

**BOUGAINVILLE MINING (AMENDMENT) ACT 2015**

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SCHEDULE 1

**AUTONOMOUS REGION OF BOUGAINVILLE**

(No 5 of 2015)

***BOUGAINVILLE MINING (AMENDMENT) ACT 2015***

Being an Act to amend the *Bougainville Mining Act 2015*

MADE by the House of Representatives, to commence in accordance with Section 2

**1 Short title**

This is the *Bougainville Mining (Amendment) Act 2015*.

**2 Commencement**

This Act commences on the date of the Speaker's certificate under Section 66(1) of the *Bougainville Constitution*.

**3 Amendment of Bougainville Mining Act**

Schedule 1 amends the *Bougainville Mining Act 2015*.

**SCHEDULE 1                      AMENDMENT OF BOUGAINVILLE MINING ACT 2015**

Section 3

**[1] Amendment of Section 20**

1.1 Section 20(1)(c)

*omit, substitute*

- (c) a women's representative, appointed under Section 20A; and
- (ca) a representative of faith-based organisations, appointed under Section 20B; and
- (cb) a mining engineer, appointed under Section 20C; and

1.2 Section 20(3)

*omit*

or (1)(c), the Bougainville Executive Council or

1.3 Section 20(5)(c)

*omit, substitute*

- (c) for a member under Subsection (1)(c), (ca) or (cb) – on the expiration of the member's term of office under Section 20D.

**[2] New Sections 20A, 20B, 20C and 20D**

2.1 After Section 20

*insert*

**20A Appointment of women's representative**

- (1) If a vacancy exists on the Advisory Council for the women's representative, the Secretary must write to the Bougainville Women's Federation, inviting the Federation to nominate a person to represent the women of Bougainville on the Advisory Council.
- (2) On receipt of a nomination to fill the vacancy, the Secretary must appoint the person to the Advisory Council by notice published in the Bougainville Gazette.
- (3) If the Bougainville Women's Federation does not, within 21 days after having been invited to make a nomination, nominate a person, the Secretary may, by notice published in the Bougainville Gazette, appoint a person to fill the vacancy.
- (4) A person appointed under Subsection (3) is taken to have been appointed under Subsection (2) on the nomination of the Bougainville Women's Federation.

- (5) If the Bougainville Women's Federation is defunct or has been reconstituted or renamed, the Bougainville Executive Council may, by notice published in the Bougainville Gazette, designate an organisation to perform the function of the Bougainville Women's Federation for the purposes of Subsection (1).
- (6) An organisation designated under Subsection (5) must be an organisation that represents the interests of women throughout Bougainville.

**20B Appointment of representative of faith-based organisations**

- (1) If a vacancy exists on the Advisory Council for the representative of faith-based organisations, the Secretary must write to the Bougainville Council of Churches, inviting the Council to nominate a person to represent the faith-based organisations of Bougainville on the Advisory Council.
- (2) On receipt of a nomination to fill the vacancy, the Secretary must appoint the person to the Advisory Council by notice published in the Bougainville Gazette.
- (3) If the Bougainville Council of Churches does not, within 21 days after having been invited to make a nomination, nominate a person, the Secretary may, by notice published in the Bougainville Gazette, appoint a person to fill the vacancy.
- (4) A person appointed under Subsection (3) is taken to have been appointed under Subsection (2) on the nomination of the Bougainville Council of Churches.
- (5) If the Bougainville Council of Churches is defunct or has been reconstituted or renamed, the Bougainville Executive Council may, by notice published in the Bougainville Gazette, designate an organisation to perform the function of the Bougainville Council of Churches for the purposes of Subsection (1).
- (6) An organisation designated under Subsection (5) must be an organisation that represents the interests of faith-based organisations throughout Bougainville.

**20C Appointment of mining engineer**

- (1) If a vacancy exists on the Advisory Council for the member under Section 20(1)(cb), the Secretary must write to the Institution of Professional Engineers Papua New Guinea Incorporated, inviting the Institution to nominate a person to be a member of the Advisory Council.
- (2) A person nominated by the Institution must be—
  - (a) a mining engineer, with at least 10 years' experience working in the mining industry in Papua New Guinea; and

- (b) registered under the *Professional Engineers (Registration) Act 1986* of the National Parliament; and
  - (c) a Bougainvillean, unless no Bougainvillean meets the requirements of Paragraphs (a) and (b).
- (3) On receipt of a nomination to fill the vacancy, the Secretary must, unless the person does not meet the requirements of Subsection (2), appoint the person to the Advisory Council by notice published in the Bougainville Gazette.
- (4) If the Institution is defunct or has been reconstituted or renamed, the Bougainville Executive Council may, by notice published in the Bougainville Gazette, designate a similar organisation to perform the function of the Institution for the purposes of Subsection (1).
- (5) If the Bougainville Executive Council is satisfied that there exists an organisation that represents the interests of registered engineers in Bougainville, the Council may, by notice published in the Bougainville Gazette, designate that organisation to perform the function of the Institution for the purposes of Subsection (1).

#### **20D Term of office**

- (1) A member of the Advisory Council under Section 20(1)(c), (ca) or (cb) holds office for 3 years from the date of appointment, or until—
- (a) the member dies; or
  - (b) the member resigns by written notice to the Secretary; or
  - (c) for a member under Section 20(1)(cb) – the member ceases to be registered under the *Professional Engineers (Registration) Act 1986* of the National Parliament; or
  - (d) the member's appointment is revoked by the Secretary under Subsection (2).
- (2) If a member to whom Subsection (1) applies is absent from 3 consecutive meetings of the Advisory Council without the permission of the Secretary, the Secretary may, by notice published in the Bougainville Gazette, revoke the member's appointment.
- (3) A member to whom Subsection (1) applies is eligible for reappointment.

#### **[3] Amendment of Section 24**

##### **3.1 Section 24(2)(a)(ii)**

*omit*

3

*substitute*

6

**[4] Amendment of Section 261**

4.1 Section 261(4)

*omit*

an instrument to which this section applies must be submitted in the prescribed form, together with the instrument,

*substitute*

a tribute agreement or instrument to which this section applies must be submitted in the prescribed form, together with the document for which approval is sought,

4.2 Section 261(8), (9) and (10)

*omit, substitute*

- (8) The parties to an instrument or tribute agreement approved and registered under this section may jointly apply to the Secretary in the prescribed form to deregister the instrument or tribute agreement.
- (9) If the Secretary receives an application under Subsection (8), and the Secretary is satisfied that it is the desire of all parties to the instrument or tribute agreement that it be deregistered, the Secretary must approve the application.
- (10) The Mining Registrar must deregister an instrument or tribute agreement registered under Subsection (6) if—
  - (a) the Secretary approves an application for deregistration of the instrument or tribute agreement under Subsection (9); or
  - (b) the Mining Registrar receives a court order directing that the instrument or tribute agreement be deregistered.

**[5] Amendment of Section 280**

5.1 Section 280(a)(ii)

*omit*

with respect to latitude and longitude

*substitute*

, such other natural features and the location of principal villages as will allow the area to be correctly located

**[6] Amendment of Section 292**

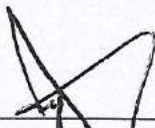
6.1 Section 292(1)(c)

*insert, after "regional development royalty",*

*, health and education royalty*

I certify that the above is fair copy of a Bill for an Act entitled *Bougainville Mining (Amendment) Act 2015*, passed by the House of Representatives on 30 September 2015 and now presented to the Speaker for his certificate under Section 66(1) of the *Bougainville Constitution*.

Dated 6 October 2015

  
\_\_\_\_\_  
**Robert Tapi**  
Acting Clerk of the  
House of Representatives

I, Simon Pentanu, Speaker of the House of Representatives, hereby certify that the *Bougainville Mining (Amendment) Act 2015* was made by the House of Representatives on 30 September 2015.

Dated 6 October 2015

  
  
**Honourable Simon Pentanu**  
Speaker of the House of  
Representatives