

No. 16 of 2023.

Mining (New Porgera)(Amendment) Act 2023.

Certified on : 30 NOV 2023



No. 16 of 2023.

Mining (New Porgera)(Amendment) Act 2023.

ARRANGEMENT OF SECTION.

New Section 155A.

“155A. NEW PORGERA COMPENSATION AGREEMENTS.”.



No. 16 of 2023.

AN ACT

entitled

Mining (New Porgera)(Amendment) Act 2023,

Being an Act to amend the *Mining Act 1992* to allow the commencement of mining operations at the Porgera mine while preserving and protecting the rights of landholders to be properly and appropriately compensated in accordance with the requirements of the Act,

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

NEW SECTION 155A.

The Principal Act is amended by inserting immediately after Section 155, the following new section:

“155A. NEW PORGERA COMPENSATION AGREEMENTS.

(1) For the purpose of Section 155, unless a compensation agreement has been agreed and registered and remains in force in respect of the relevant tenement held by New Porgera Limited, a compensation agreement that applied in respect of Porgera Special Mining Lease No. 1 dated 12th May 1989 or any of its related tenements (an Old Porgera compensation agreement) shall be deemed -

- (a) to apply with full force and effect to Porgera Special Mining Lease No. 13 granted on 13th October 2023 or its related tenements (as applicable); and
- (b) to be an agreement under Section 155(a) in respect of Porgera Special Mining Lease No. 13 or its related tenements (as applicable),

so that New Porgera Limited is permitted to enter onto and occupy land, the subject of those tenements for the purpose of mining.

(2) Notwithstanding Subsection (1), New Porgera Limited shall conduct *bona fide* negotiations with landholders and seek to agree, within 24 months of the date of the grant of Porgera Special Mining Lease No. 13, new compensation agreements to replace the Old Porgera compensation agreements that are deemed to be in force under Subsection (1).

(3) If the landholders and New Porgera Limited are unable to agree on the terms of the new compensation agreement for that tenement within 24 months of the date of grant of Porgera Special Mining Lease No. 13, the relevant landholders may request a determination of compensation by a Warden pursuant to Section 157.

(4) The Old Porgera compensation agreement between the landholder and New Porgera Limited shall terminate automatically and shall have no further force or effect upon -

- (a) the registration of a new compensation agreement between the landholder and New Porgera Limited pursuant to Section 156; or
- (b) a determination of compensation pursuant to Section 157 (including any appeal to the National Court under Section 158).

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(5) In respect of the relevant tenement, the following (in each case a New Porgera Compensation Arrangement) shall take effect retrospectively as from the date of grant of Porgera Special Mining Lease No. 13 -

- (a) any new compensation agreement between the landholder and New Porgera Limited registered pursuant to Section 156; and
- (b) any determination of compensation pursuant to Section 157 (including any appeal to the National Court under Section 158).

(6) New Porgera Limited shall, within 30 days of the New Porgera Compensation Arrangement for a tenement being agreed to or determined, as the case may be, make to the relevant landholders a payment equal to difference between the compensation paid to such landholders under the Old Porgera compensation agreement since the date of grant of the Special Mining Lease No. 13 and the compensation that would have been payable under the New Porgera Compensation Arrangement if it had been in force since that date.

(7) The landholders of a relevant tenement who, prior to the commencement of this section, entered into a compensation agreement with New Porgera Limited that was registered in respect of the Porgera Special Mining Lease No. 13 or any of its related tenements (a New Porgera Restart Agreement), may elect to have compensation arrangements for that tenement agreed to or otherwise determined in accordance with Subsections (2), (3), (4), (5) and (6) (as though a reference to an Old Porgera compensation agreement is a reference to the New Porgera Restart Agreement) rather than in accordance with the process set out in the New Porgera Restart Agreement.”

I hereby certify that the above is a fair print of the *Mining (New Porgera)(Amendment) Act 2023*, which has been made by the National Parliament.

Clerk of the National Parliament.

30 NOV 2023

I hereby certify that the *Mining (New Porgera)(Amendment) Act 2023*, was made by the National Parliament on 29 November 2023.

Acting Speaker of the National Parliament.

30 NOV 2023