

No. 27 of 1996.

*Forestry (Amendment No.2) Act 1996.*

Certified on : 11 OCT 96

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No.            of    1996.

*Forestry (Amendment No.2) Act 1996.*

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S C H E D U L E.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1996.

AN ACT

entitled

*Forestry (Amendment No.2) Act 1996,*

Being an Act to amend the *Forestry Act 1991* and to repeal the *Forestry (Amendment) Act 1996,*

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.

1. NATIONAL INTEREST.

For the purposes of Section 41(2) of the *Organic Law on Provincial Governments and Local-level Governments* it is hereby declared that this Act relates to a matter of national interest.

2. INTERPRETATION (AMENDMENT OF SECTION 2).

Section 2 of the Principal Act is amended -

- (a) by inserting after the definition of "Chairman" the following new definition:-

"Chairman of the Provincial Forestry Management Committee', in relation to a province, means the Chairman of the Committee established by the Provincial Executive Council of that province to carry out its functions in respect of forestry matters;"; and

- (b) by repealing the definition of "provincial Minister".

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3. REPEAL AND REPLACEMENT OF SECTION 10.

Section 10 of the Principal Act is repealed and is replaced with the following:-

"10. MEMBERSHIP OF THE BOARD.

- (1) The Board shall consist of -
- (a) the Managing Director, *ex officio*; and
  - (b) the Departmental Heads, *ex officio*, of the Departments responsible for finance matters and environmental matters respectively or their nominees (who shall be of a level in the Public Service not less than that of Assistant Secretary) appointed by the National Executive Council; and
  - (c) the President of the Forest Industries Association, *ex officio*, or his nominee; and
  - (d) the President of the Association of Foresters of Papua New Guinea, *ex officio*, or his nominee; and
  - (e) a provincial administrator, to represent Provincial Governments, appointed by the National Executive Council from a list, submitted to the National Executive Council by the Minister, of two provincial administrators selected by the Minister responsible for provincial affairs in consultation with the Provincial Governors; and
  - (f) one member, to represent non governmental organizations, appointed by the National Executive Council from a list, submitted to the National Executive Council by the Minister, of at least two persons selected by a nationally recognized body, registered with the Department responsible for home affairs matters, representing non governmental organizations; and
  - (g) one member, to represent forest resource owners, appointed by the National Executive Council from a list of two persons selected in accordance with Subsection (2) and submitted to the National Executive Council by the Minister.

"(2) Membership under Subsection (1)(g) shall be rotated round the four regions of the country and the method of selection of the two persons on the list referred to in Subsection (1)(g) shall be as follows:-

- (a) in the case of the first appointment to be made after the coming into operation of the *Forestry (Amendment No.2) Act 1996* -

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- (i) the forest resource owner representatives in each Provincial Forestry Management Committee in each regions of the country shall select two representatives for that region;
  - (ii) the selection process in each region shall be by ballot or other selection process determined by the forest resource owner representatives in each Provincial Forestry Management Committee in that region;
  - (iii) the Board shall approve the ballot or other selection process and shall ensure that it is overseen by staff of the National Forest Service;
  - (iv) the names of the representatives selected by each region shall be notified to the Minister who shall, from the representatives, select two persons for the list to be submitted to the National Executive Council; and
- (b) in the case of the second appointment to be made after the coming into operation of the *Forestry (Amendment No.2) Act 1996*, the procedure set out in Paragraph (a)(i), (ii), (iii) and (iv) shall apply except that the region whose representative was first appointed to the Board shall not be eligible to take part; and
- (c) in the case of the third appointment to be made after the coming into operation of the *Forestry (Amendment No.2) Act 1996*, the procedure set out in Paragraphs (a)(i), (ii), (iii) and (vi) shall apply, except that the regions whose representatives were first and second appointed to the Board shall not be eligible to take part; and
- (d) in the case of the fourth appointment to be made after the coming into operation of the *Forestry (Amendment No.2) Act 1996*, only the region which has not had a representative appointed to the Board shall be eligible to take part and shall select representatives in accordance with Paragraphs (a)(i), (ii) and (iii) and shall notify the names to the Minister and those names shall constitute the list; and
- (e) in the case of the fifth and subsequent appointments to be made after the coming into operation of the *Forestry (Amendment No.2) Act 1996*, each region shall in turn, in the order in which that region had a representative on the Board under Paragraphs (a), (b), (c) and (d), select two representatives in accordance with Paragraph (a)(i), (ii) and (iii) and shall notify the Minister and those names shall constitute the list.

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"(3) For the purposes of Subsections (2) and (8), "regions of the country" means those regions known as and recognized respectively as Highlands, Islands, Mamose and Papua.

"(4) The -

- (a) members referred to in Subsection (1)(e) and (f) shall be appointed for a term of two years and are eligible for re-appointment; and
- (b) the member referred to in Subsection (1)(g) shall be appointed for a term of two years and is not eligible for immediate re-appointment, but may be so re-appointed when the time for further representation from his region is due; and
- (c) members referred to in Subsection (1)(f) and (g) shall be entitled to such fees and allowances as are determined by the Minister.

"(5) Notification of appointments under Subsection (1) shall be given in the National Gazette.

"(6) Where a vacancy exists in respect of a member appointed under Subsection (1)(e), (f) or (g), the appropriate procedure as required under the relevant Paragraph should be invoked for the purpose of enabling the Minister to make an appropriate submission to the National Executive Council for an appointment.

"(7) Where, in a case to which Subsection (6) applies, the Minister has not, within a period of three months of the date on which the vacancy occurred, been furnished names to enable him to make a submission to the National Executive Council for an appointment, the Minister may submit to the National Executive Council a list of two persons whom he considers suitable and appropriate to represent the Provincial Governments, non governmental organizations or forest resource owners, as the case may be, and the National Executive Council shall make an appointment from the list.

"(8) In the case of a vacancy in respect of a member appointed under Subsection (1)(g), an appointment effected by Subsection (6) or (7) shall be -

- (a) in respect of the region of the country represented by member who vacated office; and
- (b) for the balance of the term of office which the member who vacated office would otherwise have served."

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4. **REPEAL AND REPLACEMENT OF SECTION 11.**

Section 11 of the Principal Act is repealed and is replaced with the following:-

**"11. ALTERNATE MEMBERS.**

(1) For each of the members appointed under Section 10(1)(e), (f) and (g), an alternate member shall be appointed in the same manner and subject to the same conditions and, in the case of a member under Section 10(1)(g) shall be from the same region, as the member for whom he is the alternate.

"(2) In the event of the inability to act of a member, the alternate member has and may exercise all his powers, functions, duties and responsibilities and this Act applies accordingly."

5. **REPEAL AND REPLACEMENT OF SECTION 12.**

Section 12 of the Principal Act is repealed and is replaced with the following:-

**"12. CHAIRMAN AND DEPUTY CHAIRMAN.**

The members of the Board shall elect -

- (a) one of their number, other than the member holding office under Section 10(1)(a) or (c), to be Chairman of the Board; and
- (b) another of their number to be Deputy Chairman of the Board."

6. **VACATION OF OFFICE (AMENDMENT OF SECTION 14).**

Section 14 of the Principal Act is amended -

- (a) by repealing Subsection (1) and replacing it with the following:-

"(1) A member, other than a member appointed under Section 10(1) (a), (b), (c) or (d) may resign his office by writing signed by him and delivered to the Minister."; and

- (b) by repealing Subsection (3).

7. **CALLING OF MEETINGS (AMENDMENT OF SECTION 16).**

Section 16(5) of the Principal Act is amended by repealing the words "Director-General" and replacing them with the following:-

"Chairman"

8. **MEETINGS OF THE BOARD (AMENDMENT OF SECTION 17).**

Section 17(1)(a) of the Principal Act is amended by repealing the word "four" and replacing it with the following:-

"six".

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9. **NEW SECTION 139A.**

The Principal Act is amended by inserting after Section 139 the following new section:-

**"139A. TRANSFER OF LAND TO THE AUTHORITY.**

(1) All land in Papua New Guinea in the name of the State held under a Certificate of Occupancy or set aside for use by the Department of Forests or the Forest Industries Council immediately before the coming into operation of this Act is, on and from the coming into operation of this Act deemed to have been transferred to and to have become the property of the Authority.

"(2) Where land referred to in Subsection (1) is land registered under the *Land Registration Act* (Chapter 191), the Registrar of Titles shall, without formal transfer and without fee, on application in that behalf by the Authority, enter or register the Authority in the Registrar kept under that Act and, on entry and registration, grant a certificate of title, lease or other instrument evidencing title to the land within that Act."

10. **FURTHER AMENDMENTS.**

The Principal Act is further amended in accordance with the Schedule.

11. **REPEAL.**

The *Forestry (Amendment) Act 1996* is repealed.

**S C H E D U L E**

Sec. 9.

<u>Provision</u>	<u>Amendment</u>
Section 30(1)(b)	Repeal the words "provincial Minister responsible for forestry matters" and replace with the following:-  "Chairman of the Provincial Forestry Committee";

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Sections 30(1)(e); 31(2);  
50(1) and (3); 51(a); 87(1);  
89(4) and (5); 90; 122(2)(d)  
and (h); 126(2)

In each case repeal the words "provincial  
Minister" and replace with the following:-

"Chairman of the Provincial Forestry Committee".

I hereby certify that the above is a fair print of the *Forestry (Amendment No.2) Act 1996* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Forestry (Amendment No.2) Act 1996* was made by the National Parliament on 8 October 1996.

Speaker of the National Parliament.