

No.5 of 2008.

*Bougainvillean (Transitional Constitutional Provisions Implementation) Act 2008.*

Certified on: 16 October 2008.



## **Autonomous Region of Bougainville**

**No. 5 of 2008**

***Bougainvillean (Transitional Constitutional Provisions Implementation) Act 2008***

### **ARRANGEMENT OF CLAUSES**

- 1. ADOPTION OF GUIDELINES ON MATTERS RELATING TO "A BOUGAINVILLEAN" UTILISED IN FIRST BOUGAINVILLE GENERAL ELECTION**

#### **SCHEDULE:**

**Guidelines Dated Eighth March 2005 Issued by First Bougainville General Election Manager Under Authority of Section 12 of Schedule 10 of the *Bougainville Constitution***



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**No. 5 of 2008**

### ***Bougainvillean (Transitional Constitutional Provisions Implementation) Act 2008***

Being an Act authorized by section 7(4) of the *Bougainville Constitution* to make provision on a transitional basis to provide assistance in the conduct of Bougainville elections.

**MADE** by the House of Representatives, to come into operation on certification.

#### **1. ADOPTION OF GUIDELINES ON MATTERS RELATING TO “A BOUGAINVILLEAN” UTILISED IN FIRST BOUGAINVILLE GENERAL ELECTION**

(1) Under the authority of section 7(4) of the *Bougainville Constitution*, the Guidelines dated the eighth day of March 2005 issued by the First Bougainville General Election Manager under the authority of section 12 of Schedule 10 of the *Bougainville Constitution* are hereby adopted to assist the Bougainville Electoral Commissioner and other officials with responsibility for conduct of elections in determining whether or not a person is a Bougainvillean.

(2) For the avoidance of doubt, the Guidelines referred to in subsection (1) are set out in Schedule 1, with modifications relevant to their being used in conduct of Bougainville elections other than the first Bougainville General Election.

***Bougainvillean (Transitional Constitutional Provisions Implementation) Act 2008***

Sec. 1(2)

**SCHEDULE 1**

**Guidelines Dated Eighth March 2005 Issued by First Bougainville  
General Election Manager Under Authority of Section 12 of  
Schedule 10 of the *Bougainville Constitution***

**1. BOUGAINVILLEAN MUST BE A CITIZEN TO VOTE OR STAND FOR OFFICE.**

(1) A Bougainvillean may –

(1) be a candidate for election to the House of Representatives as President or as a member; or

(2) vote in a Bougainville election,  
only if he is a citizen of Papua New Guinea.

(2) Evidence that a person is a citizen of Papua New Guinea is a certificate under section 81 (*Certificate of Citizenship*) of the *National Constitution* to the effect that the person is a citizen of Papua New Guinea.

(3) Production of a certificate referred to in subsection (2) will only be required where the Bougainville Electoral Commissioner is of the opinion that there is sufficient doubt concerning a persons citizenship as to warrant the production of evidence.

**2. EVIDENCE OF CUSTOMARY PRACTICES.**

Evidence of customary practices may be given –

(a) in case of adoption according to custom by a clan lineage –

(i) by a chief or elder of the clan; or

(ii) by the adoptive parents of the person claiming to have been adopted by the clan; and

(b) in a case as to whether a person continues to be a member of a clan lineage after the dissolution of a marriage to a person of that clan lineage –

(i) by the production of a certificate of dissolution of the marriage as evidence of such dissolution of the marriage; and

(ii) by

(A) a brother or the mother of the person in the clan whose marriage has been dissolved; or

(B) a chief or elder of the clan concerning the effects of dissolution of the marriage.

**3. EVIDENCE OF MARRIAGE.**

Evidence of marriage of persons may be given by –

- (a) production of a certificate of marriage under the *Marriage Act* of the National Parliament;
- (b) production of a certificate or instrument from a Christian mission verifying the marriage; or
- (c) a declaration by a parent or a village elder or church leader that a person is considered married by custom.

**4. EVIDENCE OF BIRTH OUTSIDE PAPUA NEW GUINEA**

Evidence of birth outside Papua New Guinea shall be by production of a certificate of birth issued in accordance with the law of the country in which the birth took place.

I hereby certify that the foregoing is a fair copy of the *Bougainvillean (Transitional Constitutional Provisions Implementation) Act 2008* 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 *Bougainvillean (Transitional Constitutional Provisions Implementation) Act 2008* was made by the House of Representatives on 15 October 2008.

  
**Speaker of the House of Representatives**