



**REGIONAL CONSULTATION
REPORT
PROPOSED PNG
EXTRACTIVE INDUSTRIES
TRANSPARENCY
COMMISSION BILL 2022**

**DRAFT REPORT ON THE
REGIONAL CONSULTATIVE
WORKSHOP HELD TO GAUGE
VIEWS OF KEY
STAKEHOLDERS ON THE
PROPOSED PNG EXTRACTIVE
INDUSTRIES TRANSPARENCY
COMMISSION BILL 2022**



DRAFT 2

**DRAFT REPORT
ON THE
REGIONAL CONSULTATION
FOR THE
PROPOSED PNG EXTRACTIVE INDUSTRIES TRANSPARENCY COMMISSION
BILL 2022**



**L&D's MANAGEMENT SERVICES
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ACRONYMS

AROB	Autonomous Region of Bougainville
CLRC	Constitutional and Law Reform Commission
DJAG	Department of Justice and Attorney General
DPM	Department of Personnel Management
DNPM	Department of National Planning & Monitoring
DPE	Department of Petroleum & Energy
EHP	Eastern Highlands Province
EITC	Extractive Industries Transparency Commission
EITI	Extractive Industries Initiative Transparency
MOMASE	Morobe, Madang, Sepik
MSG	Multi-Stake holder Group
NCD	National Capital District
NGI	New Guinea Islands
OC	Ombudsman Commission
PNGEITI	Papua New Guinea Extractive Industries Transparency Initiative
PNGEITI NS	Papua New Guinea Extractive Industries Transparency Initiative National Secretariat
SOEs	State Own Enterprises
WHP	Western Highlands Province

Executive Summary

The Extractive Industries Initiative Transparency (EITI) is a global standard that seeks to promote open and accountable management of revenues generated from extractive sector activities. It also seeks to strengthen government and company systems and processes, inform public debate and enhance trust among different stakeholders. The EITI has made significant contributions to improved governance of the extractive industries in numerous EITI implementing countries globally.

In Papua New Guinea, the adoption of EITI standards emanated by way of a Government decision no. 90/2013. This also means incorporating these standards into domestic laws so that it is binding.

The main objective for implementing EITI in PNG is as follows:

- Ensure a well-established and fully functional National Secretariat Office and the Multi-Stake holder group (MSG);
- Show extractive industries' contribution (both directly and indirectly) to the PNG economy;
- Improve public understanding of the governance of the extractive industries, including details of mining and petroleum licensing and approval process and any other prevailing licenses, reference to environmental and other regulatory processes and approvals;
- Strengthen revenue generation and collection, ensure consistency, transparency, accountability and accuracy of recorded payments or transfers by extractive industries to the government with receipts recorded by government (including sub-national government entities), and accountability by government in utilization of these funds, including transfers to the subnational tiers of government and landowners;
- Engage stakeholders to effectively address issues affecting PNG's extractive industries; and
- Monitor and evaluate the EITI implementation in the country.

Having met these objectives, PNG EITI National Secretariat is putting together a proposed Draft Bill on the set up of a PNG Extractive Industries Transparency Commission through legislation.

As part of the law review process, four (4) Regional Consultations were undertaken in order to seek the views of key people in the extractive industries including government entities, trustees of government funds and SOEs. Conduct of these regional consultations were focused more on the resource provinces. Hence, the participating provinces were:

1. East New Britain
2. New Ireland
3. Morobe
4. East Sepik
5. West Sepik
6. Madang
7. Eastern Highlands
8. Western Highlands
9. Southern Highlands
10. Simbu
11. Enga
12. Hela
13. Oro

14. Milne Bay; and
15. Central

Some of these provinces listed above are hosts to mineral resources such as gold, copper and silver and also liquified natural gas (LNG) and oil. Once established by legislation, one of the PNG EITC mandated role will be to promote transparency and accountability within the extractive sector through a reporting framework.

Chapter 1: Introduction & Overview

1.1 Objective

The objective of this report is intended to provide an overview of how the consultative process of the proposed PNG Extractive Industries Initiative Commission Draft Bill was conducted and what the key stakeholders' views were in the set-up of the proposed Commission.

1.2 Scope of work

This Report consists of the regional consultations undertaken within the four (4) regions of Papua New Guinea. These regions include the New Guinea Islands, Momase, Highlands, and the Southern.

The scope of the report will cover a brief overview of each of the participating provinces the team visited followed by the consultation report. The report is set out as follows:

1. This chapter introduces this report.
2. Chapter 2 begins with the first consultations for the New Guinea Islands Region held in Kavieng, New Ireland Province. The participating provinces were East New Britain and the host province being New Ireland.
3. Chapter 3 provides for the Momase Regional consultation workshop. The participating provinces were West Sepik, East Sepik, Madang and the host province being the Morobe Province.
4. Chapter 4 covers the Highlands regional consultation workshop with participating provinces from Southern Highlands, Hela, Enga, Simbu, Western Highlands and Eastern Highlands. Both the Enga and the Eastern Highlands Provinces played host to the invited participants from the upper and lower highlands provinces. The participants from the upper highlands' provinces are from Southern Highlands, Hela and Enga whilst the lower provinces were Simbu, Western Highlands and the Eastern Highlands.
5. And chapter 5 as the final chapter, provides an overview of the Southern regional and the National Consultation workshop. The workshop includes participants from the Southern region and the National Capital District. Participating provinces from the Southern region were: Western, Gulf, Milne Bay and Central including the National Capital District.

1.3 Summary of law review

Seeking views of key stakeholders in the formulation of this draft bill through the process of consultation is critical to law making. This process is embedded in law, therefore it is important for the law review team fulfil this process.¹

In implementing the Government's decision to set up the Secretariat by way of legislation, the review team took the Draft Bill out for consultations, particularly on the functions of the Commission and sub-national inclusion in the proposed Bill. Furthermore, on whether or not the set-up of sub-national Extractive Industries Transparency Initiative (EITI) desk be reflected in the Bill or by way of MOUs.

Generally, the entire Bill was taken out for consultation, in order to seek the views of the provincial stakeholders especially the project impact provinces on the set up of the proposed PNGEIT Commission as an independent entity.

¹ See Section 11 of the *Constitutional and Law Reform Commission Act 2004*, hence the composition of the law review team must reflect this mandate.

Although not conclusive, these are the areas by which the law review team anticipates to take out to the stakeholders to seek their views & comments.

1.4 Methodologies of consultation

Consultation is key to law reform. In a law review, it is not so much on the quantitative or qualitative method that is used. By consulting a political leader or an administrator, it is sufficient enough to form a representative view.

Stakeholders were invited by the PNG EITI National Secretariat to be consulted on the areas of the proposed law as identified above. The law review team travelled to provinces to gauge the views of participating stakeholders. Due to Covid-19, the team held a closed consultation. Members who participated in contributing their views/comments were mainly from the Provincial & District Administration, political leaders, national government function officers in the provinces and statutory authorities. extractive companies/industry including interests' group representatives, and independent interest persons.

Views/comments provided by participants were given consent forms for the use of their views.² At the end of the session, a consultation feedback form was also handed out and completed by the participating member.³

1.5 Conclusion

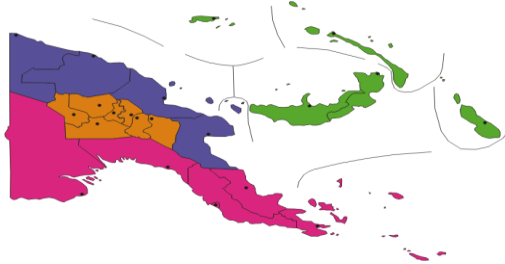
Consultation is key to implementing any policy decision made by a higher authority involving law reform. Included in the policy decision is the set-up of a new entity. It can be quite challenging when seeking the views/comments of participants because establishing a new creature by way of law is challenging. Law is abstract whereby it's not visible to people, unlike infrastructures such as roads and bridges where people are able to see and feel it. Therefore, pre-consultation followed by consultation proper is important. The purpose for conducting a pre-consultation is to sensitize the participants on the subject. Furthermore, having key technical personnel in the law review team composition, the audience were able to contribute meaningfully to the review.

The views collected will culminate into the consolidation of this Report which will then form part of the Consultation Report for further legal clearance by key authorities within the Papua New Guinea Government system.

² See Annexure 1 for a sample of the consent form.

³ See Annexure 2 for a sample of the consultation feedback form.

Chapter 2: New Guinea Islands Region



2.1 Introduction

The New Guinea Islands (NGI) Region consists of the following provinces: Manus, New Ireland, West New Britain, East New Britain and the Autonomous Region of Bougainville (AROB). The provinces of this region are some of the fifteen (15) declared maritime provinces in Papua New Guinea. They are located on the map as shown above shaded in green colour. In addition, the extractive projects in this region are Lihir (Newcrest Mining Limited and Simberi (St Barbara) in New Ireland Province and the Sinivit gold mine in East New Britain Province. However, New Ireland Province has distinct projects whilst potential projects are found in East New Britain Province (ENBP). But in terms of business operations, its mostly conducted in ENBP. For the Consultative Workshop, it was held in New Ireland Province.

Prior to conducting the law review consultative workshops, the PNG Extractive Industries Transparency Initiative (PNG EITI) National Secretariat ran a pre-consultation workshop in East New Britain and New Ireland Provinces respectively. The purpose of the pre-consultation workshop was basically to 1) sensitize the relevant stakeholders at the provincial level on EITI implementation in PNG and the relevance to have PNGEITI National Secretariat to be established as a legal entity to implement EITI in PNG; 2) prepare the relevant stakeholders for the regional consultation on the proposed Draft Bill.

The law review consultation proper including the pre-consultation workshop were held in Kavieng, New Ireland on 12th – 15th July, 2021.

The Governor for New Ireland Province, Hon.Sir Julius Chan, MP was the key note speaker at the consultation workshop.



Photo 1: Mr Lucas Alkan, Head of the PNG Extractive Industries Transparency Initiative National Secretariat with the State Team and participants from the NGI Region at the NGI Regional Consultative Workshop held in Kavieng, New Ireland Province, PNG.

2.2 Program⁴

The NGI Regional Consultative Workshop for the PNG EIT Commission Draft Bill was held in Kavieng, New Ireland Province. However, prior to conducting the consultation proper in the NGI region, a two-day pre-consultation workshop was held in Kokopo, East New Britain Province from 5th – 6th June, 2021. Following that the review team travelled to Kavieng and conducted the same from 8th – 9th June, 2021. The consultation proper commenced immediately after on 12th – 15th June, 2021. Invitation letters to provincial administrators and key stakeholders were sent out for their participation.⁵

Participants present at the consultation workshop were:⁶

1. PNG EITI National Secretariat team;
2. The State Team; and
3. The NGI Provincial Administration Team representing both the East New Britain and the New Ireland Provinces respectively, extractive company representatives at the provincial level, interests group representatives, representatives for non-extractives as well and the media team.

2.3 Commentaries on the proposed Draft Bill

The facilitator of the workshop convened by re-capping the pre-consultation on Day 1 followed by consultation proper on Day 2 – Day 4. Below is a summary of the commentaries captured during the sessions.

<i>New Guinea Islands Regional Consultation Commentaries</i>		
Part, Section & Sub-Section	Commentaries	Suggestions

⁴ See Annexure 3 for the NGI Regional Consultation Program.

⁵ See Annexure 4 for the NGI invitation letters.

⁶ See Annexure 5 for a summary registry of the NGI Regional Consultation Attendance.

PART I, Section 1 Compliance with Constitutional Requirements	The preamble captures it all.	No suggestions
Part I, Section 2 Interpretation	Need to define what renewable and non-renewable resources is. Also, the term <i>extractive</i> needs to be defined. This Bill should make allowance to include the term <i>renewable resources</i> to pave way for future expansion into this sector to replicate EITI model in this sector to promote transparency and accountability.	Include the following terms in the Interpretation Section: <ul style="list-style-type: none"> • Renewable Resources • Non-Renewable Resources • Extractive • Mining, suggested to refer to Mining Act <p>Has been inserted into the interpretation section.</p>
Part I, Section 4 Functions of the Minister	Minister responsible depends on the Ministerial Portfolios given by the Prime Minister.	One of the functions of the Minister as the Chairman must report the findings of the PNGEITI Report in parliament To include.
Part II, Section 6 Board of Commissioners	Should the Proposed Law consider the inclusion of Renewable Sector/Resources, then the composition of the Board of Commissioners should also include representatives from the Renewable Sectors as well. EITI implementation should be driven by all stakeholders	To include Renewable Sector representatives in the Board of Commissioners. Dependent on the local context.
Part II, Section 8 Duties of the Chairman	There should not be any political interference for the Chairman to carry out its duties. Should the EITI model be replicated at the Provincial Level, then the Chairman must be stipulated in this Bill	To have the chairman for Sub-National Level

		<p>stipulated in this proposed Law</p> <p>Set qualification characteristic in the Bill to avoid political interference in EITI affairs at the provincial level.</p> <p>1. Politicians must not be members of the board members</p> <p>Board members should not be politically influenced.</p> <p>Consider set up EITI at the sub-national level. Not one size fit all – the MOA will determine the arrangement.</p>
<p>Part II, Section 10</p> <p>Independence of the Commission</p>	<p>The proposed Commission must ensure that there is no political interference with the affairs of the administration and in the EITI Implementation.</p> <p>It is both a risk and a reward. However, the chairman makes recommendation the Governor as Minister responsible for provincial matters in EITI implementation.</p> <p>It may be a risk if politician dictate the implementation of EITI.</p>	<p>No suggestions</p>
<p>Part III, Section 11, (1) (g)</p> <p>Functions of the Commission</p>	<p>EITI can be aligned to anti-corruption entity, however, not necessarily. It can be also seen as an independent body advocating and encouraging transparency and compliance standards in the extractive industry.</p>	<p>No Suggestions</p>

<p>Part III, Section 18</p> <p>Qualifications of the Chairman</p>	<p>It is of paramount importance that the characteristics of chairman be stipulated in the Bill. This is necessary to avoid political influence or bias representation</p>	<p>Characteristics and qualification of chairman to be stipulated in this Bill.</p> <p>The text is generic. To leave as it is.</p> <p>To be technically competent</p>
<p>Additional Comments</p>		<p>Decentralization clause to be stipulated in this Bill for the Sub-National/Provincial Level to implement EITI in the provinces.</p> <p>MOA will be taken into account.</p> <p>Consider this further.</p> <p>To seek further clarity from the DoF/DoT.</p>



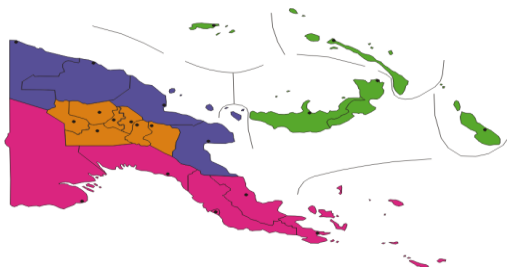
Photo 2: Mr Lucas Alkan, Head of the PNG Extractive Industries Transparency Initiative National Secretariat with Governor for New Ireland Province, Hon.Sir Julius Chan and the Provincial Administrator, Mr Lamiller Pawut at the NGI Regional Consultative Workshop held in Kavieng, New Ireland Province, PNG.

2.4 General commentaries, key findings & issues

As a newly established Secretariat through a decision of the Government, most of the stakeholders do not fully understand the mandated responsibility of the PNG Extractive Industries Transparency Initiative. Therefore, the National Secretariat conducted pre-consultative workshops in the region. Following on from there, substantive discussions were held in order to gauge the views of the stakeholders coming in from both the government and the extractive sectors.⁷ The stakeholders who attended the workshop were from the Landowner groups, tourism and agriculture (non-extractives) reps, and company representatives at the provincial level/office.

⁷ See Annexure 6 for the NGI Regions' general commentaries, key issues and findings.

Chapter 3: Momase Region



3.1 Introduction

The Momase Region consists of Morobe, Madang, East and the Sandaun provinces respectively. All provinces within this region are declared maritime provinces. These provinces are located on the map as shown above shaded in blue colour. In addition, the extractive projects in this region are Wafi-Golpu mine and Harmony Gold. Both mines are located in the Morobe Province. For the Consultative Workshop, it was held in Lae, Morobe Province.

Prior to conducting the law review consultative workshops, the PNG EITI National Secretariat ran a pre-consultation workshop in Lae, Morobe Province. The purpose of the workshops was basically to sensitize the key stakeholders on both the implementation of the EITI proposed Commission at the sub-national level and also to inform them of the law review.

The consultative workshop was held in Lae, Morobe Province from 29th – 30th July, 2021.

The Governor for Morobe Province, Hon. Mr Gibson Saun, MP was key note speaker at the consultation workshop.



Photo 3: Governor for Morobe Province, Hon. Gibson Saun, MP and Mr Christopher Tabel, Deputy Head of the PNG Extractive Industries Transparency Initiative National Secretariat with participants from the MOMASE Regional Consultative Workshop held in Lae, Morobe Province.

3.2 Program⁸

The Mamose Regional Consultative Workshop for the PNG EIT Commission Draft Bill was held in Lae, Morobe Province. Led by the Deputy Head of the EITI National Secretariat, the Mamose pre-consultations were held from 29th – 30th July, 2021. Following on from there, the consultation proper commenced on 2nd – 5th August, 2021. Invitation letters to the provincial administrators and the key stakeholders were sent out for their participation.⁹

Participants present at the consultation workshop were:¹⁰

1. PNG EITI National Secretariat team;
2. The State Team; and
3. The Provincial Administration Team representing the Morobe, West Sepik, Madang, and East Sepik Provincial Administration & key stakeholders such as Landowners, extractive company representatives at the provincial level, interests group representatives, representatives for non-extractives as well and the media team.

3.3 Commentaries on the proposed Draft Bill

The facilitator of the workshop re-convened by recapping the pre-consultation on Day 1 followed by consultation proper on Day 2 – Day 4. Below is a summary of the commentaries captured during the sessions.

<i>Momase Regional Consultation Commentaries</i>		
Purpose of the Bill	<p>The PNGETI National Secretariat, as the Proposed Commission’s initial efforts was <i>only to promote and improve transparency and accountability to achieve good governance within the Oil & Gas and Mining Sectors</i> (NEC Decision No. 90/2013)</p> <p>Ensure that the powers and functions of the Commission are <i>brief and precise</i> and relates only <u>to the promotion and improvement of transparency and accountability to achieve good governance within the Oil & Gas and Mining Sectors so that they can be effectively carried out.</u></p>	<p>Change the bill title to – <i>‘Mining and Petroleum Extractive Industry Transparency Commission Bill’</i>-</p> <p>Not to be adopted.</p> <p>Alternately, provide a definition of the term ‘Extractive’ and or ‘Extractive Industry’ to include all other extractive sectors like forestry/logging and fisheries’ as well.</p> <p>Its already adopted.</p> <p>For the functions, we will consider collapsing into clusters.</p>
PART I, Section 1	Ensure that the proposed Bill is not inconsistent with Constitutional Laws and existing Statutes and that it must	Link and reference the international ‘Extractive Industries

⁸ See Annexure 7 for the Momase Program.

⁹ See Annexure 8 for the Momase region invitation letters to all provincial administration and key stakeholders.

¹⁰ See Annexure 9 for the Momase full listing of participants.

Compliance with Constitutional Requirements	also not be repugnant to the general principles of humanity. Refer to <i>Schedule 2.2</i> of the Constitution.	<p>Transparency Initiative Standard’.</p> <p>Consider including the EITI Candidacy Approval and EITI Standard intended that PNGEITC is compliant to the PNG Constitution, at the same time compliant to EITI International Standard.</p> <p>To consider this.</p>
Part I, Section 2 Interpretation	<p>For all general definitions, make reference to the <i>Interpretations Act 1975</i></p> <p>Ensure gender inclusive or neutral language in the Bill.</p>	<p>Define the following terms;</p> <ul style="list-style-type: none"> • Extractive and or Extractive Industries • PNG Resource Governance Coalition or whichever named organization – Section 6(2) (c) • Extraordinary Meeting • Impact Province • Sub-National • Provincial Stakeholders • National Secretariat • Expert – definition of the term “Expert” in the Bill is limited. Expert in general means someone knowledgeable in a particular field and or others.

		<ul style="list-style-type: none"> National Secretariat <p>Noted. To be inserted into Section 1.</p>
Part I, Section 4 Functions of the Minister		<p>This provision should be removed from the Part I- Preliminary and inserted in Part III- Functions and Powers of the Commission before the existing Section 11.</p> <p><u>Nomination and recommendation functions</u> must also be captured in this provision so that the issue of 'authority and or jurisdiction' will not become an issue when referencing the Minister's functions in the later provisions of the Bill. Cross reference with Section 6(2) (a) & Section 7(1).</p> <p>Consider to rearrange the section.</p>
Part II, Section 6 Board of Commissioners	<p>No representation of Sub-National in the Board Composition</p> <p>There are no penalties mentioned if a Board member does not attend consecutive meetings.</p>	<p>DPLGA must be permanently in the Board, as the Dept responsible for sub-national agencies.</p> <p>Not to be adopted.</p> <p>To attend upon invite by the Board. To insert in the bill.</p> <p>To check and advise.</p>
Part II, Section 7	Appointment of the Chairman of the Board of Commissioners at the National MSG with no political interference.	The Board Members to make recommendation to the Minister and shall be appointed by the NEC to be the

Chairman of the Board of Commissioners		<p>Chairman of the Board of Commissioners.</p> <p>Not to be adopted. The process of appointment of Chairman is set out in law.</p>
<p>Part II</p> <p>Extractive Industries Transparency Commission</p>	<p>The distinction between the Commission and Board must be properly expressed so that they are not seen as one and the same.</p>	<p>Generally, this part of the Bill should be entitled 'PART II- ESTABLISHMENT OF THE COMMISSION AND THE BOARD'.</p> <p>Reference should be made to other existing laws establishing Commission's- <i>Eg, National Procurement Commission Act 2020</i> etc.</p> <p>Additionally, this Part of the Bill should be outlined in this following manner;</p> <ul style="list-style-type: none"> • Establishment of the Commission • Composition of the Commission (this will provide for the administrative aspect of the Commission as opposed to the Board). • Powers and Functions of the Commission. • Sub national bodies should participate here as well (Commission) through the Departmental Head of the Department of

		<p>Provincial & Local Level Government as the link from the national to the provincial level.</p> <p>Further,</p> <ul style="list-style-type: none"> • Establishment of the Board. • Composition of the Board. • Powers and Functions of the Board. • Sub national bodies should participate here as well (Board) through the Board Appointment Process and or through the Departmental Head of the Department of Provincial & Local Level Government as the link from the national to the provincial level. <p>Not to adopt.</p>
Sub-National Participation		<p>Provisions in the Bill making reference to participation and working relationships with sub national bodies:</p> <ul style="list-style-type: none"> • Section 11- Functions of the Commission- (Section 11(1)(f)(p))

		<p>and (r) provides for sub national bodies.)</p> <ul style="list-style-type: none"> • Section 13- Arrangement with Other Organizations. <p>Section 36- Other Staff Arrangements sub national bodies' participation and for a working relationship with the Commission.</p> <p>Refer to NPCA on the committee formation at the provinces.</p> <p>Provincial MSG to be chaired by provincial administrators to avoid political interference</p> <p>Adopt the NGI comments.</p>
<p>Part II, Section 8</p> <p>Duties of the Chairman</p>		<p>Instead of this current paragraph line: "<i>It is the duty of the Chairman to;</i>" the provision should read;</p> <p>The Chairman <u>shall</u>:</p> <p>(a) Ensure that the Extractive Industries Transparency Commission carries out the objectives and functions; and</p> <p>(b) Perform the functions, powers and</p>

		<p>duties.....</p> <p>To adopt the comments.</p>
<p>Part II, Section 10</p> <p>Independence of the Commission</p>	<p>The Commission should be free from all forms of influence including mainly political influences.</p> <p>The Commission must be seen to be implementing its (PNGEITI) Nine (9) Policy Objectives in its powers and functions without fear or favor from third party influences.</p>	<p>No suggestions</p>
<p>Part III</p> <p>Functions and Powers of the Commission</p>		<p>Generally, this Part of the Bill should be entitled 'PART III- FUNCTIONS AND POWERS OF THE COMMISSION AND THE BOARD'.</p> <p>Additionally, this Part should be outlined as follows (in this chronology);</p> <ul style="list-style-type: none"> • Functions and Powers of the Commission • Functions and Powers of the Board • Functions of the Minister <p>To consider including the word 'Board'.</p>
<p>Part III, Division 1, Section 11</p> <p>Functions of the Commission</p>	<p>Per Section 11 of the Bill, the functions of the Commission are generally <u>too broad and the Commission may not be effectively addressing its initial objectives</u>. Thus, the powers should narrow down to the PNGEITI's Nine (9) Policy Objectives only.</p> <p>To adopt the comments and to also cluster the functions.</p>	<p>If there are any; duplication or related functions, these paragraphs should be reduced- Eg, Section 11(1)(i)(p) and (r) (relating to the Commission's function to ensure there's</p>

	<p>Functions of the commission are a mouthful and handful so consider streamlining to EITI National Policy Objectives.</p> <p>Functions of the Commission, subsection (s) is open and is subject to misuse by the Commission.</p>	<p>engagement of <u>sub-national bodies</u>) can be reduced to just one paragraph where appropriate.</p> <p>No suggestions</p>
<p>Part III, Division 1, Section 12</p> <p>Powers of the Commission</p>	<p>In Section 12 of the Bill, and as proposed earlier, the powers of the Commission and the Board must be expressed in separate provisions in the Bill.</p>	<p>Subsection (3), in the Bill should be removed and inserted in another provision under the 'Powers of the Board'.</p> <p>Powers of the board be separated from the powers of the commission</p> <p>Commission to have a clause relating to a 5 year plan and a budget tied to it.</p> <p>To be adopted. Just needs tidying up.</p>
<p>Part III, Division 1, Section 13</p> <p>Arrangement with other Organisations</p>	<p>The current heading is too lengthy.</p> <p>Essentially, this provision covers the different entities that shall or may, for purposes of assisting the Commission achieve its objectives, have a <u>working relationship</u> with the Commission.</p>	<p>Section 13 of the Bill should be entitled 'STAKEHOLDER ENGAGEMENTS'</p> <p>Additionally, for purposes of this provision and as a way forward, <u>Memorandum of Understandings and or Agreements</u> may be signed for a <i>working relationship and participation</i> at the <u>sub national level between the sub national bodies and the Commission.</u></p> <p>Alternatively, being a Commission, through its composition, the Commission should have its national and</p>

		<p>provincial officers/representatives or nominees, whichever appropriate and as provided by the constitution.</p> <p>Not to be adopted.</p>
<p>Part III, Division 1, Section 15</p> <p>Delegation</p>		<p>Section 15(1) of the Bill should not read as it is but be replaced with;</p> <p>The Chairman may, in writing, delegate to a Commissioner, all or any of his powers and functions under this Act but <u>shall not further delegate his</u> delegated powers and functions.</p> <p>Not to adopt.</p>
<p>Part III, Division 2, Section 17, Alternates</p>	<p>There is no limit as to how many meetings an alternate can be allowed to attend.</p>	<p>No suggestions</p>
<p>Part III, Division 2, Section 21</p> <p>Vacation of Office</p>	<p>Correct sentence structure</p> <ul style="list-style-type: none"> • There should not be any political interference in the management of the Board. • The above provisions making reference to the Minister should instead be referenced to the Chairman. • This provision must be cross referenced with Section 4-Functions of the Minister (because the function to make decisions on advice and 	<p>Section 21(1) should read;</p> <p>(1) A member of the Board other than an ex officio member, may resign <u>from office in writing to the</u> Commission.</p> <p>To be adopted.</p> <p>Section 21(3) and (4) <u>should be removed.</u></p> <p>Not to be adopted.</p>

	recommendation by the Board is <u>not captured</u> in Section 4).	
Part III, Division 2, Section 23 Indemnity of Members	This provision <i>may be open to abuse</i> particularly in the administration of funds at the Board level. However, given that PNGEITI's Nine (9) Policy Objectives (and generally the need for transparency and accountability in income streams relating to the oil & gas and mining sector), open to abuse may not necessary be the correct description to be used here.	Define 'good faith' in the Section 2- Interpretations to avoid abuse. Cross reference with the Interpretations Act 1975. Not to be adopted.
Part III, Division 3, Section 24 Secretary of the Board of Commissioners		The heading should be replaced with "BOARD SECRETARY" only. The heading should be replaced with "BOARD SECRETARY" only. The provisions <u>should be in two (2) separate</u> provisions and should read; (1) The Executive Director shall automatically become the Board Secretary who shall be responsible for recording and keeping minutes of the Board Meetings. (2) The Board Secretary shall ensure Board Meeting Minutes are properly stored and archived for future references. <u>Cross reference Section 24</u>

		<p><u>with Section 25(10) and remove the provision in latter.</u></p> <p>Not to be adopted.</p>
<p>Part III, Division 3, Section 25</p> <p>Meetings of the Board of Commissioners</p> <p>Subsection (10)</p>	<p>There <u>should not be any political interference</u> in the affairs of the Board.</p> <p>The above provision making reference to the Minister should instead be referenced to the Chairman only.</p> <p>This provision must be cross referenced with Section 4- Functions of the Minister (because the function to <i>'request for and convene meetings'</i> is not captured in Section 4).</p>	<p>The heading should be removed and replaced with "BOARD MEETINGS", a precise heading.</p> <p>Section 25(3) should be removed.</p> <p>To consider delegating to the Vice Minister. To revisit Section 25(3). This can be done administratively.</p> <p>Alternatively, define <i>'extra ordinary meeting'</i> in Section 2- Interpretations of the Bill.</p> <p>To adopt and define the term in the Interpretation section.</p> <p>This provision <u>should be removed</u> from Section 25 and brought forward to be part of Section 24 specifically, Section 24(2).</p>
<p>Part III, Division 3, Section 26</p> <p>Disclosure of interest by members of the</p>		

<p>Commissioners at the Meeting</p>	<p>Section 26(4) provides for the consequence of non-compliance. The Bill does not have a penalty provision as it is.</p>	<p>The heading should be replaced with “DISCLOSURE” <u>only</u>.</p> <p>Not to be adopted.</p> <p>The Bill should have a <u>main penalty provision</u> linking such provisions as Section 26(4) to itself where the main penalty provision should expressly outline the penalties.</p> <p>To be reworded. It not an offence but removal from the Board.</p>
<p>Part III, Division 3, Section 27</p> <p>The Commissioners may invite others for Meeting</p>	<p>The change of heading will all for participation of Sub National Bodies Participation</p>	<p>The heading should be removed and replaced with this heading “EXTERNAL INVITATION BY THE BOARD”.</p> <p>To be adopted.</p>
<p>Part IV</p> <p>Staff of the Extractives Industries Transparency Commission</p>		<p>The heading under this part should be removed and replaced with this heading “EMPLOYEES OF THE COMMISSION”.</p> <p>Not to be adopted.</p>

<p>Part IV, Section 29</p> <p>Appointment of Executive Director</p>		<p>There must be clause or sub-section to allow for his appeal, if he sees that he has been wrongfully dismissed</p> <p>Not to be adopted.</p>
<p>Part IV, Section 30</p> <p>Functions of the Executive Director</p>	<p>Note that the Executive Director automatically becomes the Board Secretary pursuant to Section 24.</p>	<p>There should be a provision capturing the interest of the Board Secretary when the Office of the Executive Director is vacant and vice versa. <u>Cross reference with Section 24 and 25 of the Bill and consider this suggestion also in Section 31 (Vacation of Office of the Executive Officer)</u></p> <p>Not to be adopted.</p>
<p>Part IV, Section 31</p> <p>Vacation of Office of Executive Director</p>	<p>Note that the Executive Director automatically becomes the Board Secretary pursuant to Section 24.</p>	<p>There should be a provision capturing the interest of the Board Secretary when the Office of the Executive Director is vacant and vice versa. <u>Cross reference with Section 24 and 25 of the Bill.</u></p> <p>Not to be adopted.</p>
<p>Part IV, Section 34</p>		

<p>Permanent Employees</p>	<p>Correct sentence structure</p> <p>There should be a Provincial EITI Officer from the impact Province.</p>	<p>Section 34(2) should be re-worded to read;</p> <p>Employees appointed under Subsection (1) shall be appointed on such terms and conditions as the Board <u>determines</u> but subject to the Salaries and Conditions Monitoring Committee Act 1998.</p> <p>To consider rewording Section 34(2).</p> <p>All Acts or statutes mentioned in the body of the Bill must be clearly expressed also in Part I-Preliminary relating to Compliance with Constitutional Requirements.</p> <p>The Provincial EITI Officer should be an employee of the Commission at the Provincial Level.</p> <p>Not to be adopted. It can be done administratively.</p> <p>Reference and or cross references should be made to Section 11 (i), (p) and (r), Section 13 and Section 36 as well on the participation of the sub national body and its provincial structure.</p>
<p>Part IV, Section 36 Other Staff Arrangement</p>	<p>Cross reference Section 36 with Section 12 & 13 with regards to <u>sub national bodies' participation and for a working relationship with the Commission.</u></p> <p>Not to be adopted.</p>	

Part V-The Finance of the Commission, Section 38 – Accounts and Funds of the Commission	There is a need to outline the relevant Act or statute in Part I-Preliminary relating to Compliance with Constitutional Requirements.	This provision makes reference to the Public Finances (Management) Act 1995 and as such must be clearly expressed in Part I-Preliminary relating to Compliance with Constitutional Requirements. <i>To do further check on this provision.</i>
Part V, Section 41 Exemption from Income Tax	If the Section 38 and more specifically, Subsections (1)(2)(3) and (4) relates to <u>public monies being appropriated by Parliament in annual budget</u> to run the Commission’s affairs including paying the salaries of its staff, then, the Commission <i>should not be exempted</i> from Income Tax Act 1959. <i>To consider deleting this section.</i>	
Part VI – Miscellaneous Section 42-47	All good. No inclusions or comments	No suggestions
Part VII – Transitional & Savings Section 48		For Section 48 of the Bill, if the composition of the Commission is expressed in a <u>separate provision</u> as proposed in PART II- EXTRACTIVE INDUSTRIES TRANSPARENCY COMMISSION wherein the suggestion is to also remove and replace with <u>‘PART II- ESTABLISHMENT OF THE COMMISSION AND THE BOARD’</u> , the structure of the current PNGEITI Secretariat

		<p>can be clearly defined there.</p> <p>To adopt the current wordings.</p>
Additional or Recommendations	<p>There should be no political interference in EITI implementation both at National and Provincial/Sub-National Level</p> <p>The PNGEITI policy objective is to promote transparency & accountability in the various income streams in the extractive industry</p>	<p>Insert provision for <u>decentralization of powers</u> to the Provincial Administration & Government Level:</p> <ul style="list-style-type: none"> • Establish provincial EITI committee/board and define its functions & powers. • Structure to include all provincial MSG and to be chaired by PA. • Province to appoint their EITI committee and advise PNG EITC board. • PEC to endorse provincial EITI committee as appointed. • PNGEITI to establish provincial coordination office in the draft Bill. <p>PNGEITC should extend its scope or</p>

		functions to identify, recommend and report on social & environment impact issues caused by extractive industry activities.
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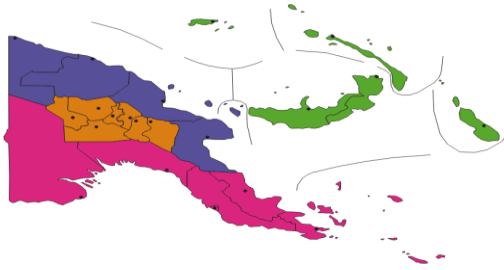
Photo 4: Mr Christopher Tabel, Deputy Head of the PNG Extractive Industries Transparency Initiative National Secretariat with participants from the MOMASE Regional Consultative Workshop held in Lae, Morobe Province.

3.4 General commentaries, key findings & issues

As a newly established Secretariat through a decision of the Government, most of the stakeholders do not fully understand the mandated responsibility of the PNG Extractive Industries Transparency Initiative. Therefore, the National Secretariat conducted pre-consultative workshops in the region. Following on from there, substantive discussions were held in order to gauge the views of the stakeholders coming in from both the government and the extractive company representatives at the provincial level, interests group representatives and representatives for non-extractives as well. ¹¹

¹¹ See Annexure 10 for the Momase Regional findings

Chapter 4: Highlands Region



4.1 Introduction

The Highland Region consists of Western Highlands, Southern Highlands, Hela, Enga, Jiwaka, Eastern Highlands and Simbu provinces respectively. These provinces are located on the centre of the map as shown above shaded in brown colour. In addition, the extractive projects in this region includes both the mineral resources, the liquified natural gas (LNG) and oil. The consultative workshop ran concurrently from 6th – 9th September, 2021 in Wabag, Enga and Goroka, Eastern Highlands Provinces respectively.

Representing the Governor for Enga Province, First Secretary – Dr Steven Kikala, Ph.D, presented the key note speech at the consultation workshop held in Wabag, Enga Province whilst the Governor for Eastern Highlands Hon. Peter Numu, MP gave his key note speech for the Eastern Highlands Province consultation workshop in Goroka.



Photo 5: Governor for Eastern Highlands Province, Hon.Peter Numu, MP and Mr Christopher Tabel, Deputy Head of the PNG Extractive Industries Transparency Initiative National Secretariat with participants from the Highlands Regional Consultative Workshop held in Goroka, Eastern Highlands Province.

4.2 Program¹²

The Highlands Regional Consultative Workshop for the proposed PNG EIT Commission Draft Bill was held in Wabag, Enga Province and Goroka, Eastern Highlands Provinces respectively. These two workshops were held concurrently. Led by the Head of the EITI National Secretariat and the Deputy, the program commenced a week in advance for the pre-consultation followed by the consultation proper commencing on 6th – 9th September, 2021. Invitation letters to provincial administrators and key stakeholders were sent out for their participation.¹³

The Highlands Regional Consultative Workshop for the proposed PNG EIT Commission Draft Bill was held in Wabag, Enga Province and Goroka in the Eastern Highlands Province. These two workshops were held concurrently. The program commenced by recapping on day 1 and consultation proper commencing on from day 2 up into day 4. The consultation workshops were held on 6th – 9th September, 2021.

Participants present at the consultation workshop were: ¹⁴

1. PNG EITI National Secretariat team;
2. The State Team; and
3. The Provincial Administration Team representing the Eastern Highlands, Western Highlands, Simbu, Enga, and Hela Provincial Administration & key stakeholders such as Landowners, extractive company representatives at the provincial level, interests group representatives, representatives for non-extractives as well and the media team.

4.3 Commentaries on the proposed Draft Bill

The facilitator of the workshop re-convened by recapping the pre-consultation followed by consultation proper on Day 1 – Day 4. Below is a summary of the commentaries captured during the sessions.

<i>Highlands Regional Consultation Commentaries</i>		
Part I, Section 2		Add word
Interpretation		Unauthorized Disclosure and give definition within the parameters of the Bill
		To check within the Bill on this term.
		Duly constituted body- define what this is? & Foreign regulatory bodies- Define this term.
		Same comment as above.

¹² See Annexure 11 for the Highlands Region Program.

¹³ The copies of invitation letters to the provincial administration and key stakeholders were not available.

¹⁴ See Annexure 12 for the Highlands participants.

<p>Part II, Section 6</p> <p>The Board of Commissioners</p> <p>Section 2, (a), (b), (c)</p>	<p>Integrity is very important and must be considered over qualification for the position of Chairman and Commissioners of the board. The Minister must have not any nominating powers in this Bill. The Minister shall only endorse.</p> <p>There should be an increase in number of ex-officio member by one (1) to bring the number up to four (4)</p> <p>Can a non-ex-officio member become the chairman</p>	<p>Replace word 'nominate' with 'endorse to', subsection (2) (a)</p> <p>Not to be adopted.</p> <p>The office of the State Solicitor to be a member of the Board of Commissioners</p> <p>An ex-officio member should not be the Minister</p> <p>(a) Reduce the number of nominated ex officio nominated by Minister from three (3) to only one (1)</p> <p>(b) Increase the number of non ex officio to three (3)</p> <p>(c) Increase the number of non ex officio to three (3)</p> <p>Not to be adopted. Chairman must always come from the Gov't.</p>
<p>Part II, Section 7, Subsection 3</p> <p>Chairman of the Board of Commissioners</p>		<p>Insert the words '<i>among the commissioners</i>' after the 6th word (person) and insert the words '<i>via a signed letter of acting appointment</i>'</p>

		<p>Should read: <i>'The Chairman may appoint a person among the commissioners to act as the Chairman during any period when he is absent from office via a signed letter of acting appointment, other than in the case of his removal.'</i></p> <p>To consider rewording this sub-section.</p>
Provincial EITI Committee	<p>A Provincial law may provide for the establishment of a Provincial EITI Committee.</p> <p>A Provincial law made under Section (1) may provide for the delegation of powers of the Provincial Government in relation to EITI matters to the Committee</p>	<p>Insert a section 'Provincial EITI Committee'</p>
<p>Part III, Division 1, Section 11, Powers and Functions of the Commission</p> <p>Sub-Section 1, Functions of the Commission</p>	<p>The sub-section under this section that mention the word 'sub-national' should come under the auspices of Provincial EITI Committees since sub-national bodies refers to provinces and LLGs.</p>	<p>Refer to sub-section (i), (p) and (r)</p> <p>To cluster the functions.</p>
<p>Part III, Division 1,</p> <p>Section 12, Powers of the Commission Subsection 1 (d)</p>	<p>In this section, the revenue streams should be spelled out clearly and all beneficiaries of resources sectors must provide monetary transactions. It must spell out clearly where the revenue comes in and how it is disbursed via reconciliation mechanisms.</p> <p>Not to be adopted.</p>	
<p>Part III, Division 1,</p> <p>Section 15, Delegation, Sub-Section 2</p>	<p>Gender bias term/s</p>	<p>The word 'him' must be removed and replaced with the word 'person'</p>

		Not to be adopted. Refer to the Interpretation Act.
Part III, Division 2, Section 17, Alternates	The alternates must have limited powers compared to the Member of the Board appointed through the appointment process. The alternate's power is already limited in Sub-Section 4 of Section 17.	
Part III, Division 2, Section (?), Qualification of Appointments	Qualification of Chairman must be stipulated in the Bill	<ul style="list-style-type: none"> • Must be a senior public servant above Deputy Secretary or Deputy Managing Director. • Must have industry experience. Not to be adopted.
Part III, Division 2, Section 21, Vacation of Office, Sub-Section (3), (4)	Assigning Power of termination or appointment to the Minister may contradict notion of abstaining political interference.	Termination or appointment of Members of the Board should be catered for by DPM and their conducts are guided by Public Service General Orders and existing procedures. To be disregarded.
Part IV. Staff Division 1, Executive Director,		"He" should be replaced with the word 'person'

Section 29, Appointment of Executive Director		To be adopted. “Chairman” should be replaced with the word chair or ‘chairperson’
Part IV, Division 2, Section 33 Staff of the Commission	Organisational structure approval from DPM. Procedures, manuals once established by the Board then it is not considered Public Service	No suggestions
Part V, Finance of the Commission Section 40 (b), Expenditure of Funds		Allowances to ex-officio Fees refers for non-ex officio This provision is in order.
Part VI, Miscellaneous, Section 42, Confidentiality	EITI to have a Legal Officer EITI to be involved in the contract agreements	Word ‘Confidentiality’ be changed to Unauthorized Disclosure. Not to be adopted.
Additional Comments or Recommendations	Strongly support the push for EITI secretariat to be a Commission and strongly push for the Proposed Bill to be an Act of Parliament that will strengthen transparency and accountability in the Extractive Industry	Strongly recommend PNGEITI to insert a section for ‘Provincial EITI Committee’ The name of the Office should be an Authority. Reconsider the office name – Commission. If you want to have powers to implement EITI and obtain or access information from reporting entities, it should be an authority as oppose to commission. A

		<p>suggestion from the EHP team.</p> <p>Not to be adopted.</p>
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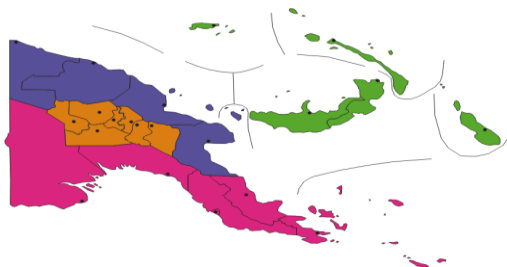
Photo 6: Mr Lucas Alkan, Head of the PNG Extractive Industries Transparency Initiative National Secretariat with the State Team and participants from the Highlands Region at the Upper Regional Consultative Workshop held in Wabag, Enga Province, PNG.

4.4 General commentaries, key findings & issues

As a newly established Secretariat through a decision of the Government, most of the stakeholders do not fully understand the mandated responsibility of the PNG Extractive Industries Transparency Initiative. Therefore, the National Secretariat conducted pre-consultative workshops for the region in order for the participants to fully grasp the purpose of PNG EITI. Following on from there, substantive discussions were held in order to gauge the views of the stakeholders coming in from both the government and the Landowner groups, tourism and agriculture (non-extractives) reps, and company representatives at the provincial level/office.¹⁵

¹⁵ See Annexure 13 for the Highlands Region findings etc.

Chapter 5: Southern Region including the National Capital District



5.1 Introduction

The Southern Region consists of Western, Gulf, Central, Milne Bay and Oro provinces respectively. All provinces within this region are maritime provinces, including the National Capital District. These provinces are located on the map as shown above shaded in pink colour including the National Capital District (NCD). In addition, the extractive projects in this region are Ok Tedi copper & gold mine in the Western Province and Tolukuma (Asidokona Mining Resources Pty Ltd) in Central Province. Some of the key players in the oil and gas sector are also located in Port Moresby, NCD. For the Consultative Workshop, it was held in Port Moresby, NCD.

Prior to conducting the law review consultative workshops, the PNG Extractive Industries Transparency Initiative (PNG EITI) National Secretariat ran a pre-consultation workshop in Port Moresby, National Capital District. The purpose of the workshops was basically to sensitize the key stakeholders on both the implementation of the EITI proposed commission at the sub-national level and also to inform them of the law review.

The law review consultative workshop including the pre-consultation were held in the National Capital District on 27 – 30 September, 2021.

The Governor for Central Province, Hon. Robert Agarobe, MP was the key note speaker at the consultation workshop.



Photo 7: Mr Lucas Alkan, Head of the PNG Extractive Industries Transparency Initiative National Secretariat with participants from the Southern Region and the National Capital District Consultative Workshop held in Port Moresby, NCD, PNG.

5.2 Program¹⁶

The Southern Regional Consultative Workshop including the National Capital District for the proposed PNG EIT Commission Draft Bill was held in Port Moresby, National Capital District. The program commenced with a pre-consultation on Day 1 with consultation proper commencing on from Day 2 up into Day 4. The consultation ended on 30th September, 2021. Keynote address for this workshop was delivered by the Governor for Central Province.

Invitation letters to provincial administrators and key stakeholders were sent out for their participation.¹⁷

Participants present at the consultation workshop were:¹⁸

1. PNG EITI National Secretariat team;
2. The State Team; and
3. The Southern Region Provincial Administration Team & key stakeholders including the National Government representatives and Landowners, extractive company representatives at the provincial level, interests group representatives, representatives for non-extractives as well and the media team.

5.3 Commentaries on the proposed Draft Bill

The facilitator of the workshop convened by pre-consultation on Day 1 followed by consultation proper on Day 2 – Day 4. Below is a summary of the commentaries captured during the sessions.

¹⁶ See Annexure 14 for the Southern Region Program which includes the National Capital District.

¹⁷ See Annexure 15 for the Southern Region invitation letters to the provincial administration and key stakeholders.

¹⁸ See Annexure 16 for the Southern Region list of participants, including the National Capital District.

Southern Regional Consultation Commentaries

<p>Part I- Preliminary Section 1, Compliance</p>		<p>Include Section 42 (t) – renewable and non-renewable laws to empower provinces to make laws.</p> <p>Its already addressed in the preliminary.</p>
<p>Part I.- Preliminary Section 2, Interpretation</p>	<p>Prescribe or describe events that may be considered as issues of transparency and/or accountability in the extractive sector that can potentially fall within the jurisdiction of PNGEITI under this law</p> <p>Define ‘extractive industry’ as opposed to ‘extractive sector’ already defined under s.2 of the Bill if these words mean different things.</p> <p>Define ‘offender’ as used under s.46 of the Bill</p>	<p>Define;</p> <ul style="list-style-type: none"> • Transparency • Accountability <ul style="list-style-type: none"> • Extractive Industry • Extractive Sector <p>NB: There should be consistency in usage of these terms. If the term extractive sector is used in the Bill then it should be used all thru the Bill.</p> <ul style="list-style-type: none"> • Offender • Standard/s • Exports • Information • Interference (may mean forced instructions to employees of the Commission) <p>To be noted.</p>

<p>Part I- Preliminary</p> <p>Section 4, Functions of the Minister</p>	<p>Functions of the Minister are not clearly stipulated in this draft Bill.</p>	<p>No suggestions</p>
<p>Part II- Extractive Industries Transparency Commission</p> <p>Section 5, Establishment of the Commission, Sub-Section 3</p>	<p>This is to give that power of independence to the proposed Commission.</p> <p>Organic Laws have greater independence from political interferences.</p>	<p>To be written as: Subject to this Act, the Commission is an organization and instrument of the State and to be independent from the State. Refer to OC Act.</p> <p>Or proposed to introduce a clause to protect the independence of the Commission.</p> <p>It was also proposed that independence of the Commission is paramount and we should be thinking in line with producing an Organic Law for Extractive Industries Transparency Commission.</p> <p>Not to be adopted.</p>
<p>Part II, Extractive Industries Transparency Commission</p> <p>Section 6, The Board of Commissioners</p>	<p>The Bill when drafting, it must be taken into account gender terms as well.</p> <p>Strongly proposed to have two (2) female representation on Board of Commissioners.</p> <p>Regional representatives to be on the Board of Commissioners to represent each of the regions.</p> <p>Comments noted.</p>	<p>Proposed that chairman should be replaced with the term “chairperson”.</p> <p>Department of Provincial & Local Level Government Affairs Secretary to be of the Board Members</p>

<p>Part II- Extractive Industries Transparency Commission, Section 6 (2) (a)</p>	<p>Representation for Provinces on the Board of Commissioners</p> <p>Strongly against any political interference. The Minister should not have any nominating powers</p> <p>Proposed that seven (7) Board of Commissioners might not be enough. What will be quorum for meetings to be held?</p> <p>Not to be adopted.</p>	<p>It was proposed that the term “nominate” to be replaced by endorsed to.</p>
<p>Part II, Section 6, Sub-Section 5 – Powers of the Board</p>	<p>Insert a sub-section to stipulate the powers of the Board.</p> <p>To be adopted.</p>	<p>Section 12 (3) to be removed and brought here to be Section 6 (5) of the Bill.</p> <p>The Board shall have the power to, in consultation with DPM –</p> <ul style="list-style-type: none"> a) Determine an overall governance structure for the Commission; b) Make such orders, etc
<p>Part II, Section 7, Chairman of the Board of Commissioners</p>	<p>Chairman of the Board of Commissioners to have knowledge of fiscal matters. Is these extractives sector and chairmanship should lie within the jurisdiction of petroleum and mining matters.</p> <p>Who will be nominating the Minister, it seems to be missing? How will be three get together and select a chairman and forward to minister for endorsement?</p> <p>Make inclusion of a Deputy Chairman. In absence of the Chairman, Deputy Chairman can automatically become chairman. By default.</p>	<p>An ex officio member of the Board who shall be voted as chairman by a majority of the Board Members present and voting and with recommendation to the Minister for NEC appointment.</p>

	Not to be adopted.	
Part III, Functions and Powers of the Commission Section 11 & 12	Section 11, 12 – functions of the Commission, Executive Director, Staff – clarification in the interpretation to the terms Commission, Executive Director/Staff of the Commission Qualification of Appointment of Board Members must be stipulated in the Bill Has already been addressed.	PNGEITC to monitor MOA's
Part III_ Functions and Powers of the Commission Division 2, Appointments Section 15- Delegation	Functions of the Acting Chairman needs to be clearly stipulated.	Section 15 (1) & (2). It was proposed that the delegation of chairman's duties and powers must be clear and as stipulated is not clear. This may mean that the chairman may delegate his powers but not full powers and meetings held without the chairman being present may mean that the acting chairman may have no decision-making powers to endorse meeting resolutions but wait for the chairman to be present to reconvene meetings. Or proposed to remove the phrase "any of his powers". To be reviewed.

<p>Part III- Functions and Powers of the Commission</p> <p>Division 2, Appointments, Section 29 (3) Qualification of Appointment</p>		<p>Section 29 (3): Qualifications as approved or determined by DPM to be the fit and proper persons and in consultation with PSC</p> <p>Merit based appointment – provision is in order..</p>
<p>Part IV- Staff</p> <p>Division 1.- Executive Director,</p> <p>Section 29, Appointment of Executive Director</p>		<p>Section 29 should read: Executive Director appointed on such terms and conditions determined by the Board <i>‘in consultation with DPM’</i></p> <p>Not to be adopted.</p>
<p>Part IV- Staff</p> <p>Division 2,- Section 34, Permanent Employees, Sub-Section (1)</p>	<p>Appointment of persons to be officers and employees of the Commission.</p>	<p>Section 34 (1) should read: Appointment of officers/employees in accordance with procedures established and approved by the Board <i>in consultation with DPM</i></p> <p>Not to be adopted.</p>
<p>Part IV- Staff</p> <p>Division 2 – Staff,</p> <p>Section 35, Contract of Employment, Sub-Section (1)(b)</p>		<p>Contract of employment of Commission employees executed between Executive Director and employee <i>in consultation with DPM.</i></p> <p>Not to be adopted.</p>

<p>Part VI- Miscellaneous, Section 42 – Confidentiality</p>	<p>Prescribe penalties clause for disclosure of any information, documents, etc to others or the public, such information protected by the Commission without authorization.</p> <p>Immunity or protection clause to anyone giving confidential information to the Commission</p>	<p>No suggestions</p>
<p>Part VI – Miscellaneous Section 46, Prosecutions</p>	<p>Involvement of Police for minor criminal offences prosecution at District Court by Police Prosecution.</p>	<p>‘Offender’ must be defined under interpretation and ‘offences’ must be prescribed anywhere in the main Bill or under a Regulation.</p> <p>To review this provision and update. The need to prescribe the offences.</p>
<p>Part VI – Miscellaneous Section 46, Prosecutions, Sub-Section 2</p>		<p>Remove and create a new Section titled, ‘Separate Legal Status’</p> <p>The Commission has the status of <i>a separate legal entity and may sue and be sued in its own corporate name and style</i>. This must come under a separate Section in the beginning of the Bill.</p> <p>Its already reflected.</p>
<p>Additional Comments/Recommendation</p>	<p>Matters not included in the draft Legislation</p>	<p>A new Part (after Part IV of Bill) is inserted in to</p>

	<p>a) Provincial EITI function/office</p>	<p>the draft Bill to be titled as “ <i>Provincial or subnational EITI Office</i>”</p> <p>[Section 11(1) (d), (i) and (p) of the Bill).</p> <p>EITI matters at the subnational level shall be handled by a Provincial Co-ordinator who shall be the Provincial Administrator, or any of his Deputy Provincial Administrators delegated by him.</p> <p>Establishment of a Provincial EITI Committee.</p> <p>Chairman shall be the Provincial Co-ordinator.</p> <p>Committee membership can be drawn from Provincial Administrations Divisions officers from Commerce, Lands, Finance, Legal, Agriculture, and Forestry Divisions.</p> <p>Committee reports to Chairman (Minister) of Extractive Industry in the Provincial Executive Council (PEC) and Provincial Assembly and to the EITI Commission at Waigani.</p> <p>Deals with transparency and accountability</p>
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	<p>It was also proposed to have the Establishment and Reporting Law prepared in parallel as there is a high possibility that some of the contents might be missed out in the Establishment Law when developing the Reporting Law. Which if these happens, amendments will come into play here.</p> <p>Functions of the Board of Commission; approve strategic plans, these are detail plans</p>	<p>issues of Landowners, Provincial Government and Local Level Government.</p> <p>Permanent EITI officers under Provincial structure is also a way forward to be provided for under current Bill.</p> <p>Proposed to change the term with Corporate Plan.</p> <p>By way of MOA, its will be reflected in the projects MOA. Frequent engagements with Provincial Administrators. Will be administratively dealt with.</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Photo 8: Members of the State Team representing DJAG, DPM, CLRC, DNPM and DPE participating at the Southern Region and the National Capital District Consultative Workshop held in Port Moresby, NCD, PNG.

5.4 General commentaries, key findings & issues

As a newly established Secretariat through a decision of the Government, most of the stakeholders do not fully understand the mandated responsibility of the PNG Extractive Industries Transparency Initiative. Therefore, the National Secretariat conducted pre-consultative workshops in the region. Following on from there, substantive discussions were held in order to gauge the views of the stakeholders coming in from both the government and the Landowner groups, tourism and agriculture (non-extractives) reps, and company representatives at the provincial level/office.¹⁹

The proposed Draft Bill on PNG Extractive Industries Transparency Commission Bill 2022 is annexed for ease of reference.²⁰

¹⁹ See Annexure 17 for general commentaries, summary of key finding & issues for the Southern Region and the National Capital District.

²⁰ See Annexure 18 for the Draft Bill on PNG Extractive Industries Transparency Commission Bill 2022.

Annexure 1: Consent form



CONSENT FORM

[REGIONAL CONSULTATION FOR THE PNGEIT COMMISSION BILL]

PARTICIPANT details

NAME: Naval Kevari
GENDER: M
DESIGNATION: LHG Coordinator
ORGANISATION: Gulf Prov. Administration
ADDRESS: P.O. Box 87, KEREMA, G.P
CONTACT: 72440212

PNG Extractive Industries Transparency Initiative (PNGEITI) National Secretariat is undertaking Regional Consultations for provincial stakeholders of project impact provinces to create awareness on the Commission Bill and to gather Stakeholder views and support for the Bill. PNGEITI requires your support for this important legislative process for the implementation of EITI in Papua New Guinea. In that, we will record your views and statement (s) by getting your photograph (s) and video recording (s) for documentation as a requirement that will support submission of this important Bill to the State Solicitor for vetting.

How will my information be used?

The recording that will be collected will be used as a supporting feature, that should prove that the PNGEITI fulfilled the requirement of conducting regional consultations for the Bill.

Information that you provide to us will be recorded and stored securely. We understand that some information may be sensitive and we will keep your information confidential and use it only for the purpose stated above.

Annexure 2: Consultation feedback form

RAW SCORE SHEET - NGI



PNGEIT COMMISSION BILL REGIONAL CONSULTATION WORKSHOP

PNGEITI NATIONAL SECRETARIAT - NGI REGION - KAVIENG - JULY 12 th TO 15 th 2021					
CONSULTATION FEEDBACK FORM					
Provide a Rating for each of the statements below by placing an "X" in the corresponding box.	STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE
The objectives of the CONSULTATION were defined well beforehand.	 ⑤	 ⑧	 ①		
Participation was encouraged throughout the sessions.	 ⑦	 ⑥	 ①		
The topics covered were relevant and informative.	 ⑨	 ⑤			
The materials and content were well prepared, and presented.	 ⑨	 ②	 ①	 ①	
It improved my understanding on PNGEITI and the EITI process.	 ⑨	 ①	 ①		
The consultation will be helpful for my role and participation as a stakeholder.	 ⑧	 ⑤			
The implementation of EITI will benefit the public debate and sustainable development.	 ⑨	 ③	 ①		
The presenter was knowledgeable about the subject matter.	 ⑩	 ②			
The presenter was well prepared and thorough.	 ⑩	 ②		 ①	

Annexure 3: NGI Regional Consultation Program

PNGEITI Commission Provincial Pre-consultation Consultation PROGRAM

**Day 1
Tuesday 12 July 2021**

TIME	TOPIC	
9:00 am-9:30 am	Registration	
9:30am-10:15am	Opening Prayer Welcome and Introduction	Facilitator
10:15am – 10:45am	Key Address	NIP Governor/Provincial Administrator
10:45am – 11:00am	M O R N I N G T E A B R E A K	
11:00 am – 12:00 pm		Outline of Consultation
		Recap on Pre-Consultation Workshop
		Output and expectations of consultation
12:00 pm - 12:45 pm	L U N C H B R E A K	
12:45 pm – 3:00pm	Continue...	NEC presentation
		Policy Presentation
		Key issues presentation
3:00 pm – 3:15 pm	A F T E R N O O N T E A B R E A K	
3:15 pm-4:00pm	Recap	Discussion/Comments/Issues arising
		Recap on the days program
		Run thru on the Day Two (2) program
4:06 PM	C L O S E O F D A Y O N E (1) P R O G R A M	

Day 2- PROGRAM
Tuesday 13 July 2021

TIME	TOPIC	
9:00 am-9:30 am	Registration	
9:30 am-10:00 am	Recap session	Outline of days program
		Expected outcomes and output on Day Two (2) program
		Recap on previous day and summarise outcomes
		Discussions if any matters arising on previous Day One (1) program
10:00 pm - 10:25 pm	M O R N I N G T E A B R E A K	
10:25 pm-12:00 pm	Presentation of the PNGETC Bill	Run through of the Bill by State Legal Team
12:00 pm – 1:00 pm	L U N C H B R E A K	
1:00pm-2:00 pm	Continue ...	Run through of the remainder of the Bill
2:00pm – 4:00pm	Recap	Recap on Day Two (2) program
		Discussion on matters arising
		Break up consultation stakeholders in to groups and allocate sections of the Bill to each group for the next day's program
		Issue draft Bill to the participants
		Run through on Day three (3) program
4:06 PM	C L O S E O F D A Y T W O (2) P R O G R A M	

Day 3- PROGRAM
Wednesday 14 July 2021

TIME	TOPIC	
9:00 am-9:30 am	Registration	
9:30 am-10:00 am	Recap session	Expected outcomes and output on Day Three (3) program
		Recap on previous day and summarise outcomes
		Discussions if any matters arising on previous Day Two (2) program
10:00 pm - 10:25 pm	M O R N I N G T E A B R E A K	
10:25 pm-12:00 pm	Continuation of Group Discussion	Break into group discussions and continue State Team to standby to provide technical guidance

12:00 pm – 1:00 pm	L U N C H B R E A K	
1:00pm-3:00 pm	Continue ...	Group discussions continue
3:00pm – 4:00pm	Recap	Recap on Day Three (3) program
		Discussion on matters arising
		Run through on Day four (4) program
4:06 PM	C L O S E O F D A Y T H R E E (3) P R O G R A M	

**Day 4- PROGRAM
Thursday 15 July 2021**

TIME	TOPIC	
9:00 am-9:30 am	Registration	
9:30 am-10:00 am	Recap session	Expected outcomes and output on Day Four (4) program
		Recap on previous day and summarise outcomes
		Discussions if any matters arising on previous Day Three (3) program
10:00 pm - 10:15 pm	M O R N I N G T E A B R E A K	
10:15 pm-12:00 pm	Group Presentations from Provincial Stakeholders	East New Britain Provincial Team
12:00 pm – 1:45 pm	L U N C H B R E A K	
1:45pm-3:00 pm	Continue ...	New Ireland Provincial Team
3:00pm – 5:00pm	Discussion on the draft Bill	Discussion on matters arising from the Provincial Team presentations
	Recap	Recap and closing remarks – Facilitator
5:00 PM	C L O S E O F D A Y F O U R (4) P R O G R A M (End of NIG Consultation)	

Annexure 4: NGI Invitation Letters to provincial administration and key stakeholders



**PNG EXTRACTIVE INDUSTRIES
TRANSPARENCY INITIATIVE
NATIONAL SECRETARIAT**



LEVEL 8, TREASURY BUILDING
PO BOX 1907
PORT MORESBY, NCD
PAPUA NEW GUINEA

PHONE: (675) 3133772
(675) 3133581
EMAIL: info@pngeti.org.pg
WEBSITE: www.pngeti.org.pg

Thursday 24th June, 2021

Mr. Wilson Matawa
Provincial Administrator
East New Britain Provincial Administration
P.O Box 499
KOKOPO
East New Britain Province

Attention: Florence Paisparea- Forest & Environment Coordinator

Dear Mr. Matawa,

SUBJECT: INVITATION TO PARTICIPATE IN THE PNGEITI PROVINCIAL PRE-CONSULTATION AND REGIONAL CONSULTATION ON THE PNGEITI PROPOSED ESTABLISHMENT BILL WITH REVISED DATES

Reference is made to the aforementioned subject whereby you are formally invited to participate in the provincial pre-consultation and regional consultation on the PNGEITI proposed establishment Bill.

This letter serves two invitations for two separate events which are as follows;

1. PNGEITI Provincial Pre-Consultation will be held from the 05th-06th of June at Gazelle International

1. PNGEITI Provincial Pre-Consultation will be held from the 05th-06th of June at Gazelle International

The objective of this workshop is to sensitize provincial stakeholders on understanding PNGEITI, the proposed PNGEITI Establishment Bill & facilitate position workshop to provincial stakeholders as preparatory planning for the upcoming PNGEITI establishment Bill consultation.

2. PNGEITI Regional Consultation will be held at New Ireland Province from the 12th-15th July at Kavieng Hotel

The objective of this regional consultation is to gauge the provincial stakeholders' views on having PNGEITI as a legally established body through the passage of the PNGEITI proposed establishment Bill.

Given that, we would be grateful for your support by participating in the above workshop.

Please see attached the workshop program for the Pre-consultation for your noting. The program for the regional consultation will be provided at a later date for your noting and participation as well.

We kindly request confirmation of participation at the earliest possible to confirm logistics.

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg

Yours sincerely,

LUCAS ALKAN
Head of PNGEITI National Secretariat

cc: Provincial Treasurer, Mr. Steven Tamti



**PNG EXTRACTIVE INDUSTRIES
TRANSPARENCY INITIATIVE
NATIONAL SECRETARIAT**



LEVEL 9, TREASURY BUILDING
PO BOX 1907
PORT MORESBY, NCD
PAPUA NEW GUINEA

PHONE: (675) 3133772
(675) 3133581
EMAIL: info@pngeti.org.pg
WEBSITE: www.pngeti.org.pg

Thursday 24th June, 2021

Mr. Lamiller Pawut, OBE
Provincial Administrator
New Ireland Provincial Administration
P.O Box 103
KAVIENG
New Ireland Province

Attention: Jenalyn Purewa- Manager, Mining Division

Dear Mr. Pawut,

SUBJECT: INVITATION TO PARTICIPATE IN THE PNGEITI PROVINCIAL PRE-CONSULTATION AND REGIONAL CONSULTATION ON THE PNGEITI PROPOSED ESTABLISHMENT BILL WITH REVISED DATES

Reference is made to the aforementioned subject whereby you are formally invited to participate in the provincial pre-consultation and regional consultation on the PNGEITI proposed establishment Bill.

This letter serves two invitations for two separate events which are as follows;

1. PNGEITI Provincial Pre-Consultation will be held from the 8th – 9th of July at Kavieng Hotel

The objective of this workshop is to sensitize provincial stakeholders on understanding PNGEITI, the proposed PNGEITI Establishment Bill & facilitate position workshop to provincial stakeholders as preparatory planning for the upcoming PNGEITI establishment Bill consultation.

2. PNGEITI Regional Consultation will be held from the 12th-15th July at Kavieng Hotel

The objective of this regional consultation is to gauge the provincial stakeholders' views on having PNGEITI as a legally established body through the passage of the PNGEITI proposed establishment Bill.

Given that, we would be grateful for your support by participating in the above workshop.

Please see attached the workshop program for the Pre-consultation for your noting. The program for the regional consultation will be provided at a later date for your noting and participation as well.

We kindly request confirmation of participation at the earliest possible to confirm logistics.

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg

Yours sincerely,

LUCAS ALKAN
Head of PNGEITI National Secretariat

cc: Provincial Treasurer, Ms. Dolores Tore
Provincial & District Support Advisor, Ketherine Wozama Panap



PNG EXTRACTIVE INDUSTRIES
TRANSPARENCY INITIATIVE
NATIONAL SECRETARIAT



Extractive Industries
Transparency Initiative

LEVEL 8, TREASURY BUILDING
PO BOX 1507
PORT MORESBY, NCD
PAPUA NEW GUINEA

PHONE: (675) 3133772
(075) 3133661
EMAIL: info@pngeiti.org.pg
WEBSITE: www.pngeiti.org.pg

28th June, 2021

Mr. Stanley Komunt
Country Manager
New Crest Mining Limited
PO Box 789
PORT MORESBY, NCD

Attention: New Crest Lihir Operations
Government Relations – Kavieng Office

Dear Mr. Komunt,

SUBJECT: INVITATION TO PARTICIPATE IN THE NEW GUINEA ISLANDS REGIONAL CONSULTATION ON THE PROPOSED PAPUA GUINEA EXTRACTIVE INDUSTRIES TRANSPARENCY COMMISSION (PNGEITC) BILL. FROM 12TH – 15TH JULY, 2021

Pertaining to the aforementioned subject, the PNGEITI National Secretariat will be conducting a series of workshops with provincial stakeholders on the proposed PNGEITC Bill.

As you may be aware, extensive preparatory work in developing the PNGEITC Bill is underway to establish PNGEITI National Secretariat as a legal entity. The preliminary work resulted in production of a draft legislation that will now undergo four (4) regional consultations as part of the legislative process and requirements. As such, the NGI Region is the first region scheduled to undergo this legislative consultation.

The objective of these series of consultations with the provincial stakeholders is to gauge their views on PNGEITI National Secretariat been legally established in Papua New Guinea to promote transparency and accountability in the extractives sector. The consultations will also address issues arising from the draft Bill to ensure interests of the provincial stakeholders are also captured in the proposed Bill during the drafting stages.

In achieving this objective, the Secretariat has planned two-phased program;

1. The PNGEITI National Secretariat Team will conduct **pre-consultation workshops on the 8th – 9th July 2021, at Kevieng Hotel.**
2. The Secretariat and the Legislative Technical Working Group (TWG) will conduct the **regional consultations on the 12th -15th July 2021, at Kavieng Hotel.**

All members of the PNGEITI Multi-Stakeholder Group are invited to participate in this forum, hence the invitation to New Crest on the same as part of Industry Representative.

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui on 313 3784 or email naomi_puipui@treasury.gov.pg

Yours sincerely,

Head of PNGEITI National Secretariat

Annexure 5: Summary Registry of the NGI Regional Consultation Attendance

New Guinea Islands Region					
Pre-Consultation Kokopo, East New Britain (ENB)					
No.	Name	Organization	Designation	Phone	Email
1	Mr. Chris Laup	ENB Provincial Administration	Deputy – Information Division	79877274	chrislaup@yahoo.com
2	Florence Paispare	ENB Provincial Administration	Coordinator- Natural Resources Management Division	72905853	ftpaispare@gmail.com
3	Oscar Pidian	ENB Provincial Administration	Public Relations – Information	71023844	Oscarpidian@gmail.com
4	Ian Adny	ENB	Provincial Planner	74099862	
5	Helen Mangula	Eden Empowerment (Women’s Rep)	Executive officer	70159995	Edenemp2864@gmail.com
6	Michael Kalakale	Togole, Energy & Petroleum Ltd (Landowner Rep)	Executive Chairman	737135514	TogolepetroleumenergyLtd@gmail.com
7	Rockus.Tieri	Togole, Energy & Petroleum Ltd (Landowner Rep)	Director	74860337	TogolepetroleumenergyLtd@gmail.com
8	Joylyne Warabar	Togole, Energy & Petroleum Ltd (Landowner Rep)	Officer	73274471	TogolepetroleumenergyLtd@gmail.com
9	Julie Ulalom	Togole, Energy & Petroleum Ltd (Landowner Rep)	Officer	74498581	TogolepetroleumenergyLtd@gmail.com
10	Simai Tati	IDE	Engineer	79470774	
11	Augustine Tomot	NBC News	Senior Presenter	74411744	tomotaugustine@gmail.com
12	Roselyn Ellison	The National	Reporter	9828899	
NS Team					

1	Christopher Tabel		Deputy Head		
Pre- Consultation Kavieng, New Ireland (NI)					
No.	Name	Organization	Designation	Phone	Email
1	Gregory. R	NI Provincial Administration	Director Planning	71067388	
2	Genelyn P	NI Provincial Administration	Manager, Mining		
3	Joseph V	NI Provincial Administration	Manager, Revenue	70246571	
4	John Tio	NI Provincial Administration	Manager – Commence	70615914	johnguriotio@gmail.com
Consultation proper					
No.	Name	Organization	Designation	Phone	Email
State Team					
1	Eva Boas	Department of Personnel Management	Legal officer	3276343	soxopnana@gmail.com
2	Vanessa Asivo	Internal Revenue Commission	Lawyer	3226863	asivov@irc.gov.pg
3	Carolyn Miana	Office of State Solicitor	Lawyer	3012890	Carolyn.Miana@justice.gov.pg
4	Maristella Kewa	Department of Treasury	Legal Officer	3133713	Maristella_Kewa@treasury.gov.pg
5	Channan Kumalau	Department of Petroleum & Energy	Director – Special Projects – EITI	70721091	Ckumalau2019@gmail.com
PNGEITI National Secretariat Team					
1	Lucas Alkan		Head of PNGEITI National Secretariat		Lucas_alkan@treasury.gov.pg
2	Christopher Tabel		Deputy Head of PNGEITI National Secretariat		Christopher_tabel@treasury.gov.pg
3	Francis Diakon		Procurement Officer		Francis_Diakon@treasury.gov.pg
4	Sarita Peai		Technical Officer		Sarita_peai@treasury.gov.pg
5	Sonia Kenu-Becks		Media & Content Officer		Sonia_kenu-becks@treasury.gov.pg

6	Gedion Timothy		Contract Officer – Journalist		Gedion_timothy@treasury.gov.pg
7	Naomi Puipui		Finance & Admin Officer		Naomi_puipui@treasury.gov.pg
New Guinea Island Provincial Administration Team & Stakeholders					
1	John Tio	NI Provincial Administration	Manager – Commence		
2	Watson Sole	Kavieng District Administration	Care Taker District Administrator	79871679	
3	Rebecca Nason	National Broadcasting Commission (NBC)	Journalist	74244190	Nasonrebecca2309@gmail.com
4	Neville Tomun	Namatanai District Administration	District Administrator	7288889	nevilletomonge@gmail.com
5	Babriel Kolman	Sentral Niu Ailan LLG	LLG Manager	73113759	gabrielcolman@gmail.com
6	Dennis Gati	St Barbara- Simberi Operations	Government Liaison Officer	71580687	dennis.Zenga_Gati@stbarbara.com.au
7	Lamiller Pawut	NI Provincial Administration	Provincial Administrator	72093581	iller.pawut@gmail.com
8	Andrew Topolot	Ni Provincial Administration	Senior Provincial Mining Officer	71902858	atopolot@gmail.com
9	Frank Ling	NI Provincial Administration	Director – Mines	72202098	swiftwindfa@gmail.com
10	Francis Sabadi	NewCrest Limited	Manager – Kavieng Operations	72380920	francis.Sabadi2@newcrest.com.au
11	Sikap Kelep	Kavieng Urban LLG	Mayor	73209248	ezekialwatchman@gmail.com
12	Stanley Tonut	Nimamar LLG	LLG President	76013740	
13	Isaiah Israel	NI Provincial Administration	Coordinator – Economics	71090006	litic727its4167@gmail.com
14	Kiaphlahes Tyarong	NI Provincial Administration	Coordinator – Lands & Mining	79762044	kiaphalestyarong@gmail.com
15	Shane Clark	NI Tourism Authority	Board Member	72166566	nipsurf@gmail.com

Annexure 6: NGI Region – General commentaries, Summary of Key Issues & Findings

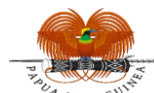
New Guinea Islands Regional Consultation

Issues	Findings/Recommendations/Way Forward
<ul style="list-style-type: none">• Unequal equity/revenue distribution.• Lack of information access or lack of information provision by the industries at the provincial level• Composition of the provincial multi-stakeholder group (MSG) and its linkages to the national government.• Suggestions to replicate the EITI model in the renewable sector.• Provincial MSG to be chaired by the provincial administrators to avoid political interference.• Developments and services not forthcoming at the landowner level/communities thru the infrastructure tax credit scheme (ITCS) projects.• The NGI provinces are in support of the EITI implementation in PNG at the national level and provincial Level.• EITI to be decentralised at the provincial level.• Non-renewable sector to be included in the current bill to set precedence in EITI future expansion into the renewable sector.	<ul style="list-style-type: none">• The EITI is an initiative that should be welcome for the benefit of effective management of our resources, for now and into the future.• The initiative here is a mechanism that will enlighten the Provincial Government and its people knowing the amount of resources being exported in quantity and in value. Thus, having information of the potential maximum benefit of the people as the resource owners.• The East New Britain Province is in support of EITI implementation and would like to replicate the model at the provincial level in their renewable sector and extractive (non-renewable) sector in the future should there be any projects of such.• New Provincial stakeholders are also in support of EITI implementation in PNG and at the provincial level with no political influence.• New Ireland Province has greater capacity issues and no internal coordination.• The New Ireland stakeholders are keen on decentralizing EITI at the provincial level however this can be done through MOA's, or an EITI set up or an EITI desk at the provincial level under the existing provincial administration organizational structure.• New Ireland Province has high political interference in revenue distribution at the provincial level. The stakeholders were also raising their issues in relation to not accessing product sharing agreements, the power to access and monitor product sharing agreement which can be addressed through "Contract Transparency".•

Annexure 7: MOMASE Program



**PNG EXTRACTIVE INDUSTRIES
TRANSPARENCY INITIATIVE
NATIONAL SECRETARIAT**



LEVEL 8, TREASURY BUILDING
3133772
PO BOX 1907

PHONE: (675)

(675) 3133518

PORT MORESBY, NCD

Objectives:

1. To sensitize provincial stakeholders on the background of EITI and its implementation in PNG;
2. The relevance to have PNGEITI to be a legally established entity; and
3. Prepare the provincial stakeholders for the consultation workshop

MOMASE REGION – LAE, MOROBE PROVINCE

Day 1
Thursday 29 July 2021



TIME	ACTIVITIES	
9:00 am- 9:30 am	Registration	
9:30am- 10:15am	Opening Prayer Welcome and Introduction	Facilitator
10:15am – 10:25m	Outline of Pre-Consultation Program & Day one program	Facilitator
10:25 am – 10:45am	M O R N I N G T E A B R E A K	
10:45 am – 10:55 am	Intent of the Pre-Consultations	Facilitator
10:55am - 12:00pm	1. Presentations on Background of EITI implementation in PNG	PNGEITI National Secretariat Team
12:00 pm – 12:45 pm	L U N C H B R E A K	
12:45 pm – 2:00pm	2. Presentation on Relevance of EITI implementation in PNG and why PNGEITI should be a legally established entity (The EITI Reporting Process)	PNGEITI National Secretariat Team
2:00pm – 3:00pm	Questions, Discussion Time	PNGEITI National Secretariat & Provincial Stakeholders

3:00 pm – 3:15 pm	A F T E R N O O N T E A B R E A K	
3:15pm – 3:25pm	Distribution of Issues/Questionnaires to the Provincial Team	PNGEITI National Secretariat Team
3:25pm – 4:00pm	Break into focus groups	Provincial Stakeholders
4:06pm	C L O S E O F D A Y O N E (1) P R O G R A M	

**Day 2
Friday 30 July 2021**

TIME	TOPIC	
9:00 am- 9:30 am	Registration	
9:30 am- 9:35am	Opening Prayer	
9:36 am- 9:40am	Welcome for Day 2 program	Facilitator
9:40 am – 9:55am	Recap on Day 1 program & Discussion on matters arising from Day 1	PNGEITI National Secretariat Team & Provincial Stakeholders
9:55am – 10:10m	Outline of Day 2 Program	Facilitator
10:25 am – 10:45am	M O R N I N G T E A B R E A K	
10:45 am – 11:15 am	Discussions on the issues/Questionnaires	Facilitator
11:15am - 12:00pm	Focus Group Discussion & Prepare to present commentaries/response	Provincial Stakeholders
12:00 pm – 12:45 pm	L U N C H B R E A K	
12:45 pm – 2:00pm	Provincial Focus Group Discussions continue	PNGEITI National Secretariat Team
2:00pm – 3:00pm	Presentation from the Provincial Team	Provincial Stakeholders
3:00 pm – 3:15 pm	A F T E R N O O N T E A B R E A K	
3:15pm – 3:25pm	Quick run thru of the Draft Bill- Only the parts relevant for the provincial stakeholders	PNGEITI National Secretariat Team
3:25pm – 4:00pm	Overview of the Consultation Program	PNGEITI National Secretariat Team
4:06pm	C L O S E O F D A Y O N E (1) P R O G R A M	

Annexure 8: Momase Invitation letters to provincial administration and key stakeholders

	PNG EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE NATIONAL SECRETARIAT	
LEVEL 8, TREASURY BUILDING PO BOX 1907 PORT MORESBY, NCD		PHONE: (675) 3133772 (675) 3133518

2nd July, 2021

Mr. Clement Tare
Acting Provincial Administrator
Madang Provincial Administration
P.O Box 2139
MADANG
Madang Province

Attention: Mr. John Bivi, Assistant Director, Natural Resources and Mines
Mr. Francis Yegiora, Acting Executive Officer

Dear Mr. Tare,

SUBJECT: INVITATION TO PARTICIPATE IN THE PNGEITI PROVINCIAL PRE-CONSULTATION AND REGIONAL CONSULTATION ON THE PNGEITI PROPOSED ESTABLISHMENT BILL

Reference is made to the aforementioned subject whereby you are formally invited to participate in the provincial pre-consultation and regional consultation on the PNGEITI proposed establishment Bill.

This letter serves two invitations for two separate events which are as follows;

1. PNGEITI Provincial Pre-Consultation will be held from the 26th -27th of July at Madang Star Hotel

The objective of this workshop is to sensitize provincial stakeholders on understanding PNGEITI, the proposed PNGEITI Establishment Bill & facilitate position workshop to provincial stakeholders as preparatory planning for the upcoming PNGEITI establishment Bill consultation.

The consultation workshop is primarily targeted around stakeholders from:

- i. Provincial Administration
- ii. District Administration
- iii. Local Level Governments (LLGs)
- iv. Signatories to MOA's for extractive sector projects (mining, oil & gas)
- v. Landowners
- vi. Special focus groups, e.g. women's, youth & churches.

The PNGEITI National Secretariat is requesting your support in coordinating and confirming these relevant stakeholders to participate in the said consultation.

2. PNGEITI Regional Consultation will be held at Lae, Morobe Province from the 2ndth-5th August at Lae International Hotel

The objective of this regional consultation is to gauge the provincial stakeholders' views on having PNGEITI as a legally established body through the passage of the PNGEITI proposed establishment Bill.

Following the pre-consultation, a representative from the Provincial Administration may represent the Madang Provincial Stakeholders in the regional consultation at Lae, Morobe Province to present your position papers and views on the PNGEITI Bill.

Please see attached Pre-consultation for your noting. The program for the regional consultation will be provided at a later date for your noting and participation as well.

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg.

Yours sincerely,



LUCAS ALKAN
Head of PNGEITI National Secretariat

cc: Mr. Frank Sopla, Acting Assistant Director, Forestry
Mr. Peter Sagerom, Assistant Director, Commence and Industry
Mr. Rudolph Mengallee, Director, Disaster



PNG EXTRACTIVE INDUSTRIES
TRANSPARENCY INITIATIVE
NATIONAL SECRETARIAT



LEVEL 8, TREASURY BUILDING
PO BOX 1907
PORT MORESBY, NCD

PHONE: (676) 3133772
(676) 3133518

2nd July, 2021

Dr. Clement Malau
Provincial Administrator
East Sepik Provincial Administration
P.O Box 1296
Kreer Heights
East Sepik Province

Attention: Martin Torovi, Coordinator, Mining Unit

Dear Mr. Malau,

**SUBJECT: INVITATION TO PARTICIPATE IN THE PNGEITI PROVINCIAL
PRE-CONSULTATION AND REGIONAL CONSULTATION ON THE
PNGEITI PROPOSED ESTABLISHMENT BILL**

Reference is made to the aforementioned subject whereby you are formally invited to participate in the pre-consultation (information awareness) and consultation proper of the PNGEITC proposed Bill.

This letter serves as an invitation to the following events;

1. PNGEITI Provincial Pre-Consultation will be held in Morobe Province from the 29th – 30th of July at Lae International Hotel

The objective of this workshop is to sensitize provincial stakeholders on understanding PNGEITI, the proposed PNGEITI Establishment Bill & facilitate position workshop to provincial stakeholders as preparatory planning for the upcoming PNGEITI establishment Bill consultation.

2. PNGEITI Regional Consultation will be held at Lae, Morobe Province from the 2nd - 05th August at Lae International Hotel

The objective of this regional consultation is to gauge the provincial stakeholders' views on having PNGEITI as a legally established body through the passage of the PNGEITI proposed establishment Bill.

The consultation workshop is primarily targeted around stakeholders from:

- i. Provincial Administration
- ii. District Administration
- iii. Local Level Governments (LLGs)
- iv. Signatories to MOA's for extractive sector projects (mining, oil & gas)
- v. Landowners
- vi. Special focus groups, e.g. women's, youth & churches.

The PNGEITI National Secretariat is requesting your support in coordinating and confirming these relevant stakeholders to participate in the said consultation.

A representative from each of the provincial stakeholders may represent the East Sepik Provincial Stakeholders in the pre-consultation and regional consultation at Lae, Morobe Province to present your position papers and views on the PNGEITI Bill.

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg

Yours sincerely,



LUCAS ALKAN
Head of PNGEITI National Secretariat

cc: Provincial Treasurer, Mr. Martin Mateos
Provincial & District Support Advisor, Mr. John Sam
Project officer, Duncan Gabi
Public Relations Officer, Nicholas Wai
Manager Help- Resources, Jill Bosro



**PNG EXTRACTIVE INDUSTRIES
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PAPUA NEW GUINEA

PHONE: (675) 3133772
(675) 3193518
WEBSITE: www.pngeiti.org.pg

Mr. Conrad Tilau
Provincial Administrator
Sandaun Provincial Administration
P.O Box 291
VANIMO
Sandaun Province

Attention: Jack Apipnok, Mining Liaison Officer

Dear Mr. Tilau,

SUBJECT: INVITATION TO PARTICIPATE IN THE PNGEITI PROVINCIAL PRE-CONSULTATION AND REGIONAL CONSULTATION ON THE PNGEITI PROPOSED ESTABLISHMENT BILL

Reference is made to the aforementioned subject whereby you are formally invited to participate in the pre-consultation (information awareness) and consultation proper of the PNGEITC proposed Bill.

This letter serves as an invitation to the following events;

1. PNGEITI Provincial Pre-Consultation will be held in Morobe Province from the 29th – 30th of July at Lae International Hotel

The objective of this workshop is to sensitize provincial stakeholders on understanding PNGEITI, the proposed PNGEITI Establishment Bill & facilitate position workshop to provincial stakeholders as preparatory planning for the upcoming PNGEITI establishment Bill consultation.

2. PNGEITI Regional Consultation will be held at Lae, Morobe Province from the 2nd - 05th August at Lae International Hotel

The objective of this regional consultation is to gauge the provincial stakeholders' views on having PNGEITI as a legally established body through the passage of the PNGEITI proposed establishment Bill.

The consultation workshop is primarily targeted around stakeholders from:

- i. Provincial Administration
- ii. District Administration
- iii. Local Level Governments (LLGs)
- iv. Signatories to MOA's for extractive sector projects (mining, oil & gas)
- v. Landowners
- vi. Special focus groups, e.g. women's, youth & churches.

The PNGEITI National Secretariat is requesting your support in coordinating and confirming these relevant stakeholders to participate in the said consultation.

A representative from each of the provincial stakeholders may represent the Sandaun Provincial Stakeholders in the pre-consultation and regional consultation at Lae, Morobe Province to present your position papers and views on the PNGEITI Bill.

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg

Yours sincerely,



LUCAS ALKAN
Head of PNGEITI National Secretariat

cc: Provincial Treasurer, Mr. Bernard Poya
Provincial & District Support Advisor, Rei Melepia
Deputy Provincial Administrator
Principal Legal Officer, Lisa Kaiyo
a/Director Planning, Mr. Vincent Muhya
a/Manager Finance & Admin, Mr. Roland Taile
Director Lands, Mr. Daniel Waranduo
Manger MIS, Grace Ina



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PHONE: (675) 3133772
(675) 3133518

2nd July, 2021

Mr. Bart Impabongz
Provincial Administrator
Morobe Provincial Administration
P.O Box 2345
LAE, Morobe Province

Attention: Mr. Robin Kiki Manager, Mining Division

Dear Mr. Impabongz,

SUBJECT: INVITATION TO PARTICIPATE IN THE PNGEITI PROVINCIAL PRE-CONSULTATION AND REGIONAL CONSULTATION ON THE PNGEITI PROPOSED ESTABLISHMENT BILL

Reference is made to the aforementioned subject whereby you are formally invited to participate in the provincial pre-consultation and regional consultation on the PNGEITI proposed establishment Bill.

This letter serves two invitations for two separate events which are as follows;

1. PNGEITI Provincial Pre-Consultation will be held from the 29th -30th of July at Lae International Hotel

The objective of this workshop is to sensitize provincial stakeholders on understanding PNGEITI, the proposed PNGEITI Establishment Bill & facilitate position workshop to provincial stakeholders as preparatory planning for the upcoming PNGEITI establishment Bill consultation.

2. PNGEITI Regional Consultation will be held from the 2nd – 5th -August at Lae International Hotel

The objective of this regional consultation is to gauge the provincial stakeholders' views on having PNGEITI as a legally established body through the passage of the PNGEITI proposed establishment Bill.

The consultation workshops are primarily targeted around stakeholders from:

- i. Provincial Administration
- ii. District Administration
- iii. Local Level Governments (LLGs)
- iv. Signatories to MOA's for extractive sector projects (mining, oil & gas)
- v. Landowners
- vi. Special focus groups, e.g. women's, youth & churches.

The PNGEITI National Secretariat is requesting your support in coordinating and confirming these relevant stakeholders to participate in the said consultation

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg.

Yours sincerely,



LUCAS ALKAN
Head of PNGEITI National Secretariat
cc: Provincial Treasurer, Mr. Uriah Soten



PNG EXTRACTIVE INDUSTRIES
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NATIONAL SECRETARIAT



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PO BOX 1907
PORT MORESBY, NCD

PHONE: (675) 3133772
(675) 3133518

21st July 2021.

Hon. Ginson Gohehu Saonu, MP.
Governor for Morobe Province
Morobe Provincial government
P. O. Box 1834
LAE
Morobe Province.

Dear Governor,

**SUBJECT: INVITATION TO OFFICIALLY OPEN THE MOMASE REGIONAL WORKSHOP ON THE DRAFT
PNGEITI COMMISSION BILL, 02ND – 05TH AUGUST.**

In reference to the above subject, the Papua New Guinea Extractive Industries Transparency Initiative (PNG EITI) would like to invite you as governor of host province and guest speaker to officially open the Momase Regional Consultation Workshop on our draft Commission Bill.

The PNG Extractive Industries Transparency Initiative [PNGEITI] is a Government initiative established in 2013 to promote transparency and accountability of revenue received from the mining, oil and gas sector and how these funds are used. The EITI is a global best practice standard that promotes good governance in the extractive sector. PNG has been implementing the EITI through its Multi-Stakeholder Group (MSG) comprising of representatives from government, extractive industries and the civil societies. Refer to PNGEITI website for more information. <http://www.pngeiti.org.pg>

EITI implementation in PNG is currently based on the National Executive Council [NEC] Decision # 90/2013 that gave effect to the establishment of the PNGEITI MSG and a National Secretariat office to implement EITI.

As the EITI implementation has matured in PNG since its establishment and following the adoption of a National Policy Framework on Transparency and Accountability in 2018, it has now become necessary to ensure that the PNGEITI National Secretariat has a legal basis to sustain its operations administratively for the long term.

The legislation of EITI operations is consistent with the above NEC Decision that directed the establishment of the EITI National Secretariat at the Department of Treasury at the inception stage and to be eventually established as an independent agency.

The objective of this regional consultation is to gauge the provincial stakeholders' views on having PNGEITI as a legally established body through the passage of the PNGEITI proposed establishment Bill.

Please see the program for the regional consultation for your noting and participation as well.

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg.

Yours sincerely



LUCAS ALKAN
Head of National Secretariat

Cc : Minister for Treasury and Chairman of PNGEIII MSG.
: Secretary Department of Treasury.

Annexure 9: Momase participants

Momase Region					
Pre-Consultation					
1	Robin Dalau	Morobe Provincial Administration	Finance Officer	79911203	rolulau94@gmail.com
2	Aggenius Kaumas	Morobe Provincial Administration	Mines Officer	72361582	akumasmines@gmail.com
3	Jack Apipnok	West Sepik Provincial Administration	Mines Liaison Officer	7926353	jack.apipnok@gmail.com
4	Lisa Kaiyo	West Sepik Provincial Administration	Principal Legal Officer	71606183	liskaiyo@gmail.com
5	Samuel Kuna	Madang Provincial Administration	Planning Officer	72517293	kunasamuel54@gmail.com
6	Willie Akus	Madang Provincial Administration	Assistant Director – Monitoring & Evaluation	71784420	willakuslungat@gmail.com
7	Kevin Gamenu	Mineral Resource Authority	Coordinator	71012580	kgamenu@mra.gov.pg
8	Robin Kiki	Morobe Provincial Administration	Project Administrator – Mines	76792467	rkiki@morobe.gov.pg
9	David Wissink	WGJU	Head of ESSD	70316561	david.wissink@wafigolpuju.com
10	Gabriel Paita	Department of Commerce		75424226	gabbypaita@gmail.com
Consultation Proper					
No.	Name	Organization	Designation	Phone	Email
State Team					
1	Charles Ikitae	Department of Finance	Acting Assistant Secretary	79190400	charles_ikitae@finance.gov.pg
2	Aimo Sanawe	Department of Treasury	Principal Legal Officer		aimo_sanawe@treasury.gov.pg
3	Benjamin Bofeng	Constitutional and Law Reform Commission	Senior Legal Officer	71634807	bbofeng@gmail.com
4	Channan Kumalau	Department of Petroleum & Energy	Director – Special Projects	70721091	ckumalau2019@gmail.com
5	Joanna Kabewa	Dept. of National Planning & Monitoring	Legal Officer	78068873	janakabewa@gmail.com
PNGEITI National Secretariat Team					

1	Christopher Tabel	Deputy Head of National Secretariat			
2	Sarita Peai	Technical Officer			
3	Sonia Kenu-Becks	Media & Content Officer			
4	Oliver Maingu	Stakeholder Engagement Coordinator			
5	Francis Diakon	Procurement Officer			
6	Gedion Timothy	Contract Officer – Journalist			
7	Naomi Puipui	Finance & Admin Officer			
Momase Provincial Stakeholders					
1	Edmond Ombeba	Morobe Provincial Administration	Director – CGA	71414072	ombebaedmond2@gmail.com
2	Jack Apipnok	West Sepik Provincial Administration	Mines Liaison Officer	79216353	Jack.apipnok@gmail.com
3	Emma Kitan	Morobe Provincial Administration	Environment Officer	72026554	emmalatan@gmail.com
4	Leo Singut	East Sepik Provincial Administration	Manager Mining	73648450	leosingut@gmail.com
5	Edward Wiruk	East Sepik Provincial Administration	Mining Liaison Officer	74539948	aponaiwiruk123415@gmail.com
6	Samuel Kuna	Madang Provincial Administration	Planning Policy Officer	72517293	kunasamuel54@gmail.com
7	Steven Biko	Madang Provincial Administration	District Administrator – Usino Bundi	70544268	stevenbiko60@gmail.com
8	Lisa Kaiyo	West Sepik Provincial Administration	Principal Legal Officer	71606183	liskaiyo@gmail.com
9	Algenius Kaumas	Madang Provincial Administration	Mines Officer	72361582	akaumasmines@gmail.com
10	Robin Dulau	Morobe Provincial Administration	Finance, Provincial Budget Officer	79911203	rdulau94@gmail.com
11	Robin Kiki	Morobe Provincial Administration	Mines	76792467	rkiki@morobe.gov.pg
12	Rudolph Wongalle	Madang Provincial Administration	Director Disaster	72547294	rwangalle20@gmail.com

13	Ailai Valaunia	Madang Provincial Administration	A/Director – Village Courts	79300451	ivalaunia@gmail.com
14	Carol Umbo	Morobe – National Broadcasting Commission (NBC) /Media	Journalist	71837610	carolumbo@gmail.com
15	Fredrick Jejeri	Morobe – PNGFM/Media	Journalist	79026107	fredrickjejeri@yahoo.cpm
16	Gloria Bawai	Morobe – The National /Media	Journalist	70105473	gbawai@thenational.com.pg
17	Janet Kari	Morobe – Post Courier/Media	Journalist	73616027	jkari@SPP.com.pg
18	Shila Harou	WafiGolpu	Community Affairs	70305484	Shila.Harou@wafigolpu.com

Annexure 10: Momase Regional Findings

Momase Regional Consultations General Commentaries

- Infrastructure Tax Credit Scheme not reaching (ITCS) impact districts. Suggested that ITCS should be administered by the Developers and not the State thru DNPM.
- Emphasised that ITCS must be reported in the PNGEITI Reports which is currently reported in the PNGEITI Report.
- Development Grants: Business Development Grants, Infrastructure Development Grants, & Special Support Grants do not reach the impact districts and landowners.
- Sub-National Payments may be received at the Provincial Administration or Provincial Government however not transacted or transferred to the impact districts and communities. There is no tangible services to show cause.
- Lack of information disclosure at the provincial level from the National Departments/entities and the industries or developers.
- Export data/production volume need to be verified before leaving our ports. Government needs to have its own independent mechanism in place to monitor and verify quantity of exports.
- Exploration issues – enquiry on financial support on terms the communities that are directly affected by the projects.
- No coordination between the National Departments with the Provinces. National Government agencies work in isolation, not coordinating and working in collaboration with the provinces.
- Exploration feasibility study should be delegated to Provinces.
- Licencing Issues – Value of licencing in terms of forestry for example, per log exported price is K1.00 which is supposed to be charged at K5.00.
- Issues of Equity- Who owns what percentage? Equity distribution percentage is not clearly disclosed to landowners or impact communities.
- MOA issues mainly on Equity distribution, royalties, and timber levies.
- CEPA/Forestry Authority working in isolation. The National Agencies need to be transparent in terms coordinated approach in how they conduct or carry out their functions.
- Some of the issues discussed are more to reporting / information disclosure and lack of coordination amongst National & Provincial agencies.
- Since EITI is all about promoting transparency and accountability, these issues were brought forth for discussion and if need be, to be addressed through the Commission as recommendations or directives to be issued to implementing departments/entities to address these concerns is something the Commission will consider.
- PNGEITI National Secretariat to ensure provincial stakeholders considerations are captured in the draft Bill.
- PNGEITI to partially fund the provincial stakeholders travel costs to motivate the stakeholders to attend the consultations and participate effectively.
- The Momase Provincial Stakeholders are in support of EITI implementation in PNG and emphasis the need to have PNGEITI legally established through its own Act.
- More emphasis on Commissions independence and no political interference in EITI implementation in the Country.
- Welcome the EITI model to be replicated and implemented at the sub-national level.

- MRA also working in isolation. Only administering the Mining Act, not addressing Land issues with Department of Lands (ILG Act) and environmental issues.
- Whilst extracting minerals as per MOAs, other minerals are also extracted. These other minerals may seem to have no economic value however they do overtime, and this information should be reported by the Developer.
- The State should have an independent mechanism in place to monitor the extraction of minerals and not only dependant on data/information reported by the Developers.

Annexure 11: Highlands Regional Consultation Program

Proposed PNGEITI Commission Bill Regional Pre-consultation Program from 6-9 September 2021

HIGHLANDS REGION (UPPER HIGHLANDS) – GOROKA, EASTERN HIGHLANDS PROVINCE (BIRD OF PARADISE HOTEL)

Day 1
6 September 2021

TIME	ACTIVITY	LEAD PERSON / TEAM
9:00 am- 9:30 am	Registration	Various
9:30am- 10:15am	Opening Prayer Welcome and Introduction	Facilitator
10:15am – 10:45am	Key Address	Eastern Highlands Governor/Provincial Administrator
10:45am – 11:00am	M O R N I N G T E A B R E A K	
11:00 am – 12:00 pm	Outline of Consultation	The National Secretariat Team
	Recap on Pre-Consultation Workshop	
	Output and expectations of consultation	
12:00 pm - 12:45 pm	L U N C H B R E A K	
12:45 pm – 3:00pm	Discussion/Comments/Issues arising Recap on the days program	The National Secretariat Team
3:00 pm – 3:15 pm	A F T E R N O O N T E A B R E A K	
3:15pm – 4:06	Run thru on the Day Two (2) program	The National Secretariat Team

Day 2
07 September 2021

TIME	ACTIVITY	LEAD PERSON / TEAM
9:00 am- 9:30 am	Registration	Various
9:30 am- 10:00 am	Outline of days program Expected outcomes and output on Day Two (2) program Recap on previous day and summarise outcomes Discussions if any matters arising on previous Day One (1) program	The National Secretariat Team & Various
10:00 pm -10:25 pm	M O R N I N G T E A B R E A K	
10:25 pm- 12:00 pm	Presentation of the PNGEITC Bill. Run through of the Bill by State Legal Team	State Legal Team/ The National Secretariat Team
12:00 pm – 1:00 pm	L U N C H B R E A K	
1:00pm- 2:00 pm	Run through of the remainder of the Bill	State Legal Team/ The National Secretariat Team
2:00pm – 4:00pm	Discussion on matters arising	The National Secretariat Team & Various
	Break up consultation stakeholders in to groups and allocate sections of the Bill to each group for the next day's program Run through on Day three (3) program	
4:06 PM	C L O S E O F D A Y T W O (2) P R O G R A M	

**Day 3
08 September 2021**

TIME	ACTIVITY	LEAD PERSON / TEAM
9:00 am- 9:30 am	Registration	The National Secretariat Team & Various
9:30 am- 10:00 am	Recap on previous day and summarise outcomes -Discussion on any matters arising from previous Day program	The National Secretariat Team & Various
10:00 pm -10:25 pm	M O R N I N G T E A B R E A K	

10:25 pm- 12:00 pm	Continue with Group Discussion. Break into groups and continue. -STATE Team to standby to provide technical guidance	The National Secretariat Team & Various
12:00 pm – 1:00 pm	L U N C H B R E A K	
1:00pm- 3:00 pm	Group discussions continue	
3:00pm – 4:00pm	Recap Day Three (3) program Discussion on matters arising Run through Day four (4) program	The National Secretariat Team & Various
4:06 PM	C L O S E O F D A Y T H R E E (3) P R O G R A M	

Day 4
09 September 2021

TIME	ACTIVITY	LEAD PERSON / TEAM
9:00 am- 9:30 am	Registration	Various
9:30 am- 10:00 am	Recap. Expected outcomes and output on Day Four (4) program Recap on previous day and summarise outcomes Discussions if any matters arising on previous Day Three (3) program	The National Secretariat Team
10:00 pm -10:15 pm	M O R N I N G T E A B R E A K	
10:15 pm- 12:00 pm	Presentations from Provincial Stakeholders	Provincial Participants
12:00 pm – 1:45 pm	L U N C H B R E A K	
1:45pm- 3:00 pm	Continue ...	Provincial Participants
3:00pm – 5:00pm	Discussion on the draft Bill	The provincial Stakeholders and The NS Team & Various
	Recap and closing remarks	Facilitator

Annexure 12: Highlands participants

I. Highlands Region

Pre-Consultation- Lower Highlands Region (Goroka)					
No.	Name	Organization	Designation	Phone	Email
1	Peter Gare	Eastern Highlands Provincial Administration	Planner	72176709	peterdvagare59@gmail.com
2	Frank Wamghai	Eastern Highlands Provincial Administration	Advisor	70506788	fwamghai@yahoo.com
3	Andrew Sufie	Eastern Highlands Provincial Administration	a/Advisor	79507869	sufieandrew312@gmail.com
4	Raphael Kee	Simbu Provincial Administration	a/Advisor	70558798	
5	Ben Kaylwaim	Simbu Provincial Administration	Mineral Resource Officer	74221173	kagwaimb88@gmail.com
6	Ori Fumi	Eastern Highlands Provincial Administration	Mining Officer	73375337	orifumi@gmail.com
7	Amos Kirio	Maritime	Lawyer	71771303	
8	James Yaba	Agriculture Sector	Vice Spice Chairman	73310157	
9	Knox Kiap	Western Highlands Provincial Administration	Deputy Provincial Administration	71154008	Knox.12kiap@gmail.com
10	James W	Western Highlands Provincial Administration	Manager		waicapuj@icloud.com
11	Steven Puiyo		Landowner	70802094	
Consultation Proper – Lower Highlands (Goroka)					
State Team					
1	Vanessa Asivo	Internal Revenue Commission (IRC)	Lawyer	3226863	asivo@irc.gov.pg
2	Lois Stanley	Constitutional & Law Reform Commission (CLRC)	Director – Advisory & Drafting	73354042	loisinmaran23@gmail.com
3	Christy Tende	Department of Treasury	Assistant Analyst	3133672	christy_tende@treasury.gov.pg
4	Channan Kumalau	Department of Petroleum & Energy	Director – Special Projects – EITI	70726091	ckumalau2019@gmail.com
5	Nigel Ainui	National Economic & Fiscal Commission	Principal Policy Analyst	71128841	nainui@nefc.gov.pg

6	Bruce Java	Prime Minister & National Executive Council (PM & NEC)			
	Philip Samar	K92 Mining	Industry Representative		
PNGEITI National Secretariat Team					
1	Christopher Tabel		Deputy Head of PNGEITI National Secretariat		
2	Sarita Peai		Technical Officer		
3	Sonia Kenu-Becks		Media & Content Officer		
4	Francis Diakon		Procurement Officer		
Lower Highlands Provincial Stakeholders					
1	Benjamin Kaglwaim	Simbu Provincial Administration	Mineral Resource Officer	74221173	kaglwaimb88@gmail.com
2	Knox Kiap	Western Highlands Provincial Administration	Deputy Provincial Administrator	71154008	knox.12kiap@gmail.com
3	James W	Western Highlands Provincial Administration	Manager – Commerce and SME	77006511	
4	James Yoba	Agriculture	Charman	73210157	
5	John Gimiseve	Eastern Highlands Provincial Administration	Provincial Administrator	76861940	gimiseve@yahoo.com
6	Danny Benjamin	Eastern Highlands Provincial Administration	Environment Officer	70606471	dbnambo@gmail.com
7	Conrad Esoke		Interest Person	73157390	comradesoke35@gmail.com
8	Eric Supa	Post Courier/ EHP	Journalist-Media/News	74928942	ericupa7@gmail.com
9	Sharon Agavi	Post Courier/EHP	Journalist – Media/News	72130618	sbagavi@gmail.com
10	Peter Gare	Eastern Highlands Provincial Administration	Planner		
Upper Highlands					
Pre-Consultation					
No.	Name	Organization	Designation	Phone	Email
1	Kingsley Olape Hari	Hela Provincial Government	Gas & Oil Liaison Officer	72519221	kingsleyolape@gmail.com

2	Rev. Gera Aguma	Hela Provincial Government	Director Natural Resources	797753681	agumagera083@gmail.com
3	Lesley Kili	National Broadcasting Corporation (NBC)	Director	72863399	lesleykili@gmail.com
Consultation – Proper					
State Team					
1	Gangi Mui	Department of Petroleum & Energy	Lawyer	74625935	muiгани@gmail.com
2	Fairlilyne Aiwa	Mineral Resource Development Corporation	Lawyer	75635901	faiwa@mrdc.com.pg
3	Eva Boas	Department of Personnel Management	Lawyer	70445914	soxopana@gmail.com
4	Charles Ikitae	Department of Finance	Assistant Secretary – Non-Tax Revenue	79190400	cikitae@gmail.com
5	Erwin Poru	National Economic & Fiscal Commission	Principal Policy Officer	71886185	erwin.poru245@gmail.com
6	David Kiwa	Department of Treasury	a/Assistant Secretary – Policy, Extractive Industries Branch	3133528	david_kiwa@treasury.goiv.pg
PNGEITI National Secretariat Team					
1	Oliver Maingu		Stakeholder Engagement Coordinator		
2	Lucas Alkan		Head of National Secretariat		
3	Gideon Timothy		Contract Officer – Journalist		
4	Naomi Puipui		Finance and Admin Officer		
Provincial Stakeholders					
1	Rev. Gera Aguma	Hela Provincial Administration	Director – Natural Resources	79253681	agumagera083@gmail.com
2	Kingsley O Hari	Hela Provincial Administration	Oil & Gas Liaison Officer	72519221	kingsleyolape@gmail.com
3	Andigi Eric Yuguli	Hela Provincial Administration	Manager – Environment	73795386	eyuguli@gmail.com
4	Eric	Hela Provincial Administration			

5	Fidelis P. James	Southern Highlands Provincial Administration	Manager	7916167	
6	Kepson Tekip	Southern Highlands Provincial Administration	Budget Officer	71784248	kepsontekip@gmail.com
7	Dr. Stephen Kikala	Enga Provincial Governor's Office	Governor's First Secretary	70064781	spkikala@gmail.com
8	James Erepo	Hela Provincial Administration	Manager- Oil & Gas	70484548	erepojames1@gmail.com
9	Simon Yopo	Enga Provincial Administration	Manager – Mining		

Annexure 13: Highlands Region findings etc

Highlands Regional Consultation General Commentaries

- Unequal equity distribution – the equity component of the landowners must be uniform/standard. Concerns raised that the equity component must be captured in the law.
- Provincial Stakeholders suggested to have a division within the PNGEIT Commission’s Organizational Structure to have a Monitoring & Evaluation Division and to have it as one of its functions to monitor MOA implementation.
- Landowners not benefiting from the projects. No tangible service to show cause on the benefits received by Landowners or infrastructure developments in the project impact communities
- Government must have an independent monitoring mechanism to monitor productions and exports of the productions that leave the project sites and shores of PNG.
- Issues pertaining companies’ social corporate responsibility, Tax Credit Scheme (TCS), the discrepancies in remuneration package of Papua New Guineans and expatriates with the same qualification.
- Information must be accessible to the people of this country. When information is accessed by few, only these few will benefit from it.
- The Provincial Stakeholders support the EITI implementation in the country and welcome the initiative to be implemented at the provincial level as well to ensure there is transparency and accountability in their existing projects and future projects.
- The EITI implementation at the provincial level will also add additional costs to the provincial budget. It was discussed that the EITI desk will be funded thru the Provincial Budgets, and co-funded by the projects that are in operation (Industry) to ensure EITI requirements are implemented at the provinces.
- Include representatives or nominees of Provincial Government(s) as proxy to the Board of EITI, especially those province(s) that are producing minerals other extractive resources.
- Diversification of EITI Role into other sectors such as Agriculture will deviate the real definition of extractive industry transparency initiative because by definition, Extractive Industry(s) is/are ***businesses that take raw materials, including Oil, Coal, Copper, Gold Iron and other minerals from the earth.***
- Recommend to DPE, MRA and PNG Forest Authority and other state agencies responsible to follow legal provisions to involve Provincial Government actively in disbursing benefits from the resources sectors.
- Demand developers such as Oil Search and Exxon Mobil via this establishment to be transparent with raw data on daily productions, domestic consumption, and export through the export metering systems (along the value chain and revenue streams).
- Disclose monetary values of resources extracted and exported.
- Recommend for amendments of certain provisions in the Oil and Gas Act 1998 and amended Act 2020 and other relevant resource sector acts. For example, section 159 & Section 60 of Oil and Gas Acts that limit benefits from our resources and other

clauses in the various that enable data privacy of extractive industry players.

- ALL Revenue Disbursement (Royalty, Development Levy, Infrastructure Development Grants, Business Development Grants and other benefits) MUST be done in the Province under the auspices Provincial Government to avoid Paper land owners and State agents getting bribes to do illegal transactions.
- The EITI Propose Bill when enacted by Parliament will pave way for amendments to certain provisions of the resources sector legislations and other related legislations including Oil and Gas Act 1998, Mining Act 1992 and other confidentiality clauses in the Petroleum and Gas agreements made under the Oil & Gas Act.
- This proposed Bill will also give rise to greater accountability and transparency in data handling. Cooperative working relationship with other state agencies such as Office of the Auditor General, Internal Revenue Commission and other Civil Society Organization while meeting the EITI international standard will pave way for greater international and domestic investment. The Work of EITI will build investor confidence in a fluid political environment and enhance national government to source funds outside to fund its policy initiatives.
- *The Independent administrative body promotes open and accountable management of revenue from natural resources for the benefit of Papua New Guinean. It seeks to strengthen government and company systems and policies, inform public debate, support anti-corruption and investment promotion activities of government, and enhance trust.*
- EITI Commission should have access to make appropriate recommendations to revise MOA's should the MOA's be deemed inappropriate
-

Annexure 14: Southern Region program including the National Capital District



**PNG EXTRACTIVE INDUSTRIES
TRANSPARENCY INITIATIVE
NATIONAL SECRETARIAT**



LEVEL 8, TREASURY BUILDING
PO BOX 1907
PORT MORESBY, NCD
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WEBSITE: www.pngeti.org.pg

SOUTHERN REGION – PORT MORESBY, CENTRAL PROVINCE (STANLEY HOTEL)

Day 1
28 September 2021

TIME	ACTIVITY	LEAD PERSON / TEAM
9:00 am- 9:30 am	Registration	Various
9:30am-10:15am	Opening Prayer Welcome and Introduction	Facilitator
10:15am – 10:45am	Key Address	Eastern Highlands Governor/Provincial Administrator
10:45am – 11:00am	M O R N I N G T E A B R E A K	
11:00 am – 12:00 pm	Outline of Consultation	The National Secretariat Team
	Recap on Pre-Consultation Workshop	
	Output and expectations of consultation	
12:00 pm - 12:45 pm	L U N C H B R E A K	
12:45 pm – 3:00pm	Key issues presentation	The National Secretariat Team

3:00 pm – 3:15 pm	A F T E R N O O N T E A B R E A K	
3:15 pm-4:00pm	Discussion/Comments/Issues arising Recap on the days program	The National Secretariat Team
	Run thru on the Day Two (2) program	
4:06 PM	C L O S E O F D A Y O N E (1) P R O G R A M	

Day 2
29 September 2021

TIME	ACTIVITY	LEAD PERSON / TEAM
9:00 am- 9:30 am	Registration	Various
9:30 am- 10:00 am	Outline of days program Expected outcomes and output on Day Two (2) program Recap on previous day and summarise outcomes Discussions if any matters arising on previous Day One (1) program	The National Secretariat Team & Various
10:00 pm -10:25 pm	M O R N I N G T E A B R E A K	
10:25 pm- 12:00 pm	Presentation of the PNGEITC Bill. Run through of the Bill by State Legal Team	State Legal Team/ The National Secretariat Team
12:00 pm – 1:00 pm	L U N C H B R E A K	
1:00pm- 2:00 pm	Run through of the remainder of the Bill	State Legal Team/ The National Secretariat Team
2:00pm – 4:00pm	Recap on Day Two (2) program	The National Secretariat Team & Various
	Discussion on matters arising	
	Break up consultation stakeholders in to groups and allocate sections of the Bill to each group for the next day's program	
	Issue draft Bill to the participants Run through on Day three (3) program	
4:06 PM	C L O S E O F D A Y T W O (2) P R O G R A M	

Day 3
30 September 2021

TIME	ACTIVITY	LEAD PERSON / TEAM
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9:00 am- 9:30 am	Registration	The National Secretariat Team & Various
9:30 am- 10:00 am	-Present the expected outcome and output for Day Three (3) program -Recap on previous day and summarise outcomes -Discussion on any matters arising from previous Day program (Two 2 program)	The National Secretariat Team & Various
10:00 pm -10:25 pm	M O R N I N G T E A B R E A K	
10:25 pm- 12:00 pm	Continue with Group Discussion. Break into groups and continue. -STATE Team to standby to provide technical guidance	The National Secretariat Team & Various
12:00 pm – 1:00 pm	L U N C H B R E A K	
1:00pm- 3:00 pm	Group discussions continue	
3:00pm – 4:00pm	Recap Day Three (3) program Discussion on matters arising Run through Day four (4) program	The National Secretariat Team & Various
4:06 PM	C L O S E O F D A Y T H R E E (3) P R O G R A M	

**Day 9
01 October 2021**

TIME	ACTIVITY	LEAD PERSON / TEAM
9:00 am- 9:30 am	Registration	Various
9:30 am- 10:00 am	Recap. Expected outcomes and output on Day Four (4) program Recap on previous day and summarise outcomes Discussions if any matters arising on previous Day Three (3) program	The National Secretariat Team

10:00 pm -10:15 pm	M O R N I N G T E A B R E A K	
10:15 pm- 12:00 pm	Presentations from Provincial Stakeholders	Provincial Participants
12:00 pm – 1:45 pm	L U N C H B R E A K	
1:45pm- 3:00 pm	Continue ...	Provincial Participants
3:00pm – 5:00pm	Discussion on the draft Bill	The provincial Stakeholders and The NS Team & Various
	Recap and closing remarks	Facilitator
5:00 PM	C L O S E O F D A Y F O U R (4) P R O G R A M (END OF CONSULTATION)	

Annexure 15: Southern Region invitation letters to the provincial administration and key stakeholders



**PNG EXTRACTIVE INDUSTRIES
TRANSPARENCY INITIATIVE
NATIONAL SECRETARIAT**



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(675) 3133518

WEBSITE: www.pngeiti.org.pg



TRANSPARENCY INITIATIVE
NATIONAL SECRETARIAT



LEVEL 8, TREASURY BUILDING
PO BOX 1907
PORT MORESBY, NCD

PHONE: (675) 3133772
(675) 3133518

17th August 2021

Hon. Robert Agarobe, MP
Governor of Central Province
Free Mail Bag
KONEDOBU
Central Province

Dear Governor,

SUBJECT: INVITATION TO OFFICIALLY OPEN THE SOUTHERN REGIONAL WORKSHOP ON THE DRAFT PNGEITI COMMISSION BILL, 28TH SEPTEMBER, PORT MORESBY, STANLEY HOTEL.

In reference to the above subject, the Papua New Guinea Extractive Industries Transparency Initiative (PNG EITI) would like to invite you as governor of the host province of the PNG LNG Processing Facility and Mining Projects as well to be the guest speaker to officially open the Southern Regional Consultation Workshop on the draft Commission Bill in Port Moresby on the 28th of September, 2021.

The PNGEITI is a Government initiative established in 2013 to promote transparency and accountability of revenue received from the mining, oil and gas sector and how these funds are used. The EITI is a global best practice standard that promotes good governance in the extractive sector. PNG has been implementing the EITI through its Multi-Stakeholder Group (MSG) comprising of representatives from government, extractive industry companies and the civil societies. The Chair of the MSG is the Minister for Treasury who oversees EITI implementation in the country. Refer to PNGEITI website for more information. <http://www.pngeiti.org.pg>

EITI implementation in PNG over the last 8 years has been based on the National Executive Council (NEC) Decision # 90/2013 that gave effect to the establishment of the PNGEITI MSG and a National Secretariat office to implement EITI, parked under the Department of Treasury.

As the EITI implementation has matured in PNG since its establishment and following the adoption of a National Policy Framework on Transparency and Accountability in 2018, it has now become necessary to ensure that the PNGEITI National Secretariat has a legal basis to sustain its operations administratively for the long term.

The legislation of EITI operations is consistent with the above NEC Decision that directed the establishment of the EITI National Secretariat at the Department of Treasury at the inception stage and to be eventually established as an independent agency.

The objective of this regional consultation is to gauge the provincial stakeholders' views on having PNGEITI as a legally established body through the passage of the

PNGEITI proposed establishment Bill. Please see the attached program for the regional consultation for your noting and participation as well.

For further information please liaise with Ms, Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg.

Yours sincerely,



Lucas Alkan

Head of National Secretariat

Cc: Minister for Treasury and Chairman of PNGEITI MSG
: Secretary, Department of Treasury
: PNGEITI MSG



PNG EXTRACTIVE INDUSTRIES
TRANSPARENCY INITIATIVE
NATIONAL SECRETARIAT



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PO BOX 1807
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PHONE: (675) 3133772
(675) 3133518

17th August 2021

Mr. Francis Koaba
Provincial Administrator
Central Provincial Administration
Free Mail Bag
KONEDOBU
Central Province

Dear Administrator,

SUBJECT: INVITATION TO PARTICIPATE IN THE PNGEITI PROVINCIAL PRE-CONSULTATION AND REGIONAL CONSULTATION ON THE PROPOSED ESTABLISHMENT BILL FOR PNGEITI

Reference is made to the aforementioned subject whereby you are invited to participate in the provincial pre-consultation and regional consultation on the proposed establishment Bill for PNGEITI.

This letter serves two invitations for two separate events which are as follows;

1. PNGEITI Provincial Pre-Consultation will be held on the 27th September in Port Moresby, National Capital District at the Stanley Hotel.

The objective of this workshop is to sensitize provincial stakeholders on understanding the PNGEITI, the proposed PNGEITI Establishment Bill and for as preparatory planning for the upcoming PNGEITI establishment Bill consultation proper.

The consultation workshop is primarily targeted around stakeholders from:

- i. Provincial Administration
- ii. District Administration
- iii. Local Level Governments (LLGs)
- iv. Signatories to MOA's for extractive sector projects (mining, oil & gas)
- v. Landowners
- vi. Special focus groups, e.g. women's, youth & churches.

The PNGEITI National Secretariat is requesting your support in coordinating and confirming these relevant stakeholders to participate in the said consultation.

2. PNGEITI Regional Consultation will be held in Port Moresby, National Capital District at the Stanley Hotel from the 28th September – 01st October 2021.

The objective of this regional consultation is to gauge the provincial stakeholders' views on having PNGEITI as a legally established body through the passage of the PNGEITI proposed establishment Bill.

Following the pre-consultation, representatives from the Provincial Administration may represent the Central Provincial Stakeholders in the regional consultation in Port Moresby to present your position papers, inputs and views on the PNGEITI draft Bill.

Please see attached the Pre-consultation program for your noting. The program for the regional consultation (main consultation) will be provided at a later date for your noting and participation as well.

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg.

Yours sincerely,


LUCAS ALKAN
Head of National Secretariat



LEVEL 8, TREASURY BUILDING
PO BOX 1907
PORT MORESBY, NCD

PNG EXTRACTIVE INDUSTRIES
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NATIONAL SECRETARIAT



PHONE: (675) 9135772
(675) 3133518

17th August 2021

Mr. Marc Orisuru Avai
Provincial Administrator
Gulf Provincial Administration
P.O Box 87
KEREMA
Gulf Province

Dear Administrator,

SUBJECT: INVITATION TO PARTICIPATE IN THE PNGEITI PROVINCIAL PRE-CONSULTATION AND REGIONAL CONSULTATION ON THE PROPOSED ESTABLISHMENT BILL FOR PNGEITI

Reference is made to the aforementioned subject whereby you are invited to participate in the provincial pre-consultation and regional consultation on the proposed establishment Bill for PNGEITI.

This letter

This letter serves two invitations for two separate events which are as follows;

1. PNGEITI Provincial Pre-Consultation will be held from the 20th – 21st September in Kerema, Gulf Province at the Kerema Hotel.

The objective of this workshop is to sensitize provincial stakeholders on understanding the PNGEITI, the proposed PNGEITI Establishment Bill and for as preparatory planning for the upcoming PNGEITI establishment Bill consultation proper.

The consultation workshop is primarily targeted around stakeholders from:

- i. Provincial Administration
- ii. District Administration
- iii. Local Level Governments (LLGs)
- iv. Signatories to MOA's for extractive sector projects (mining, oil & gas)
- v. Landowners
- vi. Special focus groups, e.g. women's, youth & churches.

The PNGEITI National Secretariat is requesting your support in coordinating and confirming these relevant stakeholders to participate in the said consultation.

2. PNGEITI Regional Consultation will be held in Port Moresby, National Capital District at the Stanley Hotel from the 28th September – 01st October 2021.

Following the pre-consultation, two representative from the Provincial Administration may represent the Gulf Provincial Stakeholders in the regional consultation in Port Moresby to present your position papers, inputs and views on the PNGEITI draft Bill.

Please see attached the Pre-consultation program for your noting. The program for the regional consultation (main consultation) will be provided at a later date for your noting and participation as well.

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg.

Yours sincerely,


LUCAS ALKAN
Head of National Secretariat



PNG EXTRACTIVE INDUSTRIES
TRANSPARENCY INITIATIVE
NATIONAL SECRETARIAT



LEVEL 8, TREASURY BUILDING
PO BOX 1907
PORT MORESBY, NCD

PHONE: (675) 3133772
(675) 3133518

17th August 2021

Mr. Trevor Magei
Provincial Administrator
Oro Provincial Administration
Private Mail Bag
POPONDETTA
Oro Province

Dear Administrator,

SUBJECT: INVITATION TO PARTICIPATE IN THE PNGEITI PROVINCIAL PRE-CONSULTATION AND REGIONAL CONSULTATION ON THE PROPOSED ESTABLISHMENT BILL FOR PNGEITI

Reference is made to the aforementioned subject whereby you are invited to participate in the provincial pre-consultation and regional consultation on the proposed establishment Bill for PNGEITI.

This letter serves two invitations for two separate events which are as follows;

1. PNGEITI Provincial Pre-Consultation will be held from the 20th – 21st September in Popondetta, Oro Province at the Comfort Inn Hotel.

The objective of this workshop is to sensitize provincial stakeholders on understanding the PNGEITI, the proposed PNGEITI Establishment Bill and for as preparatory planning for the upcoming PNGEITI establishment Bill consultation proper.

The consultation workshop is primarily targeted around stakeholders from:

- i. Provincial Administration
- ii. District Administration
- iii. Local Level Governments (LLGs)
- iv. Signatories to MOA's for extractive sector projects (mining, oil & gas)
- v. Landowners
- vi. Special focus groups, e.g. women's, youth & churches.

The PNGEITI National Secretariat is requesting your support in coordinating and confirming these relevant stakeholders to participate in the said consultation.

2. PNGEITI Regional Consultation will be held in Port Moresby, National Capital District at the Stanley Hotel from the 28th September – 01st October 2021.

The objective of this regional consultation is to gauge the provincial stakeholders' views on having PNGEITI as a legally established body through the passage of the PNGEITI proposed establishment Bill.

1

Following the pre-consultation, two representatives from the Provincial Administration may represent the Milne Bay Provincial Stakeholders in the regional consultation in Port Moresby to present your position papers, inputs and views on the PNGEITI draft Bill.

Please see attached the Pre-consultation program for your noting. The program for the regional consultation (main consultation) will be provided at a later date for your noting and participation as well.

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg.

Yours sincerely,



LUCAS ALKAN
Head of National Secretariat



PNG EXTRACTIVE INDUSTRIES
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PHONE: (676) 3183772
(676) 3133518

17th August 2021

Mr. Robert Alphonse Kaiyun
Provincial Administrator
Western Provincial Administration
P.O Box 347
KIUNGA
Western Province

Dear Administrator,

SUBJECT: INVITATION TO PARTICIPATE IN THE PNGEITI PROVINCIAL PRE-CONSULTATION AND REGIONAL CONSULTATION ON THE PROPOSED ESTABLISHMENT BILL FOR PNGEITI

Reference is made to the aforementioned subject whereby you are invited to participate in the provincial pre-consultation and regional consultation on the proposed establishment Bill for PNGEITI.

This letter serves two invitations for two separate events which are as follows;

This letter serves two invitations for two separate events which are as follows;

1. PNGEITI Provincial Pre-Consultation will be held from the 23rd – 24th September in Kiunga, Western Province at the Cassowary Hotel.

The objective of this workshop is to sensitize provincial stakeholders on understanding the PNGEITI, the proposed PNGEITI Establishment Bill and for as preparatory planning for the upcoming PNGEITI establishment Bill consultation proper.

The consultation workshop is primarily targeted around stakeholders from:

- i. Provincial Administration
- ii. District Administration
- iii. Local Level Governments (LLGs)
- iv. Signatories to MOA's for extractive sector projects (mining, oil & gas)
- v. Landowners
- vi. Special focus groups, e.g. women's, youth & churches.

The PNGEITI National Secretariat is requesting your support in coordinating and confirming these relevant stakeholders to participate in the said consultation.

2. PNGEITI Regional Consultation will be held in Port Moresby, National Capital District at the Stanley Hotel from the 28th September – 01st October 2021.

The objective of this regional consultation is to gauge the provincial stakeholders' views on having PNGEITI as a legally established body through the passage of the PNGEITI proposed establishment Bill.

Following the pre-consultation, two representative from the Provincial Administration may represent the Western Provincial Stakeholders in the regional consultation in Port Moresby to present your position papers, inputs and views on the PNGEITI draft Bill.

Please see attached the Pre-consultation program for your noting. The program for the regional consultation (main consultation) will be provided at a later date for your noting and participation as well.

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg.

Yours sincerely,


LUCAS ALKAN
Head of National Secretariat



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PHONE: (675) 3133772
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17th August 2021

Mr. Francis Koaba
Provincial Administrator
Central Provincial Administration
Free Mail Bag
KONEDOBU
Central Province

Dear Administrator,

SUBJECT: INVITATION TO PARTICIPATE IN THE PNGEITI PROVINCIAL PRE-CONSULTATION AND REGIONAL CONSULTATION ON THE PROPOSED ESTABLISHMENT BILL FOR PNGEITI

Reference is made to the aforementioned subject whereby you are invited to participate in the provincial pre-consultation and regional consultation on the proposed establishment Bill for PNGEITI.

This letter serves two invitations for two separate events which are as follows:

1. PNGEITI Provincial Pre-Consultation will be held on the 27th September in Port Moresby, National Capital District at the Stanley Hotel.

The objective of this workshop is to sensitize provincial stakeholders on understanding the PNGEITI, the proposed PNGEITI Establishment Bill and for as preparatory planning for the upcoming PNGEITI establishment Bill consultation proper.

The consultation workshop is primarily targeted around stakeholders from:

- i. Provincial Administration
- ii. District Administration
- iii. Local Level Governments (LLGs)
- iv. Signatories to MOA's for extractive sector projects (mining, oil & gas)
- v. Landowners
- vi. Special focus groups, e.g. women's, youth & churches.

The PNGEITI National Secretariat is requesting your support in coordinating and confirming these relevant stakeholders to participate in the said consultation.

2. PNGEITI Regional Consultation will be held in Port Moresby, National Capital District at the Stanley Hotel from the 28th September – 01st October 2021.

The objective of this regional consultation is to gauge the provincial stakeholders' views on having PNGEITI as a legally established body through the passage of the PNGEITI proposed establishment Bill.

Following the pre-consultation, representatives from the Provincial Administration may represent the Central Provincial Stakeholders in the regional consultation in Port Moresby to present your position papers, inputs and views on the PNGEITI draft Bill.

Please see attached the Pre-consultation program for your noting. The program for the regional consultation (main consultation) will be provided at a later date for your noting and participation as well.

For further information please liaise with Ms. Sarita Peai, Technical Policy Officer on 313 3772 or email Sarita_peai@treasury.gov.pg or Mrs. Naomi Puipui, Finance & Admin Officer on 3133748 or email: Naomi_puipui@treasury.gov.pg.

Yours sincerely,


LUCAS ALKAN
Head of National Secretariat

Annexure 16: Southern Region participants including National Capital District

Southern Region

Pre- Consultation

Northern Province

No.	Name	Organization	Designation	Phone	Email
1	Maino Vegoli	Education Division	Advisor	70252953	Maino_Vegoli@education.gov.pg
2	Alpheus Gasisi	Commerce Development	a/Advisor	72796258	gasisialtheus@gmail.com
3	Rodney Viambu	Policy Planning	Planner	73635449	rviambu@gmail.com
4	Colin Otoha	Commerce Division	a/Advisor	71506536	colinotoha91@gmail.com
5	John D Botude	SAFIA – District	a/District Authority	73499931	jbdotude11@gmail.com
6	Henry Paine	Forestry	Manager	70881012	henry090@gmail.com
7	Albert Bogembo	District & LLG Village Courts	Advisor	74701590	albertbogrmbo7@gmail.com
8	Michael Tainbani	Policy Planning	Project Officer	72351153	duxmikes45@gmail.com
9	George Kasawa	Technical Division	Technical Officer – Civil	71012141	geehkasawa@gmail.com
10	Joseph Mokada	Oro Administration	Deputy Provincial Administration	73046495	edoyore@gmail.com
11	Frank Koiko	Maritime	Inspector	73282616	
12	Stephen Awodot	Culture & Tourism	Culture & Tourism Officer	79733403	
13	Ricaie Kavergari	Ijivitari District	Commerce Development	73861434	
14	Stewart Seko	SAFIA LLG	LLG Manager	70593895	sekostewart@gmail.com
15	Jerry Gaiworo	LLG	Manager	70316701	
16	Luke A Nunisa	Tufi- LLG	President	70606587	
17	Cecil Kibikibi	Higatoro LLG	President	72724552	
18	Gladwin Dauma	Higatoro LLG	a/District Authority	70210011	

19	John Pai	Oro Administration	Provincial	Finance Manager	791526916	paijohn68@gmail.com
20	Muriel Tovivi	NBC – Media/News		Journalist	79118474	
21	Francis Dira	Budget		Officer-In-Charge, Finance	73424040	francisdira2013Z@gmail.com
22	Charles Rogogo	Department of Agriculture & Livestock – Oro Province		Coordinator Export Crops	71996241	rogogocharles@gmail.com
23	Allan Wala	Maritime		Safety Transport Officer	74701777	allanwala@outlook.cpm

Alotau, Milne Bay Province

1	Mr. C Pakailasi	Milne Bay Administration	Provincial	Coordinator – Natural Resources	72449661	clifford.pakailasi@milnebay.gov.pg
2	David Mitchel	ECA		Director	72003300	dmitchell.eca@gmail.com
3	Michael Viula	Milne Bay Administration	Provincial	Deputy Administrator	79800890	mitchael.viula@milnebay.gov.pg
4	Lulu Osembo	Milne Bay Administration	Provincial	Environment & Conservation Officer	6411132	l.osembo@gmail.com

Southern Region – Pre-Consultation

<i>No.</i>	<i>Name</i>	<i>Organization</i>		<i>Designation</i>	<i>Phone</i>	<i>Email</i>
1	Moses Elkui	Central Administration	Provincial	Legal Officer	76103500	ekurimoses@gmail.com
2	Allan Mogerema	KERI Association	Landowner	Representative		
3	John Kemi	KERI Association	Landowner	Chairman	71017181	
4	Mathew M. Maina	KERI Association	Landowner	Treasurer	72543383	
5	Martin Aure	KERI Association	Landowner	Deputy Chairman		
6	Abu Baka	KERI Association	Landowner			
7	Bero Laurie	Abau Resources		Chairman	71831111	blourie@gmail.com
8	Kurl M	Central Administration	Provincial	LLG	75615377	

Proper – Consultation

Provincial Stakeholders (Southern Region)

1	Bero Laurie	Abau Resources – Central		Chairman	71831111	blaurie@gmail.com
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2	Nanu Sekele	Western Administration	Provincial	Manager – Oil & Gas	73833776	Manu.sekel@frpg.com
3	John Kemi	Landowner Representative – KERI		Chairman	71017181	
4	Mathew Moa	Landowner Representative – KERI		Treasurer		
5	Martin Aure	Landowner Representative – KERI		Deputy Chairman	70370103	
6	Allen Moa	Landowner Representative – KERI		Representative	71240500	bunara@gmail.com
7	Bamai Abu	Landowner Representative – KERI		Representative		
8	Navai Kavari	Gulf Administration	Provincial	Local Level Government Coordinator	72440212	nskelvari@gmail.com
9	Sarufa Ako	Gulf Administration	Provincial	Senior Policy Officer	73244897	sarufaako798@gmail.com
10	Fidelis Augoea	Central Administration	Provincial	Extractive Industries	72967444	fidelisangoea@gmail.com
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Annexure 17: Southern Region including the National Capital District – General commentaries, summary of key findings & issues etc.

Southern Regional Consultations General Commentaries

- There are also informal Gold miners or small scale minors which are not properly monitored. The queried on how the government can monitor this small and important informal sector.
- Regulation on Foreign Direct Investment. Foreign Companies/Developers have profit driven interests and they must be accountable to domestic environmental laws. CEPA needs to be transparent in terms of disclosing EIA reports to project impact communities.
- Equity Distribution – How best the people will benefit from these extractive resources.
- No clear outcome of the type of return the developers make out of our resources.
- No clear link from the National Government to sub-national level (Provincial Administration, LLGs, Districts/Communities)
- EITI is creating this pathway to at-least address some of these issues (issues mentioned)
- MOAs to pave way for benefits to trickle down to provinces, LLGs, Districts.
- Arrangements need to be made clear – Policies and legislations to regulate extractive sector activities need to be made clear to the people
- By laws to be provided – Government Business arms is a way forward
- Accuracy of information – expand roles and responsibilities of provincial administration to take responsibility in terms of reporting.
- Only few have heard about EITI and what it is. It was describe as an “eye opener” especially in Northern Province and very timely for PNGEITI to do awareness/information sessions in their province as they have upcoming prospects.

***Annexure 18: Proposed Working Final Draft on PNG Extractive Industries
Transparency Commission Bill 2022***

PNG Extractive Industries Transparency Bill (State TWG edited version-Dixie)
Prepared by State Technical Working Group Members of the PNGEITI Commission Bill

No. XXX of 2022

Extractive Industries Transparency Commission Bill 2022.

ARRANGEMENT OF SECTIONS

PART I. – PRELIMINARY

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS
2. INTERPRETATION
3. APPLICATION OF THE ACT
4. FUNCTIONS OF THE MINISTER

PART II. – EXTRACTIVE INDUSTRIES TRANSPARENCY COMMISSION

Division 1. – Establishment of the Extractive Industries Transparency Commission

5. ESTABLISHMENT OF THE COMMISSION
6. THE BOARD OF COMMISSIONERS
7. CHAIRMAN OF THE BOARD OF COMMISSIONERS
8. DUTIES OF THE CHAIRMAN
9. TERM OF OFFICE
10. INDEPENDENCE OF THE COMMISSION

PART III. – FUNCTIONS AND POWERS OF THE COMMISSION

Division 1. – Functions and Powers of the Commission

11. FUNCTIONS OF THE COMMISSION
12. POWERS OF THE COMMISSION
13. ARRANGEMENT WITH OTHER ORGANISATIONS
14. REPORTS

15. DELEGATION
16. FEES AND ALLOWANCES FOR THE COMMISSIONERS

Division 2. – Appointments, etc

17. ALTERNATES
18. QUALIFICATION OF APPOINTMENTS
19. DISQUALIFICATION FROM OFFICE
20. LEAVE OF ABSENCE OF COMMISSIONERS
21. VACATION OF OFFICE
22. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS
23. INDEMNITY OF MEMBERS

Division 3. – Meetings of the Commission

24. SECRETARY OF THE BOARD OF COMMISSIONERS
25. MEETINGS OF THE BOARD OF COMMISSIONERS
26. DISCLOSURE OF INTEREST BY MEMBERS OF THE COMMISSIONERS
27. THE COMMISSIONERS MAY INVITE OTHERS TO MEETINGS

Division 4 – Register

28. REGISTER OF LEGAL AND BENEFICIAL OWNERSHIP INTERESTS

PART IV. – STAFF

Division 1. – Executive Director

29. APPOINTMENT OF EXECUTIVE DIRECTOR
30. FUNCTIONS OF THE EXECUTIVE DIRECTOR
31. VACATION OF OFFICE OF EXECUTIVE DIRECTOR
32. EXECUTIVE DIRECTOR’S PUBLIC SERVICE RIGHTS

Division 2. – Staff

33. STAFF OF THE COMMISSION
34. PERMANENT EMPLOYEES
35. CONTRACT OF EMPLOYMENT
36. OTHER STAFF ARRANGEMENTS

37. CONDUCT

PART V. – THE FINANCE OF THE COMMISSION

38. ACCOUNTS AND FUNDS OF THE COMMISSION

39. CONSERVATION OF FUNDS

40. EXPENDITURE OF FUNDS

41. EXEMPTION FROM INCOME TAX

PART VI. – MISCELLANEOUS

42. CONFIDENTIALITY

43. PROOF OF CERTAIN MATTERS

44. PROCESS OF SERVICE

45. RECOVERY OF MONEY DUE

46. PROSECUTIONS

47. REGULATIONS

PART VII. – TRANSITIONAL AND SAVINGS

48. STAFF OF THE SECRETARIAT ESTABLISHED BY NEC DECISION NO. 90/2013

49. ASSETS, LIABILITIES AND CONTRACTUAL OBLIGATIONS, ETC.

50. TRANSITION OF MEMORANDUM OF UNDERSTANDING

PNG Extractive Industries Transparency Bill (TWG edited version-Dixie)
Prepared by State Technical Working Group Members of the PNGETTI Commission Bill

INDEPENDENT STATE OF PAPUA NEW GUINEA

No. XXX of 2022.

A Bill

for an Act

entitled

Extractive Industries Transparency Commission Bill 2022

Being an Act to provide for the establishment of the Extractive Industries Transparency Commission to promote transparency and accountability and to define its powers and functions, duties and responsibilities in the extractive sector, 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 THE CONSTITUTION

(1) 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) This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (qualified rights) of the *Constitution*, namely –

(a) the right to liberty of the person conferred by Section 42; and

- (b) the right to freedom from arbitrary search and entry conferred by Section 44; and
- (c) the right to freedom of expression and publication conferred by Section 46; and
- (d) the right to peacefully assemble and associate and to form or belong to, or not belong to, political parties, industrial organisations and other associations conferred by Section 47; and
- (e) the right to freedom of employment conferred by Section 48; and
- (f) the right to privacy conferred by Section 49; and
- (g) the right to freedom of information conferred by Section 51,

is a law that is made for the purpose of giving effect to the public interest and welfare.

2. INTERPRETATION.

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

“alternate” means an alternate member appointed under Section 17;

“Board” means the Multi-Stakeholder Group Board of Commissioners created by Section 6;

“Chairman” means the Chairman of the Board appointed under Section 7;

“Commission” means the Extractive Industries Transparency Commission of Papua New Guinea created by Section 5;

“Commissioner” means a member of the Multi-Stakeholder Group Board of Commissioners appointed under Section 6;

“Court” means the Court of competent jurisdiction in Papua New Guinea;

“document” means a document in any form and includes –

- (a) any written material; and
- (b) information recorded or stored by means of a tape-recorder, computer, mobile phone, records on social media network or other electronic device and material subsequently derived from information so recorded or stored; and
- (c) a book, graph or drawing; and
- (d) a photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of equipment of being reproduced;

“expert” means any person who holds himself out to be of a profession or calling that gives authority to a statement made by him and includes an

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accountant, lawyer, engineer, valuer, quantity surveyor or geologist, but does not include a person acting in his capacity as an auditor or as a director or officer of a body;

“EITI” means the Extractive Industries Transparency Initiative;

“Executive Director” means the Executive Director appointed under Section 29;

“extractive sector” means petroleum, mining and other natural resource sectors as deemed, from time to time, appropriate by the Commission;

“extractive sector information” means information that is useful to understand the role of the extractive sector in the economy and its impact on society and the environment and includes, but is not limited to information relating to: exploration, construction, production and rehabilitation authorisations; exploration and production agreements with Government, landowners and other involved persons; fiscal revenues; beneficial ownership of extractive sector interests; imports and exports; social expenditures; and so forth;

“Minister” means the Minister with ministerial responsibility for the Extractive Industries Transparency Commission;

“prescribed” means prescribed by this Act or any other Act of Papua New Guinea whose functions include the regulation of transparency matters in the extractive industries located in Papua New Guinea;

“relevant Acts” means this Act, or any other Act, the administration of which is the responsibility of the Commission from time to time;

“Secretary” means the Secretary of the Board appointed under Section 24;

“this Act” includes any regulations made under it.

- (2) A reference in this Act to any other Act includes –
- (a) any regulation made under that Act;
 - (b) any Act that is substituted for or that replaces that other Act; and
 - (c) any regulations made under any such substitute or replacement Act.

3. APPLICATION OF THE ACT.

This Act binds the State.

4. FUNCTIONS OF THE MINISTER.

- (1) Subject to Subsection (2), the principal functions of the Minister under this Act are -

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- (a) to ensure the proper fulfilment of the responsibilities of the State regarding transparency in the extractive sector; and
 - (b) to advise the National Executive Council regarding extractive sector transparency policy and strategies based on advice and recommendations from the Commission; and
 - (c) to communicate to the Commission, through its Board, National Executive Council decisions on matters of policy pertaining to extractive sector transparency to the extent permitted by law; and
 - (d) to present to Parliament the annual report under this Act, financial statements and the report of the Auditor-General required by Section 63(5) of the *Public Finances (Management) Act 1995 (as amended)*.
- (2) The Minister shall not -
- (a) interfere with the supervision or direction of the Executive Director or the Commission or in the exercise of their powers, functions, roles, responsibilities and discretions including the day to day management of the Commission and the enforcement of the relevant Acts; and
 - (b) interfere with the supervision, appointment or direction of the staff of the Commission or in the exercise of their powers, functions, roles, responsibilities and discretions including the day to day management of the Commission and the enforcement of the relevant Acts.

PART II. – EXTRACTIVE INDUSTRIES TRANSPARENCY COMMISSION.

Division 1. – Establishment of the Extractive Industries Transparency Commission.

5. ESTABLISHMENT OF THE COMMISSION.

- (1) The Extractive Industries Transparency Commission of Papua New Guinea is hereby established.
- (2) The Commission –
- (a) is a body corporate with perpetual succession; and
 - (b) shall have 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 and style; and
 - (e) has the functions assigned to it by this Act or any other relevant Acts; and
 - (f) has the powers conferred on it by this Act or any other relevant Acts.

(3) Subject to this Act, the Commission is an organisation and instrument of the State and is entitled to the benefit of any immunity or privilege enjoyed by the State.

6. THE BOARD OF COMMISSIONERS.

(1) There shall be a Board of Commissioners of the Extractive Industries Transparency Commission with powers, duties and functions set out in this Act and other relevant Acts.

(2) The Board shall consist of seven (7) members, comprising –

- (a) Subject to Subsection (3), three (3) *ex officio* members, nominated by the Minister, who have knowledge of fiscal matters; and
- (b) subject to this section, two (2) non *ex officio* members appointed pursuant to the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*, nominated to the Minister by the Chamber of Mines and Petroleum who have background in petroleum and mining related matters; and
- (c) subject to this section, two (2) non *ex officio* members appointed pursuant to the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004* nominated to the Minister by the PNG Resource Governance Coalition as the umbrella body for civil society organizations on EITI matters.

(3) Nominations for the *ex-officio* members referred to in Subsection (2)(a) shall be drawn from:

- (a) The Departmental Head for the Department responsible for fiscal matters, or his nominee; or
- (b) The Departmental Head for the Department responsible for mining matters, or his nominee; or
- (c) The Departmental Head for the Department responsible for petroleum matters, or his nominee; or
- (d) The Departmental Head for the Department responsible for planning matters, or his nominee; or
- (e) The Departmental Head for the Department responsible for financial matters, or his nominee; or
- (f) The Departmental head for the Department of Prime Minister and National Executive Council, or his nominee.

(4) A nominee referred to in Subsection (3) shall be an officer not below the level of Deputy Secretary in the Public Service.

7. CHAIRMAN OF THE BOARD OF COMMISSIONERS.

(1) An ex-officio member of the Board, upon the recommendation of the Minister, shall be appointed by the National Executive Council to be the Chairman of the Board of Commissioners.

(2) The Chairman shall hold office until the earlier of the termination or expiration of the period of his appointment or until he ceases to be a member of the Board pursuant to Section 20.

(3) The Chairman may appoint a person to act as the Chairman during any period when he is absent from the office, other than in the case of his removal or resignation.

(4) Where the Chairman has not appointed a person to act as Chairman under Subsection (3), the Board may appoint any member of the Board to be temporary Chairman of the Board in the case of the absence of the Chairman to perform the functions of the Chairman.

(5) Until such time as the first Chairman of the Board is appointed pursuant to this Section, the Head of the EITI National Secretariat shall be acting Chairman of the Board.

8. DUTIES OF THE CHAIRMAN.

It is the duty of the Chairman to -

- (a) ensure that the Extractive Industries Transparency Commission carries out the objectives and functions imposed on the Commission by this Act and other relevant Acts; and
- (b) perform the functions, powers and duties conferred on the Chairman by this Act and other relevant Acts.

9. TERM OF OFFICE.

A member of the Board, including the Chairman, shall be appointed for a term of three years and is eligible for re-appointment for one further term only.

10. INDEPENDENCE OF THE COMMISSION

In the exercise of its functions relating to the EITI, the Commission is not subject to direction or control by the Minister or any other person, except as provided for in law.

PART III. – FUNCTIONS AND POWERS OF THE COMMISSION

Division 1. – Functions and Powers of the Commission

11. FUNCTIONS OF THE COMMISSION.

- (1) The functions of the Commission are to -
- (a) advise the Minister generally on matters relating to transparency in the extractive sector; and
 - (b) set implementation objectives that are linked both to international transparency standards but also reflect national priorities for the extractive sector as well as government visions and plans; and
 - (c) be responsible for the administration of the relevant Acts, except where a relevant Act states that a matter is administered by another body; and
 - (d) develop and administer the extractive sector transparency and accountability reporting framework; and
 - (e) take measures to ensure the integrity and accuracy of the extractive sector transparency and accountability reporting framework; and
 - (f) monitor, assess and verify extractive industries fiscal and other information produced by government agencies; and
 - (g) support anti-corruption activities of government; and
 - (h) adopt and promote international best practices and standards in order to preserve and maintain the good repute of Papua New Guinea relating to transparency matters in the extractive sector; and
 - (i) support the formation of sub-national bodies with multi-stakeholder oversight where and when required; and
 - (j) promote public understanding of the contribution of the extractive industries to the national and public interests; and
 - (k) with the approval of the Board, develop and implement an extractive sector information, communications and education strategy to ensure that the Commission's work is readily available throughout the country; and
 - (l) with the approval of the Board, carry out research, commission studies and disseminate extractive sector information; and
 - (m) with the approval of the Board, collect, compile, publish and disseminate statistics and extractive sector information; and
 - (n) with the approval of the Board, produce annual progress reports that review the outcomes and impact of the compliance and disclosure requirements on extractive sector governance; and

- (o) with the approval of the Board, provide continuous disaggregated online disclosure of extractive sector information, including but not limited to fiscal revenues derived from the extractive sector, to the public, either directly or in association with others; and
- (p) establish and maintain such links and liaison with sub-national, national and international agencies and organisations in the natural resources extraction field as may be necessary for the furtherance of its objectives; and
- (q) promote co-ordination and co-operation between public sector, private sector corporations and civil society in engaging in the development of transparency in the extractive sector; and
- (r) engage with civil society and community groups at national and sub-national levels; and
- (s) do such acts or things as are incidental or conducive to the attainment of its objectives.

12. POWERS OF THE COMMISSION.

- (1) The Commission shall have the power to –
 - (a) set rules and guidelines governing transparency in the conduct of business in the extractive sector; and
 - (b) issue orders, class orders or directives in relation to transparency in the conduct of business in the extractive industries and related activities; and
 - (c) audit reporting entities as needed to verify extractive industries information; and
 - (d) define what revenue streams should be reported on and by whom.
- (2) Without limiting the generality of Subsection (1), the Commission may -
 - (a) enter into contracts; or
 - (b) utilize all property of the Commission, whether movable or immovable, in the interest of the State; or
 - (c) engage in any activity, either alone or in conjunction with other organisations or international agencies, to promote a better understanding of extractive sector transparency; or

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- (d) provide technical advice or assistance, including training facilities, to organisations and authorities relating to extractive sector transparency; or
 - (e) impose fees for administrative costs incurred; or
 - (f) do anything incidental to any of its powers.
- (3) The Board shall have the power to-
- (a) determine an overall governance structure for the Commission; and
 - (b) make such orders relating to the general good governance of the Commission and any other related matter pursuant to this Act; and
 - (c) approve strategic plans relating to the operations and administration of the Commission; and

monitor the Commission's performance and compliance in the exercise of its powers and functions; and
 - (d) report on the operations of the Commission to such Audit Committees as established under the *Public Finances (Management) Act 1995*; and
 - (e) determine its own procedure, subject to Law.

(3) The Board has, in addition to the powers otherwise conferred on it by this Act or any other law, the power to do all things necessary or convenient to be done for or in connection with, the performance of its functions.

13. ARRANGEMENT WITH OTHER ORGANISATIONS.

(1) The Commission may enter into such arrangement with other regulatory bodies within Papua New Guinea or other foreign regulatory bodies, and any other duly constituted body, for the purpose of assisting the Commission to carry out its functions and meet its objectives under this Act or any other relevant Acts.

- (2) Any arrangement referred to in this section may deal with –
- (a) matters relating to joint investigative matters; or
 - (b) matters relating to audits; or
 - (c) reciprocal enforcement regimes; or
 - (d) joint prosecutions; or
 - (e) gathering and sharing of extractive sector information; or
 - (f) institutional strengthening and development of knowledge; or
 - (g) such other matters that are convenient for the performance of the Commission, its functions and to give effect to its objectives.

14. REPORTS.

(1) The Board shall furnish to the Minister the annual Papua New Guinea EITI Report.

(2) The Board shall furnish to the Minister, in addition to the annual management and performance report required under Section 49, such other reports in relation to the functions of the Commission as reasonably requested by the Minister from time to time.

15. DELEGATION.

(1) The Chairman may, in writing, delegate to a Commissioner, all or any of his powers and functions under this Act, except this power of delegation.

(2) Every delegation under Subsection (1) is revocable, in writing, at will and no such delegation affects the exercise of a power or the performance of a function by the Chairman nor relieves the Chairman of the primary duties and responsibilities imposed upon him under the relevant Acts.

16. FEES AND ALLOWANCES FOR THE COMMISSIONERS

(1) The Board shall recommend to the Minister an appropriate fee to be paid pursuant to the *Board (Fees and Allowances) Act* (Chapter 299) to members of the Board, having regard to the functions, duties and responsibilities of the members of the Board under this Act.

(2) Each member of the Board, other than an *ex officio* member, shall be paid such a fee as the Minister determines after considering the recommendation of the Board under Subsection (1).

(3) The Commission shall pay to each member of the Board reasonable traveling costs and per diems and such other expenses incurred in carrying out their duties under this Act.

(4) An alternate of a member of the Board, other than an *ex officio* member, shall, when attending a Board meeting in the place of his appointor, be paid by the Commission the applicable fee and any other expenses a member of the Board is entitled to.

Division 2. – Appointments, etc.

17. ALTERNATES.

(1) Subject to Subsection (2), a member of the Board appointed under Section 6 may, by a signed instrument in writing delivered to the Commission, appoint a person who is ordinarily resident in the country to be a member's alternate.

- (2) A person who --
- (a) is not ordinarily resident in the country; or
 - (b) does not meet the requirements of Section 18; or
 - (c) does not have prior experience relating to the extractive industries; or
 - (d) is disqualified under Section 19; or
 - (e) is appointed as an alternate by another Board member,

cannot be appointed to be a Board member's alternate.

(3) If a member of the Board appointed under Section 6 is, for any reason, unable to act, his alternate, if there is any, has and may exercise all of the member's powers, functions, duties and responsibilities, and this Act applies accordingly.

(4) An alternate may, unless the Board otherwise directs, attend meetings of the Board but may not, except where he is attending in the absence of the member of the Board for whom he is the alternate, take part in debate, vote on any matter or be counted towards a quorum.

(5) An alternate is entitled independently to receive all notices, papers, minutes of meetings and other relevant information to which members of the board are entitled.

18. QUALIFICATION OF APPOINTMENTS

A person is not eligible for appointment as a member of the Board of Commissioners unless he is, in the opinion of the Minister, a person of integrity, independence of mind, resolution and high standing in the community.

19. DISQUALIFICATION FROM OFFICE.

A person is not qualified to be, or remain as a Commissioner, an alternate Commissioner, Chairman, or an acting Chairman if he -

- (a) is a member, or candidate for election as a member, of the National Parliament, a member of a Provincial Assembly or a Local-level Government; or
- (b) is an office-holder or candidate as an office-holder in a registered political party; or
- (c) is an undischarged or insolvent person declared by a Court of competent jurisdiction; or
- (d) is of unsound mind based on a current medical opinion from a qualified medical practitioner; or
- (e) is sentenced to imprisonment for more than three months for any criminal offence, including misappropriation of properties belonging to another person whilst under his care and obligations; or
- (f) is found guilty of misconduct in office under the *Organic Law on Duties and Responsibilities of Leadership*.

20. LEAVE OF ABSENCE OF COMMISSIONERS.

(1) The Chairman may grant leave of absence to a member of the Board on such terms and conditions as the Chairman determines.

(2) The Board may grant leave of absence to the Chairman on such terms and conditions as the Board determines.

21. VACATION OF OFFICE.

(1) A member of the Board, other than an *ex officio* member, may resign his office by writing signed by him and delivered to the Commission.

- (2) If a member of the Board, other than an *ex officio* member –
- (a) dies; or
 - (b) becomes permanently incapable of performing his duties, upon medical certification; or
 - (c) resigns his office in accordance with Subsection (1); or
 - (d) is absent, except with the written consent of the Board or is on leave of absence under Section 20, from three consecutive meetings of the Board; or
 - (e) becomes a person who is not eligible under Section 18 to be a member of the Board; or
 - (f) ceases to be ordinarily resident in the country; or
 - (g) commits an offence against a relevant Act,

his appointment as a member of the Board shall be deemed to have been terminated with immediate effect, and shall cease to be a member of the Board accordingly.

(3) The Minister may, acting on the advice and recommendation of the Board, at any time, by written notice, inform a member of the Board that he intends to terminate the member's appointment on the grounds of inefficiency, incapacity or misbehaviour.

(4) Within fourteen (14) days after receiving a notice under Subsection (3), the member of the Board may reply in writing to the Minister, who must consider the reply and where appropriate, terminate the appointment by written notice to the member, or in the case of the Chairman, upon the removal or suspension by the National Executive Council under Subsection (5).

(5) The National Executive Council, on the recommendation of the Minister, may remove or suspend the Chairman of the Commission from office for -

- (a) misconduct under the Leadership Code; or
- (b) incapacity to perform his functions satisfactorily; or
- (c) material contravention of or failure to comply with the requirements of this Act or any other Act conferring action on the Commission.

(6) The Chairman or a member of the Board may only be removed or suspended from office under this section.

22. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS.

The exercise of a power or the performance of a function of the Board is not invalidated by reason only of a vacancy in the membership of the Board.

23. INDEMNITY OF MEMBERS.

A member of the Board, and any alternate appointed under Section 17, shall not be liable for any actions, suits, proceedings, claims or demands in any jurisdiction arising out of any act, matter or thing done or omission, by that member in good faith and without negligence for the purpose of carrying out or giving effect to the relevant Acts.

Division 3. – Meetings of the Commission.

24. SECRETARY OF THE BOARD OF COMMISSIONERS.

(1) The Executive Director shall be the Secretary of the Board.

(2) The Secretary is responsible for recording and keeping minutes of the meetings of the Board.

25. MEETINGS OF THE BOARD OF COMMISSIONERS.

(1) The Board shall meet as often as the business of the Commission requires, and at such times and places as the Chairman directs, but in any event not less frequently than once in every three months.

(2) The meeting of the Commission may be convened by the Chairman.

(3) The Minister shall, at the written request of at least three members of the Board or by the Chairman, convene an extraordinary meeting of the Board, to be held within thirty (30) days of the request and at such place determined by the Chairman.

(4) The Chairman shall cause a notice, in writing, setting out the date, time and place of the meeting and the matters to be discussed at the meeting, with not less than seven (7) days' notice, to be sent to –

- (a) every member of the Board and alternate (if any); and
- (b) the Executive Director, except the Chairman, in his discretion, may omit sending a notice to the Executive Director in regard to a meeting convened pursuant to Subsection (9).

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(5) Any irregularity in the notice of a meeting of the Board is waived where all members of the Board entitled to receive the notice either attend the meeting without protest as to the irregularity or agree to the waiver.

(6) If the Chairman so determines, a member or members of the Commission may, participate in and form part of the quorum at, a meeting of the Commission by means of the following methods of communication:

- (c) telephone; or
- (d) video conference; or
- (e) close circuit television; or
- (f) any other method or form of communication as determined by the Chairman from time to time.

(7) A determination made by the Chairman under Subsection (6) may be made in respect of a particular meeting or meetings of the Commission or in respect of all meetings of the Commission.

(8) At a meeting of the Board –

- (a) subject to Subsection (9), the Chairman or his alternate, and four (4) other members, constitute a quorum; and
- (b) the Chairman shall preside, and if the Chairman and any alternate appointed by the Chairman is absent, the members present may appoint, from among their own number a Chairman for that meeting; and
- (c) any member can have a matter placed before the Board irrespective of whether such matter is set out in the meeting notice required under Subsection (4); and
- (d) matters arising shall be decided by consensus but if consensus is not possible, then the matters shall be decided by a majority of the votes of the members present and voting; and
- (e) subject to paragraph (f), each member of the Board, except the presiding Chairman, has one deliberative vote; and
- (f) in the event of any equality of votes on any matter, the presiding Chairman has a casting vote.

(9) At a meeting of the Board at which there is to be consideration of the investigations, suspension or recommendation for dismissal of the Executive Director under Section 28(4) -

- (a) five (5) members of the Board constitute a quorum; and
- (b) if the members present so permit, the Executive Director may be present, but may not participate in any discussion or debate other than at a time determined by the members present to answer or defend any allegation against him; and
- (c) no other business or matter may be transacted, considered or dealt with.

(10) Pursuant to Section 25, the Secretary of the Board shall ensure minutes of the Board are permanently stored for future reference.

(11) Subject to any other provisions of this Act, the procedures of the meeting are as determined by the Chairman which shall be determined prior to the first meeting of the Board and shall be amended by the Chairman when required, from time to time, by a decision of the Board.

26. DISCLOSURE OF INTEREST BY MEMBERS OF THE COMMISSIONERS AT MEETINGS.

(1) A member of the Board who has a direct or indirect interest in a matter being considered or about to be considered by the Board, shall disclose the nature of the interest at a meeting as soon as he is aware of the relevant facts and such a disclosure shall be recorded in the minutes of the meeting.

(2) The Board, excluding the member making a disclosure under Subsection (1), shall determine whether the member making the disclosure is to be excused from the discussion of the matter and should not participate in any debate, deliberation, decision or vote of the Board in relation to the matter.

(3) A member making a disclosure under Subsection (1) shall be disregarded for the purposes of determining whether a quorum is present for the purpose of deciding his participation under Subsection (2).

(4) A member of the Board who fails to comply with Subsection (1) is guilty of an offence.

27. THE COMMISSIONERS MAY INVITE OTHERS TO MEETINGS.

The Board may invite any person to attend any meetings or deliberations of the Board for the purposes of advising it on any matter under discussion, but any person so attending shall have no right to vote at the said meeting or deliberation.

Division 4 – Register

28. REGISTER OF LEGAL AND BENEFICIAL OWNERSHIP INTERESTS.

(1) The Commission shall establish and maintain an up-to-date register of legal and beneficial ownership of extractive sector related interests held by members of the Board and employees of the Commission.

(2) The register of legal and beneficial interests shall be open for inspection by the public.

(3) A Board member and any Board member alternate must declare all legal and beneficial ownership interests that he or any immediate family member holds that relate to extractive industries and within fourteen (14) days of his appointment as a Commissioner and within fourteen (14) days of himself or an immediate family member acquiring any new legal or beneficial ownership interest that relates to the extractive industries.

(4) An employee of the Commission must declare all legal and beneficial ownership interests that he or any immediate family member holds that relate to extractive industries within fourteen (14) days of the commencement date of his employment contract and within fourteen (14) days of himself or an immediate family member acquiring any new legal or beneficial ownership interest that relates to the extractive industries.

(5) A Board member or employee of the Commission who has registered a legal or beneficial ownership interest pursuant to this Section and who has divested that interest may request the Commission to record the divestment of such interest in the register.

(6) A Board member or employee of the Commission who fails to report a legal or beneficial ownership interest as required by this Section is guilty of an offence.

PART IV. – STAFF

Division 1. – Executive Director

29. APPOINTMENT OF EXECUTIVE DIRECTOR

(1) There shall be an Executive Director of the Commission who is to be appointed in accordance with the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*.

(2) The Executive Director is–

- (a) the Chief Executive of the Commission; and
- (b) the Head of the staff of the Commission; and
- (c) responsible to the Board for the efficient carrying out of the functions of the Commission; and
- (d) responsible to the Board for the efficient carrying out of the applicable regulatory functions under any other Act, the administration of which is the responsibility of the Commission from time to time.

(3) Subject to this Section, the Executive Director shall be appointed for a term of four years on such terms and conditions as are determined by the Board and is eligible for reappointment for one further term only.

(4) The appointment of the Executive Director may be terminated or suspended in accordance with the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*, and the Executive Director shall be terminated or suspended if he –

- (a) becomes incapable for any reason of performing his duties; or

- (b) other than with the written consent of the Board, engages in any paid employment; or
- (c) becomes bankrupt, applies to take the benefits of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary for their benefit; or
- (d) is convicted of an offence that is punishable under a law by imprisonment; or
- (e) ceases to be ordinarily resident in the country; or
- (f) commits an offence against a relevant Act.

(5) If the Executive Director's appointment is terminated under the *Regulatory Statutory Authority (Appointments to Certain Offices) Act 2004* –

- (a) the Executive Director shall not be entitled to; and
- (b) the Board may not authorise the provision or giving to the Executive Director of; and
- (c) the Commission may not provide or give to the Executive Director, any compensation or payment in respect of the termination of his appointment, and the Commission shall not have any liability whatsoever to the Executive Director in respect of the termination of his appointment, other than in respect of any unpaid remuneration or benefits attributable to the period before the termination, payable in accordance with the terms and conditions of the Executive Director's contract of employment as determined by the Board under Subsection (3).

(6) Any contract, arrangement or understanding under which the Executive Director would, but for Subsection (5), be entitled to any compensation or payment in respect of the termination of his appointment other than as provided in Subsection (5) is void from the beginning and of no force or effect.

30. FUNCTIONS OF THE EXECUTIVE DIRECTOR.

- (1) The functions, powers and duties of the Executive Director are -
 - (a) to manage the Commission in accordance with the policies and directions of the Board; and
 - (b) to advise the Board on any matter concerning the Commission referred to him by the Board; and
 - (c) to attend meetings of the Board, except any meeting for the purpose of Section 25(9), as a non-voting observer; and
 - (d) to inform the Minister on extractive sector transparency matters; and
 - (e) to provide administrative and secretarial services to any ad hoc committees, as specified by the Board; and
 - (f) otherwise as specified in this Act and any other Act the administration of which is the responsibility of the Commission from time to time.
- (2) The Executive Director -
 - (a) shall carry out and perform the functions, powers and duties required of him under this Act and his contract of employment; and

(b) has such other functions, powers and duties as the Board may, from time to time, determine.

(3) The Executive Director shall furnish such reports in relation to the functions of the Commission, or such other reports, as requested by the Board from time to time.

(4) The Executive Director may, by instrument in writing, delegate all or any of his functions, powers (other than this power of delegation) or duties to any person and shall immediately report any such delegation to the Board in writing.

(5) Notwithstanding anything else in this Act, the Executive Director has the sole right and responsibility, to the exclusion of the Board, to supervise and direct the staff of the Commission in the exercise of all powers, functions and discretions in respect of the administration and enforcement of this Act, and any other Act the administration of which is the responsibility of the Commission from time to time.

31. VACATION OF OFFICE OF EXECUTIVE DIRECTOR

[INSERT as this is a new clause inserted]

Commented [DAC1]: See Section 29(4): isn't this a repetition?

32. EXECUTIVE DIRECTOR'S PUBLIC SERVICE RIGHTS

Where the Executive Director was, immediately before his engagement, an officer of the Public Service, his service as an officer or employee of the Commission shall be counted as continuous service in the Public Service for the purpose of determining his rights, if any, in respect of -

- (a) leave of absence on the grounds of illness; and
- (b) furlough or pay in lieu of furlough, including pay to dependents on the death of the employee.

Division 2. – Staff.

33. STAFF OF THE COMMISSION.

(1) The Executive Director and the employees appointed under Section 34 or engaged under Section 35 constitute the staff of the Commission.

(2) The staff of the Commission are not officers of the National Public Services.

34. PERMANENT EMPLOYEES.

(1) The Executive Director may appoint persons to be officers and employees of the Commission, in accordance with procedures established and approved by the Board, for the purpose of giving effect to this Act and carrying out the functions of the Commission.

(2) Employees appointed under Subsection (1) shall be appointed on such terms and conditions as the Board, subject to the *Salaries and Conditions Monitoring Committee Act 1988*, determine.

(3) Where an employee of the Commission who is engaged under Subsection (1), was immediately before his engagement, an officer of the Public Service, his service as an officer or employee of the Commission shall be counted as continuous service in the Public Service for the purpose of determining that member's rights, if any, in respect of -

- (a) leave of absence on the grounds of illness; and
- (b) furlough or pay in lieu of furlough, including pay to dependents on the death of the employee.

35. CONTRACT OF EMPLOYMENT.

(1) The Executive Director and each employee of the Commission shall be employed under a contract of employment that -

- (a) in the case of the Executive Director, shall be executed by the Head of State and by the Executive Director in accordance with the *Regulatory Statutory Authority (Appointments to Certain Offices) Act 2004*; and
- (b) in the case of any other employee, shall be executed by the Executive Director on behalf of the Commission and by the employee in accordance with procedures established by the Board.

36. OTHER STAFF ARRANGEMENTS.

The Commission may enter into agreements, secondments, or arrangements for the use of the services of any staff of a department, a statutory authority or other public body.

37. CONDUCT.

An Office Manual shall provide the code of conduct and minimum requirements and standards of all staff of the Commission, including other staff on attachment to the Commission under Section 36.

PART V. – THE FINANCE OF THE COMMISSION.

38. ACCOUNTS AND FUNDS OF THE COMMISSION.

(1) The Commission shall establish a single operating bank account as required by *Public Finances (Management) Act 1995* and such revenue bank accounts as may be necessary or convenient for the Commission to perform its functions, powers and duties under the relevant Acts.

(2) The accounts and funds established pursuant to Subsection (1) shall be maintained and managed in accordance with *Public Finances (Management) Act 1995*.

(3) The department responsible for budgets and appropriations shall allocate to the Commission, as appropriated by Parliament in its annual budgets or any other supplementary budgets by the government, the funds of the Commission for the purpose of carrying out or giving effect to this Act.

- (4) The revenues and funds of the Commission shall consist of -
- (a) all monies as may be provided, from time to time, for the purposes of this Act as appropriated by Parliament under Subsection (3); and
 - (b) all monies received by the Commission by way of grants and subscriptions; and
 - (c) any monies paid or payable to the Commission under any law other than this Act in respect of any fee or levy; and
 - (d) fees or other charges imposed by the Commission; and
 - (e) all fines or penalties paid or payable under the relevant Acts; and
 - (f) all other monies received by the Commission in the exercise and performance of its powers, functions and duties under the relevant Acts.

(5) Without limitation to any function or power of the Commission under this Act, Part VIII of the *Public Finances (Management) Act 1995* applies to and in relation to the Commission.

(6) Subject to Section 20 of the *Public Finances (Management) Act 1995*, the Commission may retain any surplus funds accruing from its operations or activities in a given year that the Board deemed necessary for the Commission's projected operations in the next financial year or for investment purposes and any surplus not utilised in any manner may be remitted to the Consolidated Revenue Fund as determined by the Board.

39. CONSERVATION OF FUNDS.

The Commission shall conserve its funds by performing its functions and exercising its powers under this Act to ensure that the total revenues of the Commission are sufficient to meet all sums properly chargeable to its operating bank account, including depreciation and interest on capital, taking one year with another.

40. EXPENDITURE OF FUNDS.

The funds of the Commission may be expended only -

- (a) in payment or discharge of expenses, obligations and liabilities of the Commission; and
- (b) in payment of the remuneration of the staff of the Commission and of allowances to the members and alternates of the Board; and
- (c) for such other purposes as are consistent with the functions of the Commission as the Board, after consultation with the Executive Director, may determine.

41. EXEMPTION FROM INCOME TAX.

The income of the Commission is exempt from income tax for the purposes of the *Income Tax Act 1959* as amended from time to time.

PART VI. – MISCELLANEOUS.

42. CONFIDENTIALITY.

(1) The Commission shall take all reasonable steps to protect, from unauthorised use or disclosure, information given to it in confidence or in connection with the performance of its functions or the exercise of its powers.

(2) For the purposes of Subsection (1), the disclosure of information as required and permitted by any law or court of competent jurisdiction shall be taken to be authorised use and disclosure of the information.

(3) Unless otherwise allowed or required by this Act, a person who is an officer or employee of the Commission, shall not, without a written consent given by the Executive Director or in accordance with a written policy of the Board, publish or disclose to any person other than in the course of duties, the contents of any document, communication, or information which relates to the business of the Commission and which has come to the person's knowledge in the course of the person's duties under this Act.

43. PROOF OF CERTAIN MATTERS.

In any proceeding by or against the Commission, proof is not required, unless evidence is given to the contrary, of –

- (a) the constitution of the Commission; or
- (b) a resolution of the Board; or
- (c) the appointment of the Executive Director; or

- (d) the presence of a quorum at a meeting of the Board at which a determination is made or an act is done.

44. PROCESS OF SERVICE.

Any notice, summons, writ or other process required to be served on the Commission may be served by being left at the office of the Commission or, in the case of a notice, by being sent by post.

45. RECOVERY OF MONEY DUE.

Any money due to the Commission, including all funds of the Commission under Section 38(4)(c) and (d), may be recovered by the Commission as debt.

46. PROSECUTIONS.

(1) The Commission, after consulting with the State Solicitor of Papua New Guinea, shall give notice of intention to prosecute an offender to the -

- (a) Solicitor General for civil matters; and
- (b) Public Prosecutor for criminal matters,

for any offence against any Act, the administration of which is the responsibility of the Commission from time to time, and shall commence legal action as it considers appropriate subject to the approvals of the Solicitor General for civil matters and the Public Prosecutor for criminal matters.

(2) In any action brought under this Act by the Commission or against the Commission, the court may award costs against any party or claimant other than the Commission, which costs may be recovered by the Commission as a debt due to the Commission.

(3) Any fine or penalty or any default fine or penalty to be paid by a person as a result of an action brought by the Commission is to be paid to the Commission and, in addition to any other remedy, may be recovered by the Commission as a debt due to the Commission.

47. REGULATIONS.

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

PART VII. – TRANSITIONAL AND SAVINGS.

48. STAFF OF THE SECRETARIAT ESTABLISHED BY NEC DECISION NO. 90/2013

All staff of the Secretariat appointed as per the NEC Decision No. 90/2013 shall, on and from the date of coming into operation of this Bill, hold equivalent offices in the Commission on the same terms and conditions as determined until –

- (a) expiry of the period for which they were appointed; or
- (b) the termination of their employment otherwise according to law; or
- (c) appointments to such offices are made under this Act,

whichever happens first.

49. ASSETS, LIABILITIES AND CONTRACTUAL OBLIGATIONS, ETC.

Nothing in this Bill affects the validity of any act done or decision made under any Act before the coming into operation of this Bill.

50. TRANSITION OF MEMORANDUM OF UNDERSTANDING.

The Papua New Guinea Extractive Industries Transparency Initiative Multi-Stakeholder Group *Memorandum of Understanding* signed 1 November 2013 shall continue in force until the commencement of this Bill.

I hereby certify that the above is a fair print of the *Extractive Industries Transparency Commission Bill 2022* which has been made by the National Parliament.

Clerk of the National Parliament.

Final Working Draft – 27 January 2022

I hereby certify that the ***Extractive Industries Transparency Commission Bill 2022***, was made by the National Parliament on [*date*], by an absolute majority in accordance with the National Constitution.

Speaker of the National Parliament.