



A Bill for

an ACT

entitled

Bougainville Fisheries Authority Bill 2026,

Being an Act -

- (a) to establish the Bougainville Fisheries Authority for the effective and sustainable management and development of fisheries and living aquatic resources in the internal waters of Bougainville; and
 - (b) to establish the institutional, governance, administrative and financial framework for the Authority; and
- and for related purposes.

MADE by the Bougainville House of Representatives, to come into operation in accordance with the publication of a notice in the Bougainville Gazette, by the Minister.

PART I.-PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

(1) In accordance with Section 303 of the Papua New Guinea Constitution and Subsection 180(3) of the Bougainville Constitution, this Law, to the extent that it regulates or restricts a right or freedom referred to in Subdivision XIV.4.C (qualified rights) of the Papua New Guinea Constitution, is a law that is made for the purposes of giving effect to the public interests in public order and public welfare, to the extent that the law is necessary and justifiable in a democratic society having a proper regard for the rights and dignity of mankind.

(2) The transfer of the power to Bougainville to regulate fisheries within internal waters is in compliance with Section 290 of the Papua New Guinea Constitution, Schedule 4 of the Bougainville Constitution and Paragraph 52 of the Bougainville Peace Agreement.

- (3) Implementation of arrangements for the transfer of powers will have regard to:
- (a) the process for the transfer of functions and powers under Section 295 of the

Papua New Guinea Constitution; and

- (b) the 15 steps for the transfer of functions and powers under the January 2008 Agreement; and

- (c) the Memorandum of Understanding between the National Government and the Autonomous Bougainville Government signed in 2018; and

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- (d) the 2012 resolution by the Joint Supervisory Board concerning legislation of the Autonomous Bougainville Government.

2. INTERPRETATION.

In this Act, unless the contrary intention appears –

“ABG” means the Autonomous Bougainville Government;

“Act” means the ***Bougainville Fisheries Authority Act 2026***;

“aquaculture” means the cultivation, propagation or farming of fish, whether from eggs, spawn, spat or seed, including rearing fish lawfully taken from the wild or lawfully imported into Bougainville, or by other similar process;

“Authority” means the Bougainville Fisheries Authority established under Section 5;

“Board” means the Bougainville Fisheries Board established under Section 8;

“Chairperson” means the Chairperson appointed under Section 10;

“Chief Executive Officer” means the Chief Executive Officer appointed under Section 20;

“document”, in relation to a vessel, includes any chart, logbook and other information or record, including electronically stored record or information, which is used in the operation of the vessel or for the purpose of fishing or related activities, or that relates to fishing vessel and crew activities and fishing vessel operations;

“employee” means an employee appointed by the Chief Executive Officer under Section 21(2);

“fish” means any water dwelling aquatic or marine animal or plant, alive or dead, other than-

(a) a sedentary species which is not declared to be a sedentary organism for the purposes of this Act; or

(b) any species of whale,

and includes their eggs, spawn, spat and juvenile stage, and any of their parts;

“fishery or fisheries” means one or more stocks of fish, or any fishing operations based on such stocks, which can be treated as a unit for the purposes of conservation, development and management, taking into account geographical, scientific, technical, customary, recreational, economical and other relevant characteristics;

“Minister” means the Minister responsible for fisheries matters;

“this Act” includes the Regulations;

“officers” means officers appointed by the Board under Section 21(1);

“related activity”, in relation to fishing, includes -

(a) storing, buying, transshipping, processing or transporting fish or fish products taken from internal waters up to the time they are first landed; and

(b) on-shore storing, buying, or processing fish or fish products from the time they are first landed; and

(c) refuelling or supplying fishing vessels, selling or supplying fish equipment or performing other activities in support of fishing; and

(d) exporting fish or fish products from the country; and

(e) engaging in the business of providing agency, consultancy or other similar services for and in relation to fishing or a related activity; and

“Vice Chairperson” means the Vice Chairperson appointed under Section 10.

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3. APPLICATION OF THE ACT.

This Act applies to -

- (a) the **internal waters** of Bougainville; and
- (b)
- (b) fisheries and relevant aquatic areas where inland fisheries occur, and persons and vessels engaged in fishing and other fishing related activities carried out within the internal waters of Bougainville.

PART II.- OBJECTIVES, BOUGAINVILLE FISHERIES AUTHORITY, FUNCTIONS, POWERS, ETC.

4. OBJECTIVES.

All functions, powers and responsibilities under this Act shall be exercised in a manner consistent with the following objectives -

- (a) to manage, develop, conserve and protect the fisheries, and resources of Bougainville as a sustainable asset for future generations; and
- (b) to promote the sustainable use of the fisheries and marine resources of Bougainville to achieve economic growth, improved social and nutritional standards, increase employment; and
- (c) to pursue strategies for managing the fisheries and marine resources of Bougainville so as to maintain the integrity of marine ecosystems, to preserve biodiversity, to avoid adverse impacts on the marine environment, and to minimize the risk of long-term irreversible effects of resource extraction operations; and
- (d) to enhance the administrative, legal, surveillance and enforcement capacities of Bougainville for the management, development, conservation and protection of the fisheries and aquatic resources of Bougainville.

5. ESTABLISHMENT AND COMPOSITION OF THE AUTHORITY.

(1) The Bougainville Fisheries Authority is established.

(2) The Authority comprises of the Bougainville Fisheries Board.

(3) The Authority shall be responsible for the management and development of the fisheries sector in accordance with the provisions of this Act or any other law relating to fisheries and marine resources, and the overall policy directions of the Minister.

(4) The Authority-

- (a) is a body corporate with perpetual succession; and
- (b) shall have a common seal; and
- (c) may acquire, hold, deal with and dispose of property; and
- (d) may sue and be sued in its corporate name.

(5) The common seal of the Authority shall not be affixed to any instrument except in pursuance of a resolution of the Board, and the affixing of the seal shall be attested by any two members of the Board.

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(6) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Authority affixed to a document, and shall presume that it was duly affixed.

6. FUNCTIONS OF THE AUTHORITY

(1) The Authority is the principle technical, regulatory and development institution for the fisheries and aquatic resource sector for the Autonomous Region of Bougainville.

(2) The functions of the Authority are -

- (a) to manage the fisheries within the internal waters of the Autonomous Region of Bougainville in accordance with this Act; and
- (b) make recommendations to the Board on the granting of licenses in accordance with this Act; and
- (c) to carry out and give effect to any policy directions of the Minister, and the Bougainville Executive Council on the development, management and use of fisheries resources; and
- (d) to enquire into, assess, evaluate and make recommendations to the Minister on licensing policy and other matters related to fishing, and fishing related activities under this Act;
- (e) to oversee the administration and enforcement of this Act and any other legislation relating to fisheries matters; and
- (f) to carry out such other functions as are necessary to achieve its objectives or as are given to under this Act or any other law.

7. POWERS OF THE AUTHORITY.

(1) The Authority may do all things necessary or convenient to be done in relation to the following -

- (a) commercial fisheries; and
- (b) customary and small-scale fisheries; and
- (c) aquaculture and mariculture; and
- (d) aquatic resources and products; and
- (e) aquatic food systems and value chains; and
- (f) post harvest handling and processing; and
- (g) research and extension services; and
- (h) market development and investment promotion; and
- (i) aquatic biosecurity and aquatic animal health; and
- (j) food safety and quality assurance; and
- (k) traceability(**origins of fish,turtles,dugongs etc**); and
- (l) regional and international cooperation on fisheries; and
- (m) climate resilience.

(2) The Authority has, in addition to the powers otherwise conferred on it by this Act and any other law, full powers to do all things that are necessary or convenient to be done for or in connection with the performance of its functions and objectives.

PART III. -BOUGAINVILLE FISHERIES BOARD, MEMBERSHIP, CHAIRPERSON, ETC

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8. BOUGAINVILLE FISHERIES BOARD.

- (1) There shall be a Bougainville Fisheries Board.
- (2) Board shall be responsible for the following:
 - (a) to provide general control and guidance over the exercise of the functions and powers of the Authority; and
 - (b) to approve the organisational structure, establishment and corporate policies of the Authority; and
 - (c) may on the recommendation of the Chief Executive Officer make decisions on licenses in accordance with this Act; and
 - (d) undertake such other functions, and exercise such powers as provided under this Act or any other law.

9. MEMBERSHIP OF THE BOARD.

- (1) The Board shall consist of -
 - (a) the Chief Executive Officer, ex officio; and
 - (b) Autonomous Bougainville Government Finance and Treasury, ex officio; and
 - (c) Autonomous Bougainville Government Commerce, Trade and Industry, ex officio; and
 - (d) Autonomous Bougainville Government Lands, Environment and Physical Planning; ex officio and
 - (e) Autonomous Bougainville Government Primary Industries or Food Security, ex officio; and
 - (f) fisheries, aquaculture and mariculture industry representative; non-ex officio and
 - (g) small scale or community fisheries representative, non-ex officio; and
 - (h) **Bougainville** women representative, non-ex officio; and
 - (i) independent fisheries, aquaculture, commercial or economic expert, non-ex officio.

****rep from dept of community government –**

****board membership must be uneven number.. need one more member.**

*****suggested list - NGO, Chief's rep, church's rep etc**

- (2) The persons referred to in Subsections (1)(f), (g), (h), and (i) -
 - (a) shall be appointed for a term of two years; and
 - (b) are eligible for re-appointment.

(3) A member appointed under Subsection (1)(b), (c), (d) and (e) shall be an officer of a level not less than that of **Secretary or his or her nominee**.

(4) The ex officio and non-ex-officio members shall receive sitting allowances for the days on which they sit for the purposes of this Act, as determined by Bougainville Executive Council and published by notice in the Bougainville Gazette.

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10. CHAIRPERSON AND VICE CHAIRPERSON.

(1) The Minister shall, by notice in the Bougainville Gazette, appoint a member to be the Chairperson of the Board, and another member to be the Vice Chairperson.

(2) An appointment under Subsection (1) shall be for a period of three years unless the member sooner ceases to be a member of the Board, in which case his appointment terminates when his or her membership ceases.

11. LEAVE OF ABSENCE OF MEMBERS.

(1) The Chairperson may grant leave of absence to a member on such terms and conditions as the Chairperson determines.

(2) The Minister may -

- (a) grant leave of absence to the Chairperson or Vice Chairperson on such terms and conditions as the Minister determines; and
- (b) appoint another member as Acting Chairperson or Vice Chairperson, as the case may, during the period of leave of absence.

12. VACATION OF OFFICE.

(1) A member, other than an ex officio member or the Vice Chairperson, may resign from office by writing signed by member and delivered to the Minister **(14 days advance notice for resignation)**.

(2) If a member, or the Chairperson or Vice Chairperson -

- (a) dies; or
- (b) becomes permanently incapable of performing his or her duties; or
- (c) resigns his or her office in accordance with Subsection (1); or
- (d) is absent, except with written consent of the Minister or Chairperson in accordance with Section 10, from three consecutive meetings of the Board; or
- (e) fails to comply with Section 15; or
- (f) becomes bankrupt, or applies to take the benefit of any law for the benefit of bankrupt or insolvent debtors, compounds with his or her creditors or make an assignment of his or her remuneration for their benefit; or
- (g) is convicted of an offence punishable under a law by a term of imprisonment for one year or longer, or by death, and, as a result of the conviction, is sentenced to imprisonment or death,

the Minister shall terminate his or her appointment.

(3) Where the person or body who has appointed a member requests the Minister in writing to terminate the appointment of that member, the Minister shall terminate the appointment. **(justification/reasons to request Minister to terminate app.**

(4) The Bougainville Executive Council upon recommendation of the Minister may, at any time, by written notice, advise a member or Chairperson or Vice Chairperson of the intention to terminate his or her appointment on the grounds of **misconduct** in office.

Actions that go against TOR, breach conditions and terms, abuse of position

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(5) Within 14 days of the receipt of a notice under Subsection (4), the member or the Chairperson or the Vice Chairperson, as the case may be, may reply in writing to the Minister, who shall consider the reply, and, where appropriate, terminate the appointment.

(6) Where the member referred to in Subsection (4) does not reply in accordance with Subsection (5), his or her appointment shall be terminated.

13. VANCANCY NOT TO AFFECT POWERS OR FUNCTIONS.

The exercise of a power or the performance of a function of the Board is not invalidated by reasons of a vacancy in the membership of the Board.

14. CALLING OF MEETINGS.

(1) The Board shall meet **twice** in a calendar year to discuss the business of the Authority which includes, but is not limited to -

- (a) the annual performance of the Authority; and
- (b) financial and audit reports; and
- (c) strategic and corporate planning; and
- (d) institutional performance and risk; and
- (e) major priorities for the fisheries sector; and
- (f) licensing and other business of the Authority requiring the approval of the Board;

at a time and place as the Board determines, or as the Chairperson, or in his or her absence, the Vice Chairperson, directs.

(2) Notwithstanding Subsection (1), the Chairperson, or in his or her absence, the Vice Chairperson may direct for a special meeting in a calendar year-

- (a) which may be held once every quarter; and
- (b) must provide the specific matter in the agenda for the special meeting which requires consideration by the Board.

(3) Where he or she receives a request to do so by the Minister or by not less than two members, the Chairperson, or in his or her absence the Vice Chairperson, shall convene a meeting of the Board within 14 days.

(4) For the purposes of Subsection (1), the Chairperson or the Vice Chairperson shall give, to every member, at least 14 days notice of the meeting.

(5) The Minister may, from time to time, request the Board to meet and consider and advise him or her on matters he or she may submit to the Board.

(6) Where he receives a request under Subsection (5), the Chairperson shall convene a meeting within 14 days.

15. MEETINGS OF THE BOARD.

(1) At a meeting of the Board -

- (a) **four** members constitute a quorum; and **(quorum depened on number of board members) half (50 + 1) of the board members should be present to make up quorum.**

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- (b) the Chairperson, or in his or her absence the Vice Chairperson, shall preside, and if both the Chairperson and the Vice Chairperson are absent, the members shall appoint, from among their own number, a Chairperson for that meeting; and
- (c) matters arising shall be decided by a majority of the votes of the members present and voting; and
- (d) the person presiding has a deliberative vote, and in the event of an equality of votes on any matter, also a casting vote.

(2) Where the Chief Executive Officer presides at a meeting, an officer of the Authority nominated by the Chief Executive Officer shall attend the meeting and present any matter or introduce any item of business that would normally be presented or introduced to the meeting by the Chief Executive Officer, but shall not be entitled to vote or be counted towards a quorum.

(3) The Board shall cause minute of its meetings to be recorded and kept.

(4) The Board, in its discretion, may -

- (a) invite persons to attend; or
 - (b) receive or hear submissions or information from any person,
- at any meeting of the Board.

(5) Subject to this Act, the procedures of the Board are as determined by the Board.

16. DISCLOSURE OF INTEREST BY MEMBERS.

(1) A member who has a direct or indirect personal or pecuniary interest in a matter being considered or about to be considered by the Board, otherwise than as a member of, and in common with the other members of, an incorporated company, shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Board.

(2) A disclosure under Subsection (1) shall be recorded in the minutes of the Board, and the member -

- (a) shall not take part in any deliberation or decision of the Board in relation to the matter disclosed; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

17. DELEGATION.

The Board may, after consultation with the Minister, by instrument delegate to any person or persons all or any of the powers and function of the Board under this Act except the power of delegation.

18. REPORTS.

(1) The Board shall, as soon as possible after 1 January in each year, furnish to the Minister a report on the progress and the performance of the Authority in relation to its functions during the year ending 31 December in the previous year.

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(2) As soon as practicable after receiving the report referred to in Subsection (1), the Minister shall forward the report to the Speaker for presentation to the Bougainville House of Representatives.

19. PROTECTION OF MEMBERS OF THE BOARD.

No action shall be maintained against the Chairperson, Vice Chairperson or a member of the Board or of any Committee established by the Board for anything which is done by him in good faith while acting as Chairperson, Vice Chairperson or member, as the case may be.

PART IV. -CHIEF EXECUTIVE OFFICER, APPOINTMENT OF OFFICERS AND EMPLOYEES, ETC

20. CHIEF EXECUTIVE OFFICER.

- (1) There shall be a Chief Executive Officer of the Authority -
 - (a) who is the head of the Authority, legal and administrative representative, and appointing authority; and
 - (b) is responsible to the Board for the efficient carrying out of the functions of the Authority; and
 - (c) shall act within the approved organisational structure, establishment, budget and applicable employment requirements; and
 - (d) shall advise the Board on any matter concerning the Authority referred to him by the Board.
- (2) The Chief Executive Officer –
 - (a) shall be appointed in accordance with the *Bougainville Senior Appointments Act 2014*; and
 - (b) shall be appointed for a term of five years; and
 - (c) is eligible for reappointment.

(3) Subject to any Bougainville law to the contrary, the conditions of employment and emoluments of the Chief Executive Officer shall be in accordance with the *Bougainville Senior Appointments Act 2014*.

(4) The Chief Executive Officer has such other functions as the Minister on advice from the Board, may from time to time determine.

(5) The Chief Executive Officer may, by written instrument, delegate to an officer of the Authority all or any of his or her powers or functions under this Act, except the power of delegation.

21. APPOINTMENT OF OFFICERS AND EMPLOYEES

(1) The Chief Executive Officer may appoint such persons to be officers of the Authority as the Chief Executive Officer considers necessary for the efficient administration of its functions and powers.

(2) The Chief Executive Officer may, with the approval of the Board, appoint such other employees as he thinks necessary for the purposes of the Authority.

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(3) The Chief Executive Officer and the officers and employees appointed under this section constitute the staff of the Authority.

(4) The Chief Executive Officer shall direct the officers and employees of the Authority.

22. TERMS AND CONDITIONS OF EMPLOYMENT.

(1) Subject to the ***Bougainville Public Services (Management and Administration) Act 2014***, the terms and conditions of employment of officers and employees of the Authority will be determined by the Bougainville Executive Council.

(2) Service of an officer of the Public Service as the Chief Executive Officer or as an officer or employee of the Authority shall be counted as service in the Public Service, and his or her service in the Public Service shall be counted as services in the Authority, for the purpose of determining his or her rights (if any) in respect of -

- (a) leave of absence on the grounds of illness; and
- (b) furlough, or pay in lieu of furlough (including pay to dependents on the death of the officer).

23. TECHNICAL ADVISERS.

- (1) The Chief Executive Officer may, from time to time –
- (a) within the limits of funds lawfully available for the purpose; and
 - (b) on such terms and conditions as are fixed by the Chief Executive Officer, appoint as short term employees of, or contractors to, the Authority, such technical advisors as, in the opinion of the Chief Executive Officer, are necessary for the purposes of the Authority.

24. APPLICATION OF THE BOUGAINVILLE PUBLIC FINANCE (MANAGEMENT AND ADMINISTRATION) ACT 2014

The ***Bougainville Public Finances (Management and Administration) Act 2014*** applies to and in relation to the Authority.

PART V.- SAVINGS AND TRANSITIONAL, ETC.

25. SAVINGS OF EXISTING LICENSES, ETC.,

(1) Subject to Subsection (2), all licenses granted or appointments made under the ***Bougainville Fisheries Management Act 2020 (repealed)*** are valid and in force immediately before the coming into operation of this Act, shall continue, on the coming into operation of this Act and have full effect for the term for which they were granted or made or until they expire or are terminated or suspended according to this Act.

(2) The Chief Executive Officer in his or her opinion, may vary any term or condition of any license granted or appointment made under the ***Bougainville Fisheries Management Act 2020 (repealed)*** on the coming into operation of this Act.

26. CONTRACTS AND AGREEMENTS.

All contracts and agreements entered into, under the ***Bougainville Fisheries***

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Management Act 2020 (repealed) in so far as they relate to the functions of the Authority under this Act, are, to the extent that they were, immediately before the coming into operation of this Act, has full effect on the Authority.

27. TRANSFER OF ASSETS TO THE AUTHORITY.

(1) All assets which, immediately before the coming into operation of this Act, were held or occupied by the Department of Primary Industry are, on the coming into operation of this Act, transferred to and become assets of the Authority.

28. ACTIONS NOT TO ABATE.

Where, immediately before the coming into operation of this Act, any action, arbitration or proceeding was pending or existing by or against a person or body under the ***Bougainville Fisheries Management Act 2020 (repealed)***, it does not, on the coming into operation, abate or discontinue, or be in any way affected by any provision of this Act but it may be prosecuted, continued and enforced by, against or in favour of the person or body as if this Act had not been made.

29. STAFF.

(1) Subject to the ***Bougainville Senior Appointments Act 2014***, the Bougainville Executive Council shall appoint the person who, immediately before the coming into operation of this Act, held the position of Departmental Head of the Department of Primary Industry, on the coming into operation as the Chief Executive Officer, on the same terms and conditions, until such a time a substantive appointment is made in accordance with Section 20.

(2) Subject to the ***Bougainville Public Services (Management and Administration) Act 2014***, a person who, immediately before the coming into operation of this Act, held an office in the Department of Primary Industry shall, on the coming into operation, be deemed to hold a similar office under this Act until such time as appointments are made in accordance with this Act.

30. REGULATIONS.

The Chief Executive Officer, acting on advice of the Minister responsible for fisheries matters, may make regulations, not inconsistent with this Act, prescribing all matter that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

31. APPLICATION OF ACTS.

Where –

- (a) any Act or subordinate enactment other than this Act; or
- (b) any document or instrument wherever made or executed, contains a reference, express or implied, to the **Department of Primary Industry**, that reference shall, on the coming into operation of this Act, except where the context otherwise requires, be read and construed and have effect as a reference to the Authority.



A Bill for
an ACT
entitled

Bougainville Fisheries Authority Bill 2026,

PART I. -PRELIMINARY.

1. Compliance with Constitutional requirements.
2. Interpretation.
3. Application of the Act.

**PART II. - OBJECTIVES, BOUGAINVILLE FISHERIES
AUTHORITY, FUNCTIONS, POWERS, ETC.**

4. Objectives.
5. Establishment and composition of the Authority.
6. Functions of the Authority
7. Powers of the Authority.

**PART III. -BOUGAINVILLE FISHERIES
BOARD, MEMBERSHIP, CHAIRPERSON, ETC**

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12. Vacation of office.
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15. Meetings of the Board.
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17. Delegation.
18. Reports.
19. Protection of members of the Board.

PART IV. -CHIEF EXECUTIVE OFFICER, APPOINTMENT OF OFFICERS AND EMPLOYEES, ET

20. Chief Executive Officer.
21. Appointment of officers and employees
22. Terms and conditions of employment.
23. Technical advisers.
24. Application of the *Bougainville Public Finance (Management and Administration) Act 2014*.

PART V. - SAVINGS AND TRANSITIONAL.

25. Savings of existing licenses, etc.
26. Contracts and agreements.
27. Transfer of assets to the Authority.
28. Actions not to abate.
29. Staff.
30. Regulations.
31. Application of Acts.

**** recheck Bouganville Constitution for consistencies etc.**

****recognise customry rights marine resources owners**