

No. 6 of 2018.

***Mineral Resources Authority Act 2018.***

Certified on : 05 JUL 2018



No. 6 of 2018.

*Mineral Resources Authority Act 2018.*

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No. 6 of 2018.

AN ACT

entitled

***Mineral Resources Authority Act 2018,***

Being an Act -

- (a) to provide for the establishment of the Mineral Resources Authority; and
  - (b) to define its powers and functions; and
  - (c) to repeal and replace the ***Mineral Resources Authority Act 2005,***
- and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

**PART I. - PRELIMINARY.**

**1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

(1) For the purposes of Section 41 of the ***Organic Law on Provincial Governments and Local-level Governments,*** it is declared that this Act relates to a matter of national interest.

(2) This Act, to the extent that it regulates or restricts the exercise of a right or freedom referred to in Subdivision III.3.C (***qualified rights***) of the ***Constitution,*** namely -

- (a) the right to freedom from arbitrary search and entry conferred by Section 44; and
- (b) the right to freedom of expression and publication conferred by Section 46; and
- (c) the right to freedom of assembly and association conferred by Section 47; and
- (d) the right to freedom of employment conferred by Section 48; and
- (e) the right to privacy conferred by Section 49; and
- (f) the right to freedom of information conferred by Section 51,

is a law that is made (pursuant to Section 38 of the ***Constitution,***) taking account of the National Goals and Directive Principles and the Basic Social Obligations, in particular the National Goals and Directive Principles entitled -

- (g) national sovereignty and self-reliance; and
- (h) natural resources and environment,

for the purpose of giving effect to the public interest in public order and public welfare.

**2. INTERPRETATION.**

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

“alluvial” has the same meaning as in the ***Mining Act 1992;***

“alluvial gold” means gold in alluvial form and includes such gold after smelting or refining;

“assemble income” has the same meaning as in the ***Income Tax Act 1959;***

“Authorised Institution” has the same meaning as in Section 3(1) of the ***Banks and Financial Institutions Act 2000;***

“Authority” means the Mineral Resources Authority established by Section 4;

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- “Board” means the Mineral Resources Authority Board established by Section 8;
- “Chairman” means the Chairman of the Board for the time being appointed under Section 12;
- “Deputy Chairman” means the Deputy Chairman of the Board for the time being appointed under Section 12;
- “Managing Director” means the Managing Director appointed under Section 21;
- “minerals” has the same meaning as in the *Mining Act 1992*;
- “mining” has the same meaning as in the *Mining Act 1992*;
- “mining lease” has the same meaning as in the *Mining Act 1992*;
- “Ok Tedi Acts” means the *Mining (Ok Tedi Agreement) Act* (Chapter 363), the Acts set out in Sections 1(4)(b) to 1(4)(k), both inclusive of the *Mining (Ok Tedi Mine Continuation (Ninth Supplemental) Agreement) Act 2001* and any other Act that amends or is to be incorporated and read with the *Mining (Ok Tedi Agreement) Act* (Chapter 363);
- “Ok Tedi Agreement” means the Principal Agreement described in Section 2(2) of the *Mining (Ok Tedi Mine Continuation (Ninth Supplemental) Agreement) Act 2001*, as it may be varied, amended or supplemented from time to time;
- “production levy” means a production levy imposed by the Authority under Section 28;
- “project” in relation to minerals in respect of which Section 28 applies, means the project conducted under the relevant mining lease or special mining lease from which the minerals were produced;
- “Secretary” means the Secretary of the Board appointed under Section 16;
- “special mining lease” has the same meaning as in the *Mining Act 1992*;
- “tenement” has the same meaning as in the *Mining Act 1992*;
- “this Act” includes any regulations made under it.

- (2) A reference in this Act to any other Act includes -
- (a) any regulation made under that Act; and
  - (b) any Act that is substituted for or that replaces that other Act; and
  - (c) any regulations made under any such substitute or replacement Act.

### **3. ACT BINDS THE STATE.**

- (1) This Act binds the State.

(2) Where, by or under any other Act, the Head of State, acting on advice of a Minister or the National Executive Council, may give directions as to policy and any such directions as to policy given to the Authority under this section, may not be inconsistent with the provisions of this Act, the *Mining Act 1992*, the *Mining (Safety) Act* (Chapter 195A), the Ok Tedi Acts and the Ok Tedi Agreement, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196) and the agreements that are scheduled to that Act, or any other Act, the administration of which is the responsibility of the Authority from time to time.

## **PART II. - THE MINERAL RESOURCES AUTHORITY.**

### *Division 1. - Establishment, functions and powers of the Mineral Resources Authority.*

### **4. ESTABLISHMENT OF THE MINERAL RESOURCES AUTHORITY.**

- (1) The Mineral Resources Authority is hereby established.

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(2) The Authority -

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

(3) The common seal of the Authority may not be affixed to any document or instrument except pursuant to a resolution of the Board.

(4) The affixation of the common seal of the Authority is to be attested by any two member of the Board.

(5) All Courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall presume that it was properly affixed.

(6) Subject to this Act, the Authority is an organisation and instrument of the State and is entitled to the benefit of any immunity or privilege enjoyed by the State.

(7) The Authority is not a department of the National Public Service.

### 5. FUNCTIONS OF THE AUTHORITY.

The functions of the Authority, subject to Section 8, are -

- (a) to advise the Minister on matters relating to mining and the management, exploitation and development of Papua New Guinea's mineral resources; and
- (b) to coordinate and promote the orderly exploration and development of mines in Papua New Guinea for the exploitation of the country's mineral resources; and
- (c) to receive, assess, register, record and manage applications and dealings in mineral tenements in Papua New Guinea and provide technical expert advice and information to the Mining Advisory Council, the Minister and the State; and
- (d) to oversee the administration and enforcement of the *Mining Act 1992*, the *Mining (Safety) Act* (Chapter 195A), the Ok Tedi Acts and the Ok Tedi Agreement, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196) and the agreements that are scheduled to that Act, and any other legislation relating to mining or to the management, exploitation or development of Papua New Guinea's mineral resources; and
- (e) to negotiate mining development contracts under the *Mining Act 1992*, as agent for the State; and
- (f) to act as agent for the State, as required, in relation to any international agreement relating to mining or to the management, exploitation or development of Papua New Guinea's mineral resources; and
- (g) to coordinate and monitor the implementation of the State's undertakings and obligations under agreements, and such other legal, contractual, commercial or social obligations in accordance with government policies on mining and the applicable laws that are necessary for the management of the mining sector; and
- (h) to receive and collect, on its own account and on behalf of the State, any fee, levy, rent, security, deposit, compensation, royalty, cost, penalty, or other money or other account payable under the *Mining Act 1992*, the *Mining (Safety) Act* (Chapter 195A), the Ok Tedi Acts and the Ok Tedi Agreement, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196) and the agreements that are scheduled to that Act, or any other Act the administration of which is the responsibility of the Authority from time to time; and

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- (i) on behalf of the State, to receive and collect from persons to whom a tenement has been granted under the *Mining Act 1992*, the security for compliance with the person's obligations under the *Mining Act 1992*, required to be lodged with the Registrar and to hold such security received or collected; and
- (j) on behalf of the State, to administer and be responsible for the administration of any public investment programme relating to mining; and
- (k) to conduct systematic geo-scientific investigations into the distribution and characteristics of Papua New Guinea's mineral and geological resources, located on, within or beneath the country's land mass, soils, subsoil and the sea-bed; and
- (l) to provide small scale mining and hydro geological survey data services, and occupational health and safety community awareness programmes; and
- (m) to collect, analyse, store, archive, disseminate and publish (in appropriate maps and publications) on behalf of the State geo-scientific information about Papua New Guinea's mineral and geological resources; and
- (n) to administer and implement National Government policies and priorities and carry out such functions as are given to the Authority by this Act or by any other law; and
- (o) generally to do such supplementary, incidental, or consequential acts and things as are necessary or convenient for the Authority to carry out its functions.

### **6. POWERS OF THE AUTHORITY.**

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

### *Division 2. - Mineral Resources Authority Board.*

### **7. BOARD.**

- (1) A Board of the Authority is hereby established.
- (2) The Board shall perform the functions, exercise the powers and manage and direct the administrative affairs of the Authority.
- (3) The Minister may, after consultation with, and acting on the advice and recommendation of the department responsible for mining policy matters, give to the Board general or specific policy directions relating to mining.
- (4) In the exercise of its functions under this Act, the Board shall act in accordance with, and shall give effect to, any general or specific policy directions given to it from time to time by the Minister under Subsection (3).
- (5) Any policy direction given by the Minister under Subsection (3) must not be inconsistent with the provisions of this Act, the *Mining Act 1992*, the *Mining (Safety) Act* (Chapter 195A), the Ok Tedi Acts and Ok Tedi Agreement, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196) and the agreements that are scheduled to that Act, or any other Act the administration of which is the responsibility of the Authority from time to time.

### **8. MEMBERSHIP OF THE BOARD.**

- (1) The Board shall consist of not more than nine members comprising -
  - (a) the Chairman appointed pursuant to Section 12; and
  - (b) the departmental head of the department responsible for mining policy matters, or his nominee who must occupy a senior position in the National Public Service, *ex-officio*; and



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- (c) the Managing Director, *ex-officio*; and
  - (d) the department head of the department responsible for finance matters, or his nominee who must occupy a senior position in the National Public Services, *ex-officio*; and
  - (e) the departmental head of the department responsible for treasury matters, or his nominee who must occupy a senior position in the National Public Service, *ex-officio*; and
  - (f) the departmental head of the department responsible for national planning matters, or his nominee who must occupy a senior position in the National Public Service, *ex-officio*; and
  - (g) two persons nominated by the President of the Business Council of Papua New Guinea, with one of these persons to be recommended by the Papua New Guinea Chamber of Mines and Petroleum, who are non-employees of any mining exploration companies or mining companies or members of the Papua New Guinea Chamber of Mines and Petroleum, with professional qualifications and are members of one or more of -
    - (i) the Papua New Guinea Law Society established under the *Lawyers Act 1986*; and
    - (ii) the Papua New Guinea Institute of Accountants established under the *Accountants Act 1996*; and
    - (iii) the Papua New Guinea Institute of Directors Inc.; and
  - (h) a Papua New Guinean national businessman.
- (2) A nominee for a non *ex-officio* member of the Board under Subsection (1) -
- (a) shall be considered for appointment in accordance with the *Regulatory Statutory Authorities (Appointments to Certain Offices) Act 2004*; and
  - (b) must be ordinarily resident in the country; and
  - (c) must be of generally recognised standing, experience and expertise in matters relevant to the functions of the Authority, including (without limitation) mining, mineral exploration, financial management, corporate governance, accounting or law; and
  - (d) subject to Section 14, shall hold office for a term of two years; and
  - (e) is eligible for re-appointment.
- (3) In considering a nomination of a person as an *ex-officio* member of the Board under Subsection (1), the nominator must have regard to the person's knowledge, skill and experience.
- (4) A reference in Subsection (1) to any organisation or body includes the organisation or body as it may be renamed or reconstituted, and any successor to the organisation or body.

**9. ELIGIBILITY TO BE A MEMBER OF THE BOARD.**

A person may not be appointed as a member of the Board under Section 8 if he -

- (a) is or has been bankrupt, or has applied to take the benefit of any law for the benefit of bankruptcy or insolvency, or has compounded with his creditors or made assignment of his remuneration for their benefit; or
- (b) is 70 years of age or over; or
- (c) is standing or to stand trial for, or has been convicted of, any offence punishable under a law by imprisonment; or
- (d) is prohibited from being a director or member or promoter of, or from taking part (in any way, whether directly or indirectly) in the management of, a company under any law; or
- (e) has his affairs administered under any law relating to mental health.

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### **10. ALTERNATES.**

(1) A member of the Board appointed under Section 8 may, by a signed instrument in writing delivered to the Authority, appoint a person who is ordinarily resident in the country to be a member's alternate.

(2) If a member of the Board appointed under Section 8 is, for any reason, unable to act, his alternate, if there is any, has and may exercise all of the member's powers, functions, duties and responsibilities, and this Act applies accordingly.

(3) An alternate may, unless the Board otherwise directs, attend meetings of the Board but may not, except where he is attending in the absence of the member of the Board for whom he is the alternate, take part in debate, vote on any matter or be counted towards a quorum.

(4) An alternate is entitled independently to receive all notices, papers, minutes of meetings and other relevant information to which members of the Board are entitled.

### **11. FEES AND EXPENSES OF MEMBERS OF THE BOARD AND ALTERNATES.**

(1) The Board shall recommend to the Minister an appropriate fee to be paid pursuant to the *Boards (Fees and Allowances) Act* (Chapter 299) to the members of the Board, having regard to the functions, duties and responsibilities of the members of the Board under this Act.

(2) Each member of the Board, other than an *ex-officio* member, shall be paid such a fee as the Minister determines after considering the recommendation of the Board under Subsection (1).

(3) The Authority shall pay to each member of the Board reasonable travelling costs and per diems and such other expenses incurred in carrying out their duties under this Act.

(4) An alternate of a member of the Board, other than an *ex-officio* member, shall, when attending a Board meeting in the place of his appointor, be paid by the Authority the applicable fee and any other expenses a Board member is entitled to.

### **12. CHAIRMAN AND DEPUTY CHAIRMAN.**

(1) The Chairman shall -

- (a) be appointed in accordance with the *Regulatory Statutory Authorities (Appointments to Certain Offices) Act 2004*; and
- (b) be appointed for a term of four years.

(2) The Deputy Chairman shall be the departmental head of the department responsible for mining policy matters, *ex-officio*.

(3) The Chairman shall hold office as Chairman until the earlier of the termination or expiration of the period of his appointment or until he ceases to be a member of the Board pursuant to Section 14.

### **13. LEAVE OF ABSENCE OF MEMBERS.**

(1) The Chairman may grant leave of absence to a member of the Board (other than the Deputy Chairman) on such terms and conditions as the Chairman determines.

(2) The Board may grant leave of absence to the Chairman or Deputy Chairman on such terms and conditions as the Board determines.

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**14. VACATION OF OFFICE.**

(1) A member of the Board, other than an *ex-officio* member, may resign his office by writing signed by him and delivered to the Authority.

- (2) If a member of the Board, other than an *ex-officio* member -
- (a) dies or becomes permanently incapable of performing his duties; or
  - (b) resigns his office in accordance with Subsection (1); or
  - (c) is absent, except with the written consent of the Board or is on leave of absence under Section 13, from three consecutive meetings of the Board; or
  - (d) does not comply with Section 18; or
  - (e) becomes a person who is not eligible under Section 9 to be appointed as a member of the Board; or
  - (f) ceases to be ordinarily resident in the country; or
  - (g) commits an offence against this Act,

his appointment as a member of the Board (and as Chairman, if the member is also the Chairman) shall be deemed to have been terminated with immediate effect, and shall cease to be a member of the Board accordingly.

(3) The Minister may, acting on the advice and recommendation of the Board, at any time, by written notice, inform a member of the Board (other than an *ex-officio* member) that he intends to terminate the member's appointment on the grounds of inefficiency, incapacity or misbehaviour.

(4) Within 14 days after receiving a notice under Subsection (3), the member may reply in writing to the Minister, who must consider the reply and where appropriate, terminate the appointment by written notice to the member.

(5) Where the member referred to in Subsection (3) does not reply in accordance with Subsection (4), the Minister may terminate the member's appointment by written notice to the member.

**15. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS.**

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

**16. SECRETARY OF THE BOARD.**

(1) The Board shall appoint an employee of the Authority to be the Secretary of the Board.

(2) The Secretary is responsible for convening meetings of the Board and for recording minutes of those meetings.

**17. MEETINGS OF THE BOARD.**

(1) The Board shall meet as often as the business of the Board requires, and at such times and places as the Chairman directs, but in any event not less frequently than once in every three months.

(2) The Chairman shall cause a notice, in writing setting out the date, time and place of the meeting and the matters to be discussed at the meeting, with not less than seven days' notice, to be sent to every member of the Board who is in the country.

(3) Any irregularity in the notice of a meeting of the Board is waived where all members of the Board entitled to receive the notice either attend the meeting without protest as to the irregularity or agree to the waiver.

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- (4) At a meeting of the Board -
  - (a) subject to Subsection (7), the Chairman, the Managing Director and four other members, constitute a quorum; and
  - (b) the Chairman, or in his absence the Deputy Chairman, shall preside and if both Chairman and Deputy Chairman are absent, the members present may appoint, from among their own number a Chairman for that meeting; and
  - (c) subject to Paragraph (e), each member of the Board has one vote; and
  - (d) subject to Section 27(3)(c), matters arising shall be decided by a majority of the votes of the members present and voting; and
  - (e) the person presiding as Chairman has a deliberative, and if there is an equality of votes on any matter, also a casting vote.
- (5) The Board shall cause minutes of its meetings to be recorded and kept.
- (6) Subject to this Act, the procedures of the Board are as determined by the Board.
- (7) At the meeting of the Board at which there is to be consideration of the investigations, suspension or recommendation for dismissal of the Managing Director under Section 21(4) -
  - (a) seven members of the Board, one of which must be an *ex-officio* member other than the Managing Director, constitute a quorum; and
  - (b) if the members present so permit, the Managing Director may be present, but may not vote or participate in any discussion or debate other than at a time determined by the members present to answer or defend any allegation against him; and
  - (c) no other business or matter may be transacted, considered or dealt with.

### **18. DISCLOSURE OF INTEREST BY MEMBERS.**

- (1) A member of the Board who is directly or indirectly interested in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.
- (2) A disclosure under Subsection (1) shall be recorded in the minutes of the Board meeting, and the member -
  - (a) shall not participate, after the disclosure, in any debate, deliberation, decision or vote of the Board in relation to the matter during the meeting at which the disclosure is made or at any other meeting of the Board; and
  - (b) shall be disregarded for the purpose of determining whether a quorum is present for the meeting of the Board at which the disclosure is made or at any other meeting of the Board for any such debate, deliberation, decision or vote in relation to the matter.

### **19. COMMITTEES OF THE BOARD.**

- (1) The Board may, from time to time, establish committees of the Board to advise the Board on such matters as the Board considers necessary.
- (2) The Board may -
  - (a) appoint such persons as it considers necessary to be members of the committees; and
  - (b) specify the functions and procedures of the committees.
- (3) A member of a committee who is not a member of the Board, an employee of the Authority or an officer of the National Public Service, may receive fees and allowances under the *Boards (Fees and Allowances) Act* (Chapter 299).

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**20. REPORTS.**

(1) The Board shall furnish to the Minister, in addition to the annual report under Section 34, such other reports in relation to the functions of the Authority as reasonably requested by the Minister from time to time.

(2) The Managing Director shall furnish such reports in relation to the functions of the Authority, or such other reports as requested by the Minister from time to time.

***Division 3. - Managing Director.***

**21. MANAGING DIRECTOR.**

(1) There shall be a Managing Director of the Authority who is to be appointed in accordance with the *Regulatory Statutory Authorities (Appointments to Certain Offices) Act 2004*.

(2) The Managing Director is -

- (a) the Chief Executive Officer of the Authority; and
- (b) the Head of the staff of the Authority; and
- (c) responsible to the Board for the efficient carrying out of the functions of the Authority; and
- (d) responsible to the Minister for the efficient carrying out of the applicable regulatory functions of the *Mining Act 1992*, the *Mining (Safety) Act* (Chapter 195A), the Ok Tedi Acts and the Ok Tedi Agreement, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196) and the agreements that are scheduled to that Act, or any other Act, the administration of which is the responsibility of the Authority from time to time.

(3) Subject to this section, the Managing Director shall be appointed for a term of four years on such terms and conditions as are determined by the Board, and is eligible for reappointment for another term.

(4) The appointment of the Managing Director may be terminated or suspended in accordance with the *Regulatory Statutory Authorities (Appointments to Certain Offices) Act 2004*, and the Managing Director shall be terminated or suspended if he -

- (a) becomes incapable for any reason of performing his duties; or
- (b) other than the written consent of the Board, engages in any paid employment or carries on business outside the duties of his office; or
- (c) becomes bankrupt, applies to take the benefits of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary for their benefit; or
- (d) is convicted of an offence that is punishable under a law by imprisonment; or
- (e) ceases to be ordinarily resident in the country; or
- (f) commits an offence against this Act.

(5) If the Managing Director's appointment is terminated under the *Regulatory Statutory Authority (Appointments to Certain Offices) Act 2004* -

- (a) the Managing Director shall not be entitled to; and
- (b) the Board may not authorise the provision or giving to the Managing Director of; and

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(c) the Authority may not provide or give to the Managing Director, any compensation or payment in respect of the termination of his appointment, and the Authority shall not have any liability whatsoever to the Managing Director in respect of the termination of his appointment, other than in respect of any unpaid remuneration or benefits attributable to the period before the termination, payable in accordance with the terms and conditions of the Managing Director's contract of employment as determined by the Board under Subsection (3).

(6) Any contract, arrangement or understanding under which the Managing Director would, but for this subsection, be entitled to any compensation or payment in respect of the termination of his appointment other than as provided in Subsection (5) is void from the beginning and of no force or effect.

### 22. FUNCTIONS OF THE MANAGING DIRECTOR.

(1) The functions, powers and duties of the Managing Director are -

- (a) subject to Section (6), to manage the Authority in accordance with the policies and directions of the Board; and
- (b) to advise the Board on any matter concerning the Authority referred to him by the Board; and
- (c) otherwise as specified in this Act and the *Mining Act 1992*, the *Mining (Safety) Act* (Chapter 195A), the Ok Tedi Acts and the Ok Tedi Agreement, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196) and the agreements that are scheduled to that Act, and any other Act the administration of which is the responsibility of the Authority from time to time.

(2) The Managing Director -

- (a) shall carry out and perform the functions, powers and duties required of him under this Act and his contract of employment; and
- (b) has such other functions, powers and duties as the Board may, from time to time, determine.

(3) The Managing Director may, by instrument in writing, delegate all or any of his functions, powers (other than this power of delegation) or duties to any person and shall immediately report any such delegation to the Board in writing.

(4) The Minister may, in consultation with, and acting on the advice and recommendation of the department responsible for mining policy matters, give to the Managing Director general or specific policy directions.

(5) Any policy direction given by the Minister under Subsection (4) must not be inconsistent with the provisions of this Act, the *Mining Act 1992*, the *Mining (Safety) Act* (Chapter 195A), the Ok Tedi Acts and the Ok Tedi Agreement, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196) and the agreements that are scheduled to that Act, and any other Act the administration of which is the responsibility of the Authority from time to time.

(6) Notwithstanding anything else in this Act, the Managing Director has the sole right and responsibility, to the exclusion of the Board, to supervise and direct the staff of the Authority in the exercise of all powers, functions and discretions in respect of the administration and enforcement of the -

- (a) *Mining Act 1992*; and
- (b) the Ok Tedi Acts and the Ok Tedi Agreement; and
- (c) the *Mining (Bougainville Copper Agreement) Act* (Chapter 196) and the agreements that are scheduled to that Act; and

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- (d) any other legislation, regulation or national policy relating to mining or to the management, exploitation or development of Papua New Guinea's mineral resources.

### *Division 4. - Staff of the Authority.*

#### **23. STAFF OF THE AUTHORITY.**

(1) The Managing Director may appoint persons to be employees of the Authority, in accordance with procedures established and approved by the Board, for the purpose of giving effect to this Act and carrying out the functions of the Authority.

(2) Employees appointed under Subsection (1) shall be appointed on such terms and conditions as the Board, subject to the *Salaries and Conditions Monitoring Committee Act 1988*, determine.

(3) The Managing Director may dismiss an employee of the Authority in accordance with procedures established and approved by the Board.

(4) The Managing Director and the employees appointed under Subsection (1) constitute the staff of the Authority.

(5) The Managing Director shall direct and control the employees of the Authority.

(6) The staff of the Authority (including the Managing Director) are not officers of the National Public Services.

#### **24. CONTRACT OF EMPLOYMENT.**

The Managing Director and each employee of the Authority shall be employed under a contract of employment that -

- (a) in the case of the Managing Director, shall be executed by the Head of State and by the Managing Director in accordance with the *Regulatory Statutory Authority (Appointments to Certain Offices) Act 2004*; and
- (b) in the case of any other employee, shall be executed by the Managing Director on behalf of the Authority and by the employee in accordance with procedures established by the Board.

### **PART III. - FINANCES.**

#### *Division 1. - Application of the Public Finances (Management) Act 1995, investments and borrowing, etc.*

#### **25. APPLICATION OF THE PUBLIC FINANCES (MANAGEMENT) ACT 1995.**

(1) Without limiting any function or power of the Authority under this Act, Part VIII (other than Sections 57 and 58) of the *Public Finances (Management) Act 1995* applies to and in relation to the Authority.

(2) The financial limit for the Authority is up to K500,000.00 or such other amount exceeding this specified amount as may be determined from time to time under the *Public Finances (Management) Act 1995*.

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**26. INVESTMENTS AND BORROWING.**

(1) Moneys of the Authority that are not immediately required may be invested on deposit with an Authorised Institution or in any manner that a trustee would be authorised to invest funds in his hands under the *Trustees and Executors Act* (Chapter 289) on such terms that the Board may, in its discretion, determine.

(2) Subject to Subsection (3), the Authority may borrow money for its purposes from an Authorised Institution in any manner (including by overdraft) on such terms and within such limits as the Board may, in its discretion, determine.

- (3) The Authority may not borrow money -
- (a) if and to the extent that, immediately after the money is borrowed, the total principal amount outstanding of all money borrowed by the Authority exceeds 10 percent of the total assets of the Authority; or
  - (b) from a person other than an Authorised Institution; or
  - (c) unless at a meeting of the Board all members of the Board vote in favour of the Authority borrowing the money.

**27. FUNDS OF THE AUTHORITY.**

- (1) The funds of the Authority consist of -
- (a) all monies appropriated by legislation for the purposes of carrying out or giving effect to this Act; and
  - (b) all monies received by the Authority by way of grants and subscriptions; and
  - (c) all monies received by the Authority from investments or borrowings; and
  - (d) all monies received by the Authority for goods or services provided by the Authority; and
  - (e) all fees paid or payable under this Act, the *Mining Act 1992*, the *Mining Regulation 1992*, *Mining (Safety) Act* (Chapter 195A), the *Mining (Safety) Regulation* (Chapter 195A), the Ok Tedi Acts, the Ok Tedi Agreement, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196) or the agreements that are scheduled to that Act, or any other Act the administration of which is the responsibility of the Authority from time to time, after the coming into operation of this Act; and
  - (f) all rents paid or payable under the *Mining Act 1992*, the Ok Tedi Acts, the Ok Tedi Agreement, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196) or the agreements that are scheduled to that Act, after the coming into operation of this Act; and
  - (g) any monies paid or payable under this Act in respect of the production levy; and
  - (h) any monies paid or payable to the Authority under any law (other than this Act) in respect of any fee or levy; and
  - (i) all fines or penalties paid or payable under this Act, the *Mining Act 1992*, the *Mining Regulation 1992*, the *Mining (Safety) Act* (Chapter 195A) or the *Mining (Safety) Regulation* (Chapter 195A), the Ok Tedi Acts, the Ok Tedi Agreement, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196) or the agreements that are scheduled to that Act, or any other Act the administration of which is the responsibility of the Authority from time to time, after the coming into operation of this Act; and
  - (j) all other monies received by the Authority in the exercise and performance of its powers, functions and duties under this Act.



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(2) The Authority shall retain any surplus funds accruing from its operations or activities in a given year that the Board deemed necessary for the Authority's projected operations in the next financial year or for investment purposes and any surplus not utilised in any manner may be remitted to the Consolidated Revenue Fund as determined by the Board.

- (3) The funds of the Authority may be expended only -
- (a) in payment or discharge of expenses, obligations and liabilities of the Authority; and
  - (b) in payment of the remuneration of the staff of the Authority and of allowances to the members of the Board, or members of any committee of the Board; and
  - (c) to provide financial assistance and support to the department responsible for mining policy matters for purposes related to the regulation, management and implementation of government policies, priorities, undertakings and obligations related to the effective management of the mining industry in Papua New Guinea; and
  - (d) to facilitate and implement undertakings from project agreements, or such other related agreements, entered into by the State as well as to fund development initiatives within project areas that are duly approved by the Board; and
  - (e) in making investments authorised by this Act; and
  - (f) for such other purposes as are consistent with the functions of the Authority as the Board, after consultation with the Managing Director, may determine.

**28. PRODUCTION LEVY.**

(1) The Authority may, by notice in the National Gazette, impose a production levy in respect of minerals and alluvial gold.

(2) Subject to Subsection (6), every producer of minerals shall pay to the Authority, a production levy at the rate of 0.5 percent of the value of the assessable income in respect of the project of the relevant producer or producers of the minerals.

(3) Subject to Subsection (6), every producer of minerals shall pay to the Authority, a production levy at the rate of 0.5 percent of the value of alluvial gold that is to be exported.

(4) The value of the alluvial gold to which Subsection (3) refers will be taken to be an amount equal to the morning spot price of gold quoted on the London Metal Exchange on the date of authority being given under the *Central Banking (Foreign Exchange and Gold) Regulations 2000* for the alluvial gold to be exported.

- (5) The notice under Subsection (1), imposing the production levy shall specify -
- (a) any other rate determined by the Authority under Subsection (2) for the production levy in respect of minerals to which this section applies; and
  - (b) any other rate determined by the Authority under Subsection (4) for the production levy in respect of alluvial gold to which this section applies; and
  - (c) the time or times at which the production levy is payable; and
  - (d) the mechanism for payment to and collection by the Authority of the production levy; and
  - (e) such other matters as are necessary or convenient for the imposition of the production levy, as determined by the Authority.

(6) The Authority shall remit to the department responsible for mining policy matters, 35 percent of the annual production levies collected of which Section 27(3)(c) applies under the following considerations:

### *Mineral Resources Authority*

- (a) the department responsible for mining policy matters shall include the levy in its budget submission under the annual national budgetary process to the Department of Treasury; and
- (b) the Department of Treasury shall ensure this portion of the levy is paid out by the Authority directly to the Department responsible for mining policy matters as part of the annual budgetary appropriations of the Authority; and
- (c) where in a given year there is, or is anticipated to be less or no production levy for that particular year, then the -
  - (i) Authority may, in consultation with the department responsible for treasury Matters, apply to the Minister to revise the 35 percent for that given year; and
  - (ii) department responsible for mining policy matters shall make its budget representation to the department responsible for treasury matters for budgetary support under the annual national budgetary process for full funding assistance.

(7) The Authority may, from time to time, amend, vary or replace a notice under Subsection (1) by a further notice in the National Gazette, to take effect in accordance with that further notice, subject to consultation between the departmental head of the department responsible for treasury matters, head of the Internal Revenue Commission and the departmental head of the department responsible for mining policy matters.

(8) A producer of minerals, and an exporter of alluvial gold, shall pay to the Authority the production levy imposed by a notice under Subsection (1), as amended, varied or replaced under Subsection (7), in accordance with the notice.

(9) A notice under Subsection (1) imposing the production levy, as amended, varied or replaced under Subsection (7), has the force of law by virtue of this section.

#### **29. EXPENDITURE.**

(1) The Authority shall, not later than three months before the end of each financial year, submit to the departmental head of the department responsible for treasury matters an operating budget including -

- (a) estimates of the receipts and expenditure of the Authority for the next financial year; and
- (b) its proposed program (if any) for that financial year, and identifying any expenditure to be charged against the assets of the Authority, as approved by the Board after consultation with, and in such form as reasonably required by the departmental head of the department responsible for treasury matters.

(2) Any disagreement in relation to the appropriateness or quantum of any expenditure item in the operating budget between the Authority and the departmental head of the department responsible for treasury matters shall first be discussed between them, and if the disagreement is not resolved not later than one month before the end of the relevant financial year, then the matter shall be referred for determination by a person nominated by the Papua New Guinea Institute of Accountants, whose decision shall be final, and whose costs are to be paid by the State.

(3) Where a disagreement referred to in Subsection (2) is not resolved prior to the commencement of the next financial year, the operating budget of the current financial year shall apply for the next financial year and for so long as the disagreement is unresolved.

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**30. LIABILITY TO TAXATION.**

For the purposes of Section 24(1) of the *Income Tax Act 1959*, the Authority is a public authority constituted under this Act.

*Division 2. - Interpretation and preparation of financial statements.*

**31. INTERPRETATION.**

In this Part -

“accounting period” means the period commencing on the coming into operation of this Act and ending on the next succeeding balance date, and afterwards means the period of one year ending on a balance date; and

“balance date” means the close of 31 December; and

“financial statement” in relation to the Authority and a balance date, means -

(a) a balance sheet for the Authority as at the balance date; and

(b) an income and expenditure statement for the Authority in relation to the accounting period ending at the balance date; and

(c) a statement of cash flows for the Authority in relation to the accounting period ending at the balance date, together with any notes or documents giving information in relation to the balance sheet, income and expenditure statement or statement of cash flows; and

“generally accepted accounting practice” has the meaning given to it by Section 172 of the *Companies Act 1997*, as if the Authority were a reporting company within the meaning of that expression in that section and any provision referred to in that section.

**32. PREPARATION OF FINANCIAL STATEMENTS.**

(1) The Board shall produce within three months after the balance date of the Authority, financial statements in compliance with Subsection (2) -

(a) for that accounting period of that balance date relating to the Authority; and

(b) dated and signed on behalf of the Board by the Managing Director.

(2) The financial statements of the Authority shall comply with generally accepted accounting practice and must be consistent with Section 63 of the *Public Finances (Management) Act 2016*.

(3) For the purposes of this section, where, in complying with generally accepted accounting practice, the financial statements do not give a true and fair view of the matters to which they relate, the Board shall add such information and explanations as will give a true and fair view of those matters.

*Division 3. - Accounting records.*

**33. ACCOUNTING RECORDS TO BE KEPT.**

(1) The Board shall cause accounting records to be kept that -

(a) correctly record and explain the transactions of the Authority; and

(b) will at any time enable the financial position of the Authority to be determined with reasonable accuracy; and

(c) will enable the Board to ensure that the financial statements of the Authority comply with Section 32; and

(d) will enable the financial statements of the Authority to be readily and properly audited.

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- (2) Without limiting Subsection (1), the accounting records shall contain -
  - (a) entries of money received and spent each day and the matters to which they relate; and
  - (b) a record of the assets and liabilities of the Authority.
- (3) The accounting records shall be kept -
  - (a) in written form; or
  - (b) in a form or manner in which they are easily accessible and convertible into written form.
- (4) The Authority shall keep accounting records for the current accounting period and for the last five completed accounting periods of the Authority.

#### *Division 4. - Annual report.*

#### **34. PREPARATION OF ANNUAL REPORT.**

- (1) The Managing Director shall, within three months after 1 January in each year, furnish to the Board a report on the progress and the performance of the Authority in relation to its functions during the year ending 31 December previously.
- (2) Within two months after receiving the report referred to in Subsection (1), the Board shall furnish to the Minister an annual report.
- (3) The Board shall also furnish a copy of the annual report referred to under Subsection (2) to the ministers responsible for treasury and finance matters in accordance with Section 63 of the *Public Finances (Management) Act 2016*.
- (4) The Minister shall table the annual report at the first sitting of the Parliament subsequent to his receipt of the annual report.

#### **35. CONTENTS OF ANNUAL REPORT.**

Each annual report of the Authority shall be in writing and dated and shall -

- (a) include a report on the performance and management of the operations and activities of the Authority during the accounting period; and
- (b) include financial statements for the accounting period completed and signed in accordance with Section 32; and
- (c) describe any change in accounting policies made during the accounting period; and
- (d) state particulars of any interest disclosed by a member of the Board under Section 18(1) during the accounting period; and
- (e) state, in respect of each member or former member of the Board (including the Managing Director and any former Managing Director), the total of the remuneration and the value of other benefits received by that member or former member during the accounting period; and
- (f) state the number of employees or former employees of the Authority, not being members of the Board, who, during the accounting period, received remuneration and any other benefits in their capacity as employees, the value of which in aggregate was or exceeded K50,000.00 per annum, and shall state the number of such employees or former employees in brackets of K10,000.00; and
- (g) state the total amount of any donations made or commissions paid by the Authority during the accounting period; and

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- (h) state the names of the persons holding office as members of the Board at the end of the accounting period and the name of any person who ceased to hold office as member of the Board during the accounting period; and
- (i) be signed on behalf of the Board by the Chairman and the Managing Director.

**36. AVAILABILITY OF ANNUAL REPORT.**

(1) Any annual report of the Authority that is furnished to the Minister under Section 34 is a public document.

(2) At the request of any person at any time, the Authority shall provide the person with a copy of its most recent annual report on payment by that person of such fee (if any) as is determined by the Authority.

*Division 5. - Audit.*

**37. AUDIT.**

(1) Nothing in this section affects the application of the *Audit Act 1989* to the Authority.

(2) The Board shall appoint, in respect of each accounting period of the Authority and before, or as soon as practicable after the commencement of the relevant accounting period, a member of a reputable accounting firm who is a Registered Company Auditor under the *Accountants Act 1996* and who is ordinarily resident in the country, to be the auditor of the Authority and to audit the financial statements of the Authority for the relevant accounting period.

(3) The auditor appointed under Subsection (2) shall -

- (a) be appointed for a term of one year; and
- (b) hold office on such terms and conditions as are determined by the Board; and
- (c) be eligible for re-appointment.

(4) Sections 190(2), 192, 193, 198, 199, 200 and 202 of the *Companies Act 1997* shall apply in relation to an auditor appointed under Subsection (2) as if -

- (a) references to a company or a reporting company were references to the Authority; and
- (b) references to the Board of a company were references to the Board; and
- (c) a reference to a director of a company were a reference to a member of the Board; and
- (d) a reference to the shareholders of a company were a reference to the Minister; and
- (e) the financial statements of the Authority were financial statements to which Section 200 of the *Companies Act 1997* applies.

(5) The Authority shall appoint a qualified person to be the Authority's internal auditor, who shall provide a written audit report as requested by the Board, but not less often than quarterly, and a copy of each audit report shall be presented to the minister and to the departmental head of the department responsible for treasury matters.

**PART IV. - MISCELLANEOUS.**

**38. PROOF OF CERTAIN MATTERS.**

In any proceedings by or against the Authority, proof is not required, unless evidence is given to the contrary, of -

- (a) the constitution of the Authority; or
- (b) a resolution of the Board; or

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- (c) the appointment of a member of the Board; or
- (d) the appointment of the Managing Director; or
- (e) the presence of a quorum at a meeting of the Board at which a determination is made or an act is done.

**39. PROCESS OF SERVICE.**

Any notice, summons, writ or other process required to be served on the Authority may be served by being left at the office of the Authority or, in the case of a notice, by being sent by post.

**40. AUTHENTICATION OF DOCUMENTS.**

Any document requiring authentication by the Authority is sufficiently authenticated with the common seal of the Authority affixed in accordance with this Act.

**41. APPOINTMENT OF ATTORNEYS.**

(1) The Authority may, by instrument under its common seal, appoint a person to act as its attorney for the purpose of doing anything that the Authority itself might lawfully do.

(2) A person appointed under Subsection (1) may, on behalf of and in the name of the Authority, do any act, exercise any power and perform any function that he is authorised by the instrument appointing him to do, exercise or perform.

(3) Notwithstanding Subsection (2), the State Solicitor of Papua New Guinea shall have oversight over any interpretation and application of the laws, without limitations, to which Sections 3, 4, 5 and 6 apply and all other provisions of this Act.

**42. RECOVERY OF MONEY DUE.**

Any money due to the Authority (including all funds of the Authority under Section 27(1)) may be recovered by the Authority as a debt.

**43. PROTECTION FROM PERSONAL LIABILITY.**

A member of the Board, or a member of a committee of the Board, or an officer, employee, servant or agent of the Authority, is not personally liable for any act or default of himself or the Authority done or omitted to be done in good faith in the course of the activities or operations of the Authority or for the purposes of the Authority.

**44. GENERAL PENALTY.**

(1) A person who acts in contravention of, or fails to comply with, a provision of this Act is guilty of an offence.

(2) A person who commits an offence against this Act for which no penalty is provided elsewhere in this Act is liable to a penalty of a fine not exceeding K25,000.00 or imprisonment for a term not exceeding two years, or both.

(3) Where the offence is a continuing offence, the person is further liable to a default penalty of a fine not exceeding K2,500.00 for each day during which the offence is committed after conviction.

**45. INFORMATION.**

(1) Where, in the opinion of the Board -

- (a) any information, book or record in the possession or custody or under the control of a person is or are relevant to the exercise or performance of the powers or functions of the Authority or to the achievement of the purposes of this Act; and

## *Mineral Resources Authority*

(b) it is desirable that the information be furnished to the Authority or that the book or record be produced for inspection by the Authority, the Authority may issue to the person a written notice to that effect specifying the relevant information, book and record and specifying the place and time at which any information, books and records are to be furnished or produced to the Authority.

(2) A person who receives a notice under Subsection (1) shall furnish or produce for inspection at the place and at the time specified in the notice the information, book or records specified in the notice and copies of or extracts from any information, books and records so furnished or produced may be made and retained by the Authority.

(3) The Authority or its employees may take copies of and extracts from any information, book or record furnished or produced under Subsection (2).

(4) Subsection (2) does not affect the operation of any law by or under which any information, book or record is to be kept confidential.

(5) Subject to Subsection (6), a person who, without reasonable excuse (proof of which is on him), refuses or fails after receiving a notice under Subsection (1), to furnish any information or to produce for inspection any book or record, or who furnishes any information that is false or misleading in a material particular, is guilty of an offence.

Penalty: A fine not exceeding K100,000.00.  
Default penalty: A fine not exceeding K20,000.00.

(6) It is a defence to a charge of an offence against Subsection (5) if the person charged proves that the information, book or record was not relevant to the exercise or performance of the powers or functions of the Authority, to the achievement of the purposes of this Act or the *Mining Act 1992*, the *Mining (Safety) Act* (Chapter 195A), the Ok Tedi Acts and the Ok Tedi Agreement, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196) and the agreements that are scheduled to that Act, or was not in the possession or custody or under the control of the person at the time of receipt of the notice under Subsection (1).

### **46. FALSE STATEMENTS.**

A person who, in a statement made or information furnished under or for the purposes of this Act, makes, without reasonable excuse (proof of which is on him), a statement, or gives information that is false or misleading in a material particular, is guilty of an offence.

Penalty: A fine not exceeding K100,000.00.

### **47. REGULATIONS.**

The Head of State, acting on advice, may make regulations not inconsistent with this Act, prescribing all matters that by this Act are permitted or required to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act and generally for achieving the purposes of this Act, and in particular for prescribing fees and for prescribing penalties of fines not exceeding K100,000.00 and default penalties of fines not exceeding K20,000.00 for infringements of the regulations.

### **48. PROSECUTIONS.**

(1) The Authority, after consulting with the State Solicitor of Papua New Guinea, shall give notice of intention to prosecute an offender to the -

(a) Solicitor General for civil matters; and

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(b) Public Prosecutor for criminal matters, for any offence against this Act, the *Mining Act 1992*, the *Mining (Safety) Act* (Chapter 195A), the Ok Tedi Acts, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196), or any other Act, the administration of which is the responsibility of the Authority from time to time and shall commence legal action as it considers appropriate subject to the approvals of the Solicitor General for civil matters and the Public Prosecutor for criminal matters.

(2) In any action brought under this Act by the Authority or against the Authority, the court may award costs against any party or claimant other than the Authority, which costs may be recovered by the Authority as a debt due to the Authority.

(3) Any fine or penalty or any default fine or penalty to be paid by a person as a result of an action brought by the Authority is to be paid to the Authority and, in addition to any other remedy, may be recovered by the Authority as a debt due to the Authority.

### **49. CONFIDENTIALITY.**

(1) The Authority shall take all reasonable steps to protect, from unauthorised use or disclosure, information given to it in confidence or in connection with the performance of its functions or the exercise of its powers.

(2) For the purposes of Subsection (1), the disclosure of information as required and permitted by any law or court of competent jurisdiction shall be taken to be authorised use and disclosure of the information.

(3) For the purposes of Subsection (1), the disclosure of information by a person for the purposes of performing that person's functions as an employee of the Authority or as a member of the Board shall be taken to be authorised use and disclosure of the information.

## **PART V. - TRANSITIONAL AND SAVINGS.**

### **50. INTERPRETATION.**

In this Part, "Department" means the Department of Mining as constituted immediately before the coming into operation of this Act.

### **51. SECURITY UNDER THE *MINING ACT 1992*.**

- (1) As soon as practicable after the coming into operation of this Act, the State shall -
- (a) pay to the Authority an amount equal to all cash deposits; and
  - (b) deliver to the Authority all bank guarantees, insurance company bonds or other documents, lodged as security under Section 150 of the *Mining Act 1992* before the coming into operation of this Act to the extent that -
    - (i) such security has not been discharged under and in accordance with the *Mining Act 1992*; and
    - (ii) such security has not had deducted from it any amount permitted to be deducted from it under and in accordance with the *Mining Act 1992*; and
    - (iii) such security, or the balance after deduction of any amount permitted to be deducted from it under the *Mining Act 1992* has not been remitted to the holder or the former holder of a tenement under and in accordance with the *Mining Act 1992*.

to be held by the Authority on behalf of the State.



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(2) Notwithstanding anything in the *Mining Act 1992*, the Registrar is not required to remit to the holder or former holder of a tenement any security lodged under Section 150 of the *Mining Act 1992* before the coming into operation of this Act, or the balance of any such security after deduction of any amount permitted to be deducted from it under the *Mining Act 1992*, from any cash deposits, bank guarantees, insurance company bonds, or other documents held by the Authority except to the extent that the relevant security has been paid or delivered to the Authority under Subsection (1).

(3) Notwithstanding anything in the *Mining Act 1992*, the Managing Director is not required to discharge, wholly or in part, any security lodged under Section 150 of the *Mining Act 1992* before the coming into operation of this Act from any cash deposits, bank guarantees, insurance company bonds, or other documents held by the Authority except to the extent that the relevant security has been paid or delivered to the Authority under Subsection (1).

### **52. SAVINGS OF CONTRACTS.**

(1) All contacts and agreements (other than contracts of employment) entered into, made with, or addressed to the Department, are, to the extent that they were, immediately before the coming into operation of this Act, binding on and of full force and effect against or in favour of the Department on that coming into operation, binding on and of full force and effect against or in favour of the Authority as fully and effectually as if, instead of the Department, the Authority had been a party to them or bound by them or entitled to the benefit of them.

- (2) The operation of Subsection (1), shall not be regarded -
- (a) as a breach of contract or confidence or otherwise as a civil wrong; or
  - (b) as a breach of any contract provision prohibiting, restricting or regulating the assignment or transfer of assets, rights, obligations or liabilities; or
  - (c) as giving rise to any remedy by a party to an instrument or agreement, or as causing or permitting the termination of any instrument or agreement; or
  - (d) as releasing any surety or other obligee wholly or in part from any obligation.

### **53. APPLICATION OF ACTS.**

(1) Without limitation to Section 53, where an Act or other law (other than this Act) or any other document or instrument wherever made or executed, contains a reference, express or implied, to the Department, that reference, on the coming into operation of this Act, except where the context otherwise requires, shall be read and construed and have effect as a reference to the Authority.

(2) Without limitation to Section 53, where an Act or other law (other than this Act) or any other document or instrument wherever made or executed, contains a reference, express or implied, to the Secretary, that reference, on the coming into operation of this Act, except where the context otherwise requires, shall be read and construed and have effect as a reference to the Managing Director.

(3) Without limitation to Section 53, where an Act or other law (other than this Act) or any other document or instrument wherever made or executed, contains a reference, express or implied, to the Director, that reference, on the coming into operation of this Act, except where the context otherwise requires, shall be read and construed and have effect as a reference to the Managing Director.

(4) Without limitation to Section 53, where an Act or other law (other than this Act) or any other document or instrument wherever made or executed, contains a reference, express or implied, to the Departmental Head in relation to the Department, that reference, on the coming into operation of this Act, except where the context otherwise requires, shall be read and construed and have effect as a reference to the Managing Director.

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**54. NO EFFECT ON PREVIOUS ACTS AND DECISIONS.**

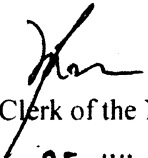
Nothing in this Act affects the validity of any act or decision done or made by the Department (or any officer of the Department), the Secretary, or the Director before the coming into operation of this Act, and every such act and decision shall be taken to be valid and effectual and to have continuing effect despite anything in this Act.

**55. DEEMING OF PREVIOUS ACTS AND DECISIONS.**

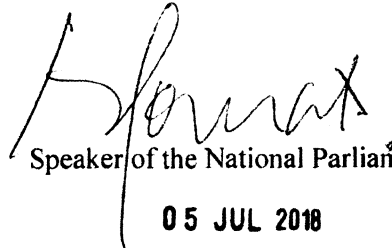
To the extent necessary or desirable for the application for the administration of the *Mining Act 1992*, the *Mining (Safety) Act* (Chapter 195A), the *Mining Development Act* (Chapter 197), the Ok Tedi Acts and the Ok Tedi Agreement, the *Mining (Bougainville Copper Agreement) Act* (Chapter 196), and the agreements that are scheduled to that Act, after the coming into operation of *Mineral Resources Authority Act 2005* -

- (a) any act or decision done or made by the Department before the coming into operation of this Act, shall be taken to be an act or decision, as the case requires, of the Authority; and
- (b) any act or decision done or made by the Director before the coming into operation of this Act, shall be taken to be an act or decision, as the case requires, of the Managing Director.

I hereby certify that the above is a fair print of the *Mineral Resources Authority Act 2018* which has been made by the National Parliament.

  
Clerk of the National Parliament.  
05 JUL 2018

I hereby certify that the *Mineral Resources Authority Act 2018*, was made by the National Parliament on 14 February 2018, by an absolute majority in accordance with the *Constitution*.

  
Speaker of the National Parliament.  
05 JUL 2018