

No. 8 of 2006

Constitutional Laws (Consultation) Act 2006.

Certified on: 27th June 2006

AUTONOMOUS REGION OF BOUGAINVILLE.

No. 8 of 2006

Constitutional Laws (Consultation) Act 2006.

ARRANGEMENT OF SECTIONS.

1. Interpretation.
 - “Bougainville Council of Churches”
 - “consultation required by the *Bougainville Constitution*”
 - “Council of Elders”
 - “heads of levels of formal government below the level of the Autonomous Bougainville Government”
 - “National Constitutional Laws”
2. Representatives of traditional chiefs and other traditional leaders at district level.
3. Consultation required by the *Bougainville Constitution*.
4. Assistance with consultation.

AUTONOMOUS REGION OF BOUGAINVILLE.

No. 8 of 2006

AN ACT

entitled

Constitutional Laws (Consultation) Act 2006,

Being a Bougainville law as required by the *Bougainville Constitution* to make provision for consultation in relation to –

- (a) proposed amendments to Part XIV (*Bougainville Government and Bougainville Referendum*) of the *National Constitution* and/or the *Organic Law on Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum*; or
- (b) proposed Constitutional Regulations under Section 349 (*Constitutional Regulations*) of the *National Constitution* or Section 66 (*Constitutional Regulations*) of the of the *Organic Law on Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum*, or any proposed amendment or repeal thereof; or
- (c) proposed alteration of the *Bougainville Constitution*,

MADE by the House of Representatives.

1. INTERPRETATION.

In this Act, unless the contrary intention appears –

“Bougainville Council of Churches” means the Bougainville Council of Churches, being a body representative of Churches in Bougainville;

“consultation required by the *Bougainville Constitution*” means consultation –

- (a) in respect of proposed amendments to a relevant National Constitutional Law, required by Section 217(4) and (5)(*requirements for amendment of Part XIV (Bougainville Government and Bougainville Referendum)* of the *National Constitution, etc.*); or
- (b) in respect of the making of National Constitutional Regulations or amendment or repeal thereof, required by Section 218(1)(a)(*National Constitutional Regulations*); or
- (c) in respect of proposed amendments to the *Bougainville Constitution*, required by Section 219(4)(*making of alterations to this Constitution*), of the *Bougainville Constitution*;

“Council of Elders” means a Council of Elders established under the *Council of Elders Act 1996*;

“heads of levels of formal government below the level of the Autonomous Bougainville Government” means –

- (a) in relation to a Council of Elders, the Chairman of that Council; and
- (b) in relation to any other level of formal government below the level of the Autonomous Bougainville Government, the head of that level of government in accordance with the legislation establishing or otherwise making provision for that level of formal government, or where no provision is made for the head of that level of formal government, a member of that formal government appointed by the Minister, by notice in the Bougainville Gazette, as head for the purposes of this Act;

“National Constitutional Law” means –

- (a) Part XIV (*Bougainville Government and Bougainville Referendum*) of the *National Constitution*; and/or
- (b) The *Organic Law on Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum*.

2. PREPRESENTATIVES OF TRADITIONAL CHIEFS AND OTHER TRADITIONAL LEADERS AT DISTRICT LEVEL.

(1) The District Manager in each district shall, as soon as is practicable after the coming into operation of this Act, consult with the traditional chiefs and other traditional leaders in the district with a view to agreeing a number (not exceeding three) of the traditional chiefs and other traditional leaders as representatives of the traditional chiefs and other traditional leaders in the district for the purposes of consultation under this Act.

(2) Where agreement is reached under Subsection (1), the District Manager shall notify the Bougainville Administrator of the names of the three persons agreed to represent the traditional chiefs and other traditional leaders in the district and the Bougainville Administrator shall have the list published in the Bougainville Gazette.

(3) Where agreement cannot be reached under Subsection (1), the District Manager shall submit to the Bougainville Administrator a list (not exceeding six in number) of traditional chiefs and other traditional leaders in the district, from which number he considers, as a result of the consultation under Subsection (1), that the three representatives should be chosen.

(4) The Bougainville Administrator shall submit the list under Subsection (3) to the Bougainville Executive Council who shall by notice in the Bougainville Gazette, select three persons from the list to be the representatives of traditional chiefs and other traditional leaders in the district.

3. CONSULTATION REQUIRED BY THE BOUGAINVILLE CONSTITUTION.

(1) Consultation required by the *Bougainville Constitution* shall be effected in accordance with this section.

- (2) In this section, “proposed amendment” means –
 - (a) a proposed amendment to a National Constitutional Law; or
 - (b) the making of a National Constitutional Regulation or a proposed amendment or repeal thereof; or

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(c) a proposed amendment to the *Bougainville Constitution*, as the case may be.

(3) Consultation with heads of formal government below the level of the Autonomous Bougainville Government in respect of a proposed amendment shall be effected as follows:-

- (a) the President shall notify each such head of formal government of each proposed amendment and shall supply a copy of the proposed amendment or, where no copy is available, details of the proposed amendment;
- (b) at the time of notifying each such head of formal government under Paragraph (a), the President shall advise him that if he has any comments on, or objections to, the proposed amendments, or wishes a meeting to discuss them, he must advise the President within 21 days and send a copy of any comments or objections to the President within that time;
- (c) where a meeting is requested under Paragraph (a), the President shall arrange such meeting;
- (d) any comments or objections made under Paragraph (b) and the results of any meeting under Paragraph (c) shall be considered by the Bougainville Executive Council, who may require such further consultation as it considers necessary.

(4) Consultation with representatives of traditional chiefs and other traditional leaders at district level in respect of a proposed amendment shall be effected as follows:-

- (a) the President shall notify each District Manager of each proposed amendment and shall supply copies of the proposed amendment or, where no copy is available, details of the proposed amendment;
- (b) the District Manager shall –
 - (i) cause a copy of the proposed amendment or of the details of the proposed amendment to be sent to each of the three representatives of traditional chiefs or traditional leaders in the district; and
 - (ii) ascertain the views of the representatives where practicable by meeting or otherwise; and
 - (iii) within 21 days of receiving notification from the President under Paragraph (a), convey the views of the representatives to the Administrator for submission to the Bougainville Executive Council;
 - (iv) where the Bougainville Executive Council considers it necessary in any case, arrange for discussion with the representatives of traditional chief or traditional leaders in the district.

(5) Consultation with the representatives of Churches in Bougainville in respect of a proposed amendment in respect of a proposed amendment shall be effected as follows:-

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- (a) the President shall notify the Bougainville Council of Churches of each proposed amendment and shall supply a copy of the proposed amendment or, where no copy of the proposed amendment is available, details of the proposed amendment;
- (b) the President shall request the Council to convey the views of the Council to the Administrator within 21 days of receiving notification under Paragraph (a);
- (c) the Administrator shall submit the views of the Bougainville Council of Churches to the Bougainville Executive Council;
- (d) where the Bougainville Executive Council considers it necessary in any case, it may arrange for discussion with the Bougainville Council of Churches.

4. ASSISTANCE WITH CONSULTATION.

The Bougainville Administrator shall, whenever possible and necessary, assist in the consultative process by arranging for explanation of proposed amendments by way of explanatory notes or otherwise.

I hereby certify that the foregoing is a fair copy of the *Constitutional Laws (Consultation) Act 2006* which has been made by the House of Representatives.


Acting Clerk of the House of Representatives.

I, NICHOLAS PENIAI, Speaker of the House of Representatives, hereby certify that the *Constitutional Laws (Consultation) Act 2006* was made by the House of Representatives on 14 June 2006.


Speaker of the House of Representatives.