



BOUGAINVILLE GOVERNMENT LAND ACT 2024

Arrangement of Sections

PART 1 — PRELIMINARY	1
1 Short title	1
2 Commencement.....	1
3 Aims of Act	1
4 Interpretation.....	1
PART 2 — GOVERNMENT LAND.....	3
5 Government land	3
6 Dealing with Government land	4
7 Relinquishment of Government land to customary landowners.....	4
PART 3 — GOVERNMENT LAND BOARD.....	5
8 Government Land Board	5
9 Functions.....	5
10 Objectives.....	5
11 Membership.....	6
12 Terms and conditions of appointment.....	6
13 Remuneration, allowances and expenses.....	7
14 Procedures	7
15 Conflict of interest.....	7
16 Annual report.....	8
17 Administrative assistance.....	8
PART 4 — CARE, CONTROL AND MANAGEMENT OF GOVERNMENT LAND	8
18 Responsibility for Government land	8
19 Administration of responsibility for Government land	9
20 Public purposes for which Government land can be used or reserved	9
21 Grants of interests in and rights over Government land	10
PART 5 — GOVERNMENT LEASES	12
Division 1 — Introduction	12
22 Government leases	12
23 Types of Government lease	12
24 Commercial lease	12
25 Residential lease	13
26 Community service lease	13
27 Historical lease	13

28	Designation as compensable lease	14
Division 2 — Grant or renewal of Government lease		14
<i>Sub-division 1 — Process for grant of Government lease</i>		<i>14</i>
29	Requirement for compliance with grant process.....	14
30	Invitation to apply for Government lease	15
31	Essential requirements and ranking criteria for commercial or community service lease.....	16
32	Essential requirements for residential lease	17
33	Assessment against essential requirements by Secretary	17
34	Consideration by community government for commercial or community service lease	18
35	Consideration by Board for commercial or community service lease	18
36	Random selection process for residential lease.....	20
<i>Sub-division 2 — Process for renewal of Government lease</i>		<i>20</i>
37	Requirement for compliance with renewal process	20
38	Renewal of Government lease	20
39	Consideration of community government for renewal of Government lease other than residential lease	21
40	Consideration of Board for renewal of Government lease	21
<i>Sub-division 3 — Grant or renewal of Government lease</i>		<i>22</i>
41	Certificate of Board	22
42	Minister's decision	22
43	Acceptance form for grant of Government lease	22
44	Acceptance form for renewal of Government lease	24
45	Registration of grant or renewal of Government lease	25
<i>Sub-division 4 — Miscellaneous.....</i>		<i>25</i>
46	Contracts and Tenders Act does not apply	25
Division 3 — Terms and conditions of Government lease		25
47	Purposes.....	25
48	Annual lessee report	26
49	Development and improvement of land.....	26
50	Development or improvement of enterprise.....	26
51	Subleasing	26
52	Limitations on transfer	27
53	Other limitations	27
54	Rent.....	27
55	Payments for compensable lease	27
56	Information about lessee must be kept up-to-date.....	28
57	Powers of authorised officers	28
58	Waiver of Government lease conditions.....	28
59	Review of Government lease conditions	28
60	Expiry of Government lease.....	28

Division 4 — Dealing with Government lease	29
61 Amendment of Government lease	29
62 Transfer of Government lease.....	31
63 Surrender of Government lease	32
Division 5 — Forfeiture of Government lease and resumption of land.....	33
64 Forfeiture of Government lease.....	33
65 Resumption of land	35
PART 6 — GOVERNMENT LICENCES	36
66 Government licences	36
67 Terms and conditions of Government licence	36
68 Dealing with Government licence	36
69 Variation of Government licence	37
70 Surrender of Government licence.....	37
71 Renewal of Government licence	37
72 Waiver of Government licence conditions.....	37
73 Cancellation of Government licence	38
PART 7 — CERTIFICATES OF GOVERNMENT LAND BOARD RELATED TO EASEMENTS	38
74 Certificates of Board related to easements	38
PART 8 — ENFORCEMENT.....	39
Division 1 — Unlawful occupation and other misuse of Government land.....	39
75 Offence—unlawful occupation and other misuse of Government land	39
Division 2 — Default notice	39
76 Default notice to holder of lease, licence or consent	39
Division 3 — Remediation notice	40
77 Remediation of condition by holder of interest or rights	40
78 Offence—breach of remediation notice.....	41
Division 4 — Removal and disposal of property and fixtures.....	41
79 Removal and disposal of property and fixtures on Government land	41
Division 5 — Authorised officers	41
80 Authorised officers.....	41
81 Offence—failure to return identity card	42
82 Powers of authorised officers	42
83 Offence—breach of requirement by authorised officer	43
84 Offence—obstruction of authorised officer	43
85 Offence—pretending to be authorised officer	43

PART 9 — REVIEW.....	44
86 Review of certain decisions.....	44
PART 10 — MISCELLANEOUS.....	45
87 Forms and fees	45
88 Offence—false or misleading information	45
89 Delegation by Minister.....	45
90 Delegation by Secretary	45
91 Service of applications, notices and other documents.....	46
92 Protection from civil liability	47
93 Human rights.....	47
94 Act binds Bougainville Government.....	47
95 Regulations.....	47
PART 11 — TRANSITIONAL PROVISIONS	48
96 Settler tenancies converted into Government licences.....	48



(No. 5 of 2024)

BOUGAINVILLE GOVERNMENT LAND ACT 2024

Being an Act to provide—

- (a) for the care, control and management of Government land by Bougainville governmental bodies; and
- (b) for related matters.

MADE by the House of Representatives, to come into operation as set out in Section 2.

PART 1 — PRELIMINARY

1 Short title

This Act is the *Bougainville Government Land Act 2024*.

2 Commencement

This Act comes into operation when the *Bougainville Land Registers Act 2024* comes into operation.

3 Aims of Act

This Act aims to provide for the care, control and management of Government land by Bougainville governmental bodies through—

- (a) using or retaining the land for public purposes; and
- (b) granting leases, licences and rights over the land; and
- (c) relinquishing responsibility for the land to customary landowners if the land is no longer required for those purposes.

4 Interpretation

- (1) In this Act, unless the contrary intention appears—

acquired (transitional) Government land means land in Bougainville that—

- (a) is acquired (transitional) Government land under the transitional provisions in the *Bougainville Land Registers Act 2024*; and
- (b) has not become—
 - (i) registered Government land under the *Bougainville Land Registers Act 2024*; or

- (ii) customary land through relinquishment of responsibility for the land by the Bougainville Government under this Act;

associate—two persons are to be regarded as associates if one has, or appears to have, substantial influence over the other;

Board means the Government Land Board established under Section 8;

Bougainville means the Autonomous Region of Bougainville;

Bougainville Court means the Bougainville Court established under the *Bougainville Court Act 2024*;

Bougainville Government means the Autonomous Bougainville Government;

Bougainville governmental body has the meaning assigned by the Bougainville Constitution;

Note: The term includes the Bougainville Government, Departments, community governments and statutory authorities.

breach includes contravene and fail to comply;

commercial lease, see Section 24;

community government has the meaning assigned by the *Bougainville Community Government Act 2016*;

community government area has the meaning assigned by the *Bougainville Community Government Act 2016*;

community service lease, see Section 26;

compensable lease means a Government lease designated as a compensable lease under Section 28;

default notice, see Section 76(1);

Government land, see Section 5;

Government lease means a lease of Government land in force under this Act;

Government licence means a licence over Government land in force under this Act;

historical lease, see Section 27;

land includes—

- (a) a building or structure affixed to land; and
- (b) waters and airspace over land; and
- (c) the bed of any body of waters; and
- (d) subsoil and subterranean waters;

public purpose, see Section 20;

Public Service officer means an officer or employee of the Bougainville Public Service;

registered easement means an easement registered under the *Bougainville Land Registers Act 2024*;

registered Government land means land registered as Government land under the *Bougainville Land Registers Act 2024*;

registered lease means a lease registered in the Customary Land Register under the *Bougainville Land Registers Act 2024*;

registered mortgage means a mortgage registered against a registered lease or a Government lease under the *Bougainville Land Registers Act 2024*;

registered mortgagee means the mortgagee of a registered mortgage (that is, the bank or other person that lends money secured by the mortgage);

Registrar of Land has the meaning assigned by the *Bougainville Land Registers Act 2024*;

remediation notice, see Section 77(1);

residential lease, see Section 25;

Secretary means the person holding or acting in the office of Departmental Head of the Department that is, under the Minister, responsible for the administration of this Act;

transfer, in relation to a lease or mortgage, includes assign.

- (2) Notes in this Act do not form part of the Act.
- (3) An example in this Act—
 - (a) forms part of the Act; and
 - (b) is not exhaustive; and
 - (c) may extend, but does not limit, the meaning of the Act or the provision to which it relates.

PART 2 — GOVERNMENT LAND

5 Government land

Government land comprises—

- (a) the part of Bougainville that lies beyond 3 nautical miles of low water mark; and
- (b) registered Government land; and
- (c) acquired (transitional) Government land; and

- (d) customary land in Bougainville that is leased by a Bougainville governmental body under a registered lease.

6 Dealing with Government land

- (1) Government land of a kind referred to in Section 5(1)(a), (b) or (c) cannot be transferred or made the subject of a mortgage or any form of charge.
- (2) A registered lease of customary land of which a Bougainville governmental body is the lessee—
 - (a) can be transferred but only to another Bougainville governmental body; and
 - (b) cannot be made the subject of a mortgage or any form of charge.

7 Relinquishment of Government land to customary landowners

- (1) Land ceases to be registered Government land or acquired (transitional) Government land on registration under the *Bougainville Land Registers Act 2024* of an instrument of relinquishment.
- (2) The steps required for the Bougainville Government to relinquish responsibility for Government land are as follows:
 - (a) the Secretary must prepare an instrument of relinquishment for the area of land for registration under the *Bougainville Land Registers Act 2024*;
 - (b) the Secretary must take reasonable steps to ascertain information about—
 - (i) how the land became Government land, land of the Independent State of Papua New Guinea or land of a pre-independence administration of Papua New Guinea; and
 - (ii) the persons who could or should, on relinquishment, be identified as customary landowners of the land or various parts of the land, according to what is fair and equitable in the current circumstances;
 - (c) the Minister must execute the instrument of relinquishment with the consent of the Bougainville Executive Council;
 - (d) the Secretary must apply to the Land Division of the Bougainville Court for an order identifying the persons who are to be conclusively taken on relinquishment of the land to be the customary landowners of the land;
 - (e) the Secretary must give the Bougainville Court the information ascertained under Paragraph (b) and other information reasonably required by the Court;
 - (f) as soon as practicable after the Bougainville Court makes an order, the Secretary must—
 - (i) publish a notice of the relinquishment in the Bougainville Gazette that includes the terms of the order; and

- (ii) lodge with the Registrar of Land for registration under the *Bougainville Land Registers Act 2024*—
 - (A) the executed instrument of relinquishment; and
 - (B) a copy of the Bougainville Court order.
- (3) An application may be made to the Bougainville Court, and the Bougainville Court may make an order, under this section—
 - (a) without inquiring into the validity of the acquisition or the adequacy of the compensation paid to customary landowners; and
 - (b) despite any uncertainty about the circumstances of the acquisition or purported acquisition.
- (4) In making an order on application under this section, the Bougainville Court must—
 - (a) consider the information provided to it; and
 - (b) give persons claiming an interest in being identified in the order a reasonable opportunity to make submissions to the Court; and
 - (c) make an order identifying the persons (by clan lineage or otherwise) who are to be conclusively taken on relinquishment of the land to be the customary landowners of the land according to what, in its opinion, is fair and reasonable in the current circumstances.

PART 3 — GOVERNMENT LAND BOARD

8 Government Land Board

The *Government Land Board* is established.

9 Functions

The Board has the following functions:

- (a) to perform the functions conferred on the Board by this or any other Act;
- (b) to provide advice to the Minister or the Secretary on any matter relevant to this Act at the request of the Minister or Secretary or on its own initiative.

10 Objectives

The objectives of the Board are—

- (a) to ensure that Government land is cared for, controlled and managed for the benefit of the people of Bougainville in accordance with this Act; and
- (b) to guard against corruption and maladministration.

11 Membership

- (1) The Board is comprised of not less than 3 and not more than 5 members appointed by the Minister by notice in the Bougainville Gazette with the consent of the Bougainville Executive Council.
- (2) If there are 3 members, at least one of the members must be a woman.
- (3) If there are 4 or 5 members, at least 2 of the members must be women.
- (4) The Secretary or a person who is a Public Service officer responsible to the Secretary is not eligible to be appointed as a member of the Board.
- (5) Before a person is appointed as a member, the Secretary must cause—
 - (a) a public invitation for written applications for appointment (setting out the selection criteria) to be issued; and
 - (b) applications received within the time allowed in the invitation to be assessed on merit against the selection criteria; and
 - (c) a report of the assessment against the selection criteria of the applications with recommendations for appointment to be prepared and provided to the Minister for submission to the Bougainville Executive Council.
- (6) When a member is appointed, the notice of appointment in the Bougainville Gazette must include the following:
 - (a) a statement of the selection criteria;
 - (b) a summary of the basis on which the member was selected for appointment;
 - (c) if the appointment does not accord with the recommendations in the report prepared by the Secretary, an explanation of the reasons for departure from the recommendations.

12 Terms and conditions of appointment

- (1) Subject to this Act, members of the Board are appointed on terms and conditions determined by the Bougainville Executive Council.
- (2) The term of office of a member of the Board commences when, following appointment, the member makes, before the Minister or a person nominated by the Minister, the following declaration of office:

"I [name of member] promise that I will well and truly serve the people of Bougainville as a member of the Government Land Board."
- (3) A member is appointed for 3 years or such shorter term as is stated in the notice of appointment.
- (4) At the expiration of a term of appointment, a member is eligible for reappointment.

- (5) A member may resign by written notice to the Secretary.
- (6) The Bougainville Executive Council may, by notice in the Bougainville Gazette, remove a member from office—
 - (a) for breach of a condition of appointment; or
 - (b) for misconduct; or
 - (c) for failure or incapacity to carry out official duties satisfactorily.

13 Remuneration, allowances and expenses

- (1) A member is not entitled to remuneration but may be paid an allowance and reasonable expenses as determined by the Bougainville Executive Council.
- (2) A member or former member must not be paid any other amount by the Bougainville Government, including by way of *ex gratia* payment on the completion of a term of office.
- (3) Subsection (1) does not prevent a member who is a Public Service officer receiving the member's usual remuneration as a Public Service officer.

14 Procedures

Subject to this Act and any directions of the Secretary, the Board may determine its own procedures.

15 Conflict of interest

- (1) This section applies if a member of the Board—
 - (a) has a direct or indirect financial interest in a matter being considered, or about to be considered, by the Board; or
 - (b) has a personal, professional, commercial or other relationship with a person and the nature of the relationship is likely to, or may reasonably be regarded as likely to, inhibit or prevent the member from exercising independent judgment about a matter being considered, or about to be considered, by the Board.
- (2) The member—
 - (a) must disclose the nature of the interest and how it relates to the matter to the other members (in a form approved by the Secretary); and
 - (b) must not take part in any deliberation or decision about the matter; and
 - (c) must be disregarded for the purpose of constituting a quorum for the deliberation or decision.

- (3) The member need not disclose an interest if—
 - (a) the interest is an interest shared in common with the public generally or a substantial section of the public; or
 - (b) the interest is of a kind exempted from the requirement for disclosure by the regulations.
- (4) The disclosure must be noted in the records of the Board meetings and decisions.
- (5) A failure by the member to disclose an interest in a matter does not, on its own, invalidate a decision of the Board about the matter.

16 Annual report

- (1) The Board must, before 30 April in each year, give a report to the Bougainville Executive Council on the performance of its functions under this Act during the preceding year ending 31 December.
- (2) The report must be tabled in the House of Representatives within 2 sitting days after it is given to the Bougainville Executive Council.
- (3) The sitting days do not need to be in the same session or term of the House of Representatives.

17 Administrative assistance

- (1) The Secretary must provide administrative assistance to the Board for the performance of its functions under this Act.
- (2) The assistance must include assistance—
 - (a) to keep accurate records of meetings and decisions of the Board; and
 - (b) to prepare the required annual report.
- (3) The Secretary must provide information to the Board as reasonably required for the performance of its functions under this Act.

PART 4 — CARE, CONTROL AND MANAGEMENT OF GOVERNMENT LAND

18 Responsibility for Government land

The Bougainville Government is responsible for the care, control and management of Government land.

19 Administration of responsibility for Government land

- (1) The Secretary may, by notice in the Bougainville Gazette, do one or more of the following:
 - (a) place Government land (other than land subject to a Government lease) under the care, control and management of a Bougainville governmental body;
 - (b) state the public purpose for which the land may be used by that body;
 - (c) reserve Government land for future use for a public purpose stated in the notice.
- (2) The notice may state conditions that apply to the care, control and management of the land.
- (3) The Secretary may, by subsequent notice in the Bougainville Gazette, vary or revoke the notice.
- (4) The Secretary must obtain the approval of the Minister before making a notice under this section.
- (5) The Secretary is bound by a direction of the Bougainville Executive Council to make a notice under this section.
- (6) The Secretary must ensure that a copy of each notice is lodged with the Registrar of Land for inclusion in the Government Land Register under the *Bougainville Land Registers Act 2024*.
- (7) Government land that is not the subject of a notice is under the care, control and management of the Minister.

20 Public purposes for which Government land can be used or reserved

- (1) The public purposes for which Government land can, subject to the terms of a notice under Section 19, be used by the body responsible for its care, control and management or for which Government land can be reserved are as follows:
 - (a) infrastructure operated for public or community use, including the following:
 - (i) electricity, water, drainage, sewerage and telecommunications infrastructure;
 - (ii) public access routes (including roads, tracks, bridges and pathways);
 - (iii) airports and airstrips;
 - (iv) ports, wharves, jetties, landings and moorings;
 - (v) hospitals and health centres;
 - (vi) cemeteries;
 - (vii) schools;

- (viii) recreation areas and meeting facilities;
 - (ix) housing;
 - (b) national parks, conservation areas or other environment protection purposes;
 - (c) cultural or historic heritage protection;
 - (d) prisons or correctional facilities;
 - (e) offices and facilities for any of the following:
 - (i) the House of Representatives;
 - (ii) community governments;
 - (iii) the Bougainville Government;
 - (iv) the National Government;
 - (v) community courts;
 - (vi) Bougainville Courts (within the meaning of the Bougainville Constitution);
 - (vii) any other Bougainville governmental body or National governmental body (within the meaning of the National Constitution);
 - (f) anything declared by the regulations or another Act to be a public purpose for the purposes of this Act.
- (2) Government land cannot be used by the body responsible for its care, control and management—
- (a) for any other purpose; or
 - (b) for private gain.

21 Grants of interests in and rights over Government land

- (1) Interests in and rights over Government land can only be granted in accordance with this section.
- (2) The Bougainville Government may, subject to this Act and the *Bougainville Land Registers Act 2024*—
- (a) grant an easement over registered Government land; or
 - (b) grant a Government lease over registered Government land (other than land reserved under Section 19 for future use for a public purpose); or
 - (c) grant a Government licence over Government land; or

For example, if Government land is used by a Bougainville governmental body to provide housing for Public Service officers, police officers or teachers, each tenancy would be managed as a Government licence to reside in the housing for a stated term and subject to stated conditions.

- (d) grant consent to a person to conduct an activity on Government land (not being an activity that should, in the opinion of the Secretary, require a Government lease or Government licence).
- (3) An easement or Government lease is granted by the Minister on the recommendation of the Board.
- (4) A Government licence is granted by the Secretary with the approval of the Minister.
- (5) A consent is granted by the Secretary by instrument in writing.
- (6) A consent granted for the conduct of an activity—
 - (a) is subject to such conditions as the Secretary states in the instrument of consent; and
 - (b) may be revoked by the Secretary at any time by subsequent written notice to the person to whom consent is granted.
- (7) The Secretary is bound by a direction of the Minister as to the circumstances in which an activity requires a Government lease or Government licence rather than a consent.
- (8) A Government licence or consent cannot be granted over land subject to a Government lease unless—
 - (a) the lessee and any registered mortgagee of the lease consent to the grant; or
 - (b) the Secretary, with the approval of the Board, makes an order dispensing with the requirement for consent on the grounds that—
 - (i) the lessee or mortgagee cannot be contacted despite a reasonable attempt to do so; or
 - (ii) the lessee or mortgagee has not responded to the request for consent despite having had a reasonable opportunity to do so; or
 - (iii) consent is being unreasonably withheld in circumstances where the lessee's or mortgagee's interests are not prejudiced by the grant of the licence or consent.
- (9) A Government lease creates an interest in land, but a Government licence or a consent does not.
- (10) An easement over registered Government land can only be granted as set out in the *Bougainville Land Registers Act 2024*.
- (11) No stamp duty or other duty or tax is payable on a transaction effected under this section.

PART 5 — GOVERNMENT LEASES

Division 1 — Introduction

22 Government leases

- (1) A Government lease can only be granted or renewed in accordance with this Part.
- (2) The term for which the lease is granted or renewed must not be shorter than 3 years or longer than 65 years.
- (3) A Government lease entitles the lessee, subject to this Act and for the term of the lease, to exclusive occupation and use of the land subject to the lease.
- (4) A Government lease over customary land that is leased by a Bougainville governmental body under a registered lease must be consistent with the registered lease and is of no effect to the extent of any inconsistency.

23 Types of Government lease

There are 4 types of Government lease as follows:

- (a) a commercial lease;
- (b) a residential lease;
- (c) a community service lease;
- (d) a historical lease.

24 Commercial lease

- (1) A commercial lease is a lease under which Government land is used and occupied for the purposes of a commercial enterprise.

For example:

- *an agricultural or horticultural business;*
- *a manufacturing or other industrial business;*
- *a tourism business;*
- *a housing rental business.*

- (2) Rent is payable annually in advance by the lessee of a commercial lease to the Bougainville Government.
- (3) If a commercial lease is a compensable lease, an amount is payable annually in advance by the lessee to a customary group as stated in the lease.
- (4) A commercial lease can only be granted following a competitive selection process as set out in this Part.

25 Residential lease

- (1) A residential lease is a lease under which Government land is used and occupied for the purposes of the lessee's main residence.
- (2) A person cannot be lessee of more than 1 residential lease.
- (3) Rent is payable annually in advance by the lessee of a residential lease to the Bougainville Government.
- (4) If a residential lease is a compensable lease, an amount is payable annually in advance by the lessee to a customary group as stated in the lease.
- (5) A residential lease can only be granted following a random selection process as set out in this Part.

26 Community service lease

- (1) A community service lease is a lease under which Government land is used and occupied by an enterprise for the purposes of providing community services.

For example:

- *education;*
 - *health care;*
 - *community housing (at low or no rent);*
 - *community recreation;*
 - *mission services.*
- (2) The enterprise must be of a kind that does not return a profit, or pay a dividend, to directors, members or shareholders.
 - (3) Rent is not payable to the Bougainville Government by the lessee of a community service lease.
 - (4) If a community service lease is a compensable lease, an amount is payable annually in advance by the lessee to a customary group as stated in the lease.
 - (5) A community service lease may be granted following a competitive selection process, or on application, as set out in this Part.

27 Historical lease

- (1) Under the transitional provisions in the *Bougainville Land Registers Act 2024* certain interests held by persons immediately before the commencement of this Act are converted into historical leases of Government land.
- (2) No further such leases may be granted.
- (3) Rent is payable annually in advance by the lessee of a historical lease that is not a perpetual lease to the Bougainville Government.

- (4) If a historical lease is a compensable lease, an amount is payable annually in advance by the lessee to a customary group as stated in the lease.
- (5) This Act applies to historical leases subject to the transitional provisions in the *Bougainville Land Registers Act 2024*.

28 Designation as compensable lease

- (1) A compensable lease is a Government lease under which an amount must be paid annually by the lessee to a customary group under Section 55.
- (2) The customary group must have a historical connection to the land.
- (3) A lease can only be designated as a compensable lease if the Board approves the designation.
- (4) The following cannot be designated as a compensable lease—
 - (a) a historical lease that is a perpetual lease;
 - (b) a lease of land that is customary land that is leased by a Bougainville governmental body under a registered lease;
 - (c) a lease excluded by the regulations.
- (5) The regulations may—
 - (a) fix the amount or maximum amount of the annual payment or provide for how the amount is to be calculated; and
 - (b) state factors that must be taken into account in designating a lease as a compensable lease or approving the designation; and
 - (c) require a stated process to be followed for the designation or approval.

Division 2 — Grant or renewal of Government lease

Sub-division 1 — Process for grant of Government lease

29 Requirement for compliance with grant process

- (1) A Government lease cannot be granted except—
 - (a) on an application for the grant of the lease; and
 - (b) on the recommendation of the Board.
- (2) A commercial lease or residential lease cannot be granted except to an applicant who makes an application for the lease in the manner and within the period allowed in an invitation issued under Section 30.

- (3) An application for a community service lease may be accepted by the Secretary without an invitation having been issued under Section 30.

For example, a non-government organisation or foreign donor may apply for a community service lease with a view to using available Government land to provide health care or other services to a community.

- (4) If an invitation is issued under Section 30 for a community service lease, the lease cannot be granted except to an applicant who makes an application for the lease in the manner and within the period allowed in an invitation issued under that section.

30 Invitation to apply for Government lease

- (1) The Secretary may, with the approval of the Minister, issue an invitation for interested persons to apply for a commercial lease, residential lease or community service lease of Government land.
- (2) The invitation must state the following:
- (a) the area of Government land offered for lease;
 - (b) the type of lease offered;
 - (c) the term of the lease;
 - (d) if the lease is to be a compensable lease, the amount payable annually to a customary group;
 - (e) for a commercial lease—
 - (i) the type of enterprise that may be operated on the land under the lease; and
 - (ii) the amount of rent payable annually to the Bougainville government; and
 - (iii) other conditions of the lease or how further information about other conditions can be obtained; and
 - (iv) the essential requirements that must be met by the successful applicant; and
 - (v) criteria for ranking applicants who meet the essential requirements;
 - (f) for a residential lease—
 - (i) that the lease must be for the main residence of the lessee; and
 - (ii) other conditions of the lease or how information about other conditions can be obtained; and
 - (iii) that the successful applicant will be selected by a random selection process; and

- (iv) the essential requirements that must be met by an applicant for inclusion in the random selection process;
 - (g) for a community service lease—
 - (i) the type of enterprise that may be operated on the land under the lease; and
 - (ii) other conditions of the lease or how information about other conditions can be obtained; and
 - (iii) the essential requirements that must be met by the successful applicant; and
 - (iv) criteria for ranking applicants who meet the essential requirements;
 - (h) the fees payable under the regulations for the grant of the lease;
 - (i) when and how to make an application for the lease.
- (3) The invitation must include a requirement for the application to be accompanied by evidence of how the applicant meets the essential requirements.
- (4) The invitation may be published using electronic social media, radio broadcast or other means as the Secretary sees fit.

31 Essential requirements and ranking criteria for commercial or community service lease

- (1) The following are the essential requirements that must be met by an applicant for a commercial lease or a community service lease:
- (a) the applicant must genuinely want the lease for the purposes for which the lease is granted;
 - (b) the applicant must be a fit and proper person to be involved in the purposes for which the lease is granted;
 - (c) the applicant must have, or have a genuine and achievable proposal for obtaining, the capacity (both technical and financial) to comply with the conditions of the lease;
 - (d) the grant of the lease must not, taking into account other Government leases held by the applicant and the associates of the applicant, be likely to—
 - (i) give the applicant an unfair advantage over others in the relevant sector; or
 - (ii) substantially contribute to monopolisation of the relevant sector;
 - (e) if an invitation is issued under Section 30—
 - (i) the application must be received within the period allowed in the invitation; and

- (ii) other requirements approved by the Board and included in the invitation.
- (2) The following are the criteria for ranking applicants who satisfy the essential requirements:
 - (a) if the land is customary land that is leased by a Bougainville governmental body under a registered lease, the customary landowners must be preferred over all other applicants;
 - (b) the public benefit likely to result from the grant of the lease;
 - (c) the record of the applicant and associates of the applicant in connection with other Government leases;
 - (d) the criminal record and reputation in the community of the applicant and associates of the applicant;
 - (e) the record of compliance of the applicant and associates of the applicant with default notices and remediation notices;
 - (f) other criteria approved by the Board and included in the invitation.

For example—

- *that Bougainvilleans or citizens must be preferred over foreigners; and*
- *the number of other Government leases held by the applicant or associates of the applicant.*

32 Essential requirements for residential lease

The following are the essential requirements that must be met by an applicant for a residential lease for inclusion in the random selection process:

- (a) the applicant must not be the lessee of a residential lease;
- (b) the applicant must genuinely want the lease for the applicant's main residence;
- (c) the applicant must have, or have a genuine and achievable proposal for obtaining, the capacity (including financial) to comply with the conditions of the lease;
- (d) the application must be received within the period allowed in the invitation;
- (e) other requirements approved by the Board for inclusion in the invitation.

33 Assessment against essential requirements by Secretary

- (1) The Secretary must assess an applicant for a Government lease against the essential requirements.
- (2) If an applicant is to be excluded, the Secretary must give the applicant written notice of the exclusion and the reasons for the exclusion.

- (3) An applicant who is excluded may, within 28 days after the notice, apply to the Board for review of the Secretary's decision.
- (4) The Secretary is bound by a decision of the Board on an application for review.
- (5) The next step in the process cannot be conducted until the period for applications for review has expired and all applications for review have been determined.

34 Consideration by community government for commercial or community service lease

- (1) If an invitation to apply for a commercial or community service lease has been issued under Section 30, the Secretary must—
 - (a) provide the community government of the area in which the land is located with the following:
 - (i) the invitation;
 - (ii) a list of the applicants who meet the essential requirements (identifying any applicants who are customary landowners of the land);
 - (iii) a brief summary of their applications;
 - (iv) information about any other Government lease held by those applicants or their associates;
 - (v) a brief summary of the record of compliance with the conditions of any such lease; and
 - (b) invite the community government to make submissions to the Secretary on the matter within a stated period (of at least 1 month).
- (2) If an application for a community service lease is made without an invitation having been issued under Section 30, the Secretary must—
 - (a) provide a copy of the application to the community government of the area in which the land is located; and
 - (b) invite the community government to make submissions to the Secretary on the matter within a stated period (of at least 1 month).

35 Consideration by Board for commercial or community service lease

- (1) As soon as practicable after the closing date for submissions from the community government, the Secretary must give the Board:
 - (a) if an invitation has been issued under Section 30—the following:
 - (i) the invitation;
 - (ii) each application received within the period allowed in the invitation;
 - (iii) the information provided to a community government;

- (iv) any submissions on the matter made by the community government within the period allowed for submissions;
 - (v) proposed rankings of all applicants that meet the essential requirements against the criteria for ranking stated in the invitation (or a statement that no applicant meets the essential requirements); or
 - (b) if an invitation has not been issued under Section 30—the following:
 - (i) any submissions on the matter made by the community government within the period allowed for submissions;
 - (ii) whether, in the opinion of the Secretary, the application should be granted and the reasons for that opinion;
 - (iii) information about any other Government lease held by the applicant or associates of the applicant;
 - (iv) a brief summary of the record of compliance with the conditions of any such lease.
- (2) The Board must, as soon as practicable—
 - (a) consider the material provided by the Secretary; and
 - (b) if an invitation has been issued under Section 30—
 - (i) make a recommendation to the Minister as to the successful applicant and the ranking of other applicants who meet the essential requirements (or, if the Board concludes that no applicant should be granted a lease, make a recommendation to the Minister accordingly); and
 - (ii) if the Board comes to a different conclusion than that proposed by the Secretary, include with the recommendation an explanation of the reasons for that conclusion; and
 - (c) if an invitation has not been issued under Section 30—
 - (i) make a recommendation to the Minister as to whether the application should be granted or refused; and
 - (ii) if the Board comes to a different conclusion than that proposed by the Secretary, include with the recommendation an explanation of the reasons for that conclusion.
- (3) The Minister may, within 14 days after receiving a recommendation from the Board, ask the Board to provide further information about its recommendation or to reconsider its recommendation on stated grounds.
- (4) The Board must respond within 14 days or such longer period as is allowed by the Minister.

36 Random selection process for residential lease

- (1) The successful applicant for a residential lease must be selected from the applicants determined to meet the essential requirements.
- (2) The selection must be by—
 - (a) ballot conducted under the supervision of the Board; or
 - (b) by use of a computer programmed to make a random selection.
- (3) The Board must confirm that the random selection process has been properly conducted and, if it has, recommend the grant of the residential lease to the selected applicant.

Sub-division 2 — Process for renewal of Government lease

37 Requirement for compliance with renewal process

- (1) A Government lease cannot be renewed except—
 - (a) on an application for the renewal of the lease; and
 - (b) on the recommendation of the Board.
- (2) An application for renewal must be lodged with the Secretary at least 6 months before the lease is due to expire.
- (3) The Secretary may accept a late application for renewal of a Government lease if the Secretary is satisfied that there are reasonable grounds for doing so.

38 Renewal of Government lease

- (1) There is no right of renewal of a Government lease, but, subject to the terms of the lease—
 - (a) a lessee may make an application for renewal of a Government lease; and
 - (b) the lease will be renewed unless—
 - (i) rent is outstanding and the lessee has not entered into an appropriate arrangement for payment of the outstanding amount; or
 - (ii) the lease is a compensable lease and an amount payable to a customary group is outstanding and the lessee has not entered into an appropriate arrangement for payment of the outstanding amount; or
 - (iii) there is a record of non-compliance with other conditions of the lease; or
 - (iv) the land is required for use for a public purpose under this Act; or
 - (v) there is some other good reason for the lease not to be renewed.

- (2) If the conditions of the lease have not been reviewed under Section 59 in the previous 5 years, a review may be conducted in conjunction with determination of the application for renewal.

39 Consideration of community government for renewal of Government lease other than residential lease

If an application for renewal of a Government lease other than a residential lease is made, the Secretary must—

- (a) give a copy of the application to the community government of the area in which the land is located; and
- (b) invite the community government to make submissions to the Secretary on the matter within a stated period (of at least 1 month).

40 Consideration of Board for renewal of Government lease

- (1) If an application for renewal of a Government lease is made, the Secretary must give the Board—
- (a) any submissions on the matter made by the community government within the period allowed for submissions; and
 - (b) a brief report on the current state of improvements on the land, the purposes for which the land is used and the record of compliance with the conditions of the lease; and
 - (c) a statement as to whether, in the opinion of the Secretary, the application should be granted and the reasons for that opinion.
- (2) The Board must, as soon as practicable—
- (a) consider the material provided by the Secretary; and
 - (b) make a recommendation to the Minister as to whether the application should be granted or refused; and
 - (c) if the Board comes to a different conclusion than that proposed by the Secretary, include with the recommendation an explanation of the reasons for that conclusion.
- (3) The Minister may, within 14 days after receiving a recommendation from the Board, ask the Board to provide further information about its recommendation or to reconsider its recommendation on stated grounds.
- (4) The Board must respond within 14 days or such longer period as is allowed by the Minister.

Sub-division 3 — Grant or renewal of Government lease

41 Certificate of Board

If the Board recommends the grant or renewal of a Government lease, the Board must issue a certificate recommending registration of an instrument of lease or renewal of lease.

42 Minister's decision

- (1) If the Board recommends the grant or renewal of a Government lease, the Minister must not unreasonably or capriciously refuse to grant or renew the lease.
- (2) If the Minister decides not to grant or renew the lease, the Minister must give written reasons for the decision to the Board and the lessee or proposed lessee.
- (3) If the Minister decides to grant or renew the lease, the Minister must authorise the Secretary to make an offer accordingly.

43 Acceptance form for grant of Government lease

- (1) The Secretary must, if a Government lease is to be offered to a prospective lessee, cause the prospective lessee to be given—
 - (a) a Government lease acceptance form; and
 - (b) a written notice setting out the following:
 - (i) the fees payable for the grant of the lease under the regulations and how those fees are to be paid;
 - (ii) how the Government lease may be accepted;
 - (iii) the period (being at least 1 month) within which the Secretary must be informed of the acceptance.
- (2) A Government lease acceptance form must state—
 - (a) the land subject to the lease (preferably by reference to an official survey plan within the meaning of the *Bougainville Land Registers Act 2024*); and
 - (b) the lessee and the lessee's contact details; and
 - (c) the type of lease; and
 - (d) the term of the lease (being a term not shorter than 3 years and not longer than 65 years); and
 - (e) if the lease is a compensable lease, the amount that must be paid annually in advance to the customary group and to whom, how and when the amount is to be paid; and

- (f) for a commercial lease—
 - (i) the type of enterprise that may be operated on the land under the lease; and
 - (ii) the specific purposes for which the land may be used; and
 - (iii) a description of any buildings, structures or fixtures on the land and their general state of repair; and
 - (iv) any requirements for development or improvement of the land or enterprise for those purposes (including, for example, a timetable for work to be undertaken for the development of the land or enterprise); and
 - (v) the lease cannot be transferred in the first 5 years after the grant of the lease; and
 - (vi) any limitations on the power of the lessee to sublease the whole or a portion of the land; and
 - (vii) any other limitations (including any limitations arising to allow the exercise of customary rights and any limitations on renewal of the lease); and
 - (viii) the annual rent and how and when the rent is to be paid; and
- (g) for a residential lease—
 - (i) that the land must be used as the main residence of the lessee; and
 - (ii) a description of any buildings, structures or fixtures on the land and their general state of repair; and
 - (iii) any requirements for development or improvement of the land, (including, for example, a timetable for work to be undertaken for the construction of a residence); and
 - (iv) the lease cannot be subleased; and
 - (v) the lease cannot be transferred in the first 3 years after the grant of the lease; and
 - (vi) any other limitations (including any limitations arising to allow the exercise of customary rights and any limitations on renewal of the lease); and
 - (vii) the annual rent and how and when the rent is to be paid;
- (h) for a community service lease—
 - (i) the type of enterprise that may be operated on the land under the lease; and
 - (ii) the specific purposes for which the land may be used; and

- (iii) the infrastructure or services that the lessee is required to provide; and
 - (iv) a description of any buildings, structures or fixtures on the land and their general state of repair; and
 - (v) any requirements for development or improvement of the land or enterprise for those purposes (including, for example, a timetable for work to be undertaken for the development of the land or enterprise); and
 - (vi) the lease cannot be transferred in the first 5 years after the grant of the lease; and
 - (vii) any limitations on the power of the lessee to sublease the whole or a portion of the land; and
 - (viii) any other limitations (including any limitations arising to allow the exercise of customary rights and any limitations on renewal of the lease).
- (3) If an invitation is issued under Section 30 and a Government lease is not accepted in the manner required within the period allowed, the Secretary is to cause a new Government lease acceptance form to be given to the prospective lessee who is—
- (a) for a commercial lease or community service lease—next in order in accordance with the Board's ranking of the applicants who meet the essential requirements;
 - (b) for a residential lease—next selected through the random selection process set out in Section 36.
- (4) The step in Subsection (3) is to be repeated until a prospective lessee accepts the Government lease in the manner required within the period allowed.
- (5) Once accepted, the government lease acceptance form constitutes the lease.

44 Acceptance form for renewal of Government lease

- (1) The Secretary must, if a Government lease is to be renewed, cause a Government lease renewal acceptance form to be given to the lessee.
- (2) A Government lease renewal acceptance form must state—
- (a) the lease that is being renewed; and
 - (b) the term of renewal, being a term—
 - (i) not shorter than 3 years; and
 - (ii) not longer than—
 - (A) for a historical lease—30 years; and
 - (B) in any other case—65 years; and

- (c) any fees payable for the renewal of the lease under the regulations and how those fees are to be paid; and
 - (d) how the renewal of the Government lease may be accepted; and
 - (e) the period (being at least 1 month) within which the Secretary must be informed of the acceptance.
- (3) If the renewal of a Government lease is not accepted in the manner required within the period allowed, the lease expires.
- (4) Once accepted, the Government lease is renewed for the term stated in the government lease renewal acceptance form.

45 Registration of grant or renewal of Government lease

- (1) The Secretary must, as soon as practicable after an acceptance form and fees are received by the Secretary as required by the acceptance form, lodge with the Registrar of Land for registration under the *Bougainville Land Registers Act 2024*—
 - (a) the instrument of lease or renewal of lease (being the lease grant or renewal acceptance form and proof of acceptance by the lessee); and
 - (b) the certificate of the Board recommending registration of the instrument of lease or renewal of lease.
- (2) The Secretary must also cause a notice of the grant or renewal of the lease to be published in the Bougainville Gazette.

Sub-division 4 — Miscellaneous

46 Contracts and Tenders Act does not apply

The *Autonomous Bougainville Government Contracts and Tenders Act 2014* does not apply to a process conducted under this Division.

Division 3 — Terms and conditions of Government lease

47 Purposes

- (1) It is a condition of a Government lease that the land must be used for the purposes set out in the lease.
- (2) It is a condition of a community service lease that the lessee provide the infrastructure or services as set out in the lease.
- (3) It is a condition of a Government lease that the land must not be used for any other purpose.

48 Annual lessee report

- (1) It is a condition of a Government lease other than a residential lease that the lessee must, on or before 31 March in each year, give the Secretary a report about the operations of the lessee under the lease in the previous calendar year.
- (2) It is preferable for the report to be in writing. If it is given orally, the Secretary must cause a written summary of the report to be prepared.
- (3) The report or summary is to be lodged with the Registrar of Land for inclusion in the Government Land Register under the *Bougainville Land Registers Act 2024*.

49 Development and improvement of land

It is a condition of a Government lease that—

- (a) the lessee must maintain improvements on the land in good order and condition (subject to any express provision of the lease about demolition or replacement of improvements); and
- (b) subject to planning and building permission requirements—
 - (i) the lessee must develop and improve the land as set out in the lease; and
 - (ii) the lessee may develop and improve the land as appropriate for the purposes for which the land may be used under the lease.

50 Development or improvement of enterprise

It is a condition of a Government lease other than a residential lease that the lessee must meet any requirements for the development or improvement of the enterprise operated on the land stated in the lease.

51 Subleasing

- (1) It is a condition of a residential lease that the lessee cannot sublease the land subject to the lease.
- (2) It is a condition of a Government lease other than a residential lease that the lessee may sublease the land subject to the lease, subject to any limitations stated in the lease.
- (3) A sublease of a Government lease creates a possessory right and not an interest in land and, if the Government lease expires or is surrendered or forfeited, the sublease ceases to exist.

52 Limitations on transfer

- (1) It is a condition of a commercial lease or community service lease that the lease cannot be transferred in the first 5 years after the lease is granted.
- (2) It is a condition of a residential lease that the lease cannot be transferred in the first 3 years after the lease is granted.

53 Other limitations

It is a condition of a Government lease that the lessee comply with—

- (a) limitations on exclusive occupation and use of the land arising from any Government licence or consent granted under this Act; and
- (b) any limitations stated in the lease (including to allow the exercise of customary rights or limiting the renewal of the lease).

54 Rent

- (1) It is a condition of a commercial lease, residential lease or historical lease (other than a historical lease that is a perpetual lease) that rent is paid annually in advance.
- (2) The annual rent is to be determined in accordance with the regulations.
- (3) The regulations may fix a scale of penalties that must be paid by lessees for late payment of rent under the lease.
- (4) The Secretary may, with the approval of the Minister, reduce the annual rent payable under a particular Government lease for a particular year if satisfied that—
 - (a) a factor affecting the profitability of the lessee has arisen since the last determination of the annual rent for the lease; or
 - (b) the lessee has carried out work on the land at the request or with the consent of the Bougainville Government for which the lessee has not been recompensed.
- (5) The regulations may fix a common date for the payment of rent under a Government lease of a particular class in each year.
- (6) Consequently, rent may be payable for a period of greater or less than 1 year and, if that is the case, the annual rent must be adjusted on a pro rata basis according to the number of months in the period.

55 Payments for compensable lease

It is a condition of a Government lease designated as a compensable lease that an amount is paid annually to a customary group as stated in the lease.

Note—The amount is determined under the regulations: see Section 28.

56 Information about lessee must be kept up-to-date

It is a condition of a Government lease that the lessee must keep the Secretary informed of the following:

- (a) if the lessee is a body corporate—changes in directors of the body corporate or persons who have a controlling interest in the body corporate;
- (b) changes in the name of or the contact details of the lessee.

57 Powers of authorised officers

It is a condition of a Government lease that a lessee provide reasonable assistance to an authorised officer exercising powers under this Act in relation to the lease or the land subject to the lease.

58 Waiver of Government lease conditions

The Secretary may, with the approval of the Minister, waive a breach of a Government lease condition unconditionally or subject to conditions.

59 Review of Government lease conditions

- (1) Government lease conditions (including rent) are subject to periodic review.
- (2) The interval between reviews must not be less than 5 years.
- (3) Apart from reviewing rent under a commercial lease, residential lease or historical lease, the main purpose of a periodic review is to consider whether circumstances (including environmental conditions and the needs of a community) have changed in a way that warrants a change to the conditions of the lease.
- (4) Government lease conditions may also be reviewed and varied if there is a breach of the conditions (other than non-payment of rent) and the lessee has been issued a default notice for the breach but has breached the default notice.

60 Expiry of Government lease

A Government lease expires at the end of the term of the lease (if it has not been earlier surrendered or forfeited) unless an application for renewal is made by the lessee and the lease is renewed.

Division 4 — Dealing with Government lease

61 Amendment of Government lease

- (1) To amend a Government lease, the Secretary must lodge the following with the Registrar of Land for registration under the *Bougainville Land Registers Act 2024*:
 - (a) an instrument of amendment of the Government lease executed by the Minister;
 - (b) a certificate of the Board recommending registration of the instrument of amendment;
 - (c) for each registered mortgage to which the Government lease is subject—
 - (i) an instrument of consent executed by the mortgagee; or
 - (ii) an application for the Registrar of Land to dispense with the requirement for consent under the *Bougainville Land Registers Act 2024*.
- (2) A Government lease may only be amended—
 - (a) on the grounds that the boundary of the land subject to the lease does not reflect the land actually occupied by the lessee; or
 - (b) following a review of the conditions of the lease under Section 59; or
 - (c) on application by the lessee to the Secretary; or
 - (d) in a manner agreed between the Secretary (with the approval of the Minister) and the lessee.
- (3) If rent is payable under the lease, an amendment under Subsection (2)(a) may include a variation of the rent to take into account the increase or reduction in value of the lease that results from the alteration of the boundary.
- (4) If it is proposed to amend a Government lease, the Secretary must—
 - (a) prepare an instrument of amendment of lease and any required instruments of consent; and
 - (b) give the lessee of the lease—
 - (i) the proposed instrument of amendment of lease; and
 - (ii) a notice—
 - (A) explaining the grounds for the proposal for amendment of the lease and the facts supporting the grounds; and
 - (B) inviting the lessee to accept the amendment, or to object to the amendment and to explain why, in a manner and within a period stated in the notice; and

- (c) give each mortgagee of a registered mortgage of the lease—
 - (i) a copy of the proposed instrument of amendment of lease; and
 - (ii) an instrument of consent of the mortgagee to the amendment of the lease; and
 - (iii) a notice—
 - (A) explaining the grounds for the proposal and the facts supporting the grounds; and
 - (B) inviting the mortgagee to execute and return the instrument of consent, or to object to the amendment and to explain why, in a manner and within a period stated in the notice.

Note: Under the Bougainville Land Registers Act 2024, the consent of the mortgagee is required, although the requirement can be dispensed with by the Registrar of Land.

- (5) The Secretary must—
 - (a) after considering any objection received within the period stated in the notice—
 - (i) give to the Board—
 - (A) a copy of each notice given under this section and any objections received within the period stated in the notice; and
 - (B) an explanation addressing the matters raised in any objection; and
 - (ii) request the Board to issue a certificate recommending registration of the instrument of amendment; and
 - (b) if the Board issues the certificate, advise the Minister to execute the instrument of amendment.
- (6) If the Board refuses to issue a certificate, the Board must give the Secretary a written explanation of the reasons for the refusal.
- (7) The Minister can only execute an instrument of amendment if the Board recommends registration of the instrument.

62 Transfer of Government lease

- (1) The interest of a lessee of a Government lease can be transferred (other than in the first 3 years after the grant of a residential lease and the first 5 years after the grant of a commercial lease or community service lease), but only with the written consent of the Minister.

Note: Under the Bougainville Land Registers Act 2024, the consent of each mortgagee of a registered mortgage of the lease is also required for the transfer, although the requirement can be dispensed with by the Registrar of Land.

- (2) Consent must not be refused or withheld unreasonably or capriciously.
- (3) A party to a proposed transfer of a Government lease may apply to the Secretary for the consent of the Minister to the transfer.
- (4) The Secretary must—
- (a) refer an application for consent to a transfer of a Government lease to the Board, together with—
 - (i) a recommendation as to whether consent should be given or refused; and
 - (ii) an explanation of the grounds on which the recommendation is made; and
 - (b) if the Board issues a certificate recommending registration of an instrument of consent—
 - (i) prepare the instrument of consent; and
 - (ii) advise the Minister to execute the instrument of consent.
- (5) The Minister cannot execute an instrument of consent to the transfer unless the Board issues the certificate.
- (6) If the Board refuses to issue a certificate, the Board must give the Secretary a written explanation of the reasons for the refusal.
- (7) If the Minister refuses to execute an instrument of consent, the Minister must give the Board and the Secretary a written explanation of the reasons for the refusal.
- (8) If an agreement is entered into under which the parties agree to transfer a Government lease, the agreement expires 12 months after its execution unless the consent of the Minister to the transfer has been obtained.
- (9) If a Government lease is transferred with the written consent of the Minister—
- (a) accrued and accruing liabilities to the Bougainville Government under the lease pass to the transferee; and

- (b) liabilities that had accrued under the lease before the date of the transfer may be enforced against the transferor (who will be regarded as jointly and severally liable with the transferee).
- (10) It is a condition of a Government lease that the transferee must, within 1 month after the Minister has executed the required instrument of consent, lodge with the Registrar of Land for registration under the *Bougainville Land Registers Act 2024*—
 - (a) the instrument of transfer of the lease; and
 - (b) any instrument of consent of a person other than the Minister required for registration or an application to dispense with the requirement for consent.
- (11) When those instruments are lodged for registration, the Secretary must lodge with the Registrar of Land for registration under the *Bougainville Land Registers Act 2024*—
 - (a) the instrument of consent executed by the Minister; and
 - (b) the certificate of the Board recommending registration of the instrument of consent.

63 Surrender of Government lease

- (1) Land leased under a Government lease can be wholly or partly surrendered, but only with the written consent of the Secretary given with the approval of the Minister.

Note: Under the Bougainville Land Registers Act 2024, the consent of each mortgagee of a registered mortgage of the lease is also required, although the requirement for consent can be dispensed with by the Registrar of Land.

- (2) Consent must not be refused or withheld unreasonably or capriciously.
- (3) A lessee may apply to the Secretary for consent to the surrender of the whole or a part of the land leased under a Government lease.
- (4) If consent to the surrender of the whole or part of the Government lease is refused, a written explanation of the reasons for the refusal must be given to the lessee.
- (5) On surrender of a Government lease, no liabilities that have accrued or accrue in connection with the lease may be enforced against a Bougainville governmental body.
- (6) A surrender has the following effect:
 - (a) if the whole of the land subject to the Government lease is surrendered—
the Government lease is forfeited;

- (b) if part only of the land subject to the Government lease is surrendered—the Government lease is taken to be amended by the excision of the land surrendered.
- (7) A surrender takes effect on a date stated in the instrument of surrender.
- (8) It is a condition of a Government lease that the lessee must, within 1 month after the Secretary has executed the required instrument of consent, lodge with the Registrar of Land for registration under the *Bougainville Land Registers Act 2024*—
 - (a) the instrument of surrender of the lease; and
 - (b) any instrument of consent of a person other than the Secretary required for registration or an application to dispense with the requirement for consent.
- (9) When those instruments are lodged for registration, the Secretary must lodge with the Registrar of Land for registration under the *Bougainville Land Registers Act 2024*, the instrument of consent.

Division 5 — Forfeiture of Government lease and resumption of land

64 Forfeiture of Government lease

- (1) A Government lease may be forfeited on the grounds that—
 - (a) a lease condition has been breached and either—
 - (i) a default notice issued in respect of the breach has also been breached; or
 - (ii) the forfeiture is necessary in order to prevent or arrest serious damage to, or deterioration of, the land; or
 - (b) the lessee has ceased to occupy the land; or
 - (c) a statement made in, or in connection with, the application for the grant or renewal of the lease was false or misleading (either by something being included or left out) and the statement was more than trivial or inconsequential taking into account the purpose of the application.
- (2) If it is proposed to forfeit a Government lease, the Secretary must give written notice of the intention to forfeit the lease to—
 - (a) the lessee; and
 - (b) each mortgagee of a registered mortgage of the lease.
- (3) The notice of intention to forfeit must—
 - (a) state the grounds for forfeiture; and
 - (b) state the facts relied on to establish the grounds; and

- (c) invite submissions to be made within a period stated in the notice as to why the lease should not be forfeited.
- (4) If the notice is given on the grounds that the lessee has ceased to occupy the land, notice need not be given to the lessee if the lessee has advised the Secretary of that fact.
- (5) The Secretary may request the Board to issue a certificate recommending registration of an instrument of forfeiture—
 - (a) after considering any submissions received within the period stated in the notice; or
 - (b) if reasonable steps have been taken to give the notice to relevant persons but it has not been possible to locate or to give the notice to 1 or more of those persons.
- (6) The request must be accompanied by a copy of the notice and any submissions made within the period allowed in the notice.
- (7) If the Board refuses to issue a certificate, the Board must give the Secretary a written explanation of the reasons for the refusal.
- (8) If the Board issues a certificate, the Secretary must—
 - (a) prepare a written instrument of forfeiture that includes a statement of the grounds for forfeiture; and
 - (b) advise the Minister to execute the instrument of forfeiture.
- (9) The Minister cannot execute the instrument of forfeiture unless the Board issues the certificate.
- (10) If the Minister refuses to execute the instrument of forfeiture, the Minister must give the Board and the Secretary a written explanation of the reasons for the refusal.
- (11) On forfeiture of a Government lease, no liabilities that have accrued or accrue in connection with the lease may be enforced against a Bougainville governmental body.
- (12) To forfeit a Government lease, the Secretary must lodge with the Registrar of Land for registration under the *Bougainville Land Registers Act 2024*—
 - (a) the instrument of forfeiture; and
 - (b) the certificate of the Board recommending registration of the instrument of forfeiture.

65 Resumption of land

- (1) The whole or part of the land subject to a Government lease may be resumed.
- (2) The lessee and the holder of a registered mortgage of the lease are entitled to compensation for a resumption.
- (3) The amount of compensation is to be determined by agreement between the Minister and the lessee or mortgagee, or in default of agreement, by the Bougainville Court.
- (4) If it is intended to resume the whole or part of the land subject to a Government lease, the Secretary must prepare a notice of intention to resume land.
- (5) The notice of intention to resume land must—
 - (a) state the land to be resumed; and
 - (b) state the reasons for the resumption; and
 - (c) state the amount of compensation offered for the resumption; and
 - (d) invite submissions to be made within a period stated in the notice.
- (6) The notice must be approved by the Minister with the consent of the Bougainville Executive Council.
- (7) The Secretary must give a copy of the approved notice to—
 - (a) the lessee; and
 - (b) each mortgagee of a registered mortgage of the lease.
- (8) When compensation has been agreed or determined, the Secretary must prepare an instrument of resumption for execution by the Minister with the consent of the Bougainville Executive Council.
- (9) The Secretary must lodge with the Registrar of Land for registration under the *Bougainville Land Registers Act 2024* the executed instrument of resumption.
- (10) A resumption has the following effect:
 - (a) if the whole of the land subject to the Government lease is resumed—the Government lease is forfeited;
 - (b) if part only of the land subject to the Government lease is resumed—the Government lease is taken to be amended by the excision of the land resumed.
- (11) A resumption takes effect on a date stated in the instrument of resumption.
- (12) The date must be at least 6 months after the date of execution of the instrument.

- (13) On resumption of land subject to a Government lease, no liabilities that have accrued or accrue in connection with the lease of the land may be enforced against a Bougainville governmental body.

PART 6 — GOVERNMENT LICENCES

66 Government licences

- (1) The Secretary may, with the approval of the Minister, grant a Government licence to use or occupy Government land if satisfied that the grant of the licence—
- (a) would not detract from any existing purpose for which the land is used; and
 - (b) would not prevent the land from being used for a public purpose for which it is intended to be used in the future; and
 - (c) would not be improper or undesirable.
- (2) While a Government licence is in force in relation to Government land, a Bougainville governmental body must not act in a way that will substantially detract from the licensee's occupation or use of the land.

Note: If the land is subject to a Government lease, a licence cannot be granted without the consent of the lessee and any mortgagee of a registered mortgage of the lease unless the requirement for consent is dispensed with by the Secretary on the recommendation of the Board: see Section 21(8).

67 Terms and conditions of Government licence

- (1) The terms and conditions of a Government licence (including once-off or periodic licence fees) are, subject to this Act, to be determined by the Secretary with the approval of the Minister.
- (2) A Government licence cannot be granted or renewed for a term exceeding 10 years.
- (3) The regulations may—
- (a) fix a date for the payment of licence fees under Government licences generally or under a class of Government licences (and that date prevails over any date fixed in the licence); or
 - (b) impose limitations on once-off or periodic licence fees.

68 Dealing with Government licence

- (1) A Government licence cannot be transferred or otherwise dealt with except with the consent of the Secretary given with the approval of the Minister.

- (2) If a Government licence is transferred with the consent of the Secretary—
- (a) accrued and accruing liabilities to the Bougainville Government pass to the transferee; and
 - (b) liabilities that had accrued before the date of the transfer may be enforced against the transferor (who will be regarded as jointly and severally liable with the transferee).

69 Variation of Government licence

A Government licence (including periodic licence fees) can be varied by the Secretary with the approval of the Minister at any time by written notice to the licensee.

70 Surrender of Government licence

- (1) A licensee can surrender a Government licence by written notice to the Secretary.
- (2) However, if there are outstanding licence fees or an outstanding remediation notice, the surrender is not effective unless the Secretary consents to the surrender with the approval of the Minister.
- (3) A licensee who surrenders a Government licence is not entitled to repayment of any licence fees.

71 Renewal of Government licence

- (1) The Secretary may, with the approval of the Minister, renew a Government licence in accordance with the terms and conditions of the licence.
- (2) The Secretary may do so even if—
 - (a) the application for renewal is late and the licence has expired; or
 - (b) no application is made and the licence has expired but the licensee continues to exercise rights under the licence as if it were still in force.
- (3) In such a case, the renewed Government licence has effect from the end of the term for which it was previously granted or renewed.

72 Waiver of Government licence conditions

The Secretary may, with the approval of the Minister, if satisfied that it would be reasonable in the circumstances—

- (a) waive a breach of a Government licence condition unconditionally or subject to conditions; or
- (b) waive, reduce or remit a Government licence fee or allow a licence fee to be paid at a later date or in instalments.

73 Cancellation of Government licence

- (1) The Secretary may cancel a Government licence—
 - (a) if a condition of the licence has been breached—by written notice to the licensee; or
 - (b) in any other case—with the approval of the Minister by not less than 1 month's written notice to the licensee.
- (2) Subject to the regulations, no compensation is payable by the Bougainville Government for cancellation of a Government licence.

PART 7 — CERTIFICATES OF GOVERNMENT LAND BOARD RELATED TO EASEMENTS

74 Certificates of Board related to easements

- (1) This section applies to the following instruments:
 - (a) an instrument of easement over registered Government land;
 - (b) an instrument of amendment or extinguishment of easement over registered Government land;
 - (c) an instrument of consent to the extinguishment of a public right of way or public right of way on foot over customary land.
- (2) A request to the Board for the issue of a certificate recommending registration under the *Bougainville Land Registers Act 2024* of the instrument must be accompanied by—
 - (a) a copy of the proposed instrument for registration; and
 - (b) a detailed explanation of—
 - (i) the proposal; and
 - (ii) the reasons for the proposal; and
 - (iii) the steps that have been taken to ensure compliance with this Act; and
 - (c) information addressing how the Board's objectives would be met if it were to issue a certificate recommending registration of the instrument.
- (3) If the Board recommends registration of the instrument, the Board must issue a certificate that—
 - (a) identifies the instrument for registration; and
 - (b) recommends its registration to the Registrar of Land.
- (4) If the Board refuses to issue a certificate, the Board must give the Secretary written reasons for the refusal.

PART 8 — ENFORCEMENT

Division 1 — Unlawful occupation and other misuse of Government land

75 Offence—unlawful occupation and other misuse of Government land

- (1) A person commits an offence if, without lawful authority or excuse, the person—
- (a) occupies Government land for longer than any period stated in the regulations; or
 - (b) cultivates, or keeps animals on, Government land; or
 - (c) drives a motor vehicle on Government land other than on an established road or track or in circumstances stated in the regulations; or
 - (d) damages or removes fossils or cultural or historic artefacts from Government land; or
 - (e) excavates or otherwise damages or interferes with Government land, or anything on Government land; or
 - (f) cuts down, lops branches from or otherwise damages any tree or bush on Government land; or
 - (g) erects any structure or fixture, or carries out any works, on Government land; or
 - (h) deposits litter or abandons property on Government land; or
 - (i) closes off or obstructs (whether by fences, gates or any means) a road or track on Government land.

Maximum penalty: K50,000 or 12 months' imprisonment.

- (2) A lease, licence or consent granted under this Act constitutes lawful authority for the acts to which the lease, licence or consent relates.
- (3) An easement registered under the *Bougainville Land Registers Act 2024* over Government land constitutes lawful authority for the acts to which the easement relates.

Division 2 — Default notice

76 Default notice to holder of lease, licence or consent

- (1) If the Secretary is satisfied that the holder of a lease, licence or consent over Government land has breached the conditions of the lease, licence or consent, the Secretary may issue a notice (a **default notice**) to the holder.
- (2) A default notice must—
- (a) be in writing; and

- (b) state the condition alleged to have been breached; and
 - (c) state the action to be taken or to be refrained from being taken by the person to remedy or mitigate the consequences of the breach or to prevent recurrence of the breach; and
 - (d) state that, if the action is not taken or refrained from being taken within a reasonable period, action may be taken to forfeit the lease or review the lease conditions or cancel the licence or consent.
- (3) A default notice may be varied or revoked by the Secretary by subsequent written notice.
- (4) This section does not derogate from the powers of the Secretary to take action under this Act without issuing a default notice.

Division 3 — Remediation notice

77 Remediation of condition by holder of interest or rights

- (1) If the Secretary is satisfied that a person granted an interest in, or rights in relation to Government land has caused or contributed to a condition associated with the land that requires remediation, the Secretary may issue a notice (a **remediation notice**) to the person.

Note: This subsection extends to a person who has the benefit of an easement over Government land registered under the Bougainville Land Registers Act 2024.

- (2) Without limiting Subsection (1), a condition associated with the land will be taken to require remediation if the condition—
 - (a) is unsightly or offensive; or
 - (b) presents a risk to—
 - (i) the environment; or
 - (ii) the health or safety of any person; or
 - (iii) any property; or
 - (c) is likely to have the effect of reducing the rental value of the land.
- (3) A remediation notice cannot be issued if the condition is a reasonable consequence of the undertaking of an activity that the Bougainville governmental body has authorised or required to be undertaken on the land.
- (4) A remediation notice must—
 - (a) be in writing; and
 - (b) describe the land and the condition to which the notice applies; and

- (c) state the action to be taken by the person to remediate the condition and the period within which such action must be taken (which must be reasonable).
- (5) A remediation notice may be varied or revoked by the Secretary by subsequent written notice.
- (6) If a person fails to comply with a remediation notice, the Secretary may cause the action required by the notice to be taken and may recover the reasonable costs of the action as a debt from the person to whom the notice is issued.

78 Offence—breach of remediation notice

A person commits an offence if the person, without reasonable excuse, breaches a remediation notice.

Maximum penalty: K20,000 or 6 months' imprisonment.

Division 4 — Removal and disposal of property and fixtures

79 Removal and disposal of property and fixtures on Government land

- (1) If personal property is abandoned on Government land, the Secretary may cause the property to be removed and disposed of.
- (2) The Secretary may cause a building, structure or fixture erected on Government land to be removed and disposed of if—
 - (a) the building, structure or fixture was erected without lawful authority or excuse; or
 - (b) the building, structure or fixture has been abandoned when a Government lease, licence or consent has expired or been surrendered, forfeited, terminated or cancelled.
- (3) If the personal property or building, structure or fixture belonged to a person who occupied the land prior to it being abandoned, the Secretary may recover the cost of removal and disposal as a debt owed by that person.

Division 5 — Authorised officers

80 Authorised officers

- (1) The Secretary may appoint a Public Service officer to be an authorised officer.
- (2) Each authorised officer must be issued with an identity card.
- (3) The identity card must show a recent photograph of the authorised officer.

- (4) An authorised officer exercising a power under this Part must produce the officer's identity card for inspection if asked to do so by the person in relation to whom the power is being exercised.

81 Offence—failure to return identity card

A person commits an offence if—

- (a) the person ceases to be an authorised officer; and
- (b) the person does not return the person's identity card to the Secretary within 21 days after the cessation.

Maximum penalty: K2000.

82 Powers of authorised officers

- (1) An authorised officer may—
- (a) require a person who is on Government land without lawful authority or excuse to leave the land; or
 - (b) require a person reasonably suspected of having committed an offence in relation to Government land—
 - (i) to state the person's name and address; and
 - (ii) to produce evidence of the person's name and address.
- (2) An authorised officer may—
- (a) enter and inspect land subject to a Government lease at any reasonable time; and
 - (b) while there—
 - (i) enter and inspect anything in or on the land; and
 - (ii) take photographs or make audio or visual recordings; and
 - (iii) require a person to answer questions relevant to the administration of the Government lease.
- (3) An authorised officer cannot exercise powers under Subsection (2) unless reasonable notice has been given to the lessee, orally or in writing.
- (4) However, no such notice need be given in the following circumstances:
- (a) if it is not practicable to do so;
 - (b) if the authorised officer believes on reasonable grounds that an offence against this Act has been, is being or is about to be committed on the land, or that a breach of a condition of the Government lease has occurred, is occurring or is about to occur.

- (5) In the exercise of powers under this section, an authorised officer may be assisted by such persons as the authorised officer considers necessary in the circumstances.

83 Offence—breach of requirement by authorised officer

A person commits an offence if the person breaches a requirement of an authorised officer under Section 82.

Maximum penalty: K20,000 or 6 months' imprisonment.

84 Offence—obstruction of authorised officer

- (1) A person commits an offence if—

(a) the person—

- (i) hinders or obstructs an authorised officer, or a person assisting an authorised officer; or
- (ii) uses abusive, threatening or insulting language to an authorised officer or a person assisting an authorised officer; or
- (iii) when required by an authorised officer under this Part to answer a question, refuses or fails to answer the question to the best of the person's knowledge, information and belief; and

(b) the person knows the authorised officer is exercising powers under this Act or that the person is assisting an authorised officer exercising such powers.

Maximum penalty: K10,000 or 3 months' imprisonment.

- (2) However, a person cannot be prosecuted for refusing or failing to answer a question on the grounds that to do so might tend to incriminate the person or make the person liable to a penalty.

85 Offence—pretending to be authorised officer

A person commits an offence if—

- (a) the person represents, by words or conduct, that the person or another person is an authorised officer; and
- (b) the person knows the representation is false.

Maximum penalty: K10,000 or 3 months' imprisonment.

PART 9 — REVIEW

86 Review of certain decisions

- (1) A person has a right to apply to the Administrative Division of the Bougainville Court for review of a decision under this Act as follows:
 - (a) a lessee of a Government lease or a mortgagee of a registered mortgage of a Government lease may apply for review of a decision of the Minister or Secretary under this Act—
 - (i) to dispense with a requirement for consent of the lessee or mortgagee; or
 - (ii) not to grant or renew the lease despite a recommendation of the Board to do so; or
 - (iii) to amend the lease under Section 61(2)(a) or (b); or
 - (iv) to refuse to amend the lease at the request of the lessee; or
 - (v) to refuse to consent to the transfer or surrender of the lease; or
 - (vi) to forfeit the lease;
 - (b) a person (other than a Bougainville governmental body) aggrieved by a decision of the Board to refuse to recommend registration of an instrument under the *Bougainville Land Registers Act 2024* may apply for review of the decision;
 - (c) a person to whom a default notice or remediation notice is given may apply for review of the decision of the Secretary to issue the notice (including its terms).
- (2) Subject to this section, an application for review must be lodged with the Bougainville Court within 3 months after the making of the decision to which the review relates.
- (3) The Minister, Board or Secretary must, on application by a person who could apply for review of a decision, give the person a written statement of the reasons for the decision.
- (4) The time for an application for review runs from the time when the person receives the written statement of reasons if—
 - (a) a written statement of the reasons for a decision is not given at the time of making the decision; and
 - (b) the person, within 3 months after the decision is made, applies to the Minister, Board or Secretary for a written statement of reasons for the decision.

PART 10 — MISCELLANEOUS

87 Forms and fees

- (1) The Secretary may determine the form required for an application under this Act.
- (2) The regulations may fix fees payable for the making of an application under this Act (including late fees).

88 Offence—false or misleading information

- (1) A person commits an offence if the person makes a statement that is false or misleading in information given, or records kept, under this Act.

Maximum penalty:

- (a) *if the person makes the statement knowing that it is false or misleading—K10,000 and 3 months' imprisonment; or*
 - (b) *in any other case—K2000.*
- (2) A statement may be false or misleading as a result of—
 - (a) including something; or
 - (b) leaving something out.
- (3) However, a person does not commit an offence if the false or misleading statement is merely trivial or inconsequential taking into account the purpose of the information or record.

89 Delegation by Minister

- (1) If a Bougainville governmental body has care, control and management of Government land under Section 19, the Minister may delegate to the body, or to the head or a member or officer of the body, a function or power (other than a function or power excluded from delegation by the regulations) under Part 6 in relation to a Government licence over the land.
- (2) The delegation may be to a person holding or acting in a position stated in the instrument of delegation.
- (3) A function or power delegated by the Minister may not be further delegated unless that is expressly allowed by the Minister.

Note: Part II Division 10 of the Interpretation Act 2005 contains provisions relevant to delegations under Bougainville law.

90 Delegation by Secretary

- (1) The Secretary may delegate to a Public Service officer a function or power under this Act (other than a function or power excluded from delegation by the regulations).

- (2) If a Bougainville governmental body has care, control and management of Government land under Section 19, the Secretary may, with the approval of the Minister, delegate to the body, or to the head or a member or officer of the body, a function or power (other than a function or power excluded from delegation by the regulations) under—
- (a) Section 21 in relation to a consent over the land; or
 - (b) Part 6 in relation to a Government licence over the land.
- (3) The delegation may be to a person holding or acting in a position stated in the instrument of delegation.

For example, if the regulations confer functions or powers on the Secretary relating to how rents are determined and the organisational structure of the Department includes a Chief Valuer, the Secretary may delegate all or some of the functions and powers to the Chief Valuer (meaning the Public Service officer holding or acting in the position with that title).

- (4) A function or power delegated by the Secretary may not be further delegated unless that is expressly allowed by the Secretary.

Note: Part II Division 10 of the Interpretation Act 2005 contains provisions relevant to delegations under Bougainville law.

91 Service of applications, notices and other documents

- (1) An application, notice or other document required or authorised to be served or given to the Secretary or the Board under this Act may be served or given—
- (a) by leaving it at, or posting it to, the principal office of the Secretary; or
 - (b) by a means (such as email) indicated by the Secretary as being an available means of service (in which case, the application, notice or other document is to be taken to be served or given when it would be received by that means in usual circumstances); or
 - (c) by leaving it with a person who has authority to accept documents on behalf of the Secretary.
- (2) An order or other document required or authorised to be served on or given to a person by the Secretary or Board under this Act may be served or given—
- (a) personally; or
 - (b) by leaving it with a person apparently over the age of 16 years at, or posting it to, the last residential or business address of the person known to the Secretary or Board (including, in the case of a body corporate, the registered address of the body corporate); or
 - (c) by a means (such as email) indicated by the person as being an available means of service (in which case, the order or other document is to be taken to be served or given when it would be received by that means in usual circumstances); or

- (d) by any means provided for service of the order or document by another Bougainville law.

92 Protection from civil liability

- (1) Subject to this section, no civil liability attaches to a member of the Board, the Secretary or a Public Service officer for an act or omission in the exercise or purported exercise of official functions or powers under this Act.
- (2) An action that would, but for Subsection (1), lie against a person lies instead against the Bougainville Government.
- (3) This section does not prejudice rights of action of the Bougainville Government in respect of an act or omission of a person not in good faith.

93 Human rights

For Section 180(3) of the Bougainville Constitution, in the opinion of the House of Representatives—

- (a) this is a law restricting human rights in a manner that is reasonably justifiable for the purpose in a democratic society that has a proper regard for the rights and dignity of mankind; and
- (b) the human rights that are restricted are as follows:
 - (i) freedom from arbitrary search and entry;
 - (ii) the right to privacy;
 - (iii) the right to freedom of information;
 - (iv) protection from unjust deprivation of property; and
- (c) the restriction is necessary for the purpose of giving effect to the public interest in public safety, public order and public welfare, as referred to in Section 180(2)(o) of the Bougainville Constitution.

94 Act binds Bougainville Government

This Act binds the Bougainville Government.

95 Regulations

- (1) The Bougainville Executive Council may make such regulations as are contemplated by, or as are necessary or expedient for, this Act.
- (2) The regulations may make provisions of a saving or transitional nature consequent on the making of this Act or an Act that amends this Act.
- (3) A provision of regulations made under Subsection (2) may, if the regulations so provide, take effect from the date of certification of the Act concerned under Section 66 of the Bougainville Constitution or a later date.

- (4) To the extent that a provision takes effect under Subsection (3) from a date earlier than the date of notification of the regulations in the *Bougainville Gazette* under Section 68 of the *Interpretation Act 2005*, the provision does not operate to the disadvantage of a person by decreasing the person's rights or imposing liabilities on the person.


PART 11 — TRANSITIONAL PROVISIONS

96 Settler tenancies converted into Government licences

- (1) On the commencement of this Act, a settler tenancy over land that becomes Government land on the commencement of the *Bougainville Land Registers Act 2024* becomes a Government licence to occupy the land of the tenancy.
- (2) A settler tenancy is a tenancy, whether formal or informal, under which a person usually resides on land immediately before the commencement of this Act and has continuously so resided for at least the preceding 6 months.
- (3) If a settler tenancy becomes a Government licence under this section, the licence can be dealt with as if it had been granted under this Act.
- (4) A Government licence under this section expires 3 years after the date of commencement of this Act, subject to any renewal of the licence under this Act.
- (5) The right of exclusive occupation and use under a Government lease is limited by a right of tenancy under a Government licence that comes into existence under this section.

I certify that the above is a fair copy of the **Bougainville Government Land Act 2024**, passed by the House of Representatives on the 18th of December 2024 and now presented to the Speaker for his certificate under Section 66 (1) of the Bougainville Constitution.

Dated 18th of December 2024



Robert Tapi
Clerk
Bougainville House of Representatives

I, **SIMON PENTANU**, Speaker of the House of Representatives, hereby certify that the **Bougainville Government Land Act 2024**, was made by the House of Representatives on the 18th of December 2024.

Dated 18th of December 2024



Hon. Simon Pentanu
Speaker
Bougainville House of Representatives

