

No.2 of 2009.

Bougainvillean Act 2009.

Certified on: 18 December 2009.

AUTONOMOUS REGION OF BOUGAINVILLE

No.2 of 2009.

Bougainvillean Act 2009.

ARRANGEMENT OF SECTIONS.

1. Commencement.
2. Interpretation.
3. Bougainvillean must be a citizen to vote or stand for office.
4. Evidence of customary practices.
5. Evidence of marriage.
6. Evidence of birth outside Papua New Guinea.

AUTONOMOUS REGION OF BOUGAINVILLE

No.2 of 2009

AN ACT

entitled

Bougainvillean Act 2009.

Being an Act made pursuant to Section 7 of the *Bougainville Constitution* to provide for the manner of proof of being a Bougainvillean to assist in the conduct of Bougainville elections.

MADE by the House of Representatives.

1. COMMENCEMENT.

This Act shall come into operation on 1st January 2010.

2. INTERPRETATION.

In this Act "*Bougainvillean*" has the meaning prescribed under section 7 (1) of the Bougainville Constitution.

3. BOUGAINVILLEAN MUST BE A CITIZEN TO VOTE OR STAND FOR OFFICE.

(1) A Bougainvillean may -

- (a) be a candidate for election to the House of Representatives as President or as a member; or
- (b) vote in a Bougainville election,

only if he or she is a citizen of Papua New Guinea.

(2) Evidence that a person is a citizen of Papua New Guinea is a certificate under section 81 of the National Constitution to the effect that the person is a citizen of Papua New Guinea.

(3) Production of a certificate referred to in subsection (2) will only be required where the Bougainville Electoral Commissioner is of the opinion that there is sufficient doubt concerning a person's citizenship as to warrant the production of evidence.

4. EVIDENCE OF CUSTOMARY PRACTICES.

Evidence of customary practices may be given -

- (a) in a case of adoption according to custom by a clan lineage-
 - (i) by a chief or elder of the clan; or
 - (ii) by the adoptive parents of the person claiming to have been adopted by the clan; and
- (b) in a case as to whether a person continues to be a member of a clan lineage after the dissolution of a marriage to a person of that clan lineage -
 - (i) by the production of a certificate of dissolution of the marriage as evidence of such dissolution of the marriage; and

- (ii) by a brother or the mother of the person in the clan whose marriage has been dissolved; or
- (iii) by a chief or elder of the clan concerning the effects of the dissolution of the marriage.

5. EVIDENCE OF MARRIAGE.

Evidence of a marriage of a person must be given by -

- (a) the production of a certificate of marriage under the Marriage Act 1963 of Papua New Guinea; or
- (b) the production of a certificate or instrument from a Christian mission verifying the marriage; or
- (c) a declaration by a parent or a village elder or church leader that a person is considered married by custom.

6. EVIDENCE OF BIRTH OUTSIDE PAPUA NEW GUINEA.

Evidence of birth outside Papua New Guinea shall be by production of a certificate of birth issued in accordance with the law of the country in which the birth took place.

I hereby certify that the foregoing is a fair copy of the *Bougainvillean Act 2009* which has been made by the House of Representatives.


Acting Clerk of the House of Representatives

I, HONOURABLE ANDREW MIRIKI, Speaker of the House of Representatives, hereby certify that the *Bougainvillean Act 2009* was made by the House of Representatives on 16 December 2009, by an absolute majority vote in accordance with the *Bougainville Constitution*.


Speaker of the House of Representatives