

No. 24 of 2024.

Mulitaka Resettlement Authority Act 2024.

Certified on : 23 DEC 2024



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No. **24** of 2024.

AN ACT

entitled

Mulitaka Resettlement Authority Act 2024,

Being an Act to establish the Mulitaka Resettlement Authority, 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) 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 privacy conferred by Section 49; and
- (b) the right to vote and stand for public office conferred by Section 50; and
- (c) the right to freedom of information conferred by Section 51; and
- (d) the right of freedom of movement conferred by Section 52,

of the ***Constitution***, is a law that is made under Section 38 of the ***Constitution*** taking account of the National Goals and Directive Principles and the Basic Social Obligations, for the purposes of giving effect to the public interest in public order and public welfare.

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

2. INTERPRETATION.

In this Act, unless the contrary intention appears -

- “appointed member” means a member of the Board other than an *ex-officio* member or a member;
- “Authority” means the Mulitaka Resettlement Authority established under Section 3;
- “Board” means the Board of the Authority;
- “care centre” means a formal or informal displacement site established to provide essential humanitarian relief assistance to the displaced population that were affected by the natural disaster;
- “Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under Section 22;
- “Minister” means the Minister responsible for Provincial Government and Local-level Government Affairs matters;
- “this Act” includes any regulations made under it.

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**PART II. - ESTABLISHMENT AND FUNCTIONS, ETC., OF THE MULITAKA
RESETTLEMENT AUTHORITY.**

3. ESTABLISHMENT OF THE AUTHORITY.

(1) The Mulitaka Resettlement Authority is hereby established.

(2) The Authority -

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

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

4. FUNCTIONS OF THE AUTHORITY.

The Authority has the following functions:

- (a) to identify and determine number of families within the Mulitaka landslide area; and
- (b) to coordinate relief and restoration efforts between the National Government, the Enga Provincial Government and relevant stakeholders; and
- (c) to enquire and determine government services and infrastructures destroyed; and
- (d) to provide for care centres and associated services, such as health care, education, food and a safe water supply, until such time as displaced persons are resettled; and
- (e) to identify and acquire land for the permanent resettlement in consultation with the Department responsible for lands and physical planning matters and the Enga Provincial Government; and
- (f) to facilitate the resettlement program with relevant government stakeholders; and
- (g) to liaise and coordinate with relevant government agencies, donors and international organisations for funding and technical assistance; and
- (h) to coordinate rehabilitation programs in collaboration with relevant stakeholders; and
- (i) to develop a process for displaced persons to apply for permission to return to Mulitaka landslide area; and
- (j) to perform any other functions required in relation to the displaced people from the Mulitaka landslide disaster.

5. POWERS OF THE AUTHORITY.

(1) The Authority has power to do all things that are necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) Without limiting Subsection (1), the Authority may -

- (a) enter into and oversee contracts; and
- (b) tender and award projects; and
- (c) purchase and take on hire, and dispose of, plant, machinery, equipment and other goods; and
- (d) engage consultants and other persons to perform works or services for the Authority; and
- (e) do anything incidental to any of its powers.

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6. MONITORING OF THE AUTHORITY.

(1) The Board of the Authority shall monitor the performance of the Authority.

(2) The Board may make recommendations or give advice, or both, to the Minister on how to improve the performance of the Authority.

PART III. - THE BOARD.

7. ESTABLISHMENT OF THE BOARD.

The Board of the Authority is established.

8. FUNCTIONS OF THE BOARD.

The Board has the following functions:

- (a) to ensure the proper and efficient financial performance of the Authority's operations; and
- (b) such other functions as are conferred under this Act.

9. POWERS OF THE BOARD.

(1) The Board has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

(2) The Board shall, in the exercise of its functions under this Act, act in accordance with any general or specified directions as to the policy to be followed given to it from time to time by the Minister.

(3) The Minister may, after consultation with the Board, give to the Board directions as to policy and the Board shall give effect to such policy, however, any such direction as to policy shall not be inconsistent with the provisions of this Act.

(4) Anything done in the name of, or on behalf of the Authority by the Board, or with the authority of the Board, is taken to have been done by the Authority.

10. MEMBERSHIP OF THE BOARD.

(1) The Board consists of the following members:

- (a) an eminent and respected person as Chairman who shall be appointed by the National Executive Council on recommendation, by the Minister for Provincial and Local Governments Affairs; and
- (b) the Enga Provincial Administrator, *ex-officio*, representing the Enga Provincial Government, who shall be the Deputy Chairman; and
- (c) the Departmental Head of the Department responsible for provincial and local-level government affairs matters, or his delegate, *ex-officio*; and
- (d) the Porgera-Paiela District Administrator or his delegate, *ex-officio*; and
- (e) the Director for National Disaster Centre or his delegate, *ex-officio*; and
- (f) a representative from a recognised non-governmental organisation group which is established and recognised by the Mulitaka communities; and
- (g) two community representatives, endorsed by the Porgera-Paiela District Administrator, one of which must be a woman nominated by the affected communities; and
- (h) a representative from New Porgera Mine Limited.

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- (2) A member, other than an *ex-officio* member and a member referred to in Subsection (1)(f), (g) and (h) -
- (a) subject to Section 11, shall be appointed for a period not exceeding four years; and
 - (b) is eligible for re-appointment; and
 - (c) is to be paid the remuneration, sitting fees and allowances approved in writing by the Minister; and
 - (d) holds office on such other terms and conditions as are prescribed by the regulations.

(3) If a body referred to in Subsection (1)(f) ceases to exist and is unable to nominate a person for membership to the Board, the Minister may appoint a person in their place who shall, so far as is practicable, be representative of the interests of the group comprised by the body.

11. VACATION OF OFFICE OF APPOINTED MEMBERS.

- (1) An appointed member may resign from his office by writing to the Chairperson.
- (2) A person ceases to be an appointed member, if he -
- (a) dies; or
 - (b) becomes bankrupt or applies to take the benefit of any law for the benefit of bankrupt or insolvent debtor, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
 - (c) is convicted of an offence punishable under a law by a term of imprisonment for one year or longer, or for life.
- (3) The Minister may require an appointed member to show cause as to why he should not be terminated.
- (4) The National Executive Council may, acting on the recommendation of the Minister, may terminate the appointment of an appointed member by notice in writing to the member, if the National Executive Council is satisfied that -
- (a) it is not in the best interest of the Authority for the member to continue as a member of the Board; or
 - (b) the performance of the member has been unsatisfactory for a significant period; or
 - (c) the appointed member is unable to perform his role because of physical or mental incapacity.

12. VACANCY NOT TO AFFECT POWERS AND FUNCTIONS OF THE AUTHORITY AND THE BOARD.

(1) The performance of the functions, and the exercise of the powers of the Authority and the Board are not affected by reason only of vacancies in the membership of the Board.

- (2) A vacancy in the membership of the Board must be filled as soon as practicable.

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13. DISCLOSURE OF INTEREST.

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

“direct or indirect interest” means a financial interest of a Board member or a related person in a transaction that would reasonably be expected to impair the objectivity of the Board member’s judgement when participating in action on the authorisation of the matter being considered;

“related person” means -

- (a) a Board member’s spouse, child, stepchild, parent, step-parent, grandparent, sibling, step-sibling, half sibling, aunt, uncle, niece, nephew or first cousin; or
- (b) spouse of any persons in Paragraphs (a) and (c); or
- (c) the Board members’ spouse’s parent, step-parent, grandparent, sibling, step-sibling, half sibling, aunt, uncle, niece, nephew or first cousin; or
- (d) a person living in the same home as the member; or
- (e) an entity controlled by the Board member.

(2) A member who has a direct or indirect interest 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.

(3) The member -

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

(4) The disclosure shall be recorded in the minutes of the meeting of the Board.

14. MEETINGS OF THE BOARD.

(1) All meetings of the Board shall be held in the District or Provincial headquarter and the Board shall not meet unless the Chairperson or the Deputy Chairperson, or both, are present at the meeting.

(2) The Board shall meet at least once every three months, and may hold such other meetings when the need arises.

(3) In addition to the meetings referred to in Subsection (2), where the Chairperson receives a written request to do so by more than three members, the Chairperson, or in his absence the Deputy Chairperson, shall convene a meeting within seven days.

(4) The Chairperson shall preside at a meeting of the Board and in the absence of the Chairperson, the Deputy Chairperson shall preside at a meeting of the Board.

(5) At a meeting of the Board -

- (a) five members form a quorum; and
- (b) matters arising shall be determined by the majority of votes of the members present and voting; and
- (c) the member presiding shall have a deliberative vote and, in the event of an equality of votes on a matter, also a casting vote.

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(6) The Board shall cause minutes of its meetings to be recorded and kept and determine its own procedures.

(7) Any resolution made by the Board at a meeting shall be posted on a notice board, or another accessible location at the care centres or other location near the care centers, within five days after the resolution.

15. DELEGATION.

The Board may, in writing, delegate to a member of the Board all or any of the Board's functions or powers, except this power of delegation.

PART IV. - SUSPENSION OF THE BOARD AND MINISTER'S POWERS.

16. SUSPENSION OF THE BOARD BY THE NATIONAL EXECUTIVE COUNCIL.

(1) The National Executive Council may, by notice published in the National Gazette, suspend the Board if the National Executive Council is satisfied that -

- (a) the Authority is incapable of effectively performing its functions; or
- (b) the Authority has conducted or is conducting its affairs in a grossly improper manner; or
- (c) the Authority has misappropriated or is misappropriating funds.

(2) In deciding whether or not to suspend the Authority, the National Executive Council shall have regard to a report given to the Minister under Section 17.

(3) The National Executive Council may extend or revoke a suspension at any time.

17. REPORT ON PROPOSED SUSPENSION OF THE BOARD.

(1) The Departmental Head of the Department responsible for Provincial and Local-level Governments Affairs matters shall prepare a written report on the proposed suspension of the Board, based on recommendation by the assessment team.

(2) The Departmental Head shall give the Board a copy of the report and the Board may, within 28 days after receiving the report, respond in writing.

(3) The Departmental Head shall give the report, and any response received from the Board, to the Minister.

18. TRANSFER OF THE BOARD'S FUNCTIONS AND POWERS TO MINISTER.

On the suspension of the Board, the functions and powers of the Board are transferred to the Minister until a new Board is constituted.

19. DIRECTIONS BY THE MINISTER.

(1) The Minister may give a written policy direction to the Board concerning the Authority's operations if the Minister is satisfied that the policy direction is necessary to ensure the proper performance of the Authority's functions.

(2) The Board shall comply with the Minister's policy direction under Subsection (1).

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20. REQUEST BY THE MINISTER FOR ADVICE OR INFORMATION.

The Minister may, in writing, request advice or information from the Board on any matter relating to the operations of the Authority, and the Board shall comply with the request.

21. ENTRY, SEARCH AND OTHER POWERS.

- (1) This section applies if the Board is satisfied on reasonable grounds that the Authority -
 - (a) is incapable of effectively performing its functions; or
 - (b) has or is conducting its affairs in a grossly improper manner; or
 - (c) has or is misappropriating funds.
- (2) A person authorised by the Board may enter any premises of, or under the control of, the Authority if the occupier of the premises has consented to the entry, and -
 - (a) search the premises for, seize, inspect, examine, take extracts from, and make copies of, any documents relating to the affairs of the Authority; and
 - (b) seize any other thing found during the course of the search that he believes on reasonable grounds is relevant to the affairs of the Authority; and
 - (c) ask any member of the Board or a staff member of the Authority or any person at the premises to answer any questions relating to the affairs of the Authority.
- (3) A person authorised by the Minister may ask any person -
 - (a) to answer any question relating to the affairs of the Authority; or
 - (b) to provide information that the Minister reasonably requires for the administration or enforcement of this Act.

PART V. - STAFF OF THE AUTHORITY.

22. CHIEF EXECUTIVE OFFICER.

- (1) The Chief Executive Officer shall be appointed in accordance with the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*.
- (2) The Chief Executive Officer -
 - (a) is responsible for the daily operations and management of the Authority and the implementation of policies and decisions of the Authority; and
 - (b) perform the functions and exercise the powers of the Authority.
- (3) Subject to Subsection (4), the Board shall determine the terms and conditions of appointment of the Chief Executive Officer in accordance with the *Salaries and Conditions Monitoring Committee Act 1988*.
- (4) The suspension or termination of the appointment of the Chief Executive Officer shall be in accordance with the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*.
- (5) The Chief Executive Officer may, in writing, delegate any or all of his functions or powers to a member of the staff of the Authority, except this power of delegation.

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23. STAFF OF THE AUTHORITY.

(1) The Chief Executive Officer is to appoint members of the staff of the Authority following a merit-based selection process approved by the Board.

(2) The Chief Executive Officer shall approve the terms and conditions of appointment of the staff of the Authority in accordance with the *Salaries and Remuneration Commission Act 1988*.

(3) The Minister may authorise public servants at the national or provincial level to implement policies or decisions of the National or Provincial Government in relation to resettlement of displaced persons at care centres.

PART VI. - FINANCES, ETC.

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

Part VIII of the *Public Finances (Management) Act 1995* applies to the Authority.

25. FUNDS OF THE AUTHORITY.

The funds of the Authority consist of -

- (a) all monies appropriated by an Act for the purpose of carrying out or giving effect to this Act; and
- (b) any other monies received by the Authority by way of grants, donations or other contributions from any lawful sources, including sources from outside Papua New Guinea, under the name of resettlement and restoration of services affected by the disaster.

26. EXPENDITURE.

The monies of the Authority shall be expended only -

- (a) in payment or discharge of expenses, obligations and liabilities of the Authority; and
- (b) in payment of the remuneration, sitting fees and allowances of members of the Board; and
- (c) for such other purposes that are consistent with the functions of the Authority as the Board may determine.

27. BUDGET.

(1) The Authority shall, before 31 March in each year, submit its annual budget for the next year to the Minister responsible for treasury matters for approval through the Minister responsible for the Authority.

(2) A copy of the budget shall be provided to the Provincial Government, through the District Development Authority.

PART VII. - MISCELLANEOUS.

28. BOUNDARIES OF THE AUTHORITY.

(1) The boundaries and the jurisdiction of the Authority comprise of the area affected by the landslide disaster and the prescribe care centres including the proposed permanent resettlement land of the Mulitaka landslide affected people.

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(2) A detailed geographical description with precise mapping co-ordinates of the boundaries of the Authority are as prescribed in the Regulations.

29. REPORTS.

(1) The Board shall prepare an annual report on the performance of the Authority and shall give the annual report to the Minister responsible on or before 31 March of the next year.

(2) The Minister shall table the annual report in the Parliament at the next sitting of the Parliament after 31 March.

(3) In addition to the annual report, the Board shall for each quarter, prepare a report on the performance of the Authority and shall give the report to the Provincial Executive Council within 28 days after the end of the quarter to which the report relates.

(4) The Minister shall, in writing, acknowledge the submission of the annual report.

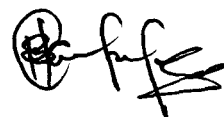
30. CEASING TO HAVE EFFECT.

This Act is repealed within three years as of the date of its commencement.

31. REGULATIONS.

The Head of State, acting on advice, may make Regulations, not inconsistent with this Act prescribing all matters that are required or permitted to be prescribed by this Act, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

I certify that the above is a fair print of the *Mulitaka Resettlement Authority Act 2024* which has been made by the National Parliament.



Acting Clerk of the National Parliament.

23 DEC 2024

I hereby certify that the *Mulitaka Resettlement Authority Act 2024* was made by the National Parliament on 28 November 2024 by an absolute majority in accordance with the Constitution.



Acting Speaker of the National Parliament.

23 DEC 2024