

# GOLD BILL KILIM PNG!



## Bai National Gold Corporation Bill i afektim Dipatmen bilong Jastis na Atoni Jeneral olsem wanem?

Dispela National Gold Corporation Bill (NGC) i gat 966 seksen we i laik abrusim o rausim sovren pawa bilong Gavman insait long moa long 25 lejislesen. Dispela i karamapim sampela pawa bilong Dipatmen ov Jastis & Atoni Jeneral (DJAC) long bringim lo na jastis long ol pipel na Gavman.

Hia em sampela senis dispela Bill i laik kamapim we bai daunim ol wok bilong DJAC.

Hia em sampela senis em sampela senis dispela Bill i laik bekim we bai daunim wok na strong bilong DJAC:

- a. Go pas long olgeta Lo long Kantri bilong yumi, tasol i no dispela hait Shareholders Agreement na Konstitusen. Long taim yumi salim sovren raits bilong yumi bai bikpela hevi i kamap taim dispela Bill i kamap lo (**Section 17**).

### 17. ACT TO PREVAIL.

(1) This Act prevails over any inconsistent rule of, or provision in, any -

- (a) law, but excluding -
  - (i) any *Constitutional Law*; and
  - (ii) the *Shareholders Agreement Act*; and,
- (b) without limiting Paragraph (a), contract or arrangement, written or otherwise, including the Company's constitution, or the constitution of any Subsidiary; or
- (c) authorisation of any kind under any law, other than a law referred to in Subparagraphs (a)(i) and (ii).

(2) Subject to Subsection (1)(a), and without limiting the amendments, including consequential amendments, to laws provided for in this Act, including as prescribed in Part XXII and Schedule 1, where in this Act -

- (a) another Act, or a Part, Division or Section of another Act, is -
  - (i) declared not to apply, or to have a particular application, in respect to this Act; or

- b. Sapos ol ausait lain husat i kamap "Authorised officer/personnel" i givim bagarap long wanpela Papua Niugini long taim ol i mekim wok, bai i no gat kot long dispela. (**Section 573**).

### *Subdivision B. – Corporation, State and other persons not liable.*

#### 573. NO LIABILITY FOR LOSSES OR INJURIES.

A Corporation, the State and Exempt Persons, are not liable to pay or provide compensation to any person for -

- (a) any property destroyed, lost or damaged, or seized, held, quarantined or retained or otherwise dealt with by an Authorised officer; or
- (b) any loss, damage or financial detriment of any kind whatsoever and howsoever arising, suffered or incurred, directly or indirectly, from any such destruction, loss, damage, seizure, holding, quarantining or retention, or other action, by an Authorised officer; or

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- (c) any injury to or death to persons, including any person detained or arrested, where the injury or death suffered was caused or due to -
  - (i) the negligence of the injured person; or
  - (ii) the failure or refusal of the injured person to comply with a lawful instruction, direction or order,provided that, where any destruction, loss or damage, or personal injury or death, is caused by the willful neglect or default of an Authorised officer -
  - (d) the National Gold Authority alone will be liable, where the Authorised officer is a person other than a member of the Police Force or the Gold Police; or
  - (e) the State alone will be liable, where the Authorised officer is a member of the Police Force or the Gold Police,unless a Court determines otherwise in respect of liability.

## 558. PROTECTION OF AUTHORISED OFFICERS.

An Authorised officer who detains or searches a person under this Division, or any person assisting in good faith an Authorised officer for that purpose, is justified in so detaining and searching the person and in using such force as may be reasonably necessary in so doing, and no such Authorised officer, or person assisting an Authorised officer, shall have committed any offence, or become liable for any civil wrong, for so doing.

- c. Stopim besik human raits taim ol i holim ol Papua Niugini ol i saspek i bin mekim trabel, bai ol i no inap bihainim nomol rot bilong arestim na sasim saspek. (Section 553, Section 555, Section 557, na Section 756).

## 554. AUTHORISED OFFICER TO SUMMON POLICE OR GOLD POLICE.

An Authorised officer, not being a member of the Police Force or the Gold Police, detaining any person under Section 553 shall take such steps as are necessary to ensure the summoning and arrival of a member of the Police Force or the Gold Police, with as little delay as practicable.

- d. Mekim wankain wok o senisim wok bilong DJAG long reguletim na mekim wok bilong jastis, moa yet, long ol lain i kamapim trabel. (Section 795, Section 760, Section 761, Section 762, Section 763, and Section 764).
- e. Rausim pawa bilong jastis opisa long givim warent bipo long arestim man o sekim propeti bilong em. (Section 561 and Section 555).

## 555. POLICE MAY DETAIN, SEARCH AND ARREST SUSPECTS.

A member of the Police Force or the Gold Police may detain, in the premises of a Corporation or elsewhere, for a reasonable time, any person suspected of committing or attempting to commit an offence to which Section 553 applies, and, where satisfied that there are reasonable grounds for suspecting that an offence has been attempted or committed, may -

- (a) search that person and the possessions of that person; and
- (b) seize anything found, as a result of the search or otherwise, that may afford evidence of the attempt or commission of an offence to which Section 553 applies; and
- (c) use such force as is reasonably necessary for the purpose of detention and search; and
- (d) arrest the person without warrant.

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