

No. 1 of 2009.

Konebada Petroleum Park Authority (Amendment) Act 2009.

Certified on : 03.06.09



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Konebada Petroleum Park Authority (Amendment) Act 2009.

ARRANGEMENT OF SECTIONS.

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2. Interpretation (Amendment of Section 3) -
 - "LNG Project"
 - "LNG Project Area"
 - "LNG Project Assets"
 - "LNG Project Company"
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3. New Section 4A.
 - "4A. ACT NOT TO APPLY TO PNG LNG PROJECT".**
4. Repeal and replacement of Section 6.
 - "6. FUNCTIONS OF THE AUTHORITY".**
5. Repeal and replacement of Sections 39, 40 and 41.
 - "39. VESTING OF STATE ASSETS AND LIABILITIES".**
 - "40. RENTAL FOR LEASHOLD".**
 - "41. RECOVERY OF MONEYS DUE".**



No. of 2009.

AN ACT

entitled

Konebada Petroleum Park Authority (Amendment) Act 2009,

Being an Act to amend the *Konebada Petroleum Park Authority Act 2008,*

MADE by the National Parliament to be deemed to have come into operation on the date on which the Principal Act came into operation.

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 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 choice of employment in any calling for which a person has the qualifications (if any) lawfully required conferred by Section 48; and
- (d) the right to reasonable privacy conferred by Section 49; and
- (e) the right of reasonable access to official documents conferred by Section 51; and
- (f) the right to freedom of movement conferred by Section 52,

of the *Constitution*, is a law that is made to comply with 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 -

- (i) national sovereignty and self reliance; and
- (ii) natural resources and environment,

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

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

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2. INTERPRETATION (AMENDMENT OF SECTION 3).

Section 3 of the Principal Act is amended by -

(a) by inserting after the definition of "land" in Section 3(1) the following:-

"LNG Project" has the meaning given in the PNG LNG Gas Agreement;

"LNG Project Area" has the meaning given in the PNG LNG Gas Agreement;

"LNG Project Assets" has the meaning given in the PNG LNG Gas Agreement;

"LNG Project Company" has the meaning given in the PNG LNG Gas Agreement;

"LNG Project Operations" has the meaning given in the PNG LNG Gas Agreement;

"Project Petroleum" has the meaning given in the PNG LNG Gas Agreement;";

and

(b) repealing the definition of "Park" in Section 3(1) and substituting the following:-

"Park" means the area of land in Central Province and the National Capital District together with any adjacent offshore area to be known as the Konebada Petroleum Park as defined in Section 3(4), excluding the area of any such land that is within the LNG Project Area."; and+

(c) by inserting after the definition of "petroleum product" in Section 3(1) the following:-

"PNG LNG Agreement" means the PNG LNG Gas Agreement dated 22 May 2008 between the Independent State of Papua New Guinea and each of Esso Highlands Limited, Esso PNG Juha Limited, Ampolex (Papua New Guinea) Limited, Ampolex (PNG Petroleum), Inc., Ampolex (Highlands) Limited, Oil Search Limited, Oil Search (PNG) Limited, Oil Search (Tumbudu) Limited, Merlin Petroleum Company, Merlin Pacific Oil Company Limited, Santos Hides Ltd., Lavana Limited, AGL Gas Developments (PNG) Pty Limited, Petroleum Resources Kutubu Limited, and Petroleum Resources Gobe Limited and Eda Oil Limited, as amended, novated or replaced from time to time."; and

(d) by repealing Section 3(4) and substituting the following:-

"(4) The area of the Park shall be as defined by notice published by the Minister responsible for Lands and Physical Planning matters in the National Gazette from time to time, but such a notice may not include in that area the area of any land that is within the LNG Project Area and to the extent that is within the LNG Project Area the notice will by force of this Subsection (4) be deemed to be void and of no force or effect."

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3. NEW SECTION 4A.

Part I of the Principal Act is amended by inserting after Section 4 the following:-

"4A. ACT NOT TO APPLY TO PNG LNG PROJECT.

Notwithstanding any other provision of this Act or any other Act, nothing in this Act applies, and the powers and functions of the Authority do not extend to or in respect of:-

- (a) any part of the LNG Project; or
- (b) any part of the LNG Project Area; or
- (c) any LNG Project Assets; or
- (d) any LNG Project Company undertaking LNG Project Operations;
- (e) any LNG Project Operations; or
- (f) any LNG Project Petroleum or any petroleum projects manufactured or derived from any LNG Project Petroleum, including as such LNG Project Petroleum or petroleum products may be used (as feedstock or otherwise) or processed in any LNG Project Operations."

4. REPEAL AND REPLACEMENT OF SECTION 6.

Section 6 of the Principal Act is repealed and is replaced with the following:

"6. FUNCTIONS OF THE AUTHORITY.

Without limiting the generality of functions of the Authority under Section 6, prescribed by this Act or any other law, the functions of the Authority are to –

- (a) as prescribed, determine the scope of activities permitted in the Park and eligibility to downstream processing of petroleum; and
- (b) to acquire Government and private land in the Park; and
- (c) hold and manage land for the use by the Authority and enterprises at the Park, and to collect rent for the use of land; and
- (d) manage relations with customary landowners, including business development, social, health and environment programs; and
- (e) to carry out such other functions as are given to the Authority by this Act or by any other law; and
- (f) generally to do such supplementary, incidental, or consequential acts and things as are necessary or convenient for the Authority to carry out its function."

5. REPEAL AND REPLACEMENT OF SECTIONS 39, 40 AND 41.

Sections 39, 40 and 41 are repealed and substituting in their stead the following new sections:

"39. VESTING OF STATE ASSETS AND LIABILITIES.

Where any property which becomes vested in the Authority or an authority subsidiary by virtue of Section 39 is land registered under the *Land Registration Act* (Chapter 191), the Registrar of Titles shall, on application by the Authority or an authority subsidiary, without formal transfer and without fee, enter or register the application in the register kept under that Act and, on entry and registration, grant a certificate of title, lease or other instrument evidencing title to the land the subject of the application."

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"40. RENTAL FOR LEASEHOLD.

Where the Authority or an authority subsidiary grants a leasehold interest or a licence interest in respect of land, the rental or licence fee payable by the holder of that interest must be payable to the Authority or an authority subsidiary in an amount as prescribed."

"41. RECOVERY OF MONEYS DUE.

Any money due to the Authority may be recovered by the Authority as a debt."

I hereby certify that the above is a fair print of the *Konebada Petroleum Park Authority (Amendment) Act 2009* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Konebada Petroleum Park Authority (Amendment) Act 2009* was made by the National Parliament on 20 March 2009 by an absolute majority in accordance with the *Constitution*.

Speaker of the National Parliament.