



BOUGAINVILLE CUSTOMARY LAND ACT 2024

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(No. 4 of 2024)

BOUGAINVILLE CUSTOMARY LAND ACT 2024

Being an Act to provide for—

- (a) mapping of the interests and rights of customary landowners; and
- (b) the granting by customary landowners of registered interests in customary land; and
- (c) the transfer of responsibility for customary land from the customary landowners to the Bougainville Government; and
- (d) other matters relating to registration of interests in customary land.

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 Customary Land Act 2024*.

2 Commencement

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

3 Aims of Act

(1) This Act aims—

- (a) to protect customary land for future generations; and
- (b) to facilitate mapping of the interests and rights of customary landowners; and
- (c) to facilitate appropriate use of customary land for public purposes and development purposes; and
- (d) to promote investment in infrastructure, business and services reliant on the use of customary land.

- (2) This Act provides for processes that support customary landowners—
- (a) to transfer responsibility for customary land to the Bougainville Government to enable the land to be registered as Government land under the *Bougainville Land Registers Act 2024* and cared for, controlled and managed under the *Bougainville Government Land Act 2024*; and
 - (b) to create interests in customary land that are guaranteed under this Act and the *Bougainville Land Registers Act 2024*; and
 - (c) to deal with, and give consent for dealings related to, registered interests in customary land.
- (3) An interest in customary land guaranteed under this Act can be created through registration under the *Bougainville Land Registers Act 2024* of the following:
- (a) a lease (giving the lessee exclusive use and occupation of an area of land);
 - (b) an easement (giving, for example, a right of access along a track or for utility services);
 - (c) a charge over customary land (securing a loan against an area of land);
 - (d) a mortgage of a lease of customary land (securing a loan against a lease).

4 Interpretation

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

acquired (transitional) Government land has the meaning assigned by the *Bougainville Government Land Act 2024*;

Board means the Customary Land Board established under Section 11;

Bougainville means the Autonomous Region of Bougainville;

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.

customary land, see Section 5;

customary landowners, see Section 5;

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;

registered Government land has the meaning assigned by the *Bougainville Government Land Act 2024*;

registered interest means any of the following registered under the *Bougainville Land Registers Act 2024*:

- (a) a registered easement;
- (b) a registered lease;
- (c) a registered charge;
- (d) a registered mortgage;

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

Secretary means a 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.

- (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 — CUSTOMARY LAND AND CUSTOMARY LANDOWNERS

5 Customary land and customary landowners

- (1) The land that makes up Bougainville is **customary land** except for the following:
 - (a) land that is registered Government land;
 - (b) land that is acquired (transitional) Government land;
 - (c) land that lies beyond 3 nautical miles from low water mark.
- (2) **Customary landowners** are Bougainvilleans who have interests and rights in or over customary land under the custom of their clan lineage.
- (3) **Customary landowners** are usually groups, but the custom for some customary land enables an individual to be a customary landowner.

6 Dealing with customary land

- (1) Customary land may be transferred to the Bougainville Government for registration as Government land but must otherwise remain with customary landowners.

- (2) Subject to this Act, customary land is to be dealt with under the custom of the clan lineage of the customary landowners.

7 Limitations—Government land

While land is registered Government land or acquired (transitional) Government land—

- (a) it cannot be dealt with under the custom of the clan lineage of the customary landowners; and
- (b) the Bougainville Government is responsible for the care, control and management of the land under the *Bougainville Government Land Act 2024*.

8 Limitations—registered interests

- (1) Customary land cannot be dealt with in a way that is inconsistent with interests registered under the *Bougainville Land Registers Act 2024*.
- (2) Any transaction or action under custom that is inconsistent with a registered interest is invalid to the extent of the inconsistency and of no effect.
- (3) A person who has the benefit of a registered interest may apply to the Land Division of the Bougainville Court for an order—
- (a) declaring a transaction or action to be inconsistent with the registered interest and invalid to the extent of the inconsistency; and
- (b) requiring action to be taken or refrained from being taken as the Bougainville Court considers appropriate to rectify or mitigate consequences resulting from the transaction or action.

9 Statutory or judicial powers for sale of customary land ineffective

- (1) Statutory or judicial powers to sell or order the sale of customary land are ineffective except to the extent that the power may relate to a transfer under the custom of the clan lineage of the customary landowners.
- (2) A writ or warrant of execution after judgement in a court cannot be issued against customary land.
- (3) This section does not limit statutory or judicial powers in relation to a registered interest in customary land.

PART 3 — MAPPING OF CUSTOMARY LANDOWNER INTERESTS AND RIGHTS

10 Mapping of customary landowner interests and rights

- (1) The Secretary has the function of—
 - (a) gathering information about the interests and rights of customary landowners; and
 - (b) recording the information in a way that facilitates extracting information about particular land or landowners.
- (2) The function is to be performed by—
 - (a) gathering and recording information about the areas of land for which members of a clan lineage are landowners; and
 - (b) gathering and recording information about the areas of land within each of the mapped clan lineage areas in or over which smaller landowner groups or individuals have interests or rights; and
 - (c) gathering and recording information about the nature of the interests and rights of the smaller landowner groups or individuals; and
 - (d) recording the sources of the information; and
 - (e) noting any conflicts in the information or any reason to doubt the veracity of the information; and
 - (f) identifying areas of uncertainty or dispute; and
 - (g) refining and correcting the records as further information becomes available (including from court decisions) and as the Secretary becomes aware of changes resulting from dealings with land under custom or this or any other Act.
- (3) Land may be mapped using general descriptions or marking of boundaries or by GPS plot points or more precise surveys as more detailed information becomes available.
- (4) Landowner interests and rights must be identified according to the custom of the clan lineage of the landowners.
- (5) In gathering information about an area of land—
 - (a) the Board and the community government of the area must be consulted; and
 - (b) interested persons must be given an opportunity to give information and to challenge information given by others.
- (6) The Secretary is to establish a scheme for providing extracts from the records.

- (7) An extract must make it clear that—
 - (a) it is a record of information in the records as at the date of the extract; and
 - (b) it is not a conclusive or binding statement of—
 - (i) the customary group or individual who is entitled to deal with customary land under custom or a Bougainville law; or
 - (ii) the boundaries of customary land owned by a customary group or individual.
- (8) The regulations may fix a fee for searching or inspecting the records or obtaining an extract from the records.
- (9) The Bougainville Court and the Board must have regard to the records.
- (10) The Bougainville Court and the Board must inform the Secretary of any inaccuracy in the records and the evidence relied on by the Court or Board in coming to that conclusion.

PART 4 — CUSTOMARY LAND BOARD

11 Customary Land Board

The *Customary Land Board* is established.

12 Functions

The Board has the following functions:

- (a) to perform the functions conferred on the Board by this or any other Act; and
- (b) to give 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.

13 Objectives

The objectives of the Customary Land Board are—

- (a) to protect the interests of current and future customary landowners; and
- (b) to guard against deception and corruption (whether arising from a source external to a customary group or within a customary group).

14 Membership

- (1) The Board is comprised of not less than 3 and not more than 7 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) If there are 6 or 7 members, at least 3 of the members must be women.
- (5) 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.

Note—Under Section 20 the Secretary or Public Service officer is entitled to attend a meeting of the Board to assist the Board.

- (6) Before a person is appointed as a member of the Board, 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 with recommendations for appointment to be prepared and given to the Minister for submission to the Bougainville Executive Council.
- (7) 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.

15 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 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 Customary 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 or failure to comply with a condition of appointment; or
 - (b) for misconduct; or
 - (c) for failure or incapacity to carry out official duties satisfactorily.

16 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.

17 Procedures

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

18 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.

19 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.

20 Administrative assistance

- (1) The Secretary must—
 - (a) give information to the Board as reasonably required for the performance of its functions; and
 - (b) provide administrative assistance to the Board.
- (2) The assistance must include assistance—
 - (a) to keep accurate records of meetings and decisions of the Board; and
 - (b) to process applications and prepare certificates; and
 - (c) to prepare the required annual report.
- (3) To assist the Board, the Secretary or a Public Service officer responsible to the Secretary is entitled to attend each meeting of the Board.

PART 5 — REGISTRATION AFFECTING CUSTOMARY LAND

Division 1 — Introduction

21 Registration of transactions affecting customary land

- (1) Customary landowners may agree for an area of their land—
- (a) to be transferred to the Bougainville Government for registration as Government land under the *Bougainville Land Registers Act 2024*; or
 - (b) to be made subject to the following registered interests:
 - (i) a registered easement (for example, to guarantee that access will be allowed along a track or for utility services);
 - (ii) a registered lease (to give the lessee, who may be a Bougainville governmental body, exclusive rights to use and occupy the area of land);
 - (iii) a registered charge (to secure a loan against the area of land).
- (2) A registered lease may be made subject to a registered mortgage (to secure a loan against the lease).

Notes:

1—Registration occurs under the *Bougainville Land Registers Act 2024* and requires an instrument of transfer, easement, lease, charge or mortgage.

2—The following may also be required to be registered or included in a register under the *Bougainville Land Registers Act 2024*:

- an instrument of amendment of a registered interest;
- an instrument of transfer or transmission of a registered interest (transmission includes succession on death);
- an instrument of surrender, termination, discharge or extinguishment of a registered interest;
- an instrument modifying the priority of registered interests;
- associated instruments of consent.

3—For certain transactions, consent of the customary landowners is required under the *Bougainville Land Registers Act 2024*.

4—The *Bougainville Land Registers Act 2024* requires certain instruments to be accompanied by a certificate of the Board recommending that the instrument be registered.

5—In addition, under the *Bougainville Land Registers Act 2024*, the Registrar of Lands must refer certain matters to the Board for consideration.

6—Under the *Bougainville Land Registers Act 2024*, a person can obtain a certified copy of an entry in a register or a registered interest.

22 Requirement for certificate of Board recommending registration of instrument

- (1) In determining whether to issue a certificate recommending registration of an instrument under the *Bougainville Land Registers Act 2024*, the Board must consider the matters set out in this section.
- (2) For an instrument of transfer or an instrument creating or amending a registered interest, the Board must consider whether—
 - (a) the customary landowners entitled under custom to take action in relation to the land akin to that effected by registration of the instrument are properly identified; and
 - (b) those customary landowners authorise the instrument for registration of their own free will with a good understanding and acceptance of the effect of registration of the instrument; and
 - (c) there is agreement about—
 - (i) the management of rights, obligations and proceeds associated with registration of the instrument and registered interests; and
 - (ii) a process for resolving disputes that arise in relation to that management; and
 - (d) rights and obligations associated with registration of the instrument and registered interests can be effectively enforced; and
 - (e) there are processes in place for holding responsible persons to account; and
 - (f) the effect of registration of the instrument will not unduly impact on the ability of affected communities to sustain their way of life into the future.
- (3) If there are a number of customary landowners and no unanimous agreement about the proposal, the Board must consider whether the customary landowners have authorised the instrument and reached agreement in the manner and to the extent appropriate according to relevant custom.
- (4) The Board must also consider the extent to which—
 - (a) the communities affected by a proposal for the use or development of customary land have been informed about the proposal, including the short term and long term benefits, obligations and potential effects associated with the proposal; and
 - (b) those communities have been given an opportunity to consider and discuss the proposal; and
 - (c) the proposal has been adjusted, as appropriate, to meet community concerns.

- (5) For an instrument of consent of customary landowners, the Board must consider—
 - (a) whether consent is given in the manner and to the extent appropriate according to relevant custom; and
 - (b) whether the customary landowners give consent of their own free will with a good understanding and acceptance of the effect of the consent.
- (6) For an instrument of transmission for transfer of a registered interest to a beneficiary of a deceased estate under custom, the Board must consider the application of the rules of succession under the custom of the clan lineage of the deceased.

Division 2 — Application for certificate

23 Application to Board for certificate

- (1) An application to the Board for a certificate required under the *Bougainville Land Registers Act 2024* must—
 - (a) be lodged with the Secretary; and
 - (b) be in a form approved by the Secretary; and
 - (c) be accompanied by the fee fixed by the regulations.
- (2) The application must include the following:
 - (a) information about how the applicants have been authorised to make the application;
 - (b) a copy of the proposed instrument for registration;
 - (c) information about the grounds on which the persons are or claim to be customary landowners entitled to execute the instrument;
 - (d) a statement of how it is proposed that the instrument will be executed on behalf of the customary landowners;
 - (e) for an instrument creating or amending a registered interest—information about—
 - (i) the process that has been undertaken by the customary landowners—
 - (A) to inform customary landowners and affected communities about the proposal, including the short term and long term benefits, obligations and potential effects associated with the proposal; and
 - (B) to get general agreement to the proposal; and
 - (C) to authorise execution of the instrument for registration; and

- (ii) how it is proposed—
 - (A) to manage rights, obligations and proceeds associated with registration or the registered interests; and
 - (B) to resolve disputes that arise in relation to that management;
- (f) for an instrument of consent—information about the process that has been undertaken by the customary landowners—
 - (i) to inform customary landowners about the effect of consent; and
 - (ii) to authorise execution of the instrument for registration;
- (g) for an instrument of transmission for transfer of a registered interest to a beneficiary of a deceased estate under custom—information about the custom and the entitlement of the beneficiary.

Division 3 — Preliminary steps

24 Application of Division

This Division applies if an application is lodged with the Secretary under Section 23.

25 Referral to Minister for directions

- (1) The Secretary must refer the application to the Minister if the Secretary forms the opinion that the proposal may—
 - (a) involve a foreign government or foreign governmental body becoming a registered lessee, chargee or mortgagee; or
 - (b) involve a registered lease for any of the following purposes:
 - (i) a military base;
 - (ii) a port;
 - (iii) an aerodrome;
 - (iv) a public road;
 - (v) some other purpose stated in the regulations; or
 - (c) give rise to concerns of national security or governmental responsibility for other reasons.
- (2) If the Secretary is unsure about whether the application should be referred, the Secretary may seek the advice of the Chief Secretary.

- (3) The Minister may, on the advice of the Bougainville Executive Council, direct the Board to refuse to recommend registration of an instrument on the grounds of national security or that the purpose of the interest is a matter of governmental responsibility.
- (4) A direction under Subsection (3) must be in writing.
- (5) The Board is bound by a direction of the Minister under this section.

26 Resolution of land dispute

- (1) The Secretary must take reasonable steps to investigate whether there is, or is likely to be, any dispute about relevant land boundaries or the customary landowners or their interests or rights.
- (2) If the instrument is an instrument relating to an interest that is already registered in a register under the *Bougainville Land Registers Act 2024*, the Secretary can rely on the steps that were taken to investigate land boundaries and customary landowners and their interests and rights for registration of the interest.
- (3) The Secretary must—
 - (a) inform the Board of the results of the investigation; and
 - (b) give the Board the following information:
 - (i) a copy of any relevant records kept under Part 3;
 - (ii) a copy of any relevant entries in a register under the *Bougainville Land Registers Act 2024*;
 - (iii) any other information the Secretary considers relevant to the question.
- (4) If the Board forms the opinion that there is, or is likely to be, a dispute about relevant land boundaries or the customary landowners or their interests or rights, the Secretary must require the parties to the proposal to apply to the Land Division of the Bougainville Court to resolve the dispute as a land dispute.
- (5) The proposal cannot proceed until the dispute is resolved.

27 Form of instrument for registration

The Secretary must—

- (a) forward a copy of the proposed instrument for registration to the Registrar of Land to check whether the instrument is suitable for registration or inclusion in a register and, in particular, whether the land is adequately identified; and

- (b) if the Registrar of Land requires modification of the instrument, require the applicant to modify the instrument and check that the instrument is modified as required.

28 Further information for Board

- (1) The Secretary must—
 - (a) consider whether any further information is reasonably required to enable the Board to consider the matters set out in Section 22 and determine the application; and
 - (b) if further information is reasonably required, request the applicant to give the information to the Board or invite the applicant and others to a meeting to discuss the matter.

For example, landowners of adjoining land may have further information.

- (2) If, in the opinion of the Secretary, the community government of the area in which the land is located may have information that the Board should consider, the Secretary must give the community government a reasonable opportunity to consider the application and provide information.
- (3) The Secretary must inform the Board about information gathered under this section.

Division 4 — Decision of Board

29 Decision of Board

- (1) The Board may request the Secretary to obtain additional information reasonably required to enable the Board to consider the matters set out in Section 22 and determine an application under Section 23.
- (2) The Board may invite the applicant and others to a meeting to discuss the application.
- (3) The Board must—
 - (a) consider the matters set out in Section 22; and
 - (b) decide whether to make the recommendation for registration of the instrument under the *Bougainville Land Registers Act 2024* or refuse to make the recommendation; and
 - (c) if making a recommendation, decide how the customary landowners are to execute the instrument.
- (4) The Secretary must inform the applicant and the Registrar of Land of the decision of the Board.

- (5) If the Board makes a recommendation for registration, the Board must issue a certificate to the applicant that—
- (a) identifies the instrument for registration; and
 - (b) recommends its registration to the Registrar of Land; and
 - (c) sets out how the customary landowners are to execute the instrument.

Division 5 — Special rules for incorporated land groups

30 Incorporated land groups

If there is an incorporated land group under the *Land Groups Incorporation Act 1974* of the National Parliament for customary landowners—

- (a) the incorporated land group must make the application to the Board under this Part; and
- (b) the incorporated land group must execute the instrument for registration, if registration is recommended by the Board; and
- (c) the processes of the incorporated land group are, in the absence of evidence to the contrary, to be accepted as adequate for the purposes of this Part.

Note: Existing incorporated land groups remain subject to the National Act under Section 108(3) of the Bougainville Land Registers Act 2024. The Land Groups Incorporation Act 1974 does not otherwise apply in Bougainville.

PART 6 — REVIEW

31 Review of Customary Land Board decisions

- (1) A person aggrieved by a decision of the Board has a right to apply to the Administrative Division of the Bougainville Court for review of the decision.
- (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 application relates.
- (3) The Board must, on application by a person who could apply for review of a decision of the Board, give the person a written statement of the reasons for the Board's decision.
- (4) The time for making 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 by the Board at the time of making the decision; and

- (b) the applicant, within 3 months after receiving written notice of the decision, applies to the Board for a written statement of reasons for the decision.

32 Review of directions of Minister

- (1) A person aggrieved by a direction given under Section 25 by the Minister to the Board to refuse to recommend registration of an instrument has a right to apply to the Administrative Division of the Bougainville Court for review of the decision.
- (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 application relates.
- (3) The Minister must, on application by a person who could apply for review of a direction of the Minister, give the person a written statement of the reasons for the Minister's decision.
- (4) The Minister need not disclose confidential information or information that might jeopardise national security or the safety of an individual in the written statement but must disclose the information to the Bougainville Court in a closed hearing.
- (5) The time for making 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 by the Minister at the time of making the decision; and
 - (b) the applicant, within 3 months after receiving written notice of the decision, applies to the Minister for a written statement of reasons for the decision.

PART 7 — MISCELLANEOUS

33 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.

34 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.

35 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) the right to privacy;
 - (ii) the right to freedom of information;
 - (iii) unjust deprivation of property;
 - (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.

36 Act binds Bougainville Government

This Act binds the Bougainville Government.


37 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.

I certify that the above is a fair copy of the **Bougainville Customary 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 Customary 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

