



National Gazette

PUBLISHED BY AUTHORITY

(Registered at the General Post Office, Port Moresby, for transmission by post as a Qualified Publication)

No. G126]

PORT MORESBY, FRIDAY, 2nd AUGUST

[2002

Forestry Act 1991

REVOCATION OF APPOINTMENT OF MANAGING DIRECTOR AND APPOINTMENT OF ACTING MANAGING DIRECTOR OF THE NATIONAL FOREST SERVICE

I, Silas Atopare, G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by Section 34 of the *Forestry Act 1991*, and all other powers me enabling, acting with, and in accordance with, the advice of the Minister after consultation with the National Forest Board, hereby, with effect on and from the date of publication of this instrument in the *National Gazette*:—

- (a) revoke the appointment of David Simon Nelson as Managing Director of the National Forest Service dated 23rd May, 2002 and published in the *National Gazette* No. G85 of 23rd May, 2002; and
- (b) appoint Goodwill Amos as Acting Managing Director of the National Forest Service until further notice.

Dated this 2nd day of August, 2002.

SILAS ATOPARE,
Governor-General.

CONSTITUTION

DECLARATION IN RESPECT OF IMMUNITY FROM PROSECUTION IN RESPECT OF CERTAIN OFFENCES ARISING FROM CRISIS-RELATED ACTIVITIES IN RELATION TO THE BOUGAINVILLE CONFLICT

I, Silas Atopare, G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by Section 344(3) of the Constitution and all other powers me enabling, acting with, and in accordance with, the advice of the National Executive Council, hereby Declare that, in respect of the immunity from prosecution granted by Section 344(2) of the Constitution, in respect of certain offences arising from crisis-related activities in relation to the Bougainville conflict:—

- (a) the classes of offences to which the immunity is to apply are as set out in the Schedule hereto; and
- (b) the crisis-related activities which qualify offences for the immunity are activities:—
 - (i) in pursuit of the objectives of any of the parties to the conflict including, but not limited to, the ordering and or carrying out activities in the course of armed conflict or against a person believed to be a member or supporter of one of the parties to the conflict; or
 - (ii) relating to the self-defence of an individual, family, group or party; or

Declaration in respect of Immunity from prosecution in respect of certain Offences arising from Crisis-Related Activities in relation to the Bougainville Conflict—*continued*

- (iii) in defence of the community, public order and/or justice where normal constitutional processes could not be applied; or
 - (iv) involving non-compliance with regulatory, licensing or similar requirements where compliance was impracticable on account of the crisis; and
- (c) the immunity shall apply in respect of offences committed during the period commencing 1st October, 1988 and ending:—
- (i) in respect of offences other than:—
 - (A) those committed in activities referred to in Paragraph (b)(iv) above; and
 - (B) those relating to illegal possession, ownership and control of firearms on 30th August, 2001; and
 - (ii) in respect of offences committed in activities referred to in Paragraph (b)(iv) above - on the date on which compliance becomes practicable or on the date of establishment of the autonomous Bougainville Government, whichever shall first happen; and
 - (iii) in respect of offences relating to the illegal possession, ownership and control of firearms - on the date of verification by the Director of the United Nations Observer Mission on Bougainville that the weapons to which the weapons disposal agreement applies are secured and contained under the supervision of that Mission, or, in respect of persons in control of the weapons collected pursuant to the weapons disposal agreement, on the completion of state 3 of that agreement; and
- (d) any person charged with an offence covered by this Declaration may, at any time after being so charged, make application to the Court for a declaration that the offence with which he is charged is an offence to which the immunity applies, and upon the hearing of the application the onus of establishing that the immunity does not apply shall be upon the prosecution.

SCHEDULE

Any offence within Papua New Guinea jurisdiction specified in:—

- (a) Part II (*Offences against Public Order*) of the *Criminal Code* (Chapter 262); and
- (b) Part III (*Offences against the Administration of Law and Justice and against Public Authority*) of the *Criminal Code* (Chapter 262); and
- (c) Divisions 1, 3, 4 and 5 of Part IV (*Offences Injurious to the Public in General*) of the *Criminal Code* (Chapter 262); and
- (d) Part V (*Offences against the Person and Relating to Marriage and Parental Rights and Duties and against the Reputation of Individuals*) of the *Criminal Code* (Chapter 262), excepting the offences specified in the following:—
 - (i) Section 301 (*Infanticide*);
 - (ii) Section 312 (*Killing unborn child*);
 - (iii) Division 7 (*Assaults on females; abduction*);
 - (iv) Division 9 (*Bigamy and offences relating to parental rights and duties*); and
- (e) Part VI (*Offences relating to Property and Contracts*) of the *Criminal Code* (Chapter 262); and
- (f) Part VII (*Preparation to Commit Offences; Conspiracy; Accessories after the Fact*) of the *Criminal Code* (Chapter 262); and
- (g) *Summary Offences Act* (Chapter 264); and
- (h) any piece of legislation imposing regulatory, licensing or similar requirements relating to crisis-related activities to which Paragraph (b)(iv) of this Declaration relates, to the extent that the offence is related to non-compliance with the regulatory, licensing or similar provisions; and
- (i) any piece of legislation relating to the possession, control or use of firearms, to the extent that the offence is related to the illegal possession, control or use of firearms.

Dated this 1st day of August, 2002.

SILAS ATOPARE,
Governor-General.

CONSTITUTION

DETERMINATION OF TITLES AND RESPONSIBILITIES OF MINISTERS

I, Mekere Morauta, Prime Minister, by virtue of the powers conferred by Section 148 of the *Constitution* and all other powers me enabling, hereby determine that the Prime Minister shall have the responsibility of the Deputy Prime Minister and Minister for Forests in so far as relating to:—

- (a) the powers of the Minister under Section 34 of the *Forestry Act* 1991; and
- (b) the powers of the Minister to grant approvals for the export of timber logs.

Dated this 1st day of August, 2002.

M. MORAUTA,
Prime Minister.

Customs Act (Chapter 101)

RE-APPOINTMENT OF COMMISSIONER OF CUSTOMS

I, Mekere Morauta, Prime Minister and Minister for Treasury, by virtue of the powers conferred by Section 3 of the *Customs Act* (Chapter 101), and all other powers me enabling, hereby re-appoint Mark Opur to be Commissioner of Customs for a period of five years commencing on and from the date of publication of this instrument in the *National Gazette*.

Dated this 2nd day of August, 2002.

M. MORAUTA,
Prime Minister and Minister for Treasury.

Income Tax Act 1959

RE-APPOINTMENT OF COMMISSIONER OF TAXATION

I, Mekere Morauta, Prime Minister and Minister for Treasury, by virtue of the powers conferred by Section 6 of the *Income Tax Act* 1959, and all other powers me enabling, hereby re-appoint Betty Savue Palaso to be Commissioner of Taxation for a period of five years commencing on and from the date of publication of this instrument in the *National Gazette*.

Dated this 2nd day of August, 2002.

M. MORAUTA,
Prime Minister and Minister for Treasury.