

No. 36 of 2000.

Forestry (Amendment) Act 2000.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2000.

Forestry (Amendment) Act 2000.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2000.

Forestry (Amendment) Act 2000.

Being an Act to amend the *Forestry Act 1991*,

MADE by the National Parliament.

1. MEMBERSHIP OF THE BOARD (AMENDMENT OF SECTION 10).

Section 10 of the Principal Act is amended -

(a) in Subsection (1) -

- (i) in Paragraph (b) by repealing the word "finance" and replacing it with the following:-
"planning and implementation"; and
- (ii) by repealing Paragraph (c) and replacing it with the following:-
"(c) a representative of the Papua New Guinea Chamber of Commerce and Industries nominated by the Chamber, who shall not be a principal or employee of a foreign owned or controlled company dealing in, trading in or contracting in relation to timber;"; and
- (iii) by repealing Paragraph (d) and replacing it with the following:-
(d) a citizen, being the President of the Association of Foresters of Papua New Guinea, *ex officio*, or his nominee;"; and
- (iv) by repealing Paragraph (f), and replacing it with the following:-
"(f) subject to Subsection (9), a citizen, being the President of the Papua New Guinea Eco-Forestry Forum, *ex officio*, or his nominee;"; and
- (v) by adding the following new Paragraph:-
"(h) one member, with awareness of the concerns of women affected by forestry operations, appointed by the National Executive Council from a list of two persons submitted by the National Council of Women."; and
- (vi) in Subsection (4)(a) by repealing the reference "Subsection (1)(e) and (f) and replacing it with the following:-
"Subsection (1)(e)"; and
- (vii) in Subsection (4)(c) by repealing the reference "Subsection (1)(f) and (g)" and replacing it with the following:-
"Subsection (1)(c), (d), (f), (g) and (h)"; and

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- (b) in Subsection (6), by repealing the reference "Subsection (1)(e), (f) or (g)" and replacing it with the following:-
"Subsection (1)(e), (g) or (h)"; and
- (c) in Subsection (7), by repealing the words "non governmental organizations" and replacing them with the following:-
"National Council of Women"; and
- (d) by adding the following new subsection:-

“(9) Where the National Executive Council, after considering submissions from the Minister and the Minister responsible for environment and conservation matters, is of the opinion that the Papua New Guinea Eco-Forestry Forum has ceased to become an effective and legitimate body representing eco-forestry interests, it shall -

- (a) revoke the membership on the Board of the President of the Papua New Guinea Eco-Forestry Forum or his nominee; and
- (b) appoint as a member of the Board to represent non-governmental organizations, one person from a list, submitted 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-government organizations.”.

1A. ALTERNATE MEMBERS (AMENDMENT OF SECTION 11).

Section 11 of the Principal Act is amended in Subsection (1) by repealing the reference "Section 10(1)(e), (f) and (g)" and replacing it with the following:-
"Section 10(1)(e) and (g)".

2. 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) a member specified in Section 10(1)(b) to be the Chairman of the Board; and
- (b) another of their number to be the Deputy Chairman of the Board.”.

3. VACATION OF OFFICE (AMENDMENT OF SECTION 14).

Section 14 of the Principal Act is amended by inserting after Subsection (2) the following new subsection:-

“(2A) The membership of the member holding office under Section 10(1)(f) may be revoked in accordance with Section 10(9).”.

4. REPEAL AND REPLACEMENT OF SECTION 19.

Section 19 of the Principal Act is repealed and is replaced with the following:-

“19. DELEGATION.

(1) The Minister may, by instrument, delegate to the Board all or any of his powers and functions under this Act (except this power of delegation).

(2) The Board may, by instrument, delegate to the Managing Director all or any of its powers and functions under this Act (except this power of delegation).”.

5. TYPES OF LAND ON WHICH, AND MANNER IN WHICH FOREST INDUSTRY ACTIVITIES MAY BE PERMITTED (AMENDMENT OF SECTION 55).

Section 55 of the Principal Act is amended -

(a) in Subsection (1) -

(i) by adding after the words “Subject to Subsection (2),” the following:-

“only”; and

(ii) by adding at the end of Subparagraph (ii) the following:-

“;or”; and

(iii) by adding after Subparagraph (ii) the following new Subparagraph:-

“(iii) a clearing authority has been granted under Section 90(B) or 90(D).”; and

(b) in Subsection (2) by adding after Paragraph (c) the following new paragraphs:-

“(d) a forest clearing authority under Section 90(B) or 90(D); or

(e) an authority to carry out large scale agriculture or other land use development under Section 90(B) where forest industry activities are to be carried out; or

(f) an authority to carry out roadline clearance under Section 99(D) where forest industry activities are to be carried out.”.

6. ADVERTISEMENT OF PROJECT (AMENDMENT OF SECTION 64).

Section 64 of the Principal Act is amended by repealing Subsection (3) and replacing it with the following:-

“(3) Where a forest development project -

(a) is contiguous to any existing approved timber permit operations and the holders of timber permits of the existing timber permit operations have, in the opinion of the Board, a record of satisfactory performance in the forestry industry and have complied with their contractual obligations under all timber permits held by them at any time and such persons are acceptable to the landowners in the forest development project area; and

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- (b) is the subject of development option studies carried out under Section 62 ; and
- (c) is the subject of final project guidelines issued by the Board under Section 63; and
- (d) is consistent with the National Forest Development Program; and
- (e) is, in the opinion of the Board, so small on its own that it is unable to operate as a commercially sustainable forest development project,

the Board may determine that the forest development project shall be an extension of one of the existing approved timber permit operations.

(4) If, in the event that the Board determines under Subsection (3) that the forest development project shall be an extension of an existing approved operation, then, subject to Subsections (5) and (6), all timber permit holders whose timber permit operations are contiguous to the forest development project shall be invited by the Board to make project proposals in respect to the forest development project.

(5) If any timber permit holder referred to in Subsection (4), has at any time already been granted an extension into a forest development project area, such timber permit holder shall not, except with the endorsement of the National Executive Council, be eligible to be invited by the Board to make application for a project proposal under Subsection (4).

- (6) Any extension granted shall be made only on the basis that -
- (a) the forest resources within the forest development project shall be used primarily to sustain an existing processing facility; and
 - (b) the existing timber permit area and the forest development project area shall be consolidated under the one timber permit and the consolidated timber permit area shall be managed and harvested on a sustainable harvest yield basis.

(7) Subdivision III.5.B shall apply to a forest development project as if it has otherwise been advertised.”.

7. TIMBER AUTHORITY (AMENDMENT OF SECTION 87).

Section 87 of the Principal Act is amended in Subsection (1) -

(a) by repealing Paragraph (b) and replacing it with the following:-

“(b) for the purposes of -

- (i) the removal of trees on areas designated for agriculture or other land use by the relevant authorities where the agriculture or other land use would result in a clearance of less than 50 hectares of trees; or

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- (ii) the removal of trees on areas designated for a road by the relevant authorities where the roadline would not exceed 12.5 kilometres outside the area covered by the Forest Management Agreement; or” .

8. NEW SECTIONS 90A, 90B, 90C, 90D AND 90E.

Part III of the Principal Act is amended in Subdivision 8.5.D by inserting after Section 90 the following:-

“90A. A LARGE SCALE CONVERSION OF FOREST TO AGRICULTURAL OR OTHER LAND USE.

(1) A person may make application in the prescribed form and accompanied by prescribed application fee for an authority to carry out any agricultural or other land use development (other than roadline clearing on an existing forested area) where the amount of proposed clearance of natural forest for the project is greater than 50 hectares in total.

(2) An application under Subsection (1) shall not be made where the proposed project is within a Forest Management Agreement Area, Timber Rights Purchase Agreement Area or Local Forest Area except with the approval of the Board and, where applicable, the holder of any relevant Timber Permit.

- (3) An application under Subsection (1) shall contain –
- (a) a detailed development plan, evaluation report and certificate of approval from the Secretary of the Department responsible for agriculture and livestock matters or the Secretary of any relevant Government Department or such other evaluation reports and certificates as the Board considers necessary; and
 - (b) a copy of the relevant State Lease or other documentation relating to other type of land tenure appropriate for the project; and
 - (c) an implementation schedule for the complete agricultural or other land use project showing the precise areas and proposed rate of harvesting to be carried out by an independent contractor appointed by the Forest Authority and successive land use development approved in writing by the Departmental Head of the Department responsible for agriculture and livestock matters or the Secretary of the relevant Government Department or, where relevant, the Provincial Government including detailed start and completion dates of all activities associated with the project; and

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- (d) details of costs of the agricultural or other land use project and a certificate from a bank or financial institution which is satisfactory to the Managing Director certifying that the full costs of funding the project will be available to the applicant; and
- (e) a map and description of the project area in respect of which the application is made showing any areas of slope in excess of 30⁰ or any other areas which are unsuitable for agricultural or other land use development and any areas important for conservation; and
- (f) a verification of ownership and the consent of each resource owning clan agent (or incorporated Land Groups if they have been formed) within the project area, which has been signed in the presence of a Village Court Magistrate or land mediator in the prescribed form; and
- (g) supporting letters from any other relevant Department authorities or relevant industry body regarding the appropriateness of the design and implementation of the proposed project; and
- (h) an approval in writing from the office or Department responsible for environment and conservation matters of the environment impact statement submitted by the applicant to that office or Department; and
- (i) details of equipment and manpower suitable for the development of the proposed project and evidence of past experience in such developments; and
- (j) such other particulars as are prescribed.

90B. DEALING WITH APPLICATIONS FOR AGRICULTURAL OR OTHER LAND USE.

(1) If the Board determines that the application under Section 90A is in the prescribed form and contains all relevant particulars, it shall –

- (a) by written notice consult with any government body that has, in its opinion, an interest in the grant of the application or that has any jurisdiction in the area to which the application relates; and
- (b) arrange for public hearings at which government bodies and the private sector may be heard; and
- (c) prepare, not less than seven days prior to the hearings referred to in Paragraph (b), a report and summary of matters associated with the application and the Board's consultation under Paragraph (a).

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(2) Notice of an application and a public hearing in respect of it shall be given by the Board by publication in the prescribed form -

- (a) in the National Gazette; and
- (b) in a newspaper circulated nationally; and
- (c) in a newspaper circulated in the province in which the area, the subject of the application, is situated (if any) and by a radio broadcasting service that specifically services the province (if any).

(3) A notice under Subsection (2) shall specify the date of the hearing being not less than 28 days from the date of publication of the notice.

(4) The Board shall appoint a person to be the Chairman of the hearing who shall conduct a hearing, as he thinks fit, and such hearing shall be held at or as near as practicable to the proposed agricultural or other land use project site.

(5) A person may, on payment of the prescribed fee, inspect and make copies of the summary referred to in Subsection (1)(c).

(6) Upon the completion of the hearing under Subsection (4), the Chairman of the hearing shall refer the application and a summary of the hearing to the Provincial Forest Management Committee who shall -

- (a) consider and evaluate the application and the summary of the hearing; and
- (b) thereafter make recommendations to the Board.

(7) An evaluation of an application by the Provincial Forest Management Committee under Subsection (6) shall be made taking into account -

- (a) the National Forest Policy; and
- (b) any relevant provincial government policies provided they are not inconsistent with the National Forest Policy; and
- (c) the commercial viability of the project including the financial resources of the applicant, the past performance of the applicant in agriculture or the proposed land use and other projects, analysis of projected cash flows and the anticipated net benefit to the resource owners and to the State; and
- (d) any other matters that the Provincial Forest Management Committee considers relevant.

(8) In making an evaluation under this Subsection (7), the Provincial Forest Management Committee may request the assistance of the National Forest Service and of any relevant Department.

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(9) Where the Provincial Forest Management Committee, after having considered and evaluated an application, is of the opinion that it is satisfactory, it shall recommend to the Board to approve the application for a conversion of the forest to agriculture or other land use.

(10) If the Provincial Forest Management Committee is not satisfied with the application it shall inform the Board accordingly together with reasons for its decision and the application shall be rejected.

(11) The Board shall inform the applicant of the rejection of the application and the reasons therefor.

(12) If the Board is satisfied with the recommendation under Subsection (9) and the outcome of the public hearing under Subsection (4), the Board may recommend to the Minister to recommend to the National Executive Council to endorse the application for a conversion of the forest to agriculture or other land use in respect of the project area.

(13) If the Board is not satisfied with the recommendation or the outcome of the public hearing or both, it shall reject the application and advise the applicant that the application has been rejected and giving the reasons for the rejection.

(14) When the Minister receives the recommendation from the Board under Subsection (12), he shall refer the application together with the recommendation from the Provincial Forest Management Committee and the Board and all evaluations reports, certificates of approvals from all relevant Departments and a summary of the public hearing to the National Executive Council.

(15) The National Executive Council shall consider the application and other papers referred to it under Subsection (14) and shall direct the Minister to -

- (a) endorse; or
- (b) reject,

the application and if the application is rejected it shall state the reasons for the rejection.

(16) The Minister shall -

- (a) comply with a direction under Subsection (15); and
- (b) advise the Board of the direction.

(17) If the National Executive Council does not endorse the project, the Board shall inform the applicant and the Provincial Forest Management Committee of the decision of the National Executive Council and the reasons for the rejection of the application.

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(18) On the receipt of the advice from the Minister that the National Executive Council has endorsed an application, the Board shall call for tenders only from registered forest industry participants by advertisement in Papua New Guinea or abroad in such a manner considered by the Board likely to be most effective and specifying a date on or before which proposals for the forest clearing operation shall be lodged.

(19) An applicant for the proposed agricultural or other land use project or any related person or corporation as that expression is defined in the *Companies Act 1997* is prohibited from tendering for the project providing that in the event no tenderers are received or they are, in the Board's opinion, commercially unsatisfactory, then in such a case, the Board may invite the applicant to carry out the forest clearing operation and, if the applicant agrees, the applicant shall then be deemed for the purposes of Section 90(B) to be the successful tenderer.

(20) The successful tenderer shall enter into the prescribed Sales and Purchase Agreement with the customary owners which agreement shall provide for the purchase, harvesting, processing or marketing of timber and other forest products and which agreement shall be subject to the grant of a forest clearing authority by the Board.

(21) The Board shall, on the completion of the sales and purchase agreement, grant to the applicant an authority to carry out an agricultural or other land use development which authority shall -

- (a) be in the prescribed form; and
- (b) require a performance bond in accordance with Section 98 for an amount specified in the authority; and
- (c) specify such other conditions as are laid down by the Board.

(22) A grant of a forest clearing authority shall -

- (a) be in the prescribed form; and
- (b) in order to ensure that the planned land use by the successful applicant referred to in Section 90(A)(1) actually takes place, provide that any forest clearing operation shall be authorized in four phases, each phase -
 - (i) shall represent approximately one quarter of the total area to be cleared under a forest clearing authority; and
 - (ii) shall contain such conditions as are determined by the Board; and

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- (iii) shall be subdivided into blocks for clearing of a maximum 500 hectares unless the Board considers that the maximum of 500 hectares is inappropriate in the circumstances in which case it may increase or decrease the maximum clearance figure; and
- (c) provide that the successful tenderer shall comply with the approved implementation schedule determined by the Department responsible for agriculture and livestock matters or other relevant Department; and
- (d) provide that a further phase under the same forest clearing authority may only be granted for the same purposes of forest clearance for agricultural or other land use where all conditions relating to an agricultural development plan or other land use implementation schedule have been satisfied; and
- (e) provide that the rights under the authority may be suspended where the planned land use by the applicant referred to in Section 90(A)(1) is not progressing according to, or meeting the set standards of, the Department responsible for agriculture and livestock matters or other relevant government agency or instrumentality's approved implementation schedule; and
- (f) require a performance bond in accordance with Section 98 for an amount specified in the authority; and
- (g) specify such other conditions as are laid down by the Board.

(23) If an application for an agricultural or other land use development is at any stage and for any reason rejected, the applicant may at any time make a fresh application together with the prescribed application fee.”.

“90C. LARGE SCALE CONVERSION OF FOREST TO ROAD.

(1) A person may make application in the prescribed form and accompanied by the prescribed application fee for an authority to carry out any roadline development over an existing forested area where the proposed road will be greater than 12.5 kilometres in length.

(2) An application under Subsection (1) may not be made where the proposed road project is within a Forest Management Agreement Area, a Timber Rights Purchase Agreement Area or Local Forest Area except with the agreement of the Board and, where applicable, the holder of any relevant Timber Permit.

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- (3) An application under Subsection (1) shall contain -
- (a) a detailed development plan, evaluation report and certificate of approval from the Departmental Head of the Department responsible for transport matters certifying that the proposed road route is in accordance with the relevant National or Provincial infrastructure plans, and that funding is available to maintain the road after construction or such other evaluation, reports and certificates as the Board considers necessary; and
 - (b) a certificate from the Departmental Head of the Department responsible for works matters certifying that the proposed standard of construction and design (including alignment) for the road meets the Department's standards; and
 - (c) a certificate from the relevant Provincial Government certifying in writing that it approves the construction of the public road in the province and that the approval is given in terms of the design certified by the Departmental Head of the Department responsible for works matters and that when the responsibility to maintain the road is with the relevant Provincial Government, and that the Provincial Government undertakes that it can and will maintain the road when built; and
 - (d) an implementation schedule for the complete roadline project showing the precise areas and proposed rate of harvesting to be carried out by an independent contractor appointed by the Forest Authority and successive land use development approved in writing by the Departmental Head of the Department responsible for transport matters including detailed start and completion dates of all activities associated with the roadline project; and
 - (e) details of costs of the roadline project and a certificate from a bank or financial institution certifying that the full costs of funding the roadline project will be made available to the applicant; and
 - (f) a map and description of the roadline project area in respect of which the application is made giving details of land tenure and showing the route of the proposed road in numbered 5 kilometre sections; and
 - (g) a verification of ownership and the consent of each resource owning clan agent (or incorporated Land Groups if they have been formed) within the project area, which has been signed in the presence of a Village Court Magistrate or land mediator in the prescribed form; and

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- (h) supporting letters from any other relevant Department authorities or relevant industry bodies regarding the appropriateness of the design and implementation of the proposed roadline project; and
- (i) details of equipment and manpower suitable for the development of the proposed roadline project and evidence of past experience in such developments; and
- (j) such other evaluation reports and certificates as the Board considers necessary and as prescribed.

90D. DEALING WITH APPLICATIONS FOR CONVERSION OF FOREST TO ROAD.

(1) If the Board determines that the applications under Section 90C in the prescribed form and contains all relevant particulars, it shall -

- (a) by written notice consult with any government body that has, in its opinion, an interest in the grant of the application or that has any jurisdiction in the area to which the application relates; and
- (b) arrange for public hearings at which government bodies and the private sector may be heard; and
- (c) prepare, not less than seven days prior to the hearings referred to in Paragraph (b), a report and summary of matters associated with the application and the Board's consultation under Paragraph (a).

(2) Notice of an application and a public hearing in respect of it shall be given by the Board by publication in the prescribed form -

- (a) in the National Gazette; and
- (b) in a newspaper circulated nationally; and
- (c) in a newspaper circulated in the province (if any) in which the area, the subject of the application, is situated and by a radio broadcasting service that specifically services the province (if any).

(3) A notice under Subsection (2) shall specify the date of the hearing being not less than 28 days from the date of publication of the notice.

(4) The Board may appoint a person to be the Chairman of the hearing who shall conduct a hearing, as he thinks fit, and such hearing shall be at or as near as practicable to the proposed roadline project site.

(5) A person may, on payment of the prescribed fee, inspect and make copies of the summary referred to in Subsection (1)(c).

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(6) Upon the completion of the hearing referred to in Subsection (4), the Chairman of the hearing shall refer the application and summary of the hearing to the relevant Provincial Forest Management Committee who shall -

- (a) consider and evaluate the application and the hearing summary; and
- (b) thereafter make recommendations to the Board.

(7) An evaluation of an application by the Provincial Forest Management Committee under Subsection (6) shall be made taking into account -

- (a) the National Forest Policy; and
- (b) any relevant provincial government policies provided they are not inconsistent with the National Forest Policy; and
- (c) the commercial viability of the project including the financial resource of the applicant, the past performance of the applicant in roadline projects and other projects, analysis of projected cash flows and the anticipated net benefit to the resource owners and to the State; and
- (d) any other matters that the Provincial Management Committee considers relevant.

(8) In making an evaluation under Subsection (7), the Provincial Forest Management Committee may request the assistance of the National Forest Service and of any relevant Department.

(9) Where the Provincial Forest Management Committee, after having considered and evaluated an application, is of the opinion that it is satisfactory, it shall recommend to the Board to approve the application for a conversion of the forest to roadline.

(10) If the Provincial Management Committee is not satisfied with the application, it shall inform the Board accordingly together with the reasons for its decision and the application shall be rejected.

(11) The Board shall inform the applicant of the rejection of the application and the reasons therefor.

(12) If the Board is satisfied with the recommendation made under Subsection (9) and the outcome of the public hearing under Subsection (4), the Board shall recommend to the Minister to recommend to the National Executive Council to endorse the application for a conversion of the forest to road use in respect of the project area.

(13) If the Board is not satisfied with the recommendations and the outcome of the public hearing or both, it shall reject the application and advise the applicant that the application has been rejected and giving the reasons for the rejection.

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(14) When the Minister receives the recommendation from the Board under Subsection (12), he shall refer the application together with the recommendation from the Provincial Forest Management Committee and the Board and all evaluations reports, certificates of approvals from all relevant Departments and a summary of the public hearing to the National Executive Council for its consideration.

(15) The National Executive Council shall consider the application and other papers referred to it under Subsection (14) and shall direct the Minister to -

- (a) endorse; or
- (b) reject,

the application and if the application is rejected, it shall state the reasons for the rejection.

(16) The Minister shall -

- (a) comply with a direction under Subsection (15); and
- (b) advise the Board of the direction.

(17) If the National Executive Council does not endorse the project, the Board shall inform the applicant and the Provincial Forest Management Committee of the decision of the National Executive Council and the reasons for the rejection of the application.

(18) On receipt of the advice from the Minister that the National Executive Council has endorsed on application, the Board shall call for tenders only from registered forest industry participants by advertisement in Papua New Guinea or abroad in such manner considered by the Board likely to be most effective and specifying a date on or before which proposals for the forest clearing operation must be lodged.

(19) An applicant for the proposed roadline project or any related person or corporation as that expression is defined in the *Companies Act 1997* is prohibited from tendering for the project provided that in the event no tenderers are received or they are, in the Board's opinion, commercially unsatisfactory, then, in such a case, the Board may invite the applicant to carry out the forest clearing operation and, if the applicant agrees, the applicant shall be deemed, for the purposes of Section 90D, to be the successful tenderer.

(20) The successful tenderer shall enter into the prescribed Sales and Purchase Agreement with the customary owners which agreement shall provide for the purchase, harvesting, or marketing of timber and other forest products and which agreement shall be subject to the grant of a forest clearing authority by the Board.

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- (21) The Board shall, on the completion of the Sales and Purchase Agreement, grant to the applicant an authority to carry out any roadline development which authority shall -
- (a) be in the prescribed form; and
 - (b) require a performance bond in accordance with Section 98 for an amount specified in the authority; and
 - (c) specify such other conditions as are laid down by the Board.
- (22) A grant of a forest clearing authority shall -
- (a) be in the prescribed form; and
 - (b) provide that forest clearance for road construction shall only be authorised in stages of 20 kilometres in length in order to ensure actual construction of the road takes place; and
 - (c) provide that the forest clearing must follow a surveyed alignment which must have been carried out by a registered surveyor; and
 - (d) specify that where the Managing Director receives a statement in writing from the Department responsible for works matters that road construction has been completed in the previous section of cleared road corridor to the requirements of the Department, the Managing Director may authorise further road clearance to take place in a further section of road corridor, not exceeding 20 kilometres in length, which is next scheduled for clearing; and
 - (e) specify that the maximum roadline corridor which may be cleared under a forest clearance authority shall not exceed -
 - (i) in respect to the corridor length - the length of road planned to be constructed; and
 - (ii) in respect to the corridor width for each and every stage of forest clearance - shall not exceed 40 metres in width and such said width shall not be more than 20 metres on either side of the centre of the road; and
 - (f) provide that the rights under the authority may be suspended where -
 - (i) construction of the road in the corridor cleared under the timber authority is not progressing according to the approved implementation schedule of the Department responsible for transport matters or the Department responsible for works matters; or
 - (ii) the applicant has not provided the Authority with a certificate from the Department responsible for works matters confirming that the length of road constructed in the roadline has been cleared in accordance with any stage of an implementation schedule and that it meets the road construction standards of that Department.

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- (g) require a performance bond in accordance with Section 98 for an amount specified in the authority; and
- (h) specify such other conditions as are laid down by the Board.

(23) If, at any time, after the coming into operation of this provision, a road that is presently being constructed or that is proposed to be constructed through forested areas under an existing permit, authority or licence and which is at variance with any of the provisions of this section, then, in such a case, such permit authority or licence, as the case may be, shall be varied by the Authority so that such permit authority complies with this section and no compensation shall be payable to the permit, authority or licence holder, as the case may be, as a result of such holder being required to comply with this section.

(24) If an application for a roadline development is at any stage and for any reason rejected the applicant may at any time make a fresh application together with the prescribed application fees.”.

“90E. CANCELLATION, ETC., OF AUTHORITIES.

An authority to carry out an agricultural or other land use, forest clearing authority or authority to carry out a roadline development granted under Section 90B or 90D is subject to the provisions of Section 97 relating to the right of the Minister to cancel the authority as if that authority was a licence.”.

9. PERFORMANCE BOND (AMENDMENT OF SECTION 98).

Section 98 of the Principal Act is amended -

- (a) in Subsection (1) -
 - (i) by adding at the end of Paragraph (c) the following:-
“or”; and
 - (ii) by inserting after Paragraph (c) the following:-
 - “(ca) Section 90B(21)(b) in relation to a grant of an authority to carry out an agricultural or other land use development; or
 - (cb) Section 90B(22)(f) in relation to a grant of a forest clearing authority; or
 - (cc) Section 90D(21)(b) in relation to the grant of an authority to carry out a roadline development;” or
 - (cd) Section 90D(22)(f) in relation to a forest clearing authority.”; and
- (b) in Paragraph (f) by inserting after the words “timber authority licence” (twice occurring) the following:-
“or forest clearing authority, authority to carry out an agriculture or other land use development or an authority to carry out roadline clearing”; and

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(c) by inserting after Subsection (3) the following:-

(4) No Timber Permit, timber authority, licence, forest clearing authority or an authority to carry out an agricultural or other land use development or roadline development shall commence or be in effect until the performance bond payable under Section 98 has been lodged with the Authority.

(5) If such bond is not lodged within 21 days of the date of grant of a Timber Permit, Timber Authority, Licence, forest clearing authority or for an Authority to carry out any agriculture or other land use development or roadline development, then the said grant or authority, as the case may be, shall be deemed void and shall be cancelled by the Board forthwith.

(6) The Board may, in its absolute and unfettered discretion, on being satisfied that extenuating circumstances exist, on application by the holder of a Timber Permit, Timber Authority, Licence, forest clearance authority or authority to carry out any agriculture or other land use development or roadline development, as the case may be, extend the time prescribed in Section 98(5) by which a person is required to lodge a performance bond.

(7) The amount of a bond for a timber permit, timber authority, licence, an authority under Section 90B(21) and 90D(21) and a clearing authority under Section 90B(22) and 90D(22) shall be as determined by the Board.

10. NEW SECTION 103A.

The Principal Act is amended in Division III. by inserting after Section 103 the following:-

"103A. PUBLIC REGISTER.

(1) There is established a Public Register to be kept and maintained by the Authority.

(2) The Public Register shall -

(a) be in the prescribed form; and

(b) contain such particulars as are required by this section or as are prescribed.

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- (3) The Public Register shall contain -
- (a) summaries of decisions of the Board containing brief facts and the resolutions thereto but shall not contain summaries of matters which are of a commercial in-confidence nature or sub-judice or information which is not in the public interest and ought not to be in the public domain; and
 - (b) maps relating to forests; and
 - (c) details of -
 - (i) registered Forest Industry Participants and Consultants; and
 - (ii) licenced Scalers; and
 - (iii) registered timber processing plants, including an extract of the relevant certificate of registration of licence; and
 - (iv) Timber Permits holders; and
 - (v) timber authority holders; and
 - (vi) licence holders; and
 - (vii) holders of forest clearing authorities; and
 - (viii) holders of authorities to carry out large scale agricultural or other land use projects; and
 - (ix) authorities to carry out large scale roadline projects, including an extract containing a description of the timber area, the name of the permit or authority holder, the permit or authority number and the duration of the permit or authority; and
 - (x) forest potential areas including an extract containing their details and the unallocated areas; and
 - (xi) Forest Management Agreements and field reports relating to the signing of the Agreements with resource owners.

(4) A person may, on payment of a prescribed fee and at such times as are appointed by the Authority search the Public Register, and, on the payment of a prescribed fee, obtain copies of any document or copies of any entry made in the Public Register.”.

11. NEW SECTION 144.

The Principal Act is amended in Part X by inserting after Section 143 the following:-

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"144. SAVING OF EXISTING TIMBER AUTHORITIES.

Subject to Section 90D(23), a timber authority that is valid and in force immediately before the coming into operation of this provision shall, on that coming into operation, have full force and effect for the duration of its term."

I hereby certify that the above is a fair print of the *Forestry (Amendment) Act 2000* which has been made by the National Parliament.

Acting Clerk of the National Parliament.

I hereby certify that the *Forestry (Amendment) Act 2000* was made by the National Parliament on 5 December 2000.

Acting Speaker of the National Parliament.

