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PORT MORESBY, THURSDAY, 20th MAY

[2010

Tourism Promotion Authority Act 1993

Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004

APPOINTMENT OF DIRECTOR-GENERAL (CHIEF EXECUTIVE OFFICER) IN THE OFFICE OF TOURISM, ARTS AND CULTURE

I, Grand Chief Sir Paulias Matane, G.C.L., G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by Section 21 of the *Tourism Promotion Authority Act 1993* and Sections 5 and 6 of the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004* and all other powers me enabling, acting with, and in accordance with, the advice of the National Executive Council, given after the considering a recommendations from the Board from a list recommended by the Public Services Commission, hereby appoint Marianna Ellingson as Director-General (Chief Executive Officer) in the Office of Tourism, Arts and Culture for a period of three years commencing on and from 4th May, 2010.

Dated this 18th day of May, 2010.

PAULIAS MATANE,
Governor-General.

Forestry (Amendment) Act 2010

NOTICE OF COMMENCEMENT

I, Grand Chief Sir Paulias Matane, G.C.L., G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by *Forestry (Amendment) Act 2010* (No. 4 of 2010) and all other powers me enabling, acting with, and in accordance with, the recommendation by the Minister for Forestry, hereby fix the date of publication of this instrument in the *National Gazette* as the date on which the said Act shall come into operation.

Dated this 20th day of May, 2010.

PAULIAS MATANE,
Governor-General.

No. 4 of 2010

Forestry (Amendment) Act 2010

Certified: 16th May, 2010

ARRANGEMENT OF SECTIONS

1. National Interest.
2. Board to consider report, etc. (Amendment of Section 70).
3. Provincial Forest Management Committee to enter into negotiations (Amendment of Section 71).
4. Board to consider Agreement and make recommendations to the Minister (Amendment of Section 72).

AN ACT

Entitled

*Forestry (Amendment) Act 2010,***PROPOSED LAW TO ALTER THE ORGANIC LAW**Being an Act to amend the *Forestry Act 1991*,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 the *Organic Law on Provincial Government and Local-Level Government* it is hereby declared that this Act relates to a matter of national interest.

2. BOARD TO CONSIDER REPORT, ETC. (AMENDMENT OF SECTION 70)..

Section 70 of the Principal Act is amended —

(a) by repealing Paragraph (b) of Subsection (1) and replacing it with the following:

“(b) direct the Provincial Forest Management Committee with which proponents, if any, and whether or not included in its recommendations under Section 69, the Provincial Forest Management Committee should enter into further negotiations with a view to negotiating a project agreement or project agreements as the case may be and advise the Provincial Forest Management Committee of any comments by the Minister”; and

(b) by repealing Subsection (2).

3. PROVINCIAL FOREST MANAGEMENT COMMITTEE TO ENTER INTO NEGOTIATIONS (AMENDMENT OF SECTION 71).

Section 71 of the Principal Act is amended —

(a) in Section 71(a) by inserting after the words “a project agreement” the words “ or project agreements as the case may be”; and

(b) in Section 71(b) by deleting the words “the final draft of the project agreement” and replacing them with the words “the final draft or drafts of the project agreement or agreements as the case may be”.

4. BOARD TO CONSIDER AGREEMENT AND MAKE RECOMMENDATIONS TO THE MINISTER (AMENDMENT OF SECTION 72).

Section 72 of the *Principal Act* is amended by repealing Section 72 and replacing it with the following —

“72 Board to consider agreement and make recommendations to the Minister.

Proposed Law to Alter the Organic Law — *continued*

- (1) The Board shall —
- (a) consider a draft project agreement or draft project agreements as the case may be, submitted to it under Section 71 or Subsection (2) or any predecessor to either of those provision; and
 - (b) where satisfied that a draft project agreement makes adequate provision for all aspects of the project —
 - (i) execute the project agreement on behalf of the Authority; and
 - (ii) recommend to the Minister to grant a timber permit to the person with whom the project agreement has been entered into; and
 - (c) where not satisfied that a draft project agreement submitted to it under Section 71 or Subsection (2) or any predecessor to either of those provisions makes adequate provision for all aspects of the project—return the draft project agreement or draft project agreements as the case may be to the Provincial Forest Management Committee with details of matters requiring further negotiation.”
- (2) Where any draft project agreement has been returned to the Provincial Forest Management Committee under Subsection (1)(c), the Provincial Forest Management Committee shall carry out further negotiations with the proponent or proponents as previously directed by the Board under Section 70(1)(b) or any predecessor to that provision and submit a draft project agreement or draft project agreements as the case may be with each such proponent for consideration by the Board under Subsection (1).”
- (3) Notwithstanding Subsection (1)(c), where the Board is not satisfied —
- (a) that a draft project agreement submitted to it under Section 71 or Subsection (2) or any predecessor to either of those provisions make adequate provision for all aspects of the project; or
 - (b) that the Provincial Forest Management Committee is willing or able to negotiate an adequate draft project agreement with the proponent or proponents referred to in a direction under Section 70(1)(b),
- then the Board may appoint a State Negotiating Team to negotiate a draft project agreement with each such proponent and may execute on behalf of the Authority a project agreement with any such proponent and recommend to the Minister to grant a timber permit to the person with whom the project agreement has been entered into.
- (4) For the purposes of Subsection (3)(b), the Board may appoint members of the State Negotiating Team which shall consist of the following persons:
- (a) officers of the National Forest Service but not the Managing Director;
 - (b) two (2) landowner representatives from the project area;
 - (c) a representative from the provincial government;
 - (d) a representative from the local level government; and
 - (e) such other persons as the Board deems necessary.”.

I hereby certify that the above is a fair print of the *Forestry (Amendment) Act 2010* which has been made by the National Parliament.

DON. PANDAN,
Clerk of National Parliament.

I hereby certify that the *Forestry (Amendment) Act 2010* was made by the National Parliament on 11th May, 2010.

HON. J. NAPE, MP.,
Speaker of the National Parliament.

INDEPENDENT STATE OF PAPUA NEW GUINEA

STATUTORY INSTRUMENT

NO. [] of 2010

Forestry (Amendment) Regulation 2010

Being a Regulation to amend the Forestry Regulation 1998.

MADE by the Head of state, acting with, and in accordance with, the advice of the Nation Executive Council under the Forestry Act 1991, to be deemed to have come into operation on 20 May 2010

1. Repeal and replacement of Section 105

Section 105 of the Principal Regulation is repealed and replaced with the following

105. Advice to board by Provincial Forest Management Committee that negotiations have failed in respect to a final draft of any project agreement.

Where the Provincial Forest Management Committee are unable to submit to the Board a final draft or further final draft of any one or more project agreements as required by Section 71 or 72 of the Act the Provincial Forestry Management Committee shall advise the Board of the reasons why negotiations have failed in Form 102 of Schedule 1.

2. Repeal and replacement of Section 106

Section 106 of the Principal Regulation is repealed and replaced with following;

106. Submission of final draft of project agreement or agreements by a Provincial Forest Management Committee to Board

A submission to the Board by a Provincial Forest Management Committee under Section 71 (b) of the Act of the final draft of a project agreement or project agreements as the case may be to the Board shall be in form 103 of Schedule 1.

3. Repeal and replacement of Section 109

Section 109 Of the Principal Regulation is repealed and replaced with the following;

109. Submission to Board of final draft project agreement or agreements by Provincial Forest Management Committee

A submission of a final draft project agreement or agreements as the case may be under Section 72(2) of the Act by a Provincial Forest Management Committee to the Board shall be in Form 106 of Schedule 1.

4. Repeal and replacement of Form 98

Form 98 of Schedule 1 of the Principal Regulation is repealed and replaced with the following:

Form 98- Board directions to the Provincial Forest Management Committee on project agreements.

**INDEPENDENT STATE OF PAPUA NEW GUINEA
Forestry Act 1991**

Act, Sec. 70 Form 98
Reg. 101

BOARD DIRECTIONS TO THE PROVINCIAL FOREST MANAGEMENT COMMITTEE ON PROJECT AGREEMENTS

To the.....Provincial Forest Management Committee

The Board under Section 70 of the Forestry Act 1991 (as amended) hereby directs the.....Provincial Forest Management Committee to **enter** into further negotiations with proponent or proponents named hereunder (if any) with a view to negotiating a project agreement in respect of the project referred to below

Proponent/s
(name/s)

Project
Specify

Minister's Comments:
(Attach or advise any comments by the Minister for Forests)

Dated this.....day of.....20....

For the Board

5. Repeal and replacement of Form 102

Form 102 of Schedule 1 of the Principal Regulation is repealed and replaced with the following

Form 102- Advice to Board by Provincial Management Committee that negotiations in respect to a project agreement have failed with one or more proponents

INDEPENDENT STATE OF PAPUA NEW GUINEA
Forestry Act 1991

Act, Sec. 71 & 72 Form 102
Reg. 105

**ADVICE TO BOARD BY PROVINCIAL FOREST MANAGEMENT COMMITTEE
THAT NEGOTIATIONS IN RESPECT TO A PROJECT AGREEMENT HAVE FAILED
WITH ONE OR MORE PROPONENT**

To the Board

The Provincial Forest Management Committee hereby advises you that it is unable to submit to you as required by Section*71/72 of the Forestry Act 1991 *final draft/final further draft Project Agreement/ Agreements in respect to the Forest Development Project described with the proponent/proponents below as negotiations between it and the proponent/proponents named below have collapsed for the reasons as stated below.

Forest Development Project:
(describe)

Name of Proponent/Proponents
(state name of each proponent with whom negotiations have failed)

Reasons why negotiation have failed:
(specify separately in respect of each proponent with whom negotiations have failed)

Dated this.....day of.....20.....

*Delete whichever is inapplicable

For....Provincial Forest
Management Committee

6. Repeal and replacement of Form 103

Form 103 of Schedule 1 of the Principal Regulation is repealed and replaced with the following:

Form 103—Submission of final draft of project agreement or agreements by Provincial Forest Management Committee to the Board

INDEPENDENT STATE OF PAPUA NEW GUINEA

Forest Act 1991

Act, Sec. 71
Reg. 106

Form 103

**SUBMISSION OF FINAL DRAFT OF PROJECT AGREEMENT/AGREEMENTS BY
PROVINCIAL MANAGEMENT COMMITTEE TO THE BOARD**

To the Board

TheProvincial Forest Management Committee under Section 71 of the Forestry Act 1991 (as amended) submits herewith the final *draft/drafts of the Project *Agreement/Agreements it has negotiated with each of the proponents

(Attach final draft of each Project Agreement) .

Dated this.....day of20.....

*Delete whichever is not applicable.

For..... Provincial Forest
Management committee

7. Repeal and replacement of Form 105

Form 105 of Schedule 1 of the Principal Regulation is repealed and replaced with the following:

**INDEPENDENT STATE OF PAPUA NEW GUINEA
Forest Act 1991**

Act, Sec.72 Form 105
Reg.108

**REFERRAL FROM THE BOARD TO THE PROVINCIAL FOREST MANAGEMENT COMMITTEE OF
DRAFT PROJECT AGREEMENT/AGREEMENTS**

To the.....Provincial Forest Management Committee

The Board pursuant to Section 72(1)(c) of the Forestry Act 1991 (as amended) not being satisfied that any draft project agreement makes adequate provision for all aspects of the project herewith returns the draft Project *Agreement/ Agreements described hereunder and sets out below the details of the matters therein requiring further negotiation in respect of each such Agreement.

Draft project Agreement/Agreements

(attach)

The following details are the matter requiring negotiation:

(specify separately in respect to each Agreement)

Dated.....day of.....20.....

*Delete whichever is not applicable.

For the Board

8. Repeal and replacement of Form 106

Form 106 of Schedule 1 of the Principal Regulation is repealed and replaced with following:

Form 106—Submission to Board of further final draft of project agreement by Provincial Forest Management Committee

INDEPENDENT STATE OF PAPUA NEW GUINEA

Forestry Act 1991

Act, Sec. 72 Form 106
Reg. 109

SUBMISSION TO BOARD OF FURTHER FINAL DRAFT PROJECT AGREEMENT BY PROVINCIAL FOREST MANAGEMENT COMMITTEE

To the Board

TheProvince Forest Management Committee pursuant to Section 72(2) of the Forestry Act 1991 (as amended) and after having carried out further negotiations with each of the proponents as previously directed by the Board submits herewith a final draft of a Project Agreement with each such proponent for consideration by the board.

Draft Project Agreement:

(attach a draft Project Agreement with each of the proponents with whom the Board previously directed there be negotiations)

Dated this.....day of20.....

ForProvincial Forest
Management committee

Made this.....day of.....2010

Governor-General