

No. 32 of 2022.

*Mining (New Pongera)(Amendment) Act 2022.*

Certified on : 30 MAY 2022



No. 32 of 2022.

*Mining (New Porgera)(Amendment) Act 2022.*

**ARRANGEMENT OF SECTIONS.**

1. Interpretation (Amendment of Section 2).
2. Survey (Amendment of Section 97).
3. New Section 148A.

**“148A. ROYALTY PAYABLE ON PORGERA PROJECT MINE PRODUCTS.”.**



No. 32 of 2022.

AN ACT

entitled

***Mining (New Porgera)(Amendment) Act 2022,***

Being an Act to amend the *Mining Act 1992*,

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.

**1. INTERPRETATION (AMENDMENT OF SECTION 2).**

Section 2 of the Principal Act is amended by inserting in Subsection (1) the following new definitions in alphabetical order:

- ““Commencement Date” has the meaning given in the Porgera Project Commencement Agreement;
- “New Porgera Operations” has the meaning given in the Porgera Project Commencement Agreement;
- “Porgera Project Commencement Agreement” means the Porgera Project Commencement Agreement dated 3 February 2022 between the Independent State of Papua New Guinea, Barrick (Niugini) Limited, Porgera (Jersey) Limited, Kumul Minerals Holdings Limited and Mineral Resources Enga Limited as amended, novated, replaced or acceded to from time to time;
- “Stability Period” has the meaning given in the Porgera Project Commencement Agreement;”.

**2. SURVEY (AMENDMENT OF SECTION 97).**

Section 97 of the Principal Act is amended by inserting immediately after Subsection 11 the following new subsection:

- “(12) The requirements of Section 97 are deemed to have been satisfied in relation to any tenement applied for by New Porgera Limited prior to the Commencement Date.”.

*Mining (New Porgera)(Amendment)*

3. **NEW SECTION 148A.**

The Principal Act is amended by inserting immediately after Section 148 the following new section:

**“148A. ROYALTY PAYABLE ON PORGERA PROJECT MINE PRODUCTS.**

(1) Notwithstanding anything else in this Act or any other Act, for the duration of the Stability Period, the rate of royalty in respect of mine products that are produced from New Porgera Operations shall be 3% of the value of the f.o.b. revenue applicable to deliveries of mine products by the miner pursuant to the sale and other dispositions where the mine products are directly or indirectly for export from the country.

(2) In this Section 148A -

“f.o.b. revenue” has the meaning given to it in Section 104 of the *Mining Act* (Chapter 195) immediately prior to and notwithstanding the repeal of that Act;

“mine products” has the meaning given to it in Section 104 of the *Mining Act* (Chapter 195) immediately prior to and notwithstanding the repeal of that Act;

“miner” has the meaning given to it in Section 104 of the *Mining Act* (Chapter 195) immediately prior to and notwithstanding the repeal of that Act.”.

I hereby certify that the above is a fair print of the *Mining (New Porgera)(Amendment) Act 2022*, which has been made by the National Parliament.

Clerk of the National Parliament.

30 MAY 2022

I hereby certify that the *Mining (New Porgera)(Amendment) Act 2022*, was made by the National Parliament on 21 April 2022, by an absolute majority in accordance with the *Constitution*.

Speaker of the National Parliament.

30 MAY 2022