005.

Interpretation Act 2005.

Certified on: 21 December 2005.

AUTONOMOUS REGION OF BOUGAINVILLE.

No. 7 of 2005.

Interpretation Act 2005.

ARRANGEMENT OF SECTIONS.

PART I. - PRELIMINARY.

1. Interpretation.
2. Application.

PART II. - DEFINITIONS, RULES AND PRINCIPLES APPLICABLE TO ALL ACTS AND INSTRUMENTS.

Division 1. - Application to Boundaries, Words and References.

3. Laws to operate within boundaries.
4. Interpretation of terms.
5. Reference to officers, localities, etc.,
6. Meaning of "service by post", etc.,
7. Reference to gender and number.

Division 2. - Changes of Portfolios, Officers etc.,

8. Changes of portfolios, etc.,
9. Changes of names of offices and statutory corporations.
10. Allocation of administration of statutory provisions, etc., to Departments.

Division 3. - Time and Distance.

11. Computation of time.
12. Provision where no time prescribed.
13. Measurement of distance.

Division 4. - Offence and Penalties.

14. Penalties prescribed to be maximum penalties.
15. Penalties at foot of section, etc.,
16. Default penalties.
17. Imprisonment.
18. Payment of fines etc., to Bougainville Consolidated Revenue Fund.
19. Corporations

20. Offences under two or more laws

Division 5. - Form of Acts, etc.,

21. Titles, enacting words, etc.,
22. Sections and divisions of sections
23. Headings, schedules, etc
24. Division and subdivisions of schedules
25. Deviation from forms.

Division 6. - Commencement (Coming into Operation).

26. Coming into operation by notice in Bougainville Gazette.
27. Coming into operation on a specified day.
28. Coming into operation on words of coming into operation.

Division 7. - Operation in relation to Autonomous Bougainville Government.

29. Rights of the Autonomous Bougainville Government.

Division 8. - Powers and duties.

30. Continuing effect of powers and duties.
31. Powers and duties conferred on Office-holders. ,
32. Exercise of power in respect of limited period.
33. Implied power to alter
34. Implied power to remove or suspend
35. Implied authority to administer oaths.
36. Exercise of powers of Committees, etc.,
37. Powers and majority.

Division 9. -Appointments.

38. Appointment by name or office.
39. Acting appointments.
40. Effect of appointments beyond statutory period.

Division 10. -Delegations.

41. Interpretation of this Division.
42. Effect of delegations.
43. Joint delegations.
44. Simultaneous delegations.
45. Exercise of delegated powers and functions based on opinions, etc.,
46. Description as delegate.
47. Conditions and limitations on delegations:

- 48. Extra - territorial operation of delegations.
- 49. Commencement of certain delegations.
- 50. Continuing operation of delegation.
- 51. Revocation.
- 52. Consequential references.

Division 11. - Amendments.

- 53. Construction of amending provision.
- 54. Failure to omit all references.

Division 12. - Number and Citation.

- 55. Numbering of laws
- 56. Citation of laws.
- 57. Reference to amended or substituted provisions.

Division 13. - Repeal and Expiration.

- 58. Effect of repeal.
- 59. Substitution.
- 60. Repeal of repealing provision.
- 61. Expiration of provision.

PART III. - RULES AND PRINCIPLES APPLICABLE ONLY TO ACTS.

- 62. Effect of sections.
- 63. General power to make instruments.
- 64. Exercise of powers, etc., before commencement.
- 65. References to "the Principal Act".
- 66. References to "the Regulations", etc.,

PART IV. - RULES AND PRINCIPLES APPLICABLE ONLY TO LEGISLATIVE INSTRUMENTS.

- 67. Interpretation of Part IV.
- 68. Notification of certain instrument.
- 69. Commencement of certain instruments.
- 70. Meaning of expressions in legislative instruments.
- 71. Acts done under legislative instruments, etc.,
- 72. Legislative instrument operating on part of Bougainville only.
- 73. References to "the Act".
- 74. References to the instruments being amended.
- 75. References to dates.
- 76. References to periods.
- 77. Notification of full publication.

- 78. Publication in abbreviated form.
- 79. Date of effect of Gazette notices.
- 80. Correction of Gazette notices.
- 81. Evidence of certain matters.

Schedule.

AUTONOMOUS REGION OF BOUGAINVILLE

No. 7 of 2005.

AN ACT

entitled

Interpretation Act 2005,

Being an Act relating to the interpretation of Acts and of instruments made under Acts, and for related purposes,

MADE by the House of Representatives.

PART I – PRELIMINARY.

1. INTERPRETATION.

(1) In this Act, unless the context indicates otherwise, or some other meaning is clearly intended -

"legislative instrument" includes-

- (a) a regulation;
- (b) a statute made under an Act;
- (c) Rules of Court of Bougainville High Court;
- (d) Standing Orders of the House of Representatives;
- (e) a by-law;
- (f) a proclamation;
- (g) an order;
- (h) a notice;
- (i) a determination;
- (j) a rule;

"statutory provision" means the whole or any part of -

- (a) an Act; or
- (b) an Act of the National Parliament; or
- (c) a Bougainville law; or
- (d) an instrument (whether of a legislative nature or not) made under a National law; or
- (e) an instrument (whether of a legislative nature or not) having effect by virtue of an instrument referred to in Paragraph (d).

(2) Unless the context indicates otherwise, or some other meaning is clearly intended, a reference in this Act to a part of a statutory provision includes a reference to any portion of the provision, whether or not described in the provision as a part.

2. APPLICATION.

(1) Except where in this Act the context indicates otherwise, or some other meaning is clearly intended, this Act applies to every statutory provision (including this Act) wherever made or adopted.

(2) The rules contained in this Act apply in accordance with Subsection (1)

Interpretation

unless the context of any particular statutory provision indicates otherwise or some other meaning is clearly indicated by a particular statutory provision.

PART II. - DEFINITIONS, RULES AND PRINCIPLES APPLICABLE TO ALL ACTS AND INSTRUMENTS.

3. LAWS TO OPERATE WITHIN BOUNDARIES.

It shall be presumed, unless the contrary intention appears, that a provision is intended to operate –

- (a) throughout the land territory of the Autonomous Region of Bougainville; and
- (b) within the areas of seas forming part of the Autonomous Region of Bougainville; and in relation to all ships and aircraft (within the Autonomous Region of Bougainville) which are registered in Bougainville under a Bougainville law, and to all persons and things for the time being on board these ships or aircraft.

4. INTERPRETATION OF TERMS.

- (1) In any statutory provision –

"absolute majority vote", in relation to proceedings of the House of Representatives, means –

- (a) if qualified by reference to a certain fraction or percentage, affirmative votes equal to not less than that fraction or percentage of the total number of seats in the House of Representatives; or
- (b) if not so qualified, affirmative votes equal to more than one half of the total number of those seats;

"act" includes omission or failure to act;

"Act" or "Act of the House of Representatives" means an Act made by the House of Representatives;

"Act of the National Parliament" means a law (other than the *National Constitution or an Organic Law*) made by the National Parliament;

"Administrator" or "Bougainville Administrator" means the officer, by whatever title known, who is the Head of the National Public Service in Bougainville or, where the Bougainville Public Service has been established, the Head of the Bougainville Public Service;

"Advisory Body" means an Advisory Body established in accordance with Section 52 (*Advisory Body*) of the *Bougainville Constitution*;

"affidavit", in the case of a person allowed to affirm, declare or promise instead of swearing, includes affirmation, declaration and promise;

"alter", in relation to a statutory provision, includes repeal (with or without re-enactment or the making of other provision), amend, modify, suspend (or remove a suspension) or add to the words or effect of the provision;

"Auditor-General" means the person occupying the office established by Section 213 (*establishment of the office of Auditor-General*) of the *National Constitution*;

Interpretation

- "Autonomous Bougainville Government" means the Autonomous Bougainville Government established by the *Bougainville Constitution*;
- "Autonomous Region of Bougainville" has the meaning given to it in Section 1 (*Autonomous Region of Bougainville*) of the *Bougainville Constitution*;
- "Bougainvillean" means a Bougainvillean as provided for in Section 7 (*Bougainvillean*) of the *Bougainville Constitution*;
- "Bougainville Auditor-General" means the Bougainville Auditor-General appointed under Section 158 (*Bougainville Auditor-General*) of the *Bougainville Constitution*;
- "Bougainville Boundaries Commissioner" means the Bougainville Boundaries Commissioner appointed in pursuance of Section 104 (*Bougainville Boundaries Commissioner*) of the *Bougainville Constitution*;
- "Bougainville Conflict" means the crisis and conflict occurring in Bougainville (by whatever name known) between 10th October 1988 and 30 August 2001;
- "Bougainville Constitution" means the Constitution of the Autonomous Region of Bougainville adopted by the Bougainville Constituent Assembly at Buin on 12 November 2004;
- "Bougainville Constitutional Office-holder" means a Bougainville Constitutional Office-holder under Section 189 (*Bougainville Constitutional Office-holders*) of the *Bougainville Constitution*;
- "Bougainville Correctional Service" means the Bougainville Correctional Service established under Section 138(l)(c) (*establishment of Bougainville Services*) of the *Bougainville Constitution*;
- "Bougainville Courts" means the Bougainville Courts referred to in Section 112 (*Bougainville Courts*) of the *Bougainville Constitution*;
- "Bougainville Electoral Commissioner" means the Bougainville Electoral Commissioner appointed under Section 106(1) (*Bougainville Electoral Commissioner and Elections Generally*) of the *Bougainville Constitution*;
- "Bougainville Executive Council" means the Bougainville Executive Council provided for in Division VI.2 (*Bougainville Executive Council*) of the *Bougainville Constitution*;
- "Bougainville Government Service" means a Bougainville Government Service referred to in Section 138 (*Bougainville Government Services*) of the *Bougainville Constitution*;
- "Bougainville general election" means a general election of the President of the Autonomous Region of Bougainville and of the members of the House of Representatives;
- "Bougainville governmental body" means-
- (a) the Autonomous Bougainville Government; or
 - (b) any formal government below the level of the Autonomous Bougainville Government; or
 - (c) an arm, department, division, agency or instrumentality of the

Interpretation

Autonomous Bougainville Government or of a formal level of government below the level of the Autonomous *Bougainville* Government; or

- (d) a body set up by Bougainville law or administrative act for Governmental or administrative purposes;

"Bougainville Judge" means a Bougainville Judge appointed under Section 124 (*appointment of other Judges*) of the *Bougainville Constitution*;

"Bougainville Judicial Appointments Committee" means the Bougainville Judicial Appointments Committee established by Section 121 (*Bougainville Judicial Appointments Committee*) of the *Bougainville Constitution*;

"Bougainville law" means a law (other than the *Bougainville Constitution* or amendments to it) made by the House of Representatives and includes an Act and a subordinate legislative enactment made under a Bougainville law;

"Bougainville Law Reform Commission" means the Bougainville Law Reform Commission for which provision is made under Section 220 (*review etc., of the Constitution*) of the *Bougainville Constitution*;

"Bougainville Leadership Code" means the Bougainville Leadership Code provided for in Part XII (*Leadership Code*) of the *Bougainville Constitution*;

"Bougainville Ombudsman" means the Bougainville Ombudsman appointed under Section 165(2) (*Bougainville Ombudsman*) of the *Bougainville Constitution*;

"Bougainville Peace Agreement" means the Bougainville Peace Agreement signed at Arawa on 30th August:2001;

"Bougainville Police Service" means the Bougainville Police Service established by Section 138(1)(b) (*establishment of Bougainville Government Services*) of the *Bougainville Constitution*;

"Bougainville Public Service: means the Bougainville Public Service established by Section 138(1)(a) (*establishment of the Bougainville Government Services*) of the *Bougainville Constitution*;

"Bougainville Referendum " means the Referendum for which provision is made under Division XIV. 7 (*Bougainville Referendum*) of the *National Constitution* in accordance with the Bougainville Peace Agreement and Part XVII of the *Bougainville Constitution*;

"Bougainville Salaries and Remuneration Commission" means the Bougainville Salaries and Remuneration Commission established by Section 162 (*Bougainville Salaries and Remuneration Commission*) of the *Bougainville Constitution*;

"Bougainville Senior Appointments Committee" means the Bougainville Senior Appointments Committee appointed under Part VII (*Bougainville Senior Appointments Committee*) of the *Bougainville Constitution*;

"Central Bank" means the Bank of Papua New Guinea established by

Interpretation

- the **Central Bank Act 2000** of the National Parliament;
- "certified", in relation to a law made by –
- (a) the House of Representatives, means certified under Section 66 (*certification as to making of laws, etc.*) of the **Bougainville Constitution**; and
 - (b) the National Parliament, means certified under Section 110 (*certification as to making of laws*) of the **National Constitution**;
- "Chief Justice of Bougainville" means the Chief Justice of Bougainville appointed under Section 123 (*appointment of Chief Justice of Bougainville*) of the **Bougainville Constitution**;
- "citizen" means a citizen of the Independent State of Papua New Guinea;
- "constituency" means the area in relation to which a person is to be elected as a member of the House of Representatives, and in relation to –
- (a) the President - means all the single member constituencies in Bougainville, whose boundaries are determined in accordance with Section 105 (*constituencies*) of the **Bougainville Constitution**, taken together as one constituency; and
 - (b) each of the elected members representing single member constituencies - means the constituency, whose boundaries are determined in accordance with Section 105 (*constituencies*) of the **Bougainville Constitution** for which he was elected; and
 - (c) each of the women's representative members - means the Regional constituency whose boundaries are determined in accordance with Section 105 (*constituencies*) of the **Bougainville Constitution** for which she was elected; and
 - (d) each of the former combatant members - means the Regional constituency whose boundaries are determined in accordance with Section 105 (*constituencies*) of the **Bougainville Constitution** for which he was elected;
- "customs" means the customs and usages of Bougainvilleans existing in relation to the matter in question at the time when and the place in relation to which the matter arises, regardless of whether or not the custom or usage has existed from time immemorial;
- "customary land" means land that is owned or possessed by an automatic citizen or community of automatic citizens by virtue of the rights of a proprietary or possessory kind that belong to that citizen or community and arise from and are regulated by custom;
- "Declaration of Loyalty to Bougainville" means the declaration for which provision is made in Section 6 of the **Bougainville Constitution** and which is set out in Schedule 1 to the **Bougainville Constitution**;
- "Department" means a Department of Bougainville Public Service and
- "National Department" means a Department of the National, Public Service;
- "the Department", in relation to any provision, matter or thing, means –
- (a) the Department designated by notice under Section 10(2) for the purpose of that provision, matter or thing; and

Interpretation

- (b) in any other case, the Department the functions of which relate to the administration of that provision, matter or thing;
- "Departmental Head" means the Head of a Department,
- "the Departmental Head", in relation to any provision, matter or thing, means the Departmental Head designated by notice under Section 8(1) for the purposes of that provision; matter or thing;
- "the Deputy Speaker" means the Deputy Speaker of the House of Representatives for whom provision is made in Section 62 (*Deputy Speaker*) of the *Bougainville Constitution*;
- "Division" means a Division of the Bougainville Administration;
- "District Court" means a court established under the *District Courts Act* of the National Parliament;
- "fiscal self-reliance" means the first year in which the revenue from company tax, customs duties and 70% of goods and services tax collected in Bougainville is equal to the value of the recurrent grant referred to in Section 48 of the *Organic Law on Peace-Building in Bougainville - Autonomous Bougainville Government and Bougainville Referendum*;
- "fiscal year", in relation to any activity of the Autonomous Bougainville Government, means the period of 12 months commencing on 1 January or on such other date as is fixed by a Bougainville law for the purpose;
- "former combatant" means a person who was a combatant in the Bougainville Resistance Force or the Bougainville Revolutionary Army or the Me'ekamui Defence Force during the Bougainville conflict;
- "of full capacity", in relation to a person, means that he is not of unsound mind within the meaning of any law relating to the custody or protection of the person or property of persons of unsound mind;
- "function" includes duty and responsibility;
- "House of Representatives" or "House" means the House of Representatives established by Section 55 (*establishment and composition of the House of Representatives*) of the *Bougainville Constitution*;
- "indictment" means a written charge prepared against an accused person for the purpose of bringing him to his trial before the Bougainville High Court or the National Court;
- "interest in land" means a proprietary right, title or estate, whether corporeal or incorporeal, and whether legal or equitable, in or in respect of land (other than customary land) and includes a right appurtenant or appendant to any such right, title or estate;
- "Judge" means a Judge of the Supreme Court, the National Court or the Bougainville High Court;
- "land" includes messuages, tenements and hereditaments, corporeal and incorporeal, of any tenure or description, whatever may be the estate or interest in them;
- "law" includes the underlying law;
- "Law Officers of Bougainville" means the Law Officers of Bougainville appointed under Section 113 (*Law Officers of Bougainville*) of the *Bougainville Constitution*;
- "lawyer" means a person who has been admitted to practise as a lawyer under a Bougainville law or an Act of the National Parliament;

Interpretation

- "Minister" means a member of the Bougainville Executive Council;
- "the Minister", in relation to any provision, means the member of the Bougainville Executive Council for the time being administering the provision that governs that matter or thing, as the case may be;
- "misconduct in office" means misconduct in office as described in Section 172 (*particular responsibilities of office*) of the *Bougainville Constitution* or as prescribed by a Bougainville law made for the purpose of that Section by Section 173 (*further provisions of the Leadership Code*) of the *Bougainville Constitution*;
- "National Constitution" means the Constitution of the Independent State of Papua New Guinea;
- "National Court" means the National Court of Papua New Guinea established under Section 166 (*establishment of the National Court*) of the *National Constitution*;
- "National Government" means the National Government of the Independent State of Papua New Guinea;
- "National Executive Council" means the National Executive Council established by Section 149 (*the National Executive Council*) of the *National Constitution*;
- "National Department" means a Department of the National Public Service;
- "National Minister" means a person appointed to be a Minister under Section 144(2) (*other Ministers*) of the *National Constitution*;
- "National Parliament" means the National Parliament established by Section 99 (*structure of Government*) of the *National Constitution*;
- "offence", in relation to a law, means a breach or contravention, or a failure to comply with the law;
- "officer" means -
- (a) an officer appointed to the Bougainville Public Service or to the National Public Service; or
 - (b) a person employed to render temporary or casual assistance in the Bougainville Public Service or in the National Public Service; or
 - (c) the Commissioner or an Associate Commissioner of the Teaching Service Commission; or
 - (d) a member of the Teaching Service; or
 - (e) a person who holds an office that -
 - (i) is constituted by or under an Act; or
 - (ii) is for the time being declared by notice under Subsection (4);
- "Papua New Guinea currency" means the currency provided for by the *Central Bank Act* of the National Parliament;
- "Parliament" means the National Parliament;
- "person" includes -
- (a) a corporation sole; and
 - (b) a body politic or corporate; and
 - (c) the holder (whether substantive or other) of an office in his capacity as a holder of the office;
- "plebiscite" means a plebiscite as provided for under Section 195 (*consultation through plebiscite*) of the *Bougainville Constitution*;

Interpretation

- "poll" means a poll under Section 196 (*participation in, and poll for law-making*) of the ***Bougainville Constitution***;
- "President" means the holder of the office of President of the Autonomous Region of Bougainville established under Section 88 (*office of President*) of the ***Bougainville Constitution***;
- "Prime Minister" means the person occupying the office established by Section 142 (*the Prime Minister*) of the ***National Constitution***;
- "public accounts of Bougainville" means all accounts, books and records of, or in the custody possession or control of, the Bougainville Executive or of a public office-holder, relating to public property or public moneys of Bougainville;
- "Public Accounts Committee" means the Public Accounts Committee of the House of Representatives established by Section 160 (*Establishment of the Public Accounts Committee*) of the ***Bougainville Constitution***;
- "public holiday" means a day-
- (a) declared by a Bougainville law or by an Act of the National Parliament to be a public holiday; or
 - (b) proclaimed or notified under a Bougainville law or under an Act of the National Parliament as a public holiday;
- "public moneys of Bougainville" includes moneys held in trust by the Bougainville Executive or by a public office-holder in his capacity as such, whether or not they are so held for particular persons;
- "public office-holder" means-
- (a) a member of any of the Bougainville Government Services or of the service of a formal level of government or of any of the State Services under the ***National Constitution***; or
 - (b) any Bougainville Constitutional Office-holder; or
 - (c) the holder of any office or position established by statute for administrative or governmental purposes; or
 - (d) the holder of any office or position declared by statute to be a public office;
- "principal legal adviser" means the principal legal adviser to the Bougainville Executive Council referred to in Section 113 (1)(a) (*The Law Officers of Bougainville*) of the ***Bougainville Constitution***, or where no appointment has been made to that office, the officer responsible for giving legal advice to the Bougainville Executive Council;
- "referendum on independence" means the Bougainville Referendum;
- "Regional Government" means a Regional Government under Section 50 (*Regional Government*) of the ***Bougainville Constitution***;
- "regulation" means a regulation made under an Act and includes rules and by-laws so made;
- "rules of court", in relation to a court, means rules made by the authority having for the time being power to make rules or orders regulating all practice and procedure of the court;
- "service by post" has the meaning ascribed to it by Section 6;
- "simple majority vote" means affirmative votes of more than one half of the persons present and voting;
- "single member constituency" means a constituency which is represented in the House of Representatives by a single member,

Interpretation

referred to in Section 105(1) (*Constituencies*) of the *Bougainville Constitution*;

"the Speaker" means the Speaker of the House of Representatives;

"summary conviction" means conviction by a court of summary jurisdiction;

"Supreme Court" means the Supreme Court of Justice established by Section 160 (*establishment of the Supreme Court*) of the *National Constitution*;

"swear", in the case of a person allowed by law to affirm, declare or promise instead of swearing, means affirm, declare or promise;

"taxation" includes rates, charges and fees and imposts of any kind;

"Vice-President" means the Vice-President of the Autonomous Region of Bougainville under Section 95 (*Vice-President*) of the *Bougainville Constitution*;

"writing" includes printing, painting, engraving, typewriting, stenography, photography and other modes of representing or reproducing words in a visible form.

(2) A reference in a statutory provision to a form, by number, shall be read as a reference to a form, so numbered, in the schedule, or if there are more Schedules than one, in the first schedule, to the provision.

(3) Where an expression is defined for any purpose in this Part, or otherwise in a statutory provision, then for that purpose all grammatical variations and cognate and related expressions are to be understood in the same sense.

(4) The Minister may by notice in the National Gazette, declare an office to be an office for the purposes of the definition of *officer* in Subsection (1).

5. A REFERENCE TO OFFICES, LOCALITIES, ETC.

A reference in a statutory provision to -

- (a) an officer, office or institution - shall be read as a reference to that officer, office or institution in and for Bougainville or established or provided for by the *Bougainville Constitution* or a Bougainville law; and
- (b) an office or position - shall be read as a reference to the holder or occupant (whether substantive or other) for the time being of that office or position; and
- (c) a locality, jurisdiction or other matter or thing - shall be read as a, reference to that locality, jurisdiction or other matter or thing, in and of Bougainville.

6. MEANING OF "SERVICE BY POST", ETC.,

(1) Where a statutory provision authorizes or requires a document to be served by post (whether the expression "serve" or the expression "give" or "send" or any other expression is used), then unless the contrary intention appears the service shall be deemed to be effected by properly addressing, pre-paying (except where under a law a document may be sent free of charge) and posting the document as a letter.

Interpretation

(2) Subject to Subsections (3) and (4), where a document is served as provided for by Subsection (1), service shall, unless the contrary is proved, be deemed to have been effected at the time when the letter would be delivered in the ordinary course of post.

(3) Where the person on whom the document is served ordinarily collects his mail, or has his mail collected, at a post office or other place at which mail is held by or on behalf of Post PNG Ltd., service in accordance with Subsection (1) shall be deemed to have been effected when the document would, in the ordinary course of events, have been collected.

(4) Where the person on whom the document is to be served has given, generally or in a particular case, a post office, post office box or other place as his postal address, service in accordance with Subsection (1) shall be deemed to have been effected when the document would, in the ordinary course of events, have been available for collection.

7. REFERENCE TO GENDER AND NUMBER.

In a statutory provision -

- (a) words importing the masculine gender include females; and
- (b) words in the singular include the plural and words in the plural include the singular.

Division 2. - Changes of Portfolios, Officers, etc.,

8. CHANGES OF PORTFOLIOS, ETC.,

(1) Where -

- (a) the President has made or intends to make a change under Section 85(4)(b) of the *Bougainville Constitution*; and
- (b) he believes that, in view of the change, the responsibilities of one portfolio (in this subsection called "the new portfolio") are or will be similar to the responsibilities of another portfolio (in this subsection called "the former portfolio"),

he may, by notice in the Bougainville Gazette -

- (c) advise of the matters referred to in Paragraphs (a) and (b); and
- (d) declare that on and from the date specified by him as the date of the change (whether that date is before or after the date of publication of the notice) the former portfolio shall, for all official purposes and for the purposes of any references to the former portfolio in any statutory provision or document, be known as the new portfolio.

(2) The Minister may, by notice in the Bougainville Gazette, advise that on and from a specified date (whether that date is before or after the date of publication of the notice) a reference to a particular officer or Department shall be read as a reference to another officer or Department.

(3) Where a notice is published under Subsection (1) or (2), a reference in any statutory provision or document to the former title shall, in relation to anything done or to be done on or after the specified date, be read as a reference to the new title.

9. CHANGES OF NAME OF OFFICES AND STATUTORY CORPORATIONS.

(1) In this section -

"office" means an office in -

- (a) the Bougainville Public Service; or
- (b) the National Public Service; or
- (c) an instrumentality of the Autonomous Bougainville Government; or
- (d) a statutory corporation;

"statutory corporation" means a corporation established by a statutory provision.

(2) Where -

- (a) a statutory provision; or
- (b) an action or series of actions,

has, or has had, the effect of changing the name of an office or statutory corporation for any purpose, and the Bougainville Executive Council is satisfied that the change of name does not affect the functions, status or identity of the office or corporation for that purpose, the President acting on the advice of the Bougainville Executive Council may, by notice in the Bougainville Gazette, so declare.

(3) A declaration under Subsection (2) is for all purposes conclusive evidence of the effect of the change of name and of the identity of the office or corporation

(4) Where -

- (a) by or under this section or any other statutory provision a change of name is declared not to affect the functions, status or identity of an office or statutory corporation in relation to any property; and
- (b) the property is registered in the name of the office or corporation,

the Registrar of Titles and any other person in charge of a register kept under a Bougainville law or National Act and evidencing title to the property shall change the name entered on the register to accord with the declaration.

10. ALLOCATION OF ADMINISTRATION OF STATUTORY PROVISIONS, ETC., TO DEPARTMENTS.

(1) The Minister may, by notice in the Bougainville Gazette, designate a Departmental Head of the Bougainville Public Service to be the Departmental Head for the purposes of any statutory provision or other matter or thing.

(2) The Minister may, by notice in the Bougainville Gazette, designate a Department of the Bougainville Public Service to be the Department for the purposes of any statutory provision or other matter or thing.

Division 3. - Time and Distance.

11. COMPUTATION OF TIME.

(1) In computing time for the purposes of a statutory provision, a period of time from -

- (a) a certain day; or

Interpretation

- (b) the happening of an event; or
- (c) the doing of an act or thing,

shall be deemed not to include the certain day, or the day on which the event happens or the act or thing is done.

(2) Where the last day of a period prescribed or allowed by a statutory provision for the doing of an act falls on a Sunday or a public holiday, the act may be done on the next day following that is not a Sunday or a public holiday.

(3) Where a statutory provision directs or allows an act or proceeding to be done or taken on a certain day, then if that day happens to be a Sunday or a public holiday that act or proceeding shall be considered as done or taken in due time if it is done or taken on the day next following that is not a Sunday or a public holiday.

(4) Where a statutory provision directs or allows an act or proceeding to be done or taken within a time not exceeding eight days, Sundays and public holidays shall not be taken into account in the computation of time.

12. PROVISION WHERE NO TIME PRESCRIBED.

Where no time is prescribed or allowed within which an act is required or permitted by a statutory provision to be done, the act shall or may be done, as the case may be, with all convenient speed and as often as the occasion arises,

13. MEASUREMENT OF DISTANCE.

In the measurement of a distance for the purposes of a statutory provision, the distance shall be measured in a straight line on a horizontal plane.

Division 4. - Offences and Penalties.

14. PENALTIES PRESCRIBED TO BE MAXIMUM PENALTIES.

Where a statutory provision specifies a penalty for an offence against the provision, the penalty is the maximum penalty that may be imposed for that offence.

15. PENALTIES AT FOOT OF SECTION, ETC.,

- (1) The penalty, pecuniary or other, set out -
 - (a) at the foot of a section of a statutory provision; or
 - (b) at the foot of a subsection of a section of a statutory provision, but not at the foot of the section,

means that a contravention of the section or of the subsection, as the case may be, whether by act or omission, is an offence against the provision punishable on conviction by a penalty not exceeding the penalty mentioned.

(2) Where the penalty is expressed to apply to a part only of the section or subsection, it applies to that part only.

16. DEFAULT PENALTIES.

(1) Where in, or at the foot of, any section or part of a section of a statutory provision the words "Default penalty" appear, it indicates that a person who is convicted of an offence against that provision in relation to that section or part -

Interpretation

- (a) is guilty of a further offence against that provision if the offence continues after he is so convicted; and
- (b) is liable to an additional penalty, for each day during which the offence so continues, of not more than the amount expressed in the section or part as the amount of the default penalty.

(2) Where an offence is committed by a person by reason of his failure to comply with a section or part of a statutory provision referred to in Subsection (1) by or under which he is required or directed to do anything within a particular period, the offence shall be deemed, for the purposes of that subsection, to continue for so long as the thing required or directed to be done by him remains undone, notwithstanding that the period has elapsed.

17. IMPRISONMENT.

Where under a statutory provision imprisonment may be awarded for an offence, it may be awarded with or without hard labour.

18. PAYMENT OF FINES, ETC., TO BOUGAINVILLE CONSOLIDATED REVENUE FUND.

Where a statutory provision imposes or authorizes the imposition of a fine, penalty or forfeiture, the provision shall be deemed to direct that the fine, penalty or forfeiture when recovered, be paid into the Bougainville Consolidated Revenue Fund to defray the expenditure of the Autonomous Bougainville Government.

19. CORPORATIONS.

(1) A reference in a statutory provision to an offence punishable on indictment or on summary conviction shall be deemed to apply to a corporation as well as to a natural person.

(2) Where, under a statutory provision a forfeiture or penalty is payable to the party aggrieved, it is payable to a corporation where the corporation is the party aggrieved.

20. OFFENCES UNDER TWO OR MORE LAWS.

Where an act or omission constitutes an offence under two or more statutory provisions, or both under a statutory provision and under another law of Papua New Guinea, the offender is liable to be prosecuted and punished under either or any of these provisions, or either under that provision or under that other law, but is not liable to be punished twice for the same offence.

Division 5 – Form of Acts, etc.,

21. TITLES, ENACTING WORDS, ETC.,

The short title, long title, enacting words and words of commencement of a statutory provision are these portions of the provision illustrated in the Schedule and designated in that Schedule or by the footnotes to that Schedule.

22. SECTIONS AND DIVISIONS OF SECTIONS.

(1) The primary unit of a statutory provision is the section.

Interpretation

- (2) The provisions of the section are, and may be indicated, as follows: -

<i>Form</i>	<i>Name</i>	<i>Numbering</i>
Primary division of section	Subsection	(1)
Primary division of subsection	Paragraph	(a)
Primary division of paragraph	Subparagraph	(i)
Primary division of subparagraph	Clause	(A)
Primary division of clause	Subclause	(1)

23. HEADINGS, SCHEDULES, ETC.,

(1) The headings of the Chapters, Parts, Divisions and Subdivisions into which a statutory provision is divided form part of the provision.

(2) The schedules to a statutory provision form part of the provision.

(3) The heading or head-notes to the various sections of a statutory provision do not form part of the provision.

(4) Marginal notes or footnotes to a statutory provision do not form part of the provision.

24. DIVISION AND SUBDIVISION OF SCHEDULES.

(1) Where a schedule to a statutory provision comprises a scale or table, the divisions of the schedule shall be known as items.

(2) Where a schedule to a statutory provision is in narrative form, the divisions and subdivisions shall be known as sections.

25. DEVIATION FROM FORMS.

(1) Substantial compliance with a form contained in a statutory provision is sufficient.

(2) Where a form approved under Section 81 makes provision for specifying the price to purchase a copy of an instrument, a notice published for the purpose of that section substantially complies with the form notwithstanding that the notice does not specify the price.

Division 6. — Commencement (Coming Into Operation).

26. COMING INTO OPERATION BY NOTICE IN BOUGAINVILLE GAZETTE.

(1) Subject to Subsection (3), where a statutory provision indicates that it is to come into operation in accordance with a notice in the Bougainville Gazette, the notice may -

- (a) fix a date (including a time on a particular day); or
- (b) fix the coming into operation by reference to the occurrence of an event (which, without limiting in any way the operation of this

Interpretation

Paragraph, includes the publication of the notice in the Bougainville Gazette),
and the provision comes into operation accordingly.

(2) Where a statutory provision indicates that it is to come into operation in accordance with a notice in the Bougainville Gazette, one or more notices in accordance with Subsection (1) may be published in the Bougainville Gazette to provide for the coming into operation of various parts of the provision -

- (a) on the same day; or
 - (b) on different days; or
 - (c) on the occurrence of one or more events,
- whether or not fixing, or referring, to the same time of day.

(3) Subject to the statutory provision concerned, a notice referred to in Subsection (1) or (2) shall not fix a date, time or event, occurring earlier than the date of publication of the Bougainville Gazette in which the notice is published.

(4) Where, in relation to a statutory provision, a notice in the Bougainville Gazette fixes a particular date as the date on which that provision comes into operation but does not fix a time on that day, the provision comes into operation at the first moment of the day so fixed.

27. COMING INTO OPERATION ON A SPECIFIED DAY.

Where a statutory provision is expressed to come into operation on a particular day but does not fix a time on that day, it comes into operation at the first moment of that day.

28. COMING INTO OPERATION ON WORDS OF COMING INTO OPERATION.

Where a part of a statutory provision provides for the manner in which the provision is to come into operation, that part comes into operation at the first moment of that day -

- (a) in the case of an Act - on the date of certification of the Act; and
- (b) in the case of an instrument made under an Act - on the date on which the instrument is made.

Division 7. — Operation in Relation to Autonomous Bougainville Government.

29. RIGHTS OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT.

A statutory provision does not adversely affect the rights of the Autonomous Bougainville Government or bind the Autonomous Bougainville Government unless -

- (a) it is expressed to do so; or
- (b) it appears by necessary implication that the Autonomous Bougainville Government is bound by the provision.

Division 8. -Powers and Duties.

30. CONTINUING EFFECT OF POWERS AND DUTIES.

Where a statutory provision confers a power or imposes a duty, the power may be exercised, or the duty shall be performed, as the case may be, from time to time as occasion requires.

31. POWERS AND DUTIES CONFERRED ON OFFICE-HOLDERS.

(1) Where a statutory provision confers a power or function on an office as such, the power may be exercised, or the function shall be performed, as the case may be by the holder (whether substantive or other) for the time being of the office.

(2) The exercise or performance of a power or function referred to in Subsection (1) does not cease to be effective by reason only of the fact that the holder of the office is later suspended from, or ceases to hold, the office.

32. EXERCISE OF POWER IN RESPECT OF LIMITED PERIOD.

Where a statutory provision confers a power to do any act, matter or thing, that act, matter or thing may be done in relation to a limited period.

33. IMPLIED POWER TO ALTER.

Where a statutory provision confers a power to make an instrument or decision (other than a decision of a court), the power includes power, exercisable in the same manner and subject to the same conditions (if any) to alter the instrument or decision.

34. IMPLIED POWER TO REMOVE OR SUSPEND.

(1) Where a statutory instrument confers a power to make an appointment, the power includes power, subject to Subsection (2), to remove or suspend a person so appointed.

(2) The power provided for by Subsection (1) is exercisable only subject to any conditions to which the exercise of the original power of appointment was subject.

35. IMPLIED AUTHORITY TO ADMINISTER OATHS.

A court, Judge, justice, officer, commissioner, arbitrator or other person authorized by a Bougainville law to hear and determine or to review a matter has authority -

- (a) to receive evidence; and
- (b) to examine witnesses; and
- (c) to administer an oath to witness legally called.

36. EXERCISE OF POWERS OF COMMITTEES, ETC.,

Unless the contrary intention expressly appears, where a statutory provision -

- (a) confers powers or functions on a committee, board, commission or other statutory authority; and
- (b) indicates that the powers or functions may be exercised by a quorum of less than the total number of members,

the powers or functions may be exercised in spite of any vacancy on the committee, board, commission or authority as long as -

Interpretation

- (c) the number of members of the committee, board, commission or authority is not less than the number fixed for the quorum; and
- (d) where the presence of a Chairman, Deputy Chairman or other specified member is necessary to constitute a valid meeting -there is such a Chairman, Deputy Chairman or other member appointed to the committee, board, commission or authority.

37. POWERS AND MAJORITY.

(1) Where a statutory provision requires or permits an act or thing to be done by more than two persons, a majority of them may do it.

- (2) Subsection (1) extends to and includes -
- (a) any case where a power, duty or function is conferred or imposed on persons jointly or collectively; and
 - (b) courts and tribunals.

Division 9. -Appointments.

38. APPOINTMENT BY NAME OR OFFICE.

Where under a statutory provision a person or authority is empowered to make an appointment, the appointment may be made by name or by office.

39. ACTING APPOINTMENTS.

(1) In this section, "office" includes position.

(2) Where a statutory provision confers power to make an appointment to an office and in respect of that office -

- (a) there is a vacancy; or
- (b) the holder of the office is suspended; or
- (c) the holder of the office is -
 - (i) on leave of absence; or
 - (ii) absent from the country; or
 - (iii) out of speedy and effective communication; or
 - (iv) otherwise unable to perform, or not readily available to perform the duties of his office,

the power includes power, subject to Subsection (3), to appoint another person to act in the office.

(3) The power provided for by Subsection (2) is exercisable only subject to any conditions to which the exercise of the original power was or would be subject.

(4) An acting appointment may be made in anticipation of any of the circumstances specified in Subsection (2) and, unless it expires or is revoked, such an acting appointment continues to operate from time to time in accordance with its terms.

40. EFFECT OF APPOINTMENTS BEYOND STATUTORY PERIOD.

Where -

- (a) a statutory provision prohibits the appointment of a person for a period that extends beyond the date on which he will attain a specified age; and
- (b) a purported appointment is made for a period that extends beyond that date,

the appointment is a valid appointment in respect of the period that does not extend beyond that date.

Division 10. - Delegations.

41. INTERPRETATION OF THIS DIVISION.

In this Division, unless the context indicates otherwise, or some other meaning is clearly intended -

- "delegate" includes a sub-delegate;
- "delegator" includes a sub-delegator;
- "delegation" means a delegation made by virtue of a power conferred by a statutory provision, and includes a sub-delegation made by virtue of such a power;
- "function" means a function conferred by a statutory provision;
- "power" means a power conferred by a statutory provision.

42. EFFECT OF DELEGATIONS.

Where under a statutory provision a power or function may be delegated -

- (a) no such delegation affects the exercise or performance of the power or function by the delegator; and
- (b) in the case of a power or function of more than one person, a delegation by one of them does not affect the exercise or performance of the power or function by any of them.

43. JOINT DELEGATIONS.

A power of delegation that is expressed to be power to delegate to "a person" does not of itself prevent a delegation being made in favour of two or more persons jointly.

44. SIMULTANEOUS DELEGATIONS.

A power or function may be the subject of more than one delegation (whether or not by the same delegator) at the same time.

45. EXERCISE OF DELEGATED POWERS AND FUNCTIONS BASED ON OPINIONS, ETC.

Where -

- (a) under a statutory provision, the exercise of a power or function by a person is dependent on his opinion, belief or state of mind in relation to a matter; and
- (b) the power or function has been delegated under the provision, the power or function may be exercised by the delegate on his own opinion, belief or state of mind in the matter.

46. DESCRIPTION AS DELEGATE.

No act, matter or thing done or suffered by a delegate is invalid and may be challenged or called into question by reason only of the fact that the delegate did not, in doing or suffering the act, matter or thing, describe himself as, or purport to be, a delegate.

47. CONDITIONS AND LIMITATIONS ON DELEGATIONS.

(1) A delegation may be made subject to conditions and limitations.

(2) Without limiting in any way the operation of Subsection (1), a delegation may be limited –

- (a) to a specified person or class of persons; or
- (b) to a matter or class of matters; or
- (c) to an area or areas.

48. EXTRA-TERRITORIAL OPERATION OF DELEGATIONS.

Where an instrument conferring a delegation does not specify a territorial limitation in relation to which the delegated powers and functions may be exercised or performed, they may be exercised and performed in any place (whether inside or outside Bougainville).

49. COMMENCEMENT OF CERTAIN DELEGATIONS.

(1) In this section, "the intended time of commencement of the instrument" means –

- (a) in the case of an instrument that provides that it is to come into operation on a specified date - that date; and
- (b) in any other case - the apparent date of signature of the instrument.

(2) Where –

- (a) an instrument purports to delegate a power or function; and
- (b) at the intended time of commencement of the instrument the power or function is not a power or function of the person who signed the instrument (in this section called "the delegator"); and
- (c) but for the absence of the power or function at that time the instrument would have been effective to delegate the power or function; and
- (d) at a later date the power or function becomes the power or function of the delegator,

the instrument comes into operation in accordance with its terms at the time where the power or function becomes the power or function of the delegator.

50. CONTINUING OPERATION OF DELEGATION.

Where -

- (a) a power or function conferred by a statutory provision is delegated; and
- (b) after the delegation is made the provision is amended or another provision is made in substitution for it,

the delegation is not revoked or superseded by reason only of the amendment or substitution but continues to operate as if -

- (c) in the case of an amendment of the provision - it had been

Interpretation

- expressed to be delegation of the power or function conferred by the provision in its amended form; and
- (d) in the case of the substitution of a provision for another provision - it had been expressed to be a delegation of the power or function conferred by the substituted provision.

51. REVOCATION.

A delegation is revocable, in writing, at will.

52. CONSEQUENTIAL REFERENCES.

Where a power or function is delegated, a reference in any law to the delegator shall, in relation to the exercise of the delegated power or function by the delegate, be read as including, as appropriate, reference to the delegate.

Division 11. -Amendments.

53. CONSTRUCTION OF AMENDING PROVISION.

A statutory provision that amends another statutory provision shall, unless the contrary intention appears, be constructed with and as part of the amended provision.

54. FAILURE TO OMIT ALL REFERENCES.

Where a provision (in this section called "the amending law") purports to amend another provision by omitting words or symbols, or both (with or without the substitution of other words or symbols), that are expressed in the amending law to occur a specified number of times but that in fact occur a greater number of times, the amending law amends the provision by omitting the words or symbols the number of times specified by the amending law commencing with the appropriate word or symbol first occurring in the provision,

Division 12. - Number and Citation.

55. NUMBERING OF LAWS.

(1) The Acts made by the House of Representatives in each secular year shall be numbered in regular arithmetical series, beginning with the number one, in the order in which they are certified.

(2) Subject to Subsection (3) -

- (a) Bougainville Constitutional Regulations and regulations made under Acts; and
- (b) all Rules of Court made under Section 134 (*Rules of Court*) of the *Bougainville Constitution*; and
- (c) all rules (including Rules of Court) made under Acts; and
- (d) all by-laws made under Acts,

in each secular year shall together be numbered in regular arithmetical series as "Statutory Instruments", beginning with the number one, in the order, as far as practicable, in which they are made.

(3) Subsection (2) does not apply to any instrument or class of instrument specified by the principal legal adviser by notice in the Bougainville Gazette.

(4) For the purposes of Subsection (1), a law is made by the House of Representatives in a particular year if it passes its third reading in that year.

56. CITATION OF LAWS.

(1) An Act or Statutory Instrument may be cited -

- (a) by its short title (if any); or
- (b) by reference to the secular year in which it is made and its number.

(2) An Act of the National Parliament or a Statutory Instrument made under an Act of the National Parliament shall be cited by its short title followed by -

- (a) if known, reference to the secular year in which it was made or its Chapter Number in the revised edition of the laws; and
- (b) the words "of the *National Parliament*".

57. REFERENCE TO AMENDED OR SUBSTITUTED PROVISIONS.

(1) In this section, "statutory provision" includes an Act of the National Parliament and a regulation, rule or by-law made under an Act of the National Parliament.

(2) Where -

- (a) a statutory provision is referred to in another statutory provision or another document; and
- (b) at any time (whether before or after the reference is made) the provision so referred to has been or is amended (whether on one or more occasions),

the reference shall be read as a reference to the provision as amended, or as last amended, as the case may be.

(3) Where -

- (a) a statutory provision is referred to in another statutory provision or another document; and
- (b) at any later time the provision so referred to is repealed and re-made (with or without modification, and whether on one or more occasions),

the reference shall be read as a reference to the re-made or last re-made provision, as the case may be, and where such a remade provision is amended (whether on one or more occasions) the reference shall be read as a reference to the provision as amended or last amended, as the case may be.

(4) Subsections (2) and (3) apply -

- (a) in the case of a reference contained in a statutory provision, whether or not the reference is -
 - (i) made by reference to a mode of citation that includes two secular years; or
 - (ii) to the provision "as in force from time to time", or words to a similar effect; and
- (b) in the case of a provision the citation of which has been changed by a later provision to include the words "as amended".

(5) A reference in a provision to another provision "as amended to date" shall be read, where the provision so referred to has been amended, as a reference to it in its amended form at the time then the provision containing the reference comes into operation.

Division 13. - Repeal and Expiration.

58. EFFECT OF REPEAL.

(1) The repeal of a provision does not -

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) effect the previous operation of the repealed provision, or anything duly done or suffered under the repealed provision; or
- (c) affect any right, privilege, obligation, or liability acquired, accrued or incurred under the repealed provision; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of an offence committed against the repealed provision; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding, or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the repeal had not been made.

(2) The repeal of a statutory provision that validated or continued in force any act, matter or thing does not affect the validation or continuance.

59. SUBSTITUTION.

Where a statutory provision repeals another statutory provision and is to operate in place of the repealed provision, the repealed provision remains in force until the substituted provision comes into operation.

60. REPEAL OF REPEALING PROVISION.

The repeal of a statutory provision by which another statutory provision was repealed does not, without express words, have the effect of reviving the last-mentioned provision.

61. EXPIRATION OF PROVISION.

The expiration of a statutory provision does not affect any civil or criminal proceeding previously commenced under the provision, but every such proceeding may be continued, and everything in relation to it be done, in all respects as if the provision continued in force.

PART III - RULES AND PRINCIPLES APPLICABLE ONLY TO ACTS.

62. EFFECTS OF SECTIONS.

A section of an Act has effect as a substantive enactment without introductory words.

63. GENERAL POWERS TO MAKE INSTRUMENTS.

Where an Act confers on a person or authority power to make an instrument (whether of a legislative nature or not) for a general purpose, and also for special purposes

incidental to or included in those purposes, the listing of the special purposes shall not be deemed to take away from the generality of the powers conferred with reference to the general purposes.

64 EXERCISE OF POWERS, ETC., BEFORE COMMENCEMENT.

(1) In this section, "Act" includes a portion of an Act.

(2) Subject to Subsection (3), where an Act that is not to come into operation on the date of certification confers a power or function, the power or function may be exercised or performed at any time after the Act is certified.

(3) Without limiting the operation of Subsection (2), that subsection extends to the doing of any act, matter or thing (in this subsection called "the prior condition") and to the doing of any other act, matter or thing that may only be done after completion of the prior condition.

(4) No act, matter or thing done or suffered by or under a power or function exercised or performed by virtue of Subsection (2) has any effect before the commencement of the Act unless -

- (a) the contrary intention appears in the Act; or
- (b) the act, matter or thing -
 - (i) relates to anything that may be done under Subsection (5); or
 - (ii) is necessary for bringing the Act into operation.

(5) Without limiting in any way the operation of this section, where a corporation is established by an Act that is not to come into operation on certification, the corporation may, after the certification of the Act and in accordance with any requirements of the Act -

- (a) hold meetings; and
- (b) do or suffer anything related to the employment of its affairs and employees (including, without limiting the operation of this Paragraph, the payment to an officer or employee of the emoluments of his office or position).

65. REFERENCES TO "THE PRINCIPAL ACT".

Where the long title of an Act indicates that the Act is intended -

- (a) to amend some other Act; or
- (b) to be incorporated and read with some other Act,

references throughout the first mentioned Act to "the Principal Act" shall be read as references to the other Act.

66. REFERENCES TO "THE REGULATIONS", ETC.,

A reference in an Act -

- (a) to a regulation, without further identification, is a reference to a regulation made under that Act; and
- (b) to "the regulations" is a reference to any regulations made under the Act.

**PART IV. - RULES AND PRINCIPLES APPLICABLE ONLY TO
LEGISLATIVE INSTRUMENTS.**

67. INTERPRETATION OF PART IV.

A reference in this Part to a regulation, rule, by-law, proclamation or determination is a reference to a regulation, rule, by-law, proclamation or determination, as the case may be, made under an Act.

68. NOTIFICATION OF CERTAIN INSTRUMENTS.

The making of a regulation, rule or by-law, and the place where copies of it can be purchased, shall be notified in the *Bougainville Gazette*.

69. COMMENCEMENT OF CERTAIN INSTRUMENTS.

(1) Unless the contrary intention appears in the instrument, a regulation, rule or by-law comes into operation on the date of notification under Section 68.

(2) A regulation, rule or by-law shall not be expressed to take effect from a date before the date of notification under Subsection (1) in a case where, if it so took effect –

- (a) the rights of a person (other than the State or an authority of the State) existing at the date of notification would be effected in a manner prejudicial to that person; or
- (b) liabilities would be imposed on a person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of notification,

and any part of any regulation, rule or by-law that is made in contravention of this section is void and of no effect.

70. MEANING OF EXPRESSIONS IN LEGISLATIVE INSTRUMENTS.

Expressions used in a legislative instrument made under a particular Act have, unless the contrary intention appears in the instrument, the same meanings as in the Act.

71. ACTS DONE UNDER LEGISLATIVE INSTRUMENTS, ECT.,

An act shall be deemed to be done –

- (a) under an Act; or
- (b) by virtue of the powers conferred by an Act; or
- (c) in pursuance or execution of the powers of an Act; or
- (d) under the authority of an Act,

if it is done under, or by virtue of, or in presence of, a legislative instrument made under any power contained in the Act.

**72. LEGISLATIVE INSTRUMENT OPERATING IN PART OF
BOUGAINVILLE ONLY.**

A power conferred by a provision to make a legislative instrument includes the power to make such an instrument operating in part of Bougainville only.

73. REFERENCES TO "THE ACT".

Where a legislative instrument indicates that it is made under a particular Act, references throughout the instrument to "the Act" shall be read as references to that Act.

74. REFERENCES TO INSTRUMENT BEING AMENDED.

- (1) Where the long title of a regulation indicates that the regulation is intended -
 (a) to amend some other regulation; or
 (b) to be incorporated and read with some other regulation,
references throughout the first-mentioned regulation to the "Principal Regulation" shall be read as references to the other regulation.
- (2) Where the long title of a rule indicates that the rule is intended -
 (a) to amend some other rule; or
 (b) to be incorporated and read with some other rule,
references throughout the first-mentioned rule to the "Principal Rule" shall be read as references to the other rule.
- (3) Where the long title of a by-law indicates that the by-law is intended -
 (a) to amend some other by-laws; or
 (b) to be incorporated and read with some other by-laws,
references throughout the first-mentioned by-law to the "Principal By-law" shall be read as references to the other by-laws.
- (4) Where the long title of a proclamation indicates that the proclamation is intended -
 (a) to amend some other proclamation; or
 (b) to be incorporated and read as one with some other proclamation,
references throughout the first-mentioned proclamation to the "Principal Proclamation" shall be read as references to the other proclamation.
- (5) Where the long title of a determination indicates that the determination is intended -
 (a) to amend some other determination; or
 (b) to be incorporated and read as one with some other determination,
references throughout the first-mentioned determination to the "Principal Determination" shall be read as references to the other determination.

75. REFERENCES TO DATES.

(1) Where a statutory provision requires that a legislative instrument specify a date for a particular purpose, the requirement is sufficiently complied with if the instrument specifies "the date of publication of this instrument in the Bougainville Gazette" (or words to a similar effect) and does not indicate a particular date.

(2) An instrument referred to in Subsection (1) may specify publication in a gazette, newspaper or journal other than the Bougainville Gazette.

76. REFERENCES TO PERIODS.

Where a statutory provision requires or permits that a legislative instrument specify a period for a particular purpose, the instrument shall be deemed to have been made in accordance with the provision if the instrument fixes the period by reference to the happening of a specified event or during the continuance of a specified state of affairs.

77. NOTIFICATION OF FULL PUBLICATION.

- (1) In this section, "legislative instrument" means -
- (a) a regulation, rule or by-law; or
 - (b) a determination; or
 - (c) a rule made by a Council of Elders; or
 - (d) a subordinate enactment or class of subordinate enactments prescribed under Subsection (3).

(2) Where a law requires a legislative instrument to be published or notified in the Bougainville Gazette, a notice published in the Bougainville Gazette of the instrument having been made, and of the place where copies of it can be published, is sufficient compliance with that requirement.

(3) The Bougainville Executive Council may make regulations declaring any subordinate enactments to be legislative instruments for the purposes of this section.

78. PUBLICATION IN ABBREVIATED FORM,

(1) Where the principal legal adviser is of the opinion that notice of a legislative instrument that is required by any statutory provision to be published or notified in the Bougainville Gazette can properly and conveniently, and with due respect to the interests of the public, be given in some abbreviated form, he may authorize it to be notified in that form.

(2) A notification under Subsection (1) shall declare the place where copies of the instrument may be purchased or obtained.

(3) A notification under Subsection (1) shall be deemed to be publication or notification of the instrument.

79. DATE OF EFFECT OF GAZETTE NOTICES.

- (1) In this section "words" includes figures and symbols.
- (2) Subject to this section and to Section 83(2), where -
- (a) a statutory provision -
 - (i) requires or permits a person or authority to do or suffer any act, matter or thing by instrument in the Bougainville Gazette; and
 - (ii) otherwise indicates that the doing or suffering of an act, matter or thing by a person or authority is dependent on a notice in the Bougainville Gazette; and
 - (b) a person or authority signs an instrument purporting to do or suffer the act, matter or thing; and
 - (c) there later appears in the Bougainville Gazette a form of words that appear to reproduce the instrument,

the act, matter or thing is deemed to have been done or suffered on the date of publication of the Bougainville Gazette containing the words, in accordance with the terms of the instrument.

Interpretation

(3) Where the instrument indicates that it is to come into operation at some time after publication in the Bougainville Gazette, the act, matter or thing shall be deemed to be done at that time.

(4) The act, matter or thing is not invalid and shall not be challenged or called into question by reason only of the fact that the words published in the Bougainville Gazette do not correspond exactly with the words of the instrument.

80. CORRECTION OF GAZETTE NOTICES.

(1) In this section, "words" includes figures and symbols.

(2) Where it appears to a person or authority who signed an instrument referred to in Section 82(2)(6) that the words published in the Bougainville Gazette do not correspond exactly with the words of the instrument, the person or authority may direct the person responsible for printing the Bougainville Gazette -

(a) to publish a corrigendum; or

(b) to republish the instrument,

in a later issue of the Bougainville Gazette.

(3) Where an instrument is republished under Subsection (2), the previous purported publication of that instrument shall be disregarded for all purposes.

81. EVIDENCE OF CERTAIN MATTERS.

(1) In this section, "words" includes figures and symbols.

(2) Subject to Subsection (3), a form of words appearing in the Bougainville Gazette that appears to reproduce an instrument signed by the person or authority shall be presumed, until the contrary is shown, to correspond exactly with the words of the instrument.

(3) Where a corrigendum has been published in the Bougainville Gazette in relation to words appearing to reproduce an instrument, the words as corrected by the corrigendum shall be presumed, until the contrary is shown, to correspond exactly with the words of the instrument.

I hereby certify that the foregoing is a fair copy of the *Interpretation Act 2005* which has been made by the House of Representatives.

Acting Clerk of the House of Representatives.

I, **NICHOLAS PENIAI**, Speaker of the House of Representatives, hereby certify that the *Interpretation Act 2005* was made by the House of Representatives on 21st December 2005.

Speaker of the House of Representatives.

PRO FORMA ACT

AUTONOMOUS REGION OF BOUGAINVILLE

Interpretation Act 2005,¹

Being an Act relating to the interpretation of Acts and of instruments made under Acts, and for related purposes,²

MADE by the House of Representatives³ (*here follow words of commencement e.g. to come into operation on; or e.g. to come into operation in accordance with a notice in the Bougainville Gazette by the Minister*)

¹Short title

²Long title

³Enacting words.