

BOUGAINVILLE MINING (AMENDMENT) ACT 2016

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SCHEDULE 1

AUTONOMOUS REGION OF BOUGAINVILLE

(No 2 of 2016)

BOUGAINVILLE MINING (AMENDMENT) ACT 2016

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

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

1 Short title

This is the *Bougainville Mining (Amendment) Act 2016*.

2 Commencement

This Act is taken to have commenced on 1 April 2015.

3 Amendment of the Bougainville Mining Act

Schedule 1 amends the *Bougainville Mining Act 2015*.

SCHEDULE 1—AMENDMENT OF *BOUGAINVILLE MINING ACT 2015*

Section 3

[1] Amendment of Section 20

1.1 Section 20(1)(f)

omit

if a matter before the Board relates to an area of land,

substitute

if a matter before the Advisory Council relates to an area of land –

[2] Amendment of Section 56

2.1 Section 56(3)(a), after “other law”

insert

, unless the establishment of a community mining licence reserve area is expressly authorised by the notice designating the reservation

[3] Amendment of Section 65

3.1 Section 65(1), after “prohibited”

insert

or restricted

[4] Amendment of Section 66

4.1 Section 66(3)

omit, substitute

(3) A notice under Subsection (1)—

(a) must specify the area of land under reservation, by reference to a description of the land in latitude and longitude, which must have the shape of—

(i) 1 cadastral block; or

(ii) more than 1 cadastral block, each of which must share a common side with at least 1 other cadastral block; and

(b) may specify limitations on the extent of the reservation to authorise, over all or part of the land under reservation—

(i) the establishment of community mining licence reserve areas; and

(ii) the grant of specified classes of tenement.

4.2 Section 66(5)

omit

The

substitute

Unless the grant of a tenement of that class is authorised under Subsection (3)(b), the

4.3 Section 66(6)

omit, substitute

(6) With respect to a reservation made under this section, the Bougainville Executive Council may, by notice in the Bougainville Gazette—

(a) revoke, in whole or in part, the reservation; or

(b) specify limitations on the extent of the reservation to authorise, over all or part of the land under reservation—

(i) the establishment of community mining licence reserve areas; and

(ii) the grant of a specified class of tenement; or

(c) vary the terms of any limitation on the extent of the reservation.

4.4 Section 66(7)(a), after “revocation”

insert

or variation

4.5 Section 66(7)(b), after “revocation”

insert

or variation

4.6 Section 66(8)

omit, substitute

(8) A notice under Subsection (6) must specify—

(a) the area of land remaining under reservation, by reference to a description of the land in latitude and longitude, which must have the shape of—

(i) 1 cadastral block; or

(ii) more than 1 cadastral block, each of which must share a common side with at least 1 other cadastral block; and

(b) the terms of any limitation on the extent of the reservation.

[5] Amendment of Section 107

5.1 Section 107(2)

omit

acceptable expenditures

substitute

acceptable exploration expenditure

5.2 Section 107(3) and (4)

omit, substitute

- (3) The time for payment of a retention fee is no later than 31 March in each year for the 12-month period ending on the preceding 31 December.
- (4) If the holder of an exploration licence is required to pay a retention fee under Subsection (2), and the licence holder fails to pay the fee, the Secretary must initiate the procedure under Section 284 for cancellation of the exploration licence.
- (5) In this section, ***acceptable exploration expenditure*** has such meaning as is prescribed.

[6] Repeal and substitution of Section 297

6.1 Section 297

repeal, substitute

297 Community engagement plan

- (1) An application for the grant of a mining lease or a quarry lease must be accompanied by particulars of the applicant's proposed community engagement plan, which must contain such information as is prescribed with respect to the applicant's interactions with the community across the entire life cycle of the activities under the lease.
- (2) A community engagement plan must be developed in collaboration with community governments, traditional leaders, women, communities, organisations and marginalised groups in the area in proximity to the lease.
- (3) If the holder of a mining lease or quarry lease holds more than 1 lease in a localised area, the holder may seek approval from the Secretary for preparation of a single community engagement plan that makes provision for community engagement in relation to all of the holder's leases in that area.
- (4) The holder of a mining lease or quarry lease must periodically, as is prescribed, update its approved community engagement plan.

- (5) An approved community engagement plan must be made available to the public at the office of the Mining Registrar.
- (6) The holder of a mining lease or quarry lease must, in such form as is prescribed, submit to the Mining Registrar a community engagement plan report for each calendar year.
- (7) A report under Subsection (6) must be submitted within 90 days after the end of the period to which the report relates.

[7] Amendment of Section 324

7.1 Section 324(1)

omit

landowner identification study

substitute

social mapping study

[8] Repeal and substitution of Section 369

8.1 Section 369

repeal, substitute

369 Transitional arrangements for mining without tenement

- (1) In this section, ***designated date*** means the date specified by the Bougainville Executive Council by notice in the Bougainville Gazette (which date must be no earlier than 180 days after the date of publication of the notice) as the date on which the transitional arrangements under this section cease.
- (2) Until the designated date, an individual Bougainvillean may, without being the holder of a community mining licence, artisanal mining licence, quarry lease or channel dredging permit, carry out mining on land in circumstances that would, but for this section, require the person to be the holder of such a licence, lease or permit.
- (3) Unless the person is the sole owner of the land on which mining is being carried out, the person must have obtained the prior written permission for the mining of—
 - (a) the owners of the land; or
 - (b) the customary heads of the clan lineage that owns the land.

[9] Repeal and substitution of Section 373

9.1 Section 373

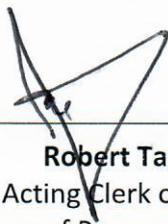
repeal, substitute

373 Reservation

- (1) All land in Bougainville is taken to have been designated as a mining reserve area under Section 66(1).
- (2) Land in respect of which an exploration licence is taken to have been granted under Section 367 does not form part of the mining reserve area taken to have been designated under Subsection (1).

I certify that the above is a fair copy of the Bill for an Act entitled *Bougainville Mining (Amendment) Act 2016*, passed by the House of Representatives on 22 December 2016 and now presented to the Speaker for his certificate under Section 66(1) of the *Bougainville Constitution*.

Dated 23 December 2016



Robert Tapi
Acting Clerk of the
House of Representatives

I, Simon Pentanu, Speaker of the House of Representatives, hereby certify that the *Bougainville Mining (Amendment) Act 2016* was made by the House of Representatives on 22 December 2016.

Dated 23 December 2016



Honourable Simon Pentanu
Speaker of the House of
Representatives

The seal of the Autonomous Region of Bougainville is circular, featuring a central emblem with a torch and scales, surrounded by the text 'THE COMMON AUTONOMOUS REGION OF BOUGAINVILLE' and 'SEAL OF THE COMMON AUTONOMOUS REGION OF BOUGAINVILLE'.