

No. 3 of 2010.

*Independent Public Business Corporation of Papua New Guinea (Amendment) Act  
2010.*

Certified on : 09 MAR 2010

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No. of 2010

*Independent Public Business Corporation of Papua New Guinea (Amendment) Act  
2010.*

**ARRANGEMENT OF SECTIONS.**

1. Interpretation (Amendment of Section 2).
2. Borrowing Powers of the Corporation (Amendment of Section 37).



**AN ACT**

**entitled**

***Independent Public Business Corporation of Papua New Guinea (Amendment) Act  
2010,***

Being an Act to amend the *Independent Public Business Corporation of Papua New  
Guinea Act 2002* and for related purposes,

MADE by the National Parliament and deemed to have come into operation on 3 March,  
2010.

**1. INTERPRETATION (AMENDMENT OF SECTION 2).**

Section 2 of the Principal Act is amended by inserting after the definition of  
"Board" the following new Definition:

““Borrowing Proposal” means a description of a financial arrangement  
proposed to be entered into by the Corporation, including -

- (a) material terms of the proposed financial arrangement,  
including the principal amount of the proposed financial  
arrangement, which may be stated as a range or an amount  
up to a maximum amount; and
- (b) currency risks; and
- (c) costs, which may be stated as a range or an amount up to a  
maximum amount; and
- (d) potential alternative financing options, if any; and
- (e) proposed timetables for the matters referred to in  
Paragraphs (a) to (d),

and, where approved by the National Executive Council subject to  
amendments, includes those amendments;”.

**2. BORROWING POWERS OF THE CORPORATION (REPEAL AND  
REPLACEMENT OF SECTION 37).**

Section 37 of the Principal Act is repealed and is replaced with the following:

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**“37. BORROWING POWERS OF THE CORPORATION.**

(1) The Corporation (both in its capacity as trustee of each of the Trusts and otherwise) has the power to borrow or raise money or enter into any other financial arrangements either in Papua New Guinea or elsewhere as a borrower or guarantor or as a party in the nature of a borrower or guarantor or as an acquirer of financial accommodation or in any other related capacity, on terms approved by the National Executive Council.”

“(2) Subject to Section 7 of the *Liquefied Natural Gas Project (State Participation) Act 2008*, the Corporation shall, before entering into a financial arrangement (other than financial arrangements referred to in Section 7 of the *Liquefied Natural Gas Project (State Participation) Act 2008*) in accordance with Subsection (1), submit to the Minister a Borrowing Proposal in respect of the financial arrangement.”

“(3) A Borrowing Proposal submitted to the Minister under Subsection (2) shall be simultaneously submitted to the Treasurer in accordance with Section 5(b) of the *Papua New Guinea Fiscal Responsibility Act 2006*.”

“(4) A Borrowing Proposal is subject to the approval of the National Executive Council and will include any amendments required by the National Executive Council as a condition of such approval, and unless approval is given the Borrowing Proposal is not valid and the Corporation must not enter into the financial arrangement to which the Borrowing Proposal relates.”

“(5) Upon approval, the Borrowing Proposal is valid as from the commencement of the period to which it relates.”

“(6) Any changes to a Borrowing Proposal approved by the National Executive Council pursuant to Subsection (4) requires the further approval of the National Executive Council pursuant to that subsection.”

“(7) Financial arrangements entered into in accordance with this section may be made-

- (a) with or without security given by the Corporation (both in its capacity as trustee of any of the Trusts and otherwise); and
- (b) at such rate of interest (if any) and for the payment of such other consideration (if any) as the Corporation thinks fit; and
- (c) on such terms as to repayment and otherwise as the Corporation thinks fit.”

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“(8) This section does not apply to financial arrangements entered into by the Corporation as a lender or as a party in the nature of a lender or as the provider of any financial accommodation.”.

I hereby certify that the above is a fair print of the *Independent Public Business Corporation of Papua New Guinea (Amendment) Act 2010* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Independent Public Business Corporation of Papua New Guinea (Amendment) Act 2010* was made by the National Parliament on 4 March 2010.

Speaker of the National Parliament.

