



No. 3 of 2026

Bougainville Mining (Amendment) Act 2026

BOUGAINVILLE MINING (AMENDMENT) ACT 2026

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AUTONOMOUS REGION OF BOUGAINVILLE

AN ACT

entitled

BOUGAINVILLE MINING (AMENDMENT) ACT 2026

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

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

1 Short title

This Act may be referred to as the *Bougainville Mining (Amendment) Act 2026*.

2 Commencement

This Act comes into operation on the date of the Speaker's certificate and notice under Section 66 of the Bougainville Constitution.

3 Amendment of the *Bougainville Mining Act 2015*

Schedule 1 amends the *Bougainville Mining Act 2015*.

SCHEDULE 1 AMENDMENT OF BOUGAINVILLE MINING ACT 2015

[1] Amendment of Part 7 – New Division 4A

1.1 New Division 4A

after Section 144, insert:

DIVISION 4A – SPECIAL GRANT OF LARGE-SCALE MINING LEASE

144A Purpose of Division 4A

The purpose of this Division is to provide a special and exceptional pathway for the orderly and accelerated redevelopment of a previously operating large-scale mine where the Bougainville Executive Council is satisfied, among other things, that accelerated redevelopment is in the national and public interest.

144B Application of Division 4A

This Division applies notwithstanding anything else in this Act.

144C Public purpose

- (1) The grant of a large-scale mining lease under this Division is declared to be for a public purpose.
- (2) Without limiting subsection (1), the public purposes served by the grant of a large-scale mining lease under this Division include—
 - (a) national economic development;
 - (b) fiscal self-reliance;
 - (c) resolution of landowner legacy issues and claims;
 - (d) orderly and accelerated redevelopment of a previously operating large-scale mine; and
 - (e) nation building within Bougainville.

144D Grant of large-scale mining lease

- (1) The Bougainville Executive Council, in accordance with the recommendation of the Minister, may grant a large-scale mining lease to an eligible holder where the Bougainville Executive Council is satisfied that—
 - (a) the mining project under the large-scale mining lease relates to the redevelopment of a previously operating large-scale mine;

- (b) the area in the vicinity of the previously operating large-scale mine has been affected by conflict, environmental damage, unresolved landowner compensation claims, or other legacy issues;
 - (c) there is an established deposit of minerals within the area of the large-scale mining lease;
 - (d) the area of the large-scale mining lease:
 - (i) consists of a single area of a regular or irregular shape not exceeding 60 square kilometres, all of which is necessary for the purpose of mining minerals within the area; and
 - (ii) is no greater than the area of the special mining lease in respect of the previously operating large scale mine;
 - (e) no application has been made under the Act for the grant of a mining lease in respect of the whole or any part of the area of the large-scale mining lease;
 - (f) accelerated redevelopment of the previously operating large-scale mine is required for the economic future and fiscal self-reliance of Bougainville, and is in the national and public interest; and
 - (g) the interests of landowners will be safeguarded.
- (2) The question whether the Bougainville Executive Council is satisfied of the matters in subsection (1) is non-justiciable.
- (3) Subject to this Division, a large-scale mining lease granted under this Division shall be regarded as having been granted under Section 126, and the Act shall apply to the large-scale mining lease accordingly.
- (4) As soon as practicable after a large-scale mining lease is granted under this Division, the Mining Registrar must—
- (a) advise the eligible holder of the grant;
 - (b) advise the landowners within the area of the large-scale mining lease and their relevant approved landowner organisations of the grant;
 - (c) cause a notice of the grant of the large-scale mining lease to be published in the Bougainville Gazette;
 - (d) issue to the eligible holder a title document to the large-scale mining lease in the prescribed form; and
 - (e) register the large-scale mining lease in the Register of Tenements.

- (5) The whole of a large-scale mining lease granted under this Division may be transferred by the eligible holder to another eligible holder under Section 260.
- (6) No tax, impost or duty shall apply to the transfer of the large-scale mining lease under subsection (5).

144E Mineral Resources Forum process

- (1) The Minister must convene a Mineral Resources Forum process in respect of a large-scale mining lease granted under this Division before the Minister issues a commencement certificate authorising the commencement of commercial mining and production.
- (2) Part 7, Division 4, Sub-division G (Mineral Resources Forum and related matters), other than Section 140(2), shall apply in respect of the Mineral Resources Forum.

144F Landowner equity

- (1) To avoid doubt, nothing in this Division affects the entitlement of a person—
 - (a) to be compensated under Part 11; or
 - (b) receive—
 - (i) annual rent under Section 289; and
 - (ii) landowners' royalty under Section 291.
- (2) This section applies in respect of a large-scale mining lease granted under this Division in place of Section 41.
- (3) Landowners of the land within the area of a large-scale mining lease granted under this Division are entitled, without cost, to acquire a prescribed percentage free equity ownership interest in the eligible holder of the large-scale mining lease.
- (4) The landowners and approved landowner organisations entitled to acquire the free equity ownership interest under this section, and the allocation of the free ownership interest amongst those landowners and landowner organisations, shall be determined in such manner as prescribed.
- (5) The holders of the free equity ownership interest under this section are not responsible for meeting the exploration, development, operating and other costs of the mining project under the large-scale mining lease.
- (6) The eligible holder—
 - (i) must make available the prescribed percentage free equity ownership interest in the eligible holder on a free, sustained and non-dilutable, non-contributing equity basis for acquisition by landowners and approved landowner organisations under this section; and

- (ii) enter into shareholder agreements with those landowners and approved landowner organisations acquiring an interest under this section that clearly identify their rights as minority shareholders with regards to when and how profit, dividend and other distributions will be made.
- (7) The Minister may not issue a commencement certificate authorising the commencement of commercial mining and production prior to—
- (i) the issue of shares in the eligible holder as necessary for landowners and approved landowner organisations entitled to have acquired the prescribed percentage free equity ownership interest to which they are entitled under this section; and
 - (ii) the execution of shareholder agreements as required by subsection (6)(ii).

144G Large-scale mining lease conditions

A large-scale mining lease granted under this Division is subject to the following conditions—

- (1) Before the Minister issues a commencement certificate for the commencement of commercial mining and production—
 - (a) the eligible holder must submit—
 - (i) a survey under Section 239;
 - (ii) the eligible holder's proposed plans, including—
 - (A) an employment and training plan in accordance with Section 121;
 - (B) a goods and services procurement plan in accordance with Section 122;
 - (C) a resettlement management plan in accordance with Section 124;
 - (D) a mine site plan in accordance with Section 205;
 - (E) a mine waste management plan in accordance with Section 206;
 - (F) a rehabilitation and closure plan in accordance with Section 231; and
 - (G) a community engagement plan in accordance with Section 297; and

- (iii) a landowner identification study in accordance with Section 323;
 - (iv) a feasibility study;
 - (v) a proposed business development assistance plan in accordance with Section 123;
 - (vi) any community development agreements in accordance with Section 138;
 - (vii) a social mapping study in accordance with Section 324;
 - (viii) written evidence of landowner permission for the mining project; and
 - (ix) evidence that all required permits and approvals have been issued under the relevant applicable laws relating to the protection of the environment; and
- (b) the Advisory Council shall have approved the eligible holder's proposed plans (and such plans shall be regarded as approved plans for the purposes of the Act), having considered—
- (i) the outcome of the Mineral Resources Forum; and
 - (ii) whether the proposed plans—
 - (A) meet the requirements of the Act and any other laws that apply in Bougainville;
 - (B) make adequate provision for the protection of the environment; and
 - (C) safeguard the interests of landowners.
- (2) Except to the extent that the Minister is satisfied that the eligible holder has the technical competence and financial ability to fulfil obligations under the large-scale mining lease, activities and operations under the large-scale mining lease shall be carried out through an approved development partner.
- (3) The eligible holder must substantially comply with the approved plans.

144H Authorised activities and operations

- (1) Without limitation to anything else that is authorised, the large-scale mining lease authorises the eligible holder—

- (a) to conduct preparatory works, investigations and studies, including technical, engineering, feasibility, construction, processing, drilling, environmental and landowner engagement works;
 - (b) to enter and occupy land within the area of the large-scale mining lease for the purpose of conducting such preparatory works, investigations and studies; and
 - (c) to do all other things necessary or expedient for the conduct of such preparatory works, investigations and studies.
- (2) The eligible holder may conduct all or any of the operations and activities that it is authorised by the large-scale mining lease to conduct either directly or through a preferred development partner approved by the Bougainville Executive Council, or through an approved development partner appointed by the eligible holder under a written agreement.

144I Commencement certificates

- (1) The Minister, in accordance with the advice of the Advisory Council, may issue a commencement certificate authorising the commencement of activities and operations under the large-scale mining lease specified in the certificate.
- (2) A commencement certificate may be issued for each stage of development of the large-scale mining project, including:
- (a) preparatory works and feasibility;
 - (b) construction;
 - (c) mining, other than commercial mining;
 - (d) processing; and
 - (e) commercial mining and production.
- (3) The Minister, in accordance with the advice of the Advisory Council, may issue a commencement certificate authorising the commencement of commercial mining and production where the Minister is satisfied that—
- (a) landowner permission has been obtained;
 - (b) all required permits and approvals have been issued under the relevant applicable laws relating to the protection of the environment;
 - (c) compensation arrangements have been finalised; and
 - (d) mine rehabilitation and closure security arrangements are in place.

144J Effect on existing tenements

Any existing tenement, and any rights conferred by any existing tenement, granted under this Act before this Division came into force in respect of all or any of the land within the area of a large-scale mining lease granted under this Division, are suspended and subordinated to the large-scale mining lease and the rights conferred by the large-scale mining lease under this Division for so long as the large-scale mining lease remains in force.

144K Legacy liabilities

- (1) The eligible holder of a large-scale mining lease granted under this Division is not liable for any environmental, reclamation, rehabilitation, royalty, rent, taxation or compensation obligations or liabilities that applied to any person in respect of the land within the area of the large-scale mining lease or any mining on that land, including mining in connection with the previously operating large scale mine, before the date on which the large-scale mining lease was granted under this Division.
- (2) Nothing in this Division releases or discharges any person or entity in any way from any liability of that person or entity in relation to, in respect or in any way connected the land within the area of the large-scale mining lease or any mining on that land, including mining in connection with the previously operating large scale mine, that arose or accrued or related to the period before the date on which the large-scale mining lease was granted under this Division.
- (3) Nothing in this Division limits or affects the operation or application of Section 367(5).

144L Certain provisions of the Act not to apply

The following provisions of the Act do not apply in respect of the land within the area of a large-scale mining lease granted under this Division or the large-scale mining lease—

- (a) Section 10(f);
- (b) Section 103(3);
- (c) Section 117;
- (d) Section 118;
- (e) Section 119;
- (f) Section 128; and
- (g) Section 284.

[2] **Amendment of Schedule 1 - Definitions**

2.1 *Schedule 1 – new definitions*

insert the following expressions and corresponding meanings in alphabetical order in the table in Schedule 1

<i>Column 1</i>	<i>Column 2</i>
<i>approved development partner</i>	A technically competent and financially able person or entity, or a consortium or affiliated group of persons or entities, approved by the Bougainville Executive Council to provide services, including financial, technical, engineering, development, operating, project management, procurement, construction, mining, processing or marketing services, or other project support, to an eligible ABG entity in respect of a large-scale mining project under a large-scale mining lease granted under Part 7, Division 4A.
<i>eligible holder</i>	A body corporate: <ul style="list-style-type: none"> (a) that is established by the Autonomous Bougainville Government for the principal purpose of holding, developing or operating one or more large-scale mining projects in Bougainville; and (b) that is majority owned and controlled by the Autonomous Bougainville Government either directly or through one or more wholly owned interposed entities.
<i>existing tenement</i>	Any reconnaissance licence, exploration licence, mining lease or quarry lease granted, or taken to have been granted, in respect of any land partly or wholly within the area of a large-scale mining lease granted under Part 7, Division 4A.
<i>previously operating large-scale mine</i>	A mine at which no large-scale mining is presently carried out and at which mining was previously carried out under a special mining lease in respect of land in Bougainville granted, renewed or continued in existence under applicable laws.

I certify that the above is a fair copy of the *Bougainville Mining (Amendment) Act 2026*, passed by the House of Representatives on the 10th of June 2026 and now presented to the Speaker for his certificate under Section 66 (1) of the Bougainville Constitution.

Dated 10th of June 2026.



Peter Topura
Clerk

Bougainville House of Representatives

I, **SIMON PENTANU**, Speaker of the House of Representatives, hereby certify that the *Bougainville Mining (Amendment) Act 2026*, was made by the House of Representatives on the 10th of June 2026.

Dated 10th of June 2026.



Hon. Simon Pentanu
Speaker

Bougainville House of Representatives



CERTIFICATION OF ACTS

I, **Simon Pentanu**, Speaker of the House of Representatives, under Section 66 (2) of the Bougainville Constitution, give notice that the following Act has been certified by me under Section 66 (1) of the Bougainville Constitution:

Act Number	Name of Act	Date Certified
No. 3 of 2026	<i>Bougainville Mining (Amendment) Act 2026</i>	10th June 2026

Dated 10th June 2026

Honorable Simon Pentanu
Speaker of the Bougainville House of Representatives