

Unvalidated References:

Forestry Regulation 1992

Forestry Act 1991

Salaries and Conditions Monitoring Committee Act 1988

Salaries and Conditions Monitoring Committee Act 1988

Public Finances (Management) Act 1995

Public Finances (Management) Act 1995

Public Finances (Management) Act 1995

Public Finances (Management) Act 1995

Environmental Planning Act 1978

Companies Act 1997

Forestry Regulation 1992

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 22 January 2004.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1998.

Forestry Regulation 1998

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158. Advice to the Minister to cancel a timber permit.
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162. Application for timber authority for roadline clearance, etc.
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165. Timber authority to harvest other forest products.
166. Application for timber authority to harvest other forest products.
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169. Managing Director's notice to applicant for timber authority.
170. Managing Director's referral of timber authority application to Provincial Forest Management Committee.
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211. Application for registration as a consultant.
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214. Notification of intention to make referrals to the Board for cancellation of registration.
215. Referrals to the Board for consideration of cancellation of registration.
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219. Exemption.
220. State purchase option.
221. Transfer pricing.
 - "arms length"
 - "transfer pricing"
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222. Variation by the Minister of royalty payable under a timber permit.
223. Levies.
224. Lawful direction.
225. Notice of seizure.
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227. Notice of forfeiture.
228. Declaration banning export etc.
229. Registration of brand.
230. Application to register in the Authority a brand.
231. Safety.
232. Access rights.
233. Ship Loading Authorization and suspension of Ship Loading Authorization.
234. Log exports.

235. Role and recognition of bodies representing customary owners.
236. Cancellation of recognition.
237. Returns and records.
238. Destruction of forest produce.
239. Registration of timber processing plant.
240. Application for registration of timber processing plant.
241. Logging and roading standards and practices.
242. Board notice to vary terms or conditions of Registration, Permit, Licence, Timber Rights Purchase Agreement, Authority or Agreement.
243. Offences generally.
244. Fees.
245. Maps, etc.
246. Forms.
247. Tenders.
248. Service of notice etc.
249. Public Register.
- [250. *Repealed*]
251. Disasters.
252. Repeal.
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254. Application for an Authority to carry out a large scale agricultural or other land use development project where the amount of proposed clearance of natural forest is greater than 50 hectares in total.
255. Return of an application for a large scale conversion of forest to agriculture or other land use.
256. Board's consultation with a Government body relating to an application to carry out a large scale agriculture or other land use development.
257. Notice of a Public Hearing in respect to an application for an Authority to carry out a large scale agriculture or other land use development.
258. Instrument of appointment of Chairman of a Public Hearing.
259. Reference of an application for a proposed large scale agriculture or other land use project and summary of Public Hearing to Provincial Forest Management Committee.
260. Provincial Forest Management Committee request for assistance of National Forest Service or other relevant Department.
261. Provincial Forest Management Committee report and recommendation to the Board to approve/reject an application for an authority to carry out an agricultural or other land use project.
262. Board's advice to applicant of rejection of application for an authority to carry out a large scale agriculture or other land use project.
263. Board's recommendation to Minister to recommend to the National Executive Council to endorse an application for a large scale conversion of forest to agriculture or other land use.
264. Rejection by Board of an application for a large scale agriculture or other land use project.

265. Minister for Forests referral of Board recommendation for approval of an application for an authority to carry out a large scale agriculture or other land use development to National Executive Council.
266. Direction of National Executive Council to the Minister for Forests to endorse/reject an application for an authority to carry out a large scale agriculture or other land use project.
267. Minister's advice to the Board of the National Executive Councils direction to the Minister for Forests to endorse/reject the recommendation of the Board of the Forest Authority to approve an application for an authority to carry out a large scale agriculture or other land use project.
268. Board's advice to applicant and Provincial Forest Management Committee of decision of National Executive Council directing the Minister to reject an application for an authority to carry out a large scale agriculture or other land use development.
269. Authority to carry out a large scale agriculture or other land use development project.
270. Forest clearing authority.
271. Application for authority to carry out a large scale roadline development project over an existing forested area where the proposed road will be greater than 12.5 kilometres in length.
272. Return of an application for a large scale conversion of forest to road.
273. Board's consultation with a Government body relating to an application to carry out a large scale road development project.
274. Notice of a public hearing in respect to an application for an authority to carry out a large scale road development project.
275. Instrument of appointment of Chairman of a public hearing.
276. Reference of an application for a proposed large scale road development project and summary of Public Hearing to Provincial Forest Management Committee.
277. Provincial Forest Management Committee request for assistance of National Forest Service or other relevant Department.
278. Provincial Forest Management Committee report and recommendation to the Board to approve/reject an application for an authority to carry out a large scale road development project.
279. Board's advice to applicant of rejection of application for an authority to carry out a large scale road development project.
280. Board's recommendation to Minister to recommend to the National Executive Council to endorse an application for a large scale conversion of forest to road.
281. Rejection by Board of an application for a large scale road development project.
282. Minister for Forests referral of Board recommendation for approval of an application for an authority to carry out a large scale road development project to National Executive Council.
283. Direction of National Executive Council to the Minister for Forests to endorse or reject an application for an authority to carry out a large scale road development project.
284. Minister's advice to the Board of National Executive Councils direction to the Minister for Forests to endorse or reject the recommendation of the Board of

the Forest Authority to approve an application for an authority to carry out a large scale road development project.

- 285. Board's advice to applicant and Provincial Forest Management Committee of decision of National Executive Council directing the Minister to reject an application for an authority to carry out a large scale road development project.
- 286. Authority to carry out a large scale road development project.
- 287. Forest clearing authority.
- 288. Verification of ownership and consent of land owners.
- 289. Sales and purchase agreement.
- 290. Application to inspect and make copies of a summary of matters associated with an application.

SCHEDULE 1

SCHEDULE 2 – .

SCHEDULE 3 – .

Forestry Regulation 1998

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Forestry Act 1991*, to be deemed to have come into operation on 24 January 1996.

Dated 200 .

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears—

“forest industry activities” means any commercial activities within Papua New Guinea directly connected with—

- (a) harvesting or processing timber or rattan; or
- (b) buying unprocessed timber or rattan for processing or export; or
- (c) selling or, on behalf of another person or other persons, arranging or procuring the sale or purchase of, timber or rattan (whether unprocessed or processed but not including manufactured items made from timber or rattan materials), by a person where the timber or rattan harvest, processed, purchased, sold or arranged or procured to be purchased or sold, by that person in a calendar year exceeds—
 - (i) 500m³ in volume; or
 - (ii) in the case of sandalwood or rattan—K20,000 in market value;

“repealed Acts” means the Acts referred to in Section 136 of the Act.

2. DEDICATION OF NATIONAL FORESTS.

A Notification in the National Gazette of a dedication of Government land as a National Forest under Section 3 of the Act shall be in Form 1 of Schedule 1.

3. DECLARING OF RESERVED TREES.

(1) A declaration by the Minister pursuant to Section 4 of the Act in the National Gazette declaring any trees or members of any species or class of tree to be reserved trees shall be in Form 2 of Schedule 1.

(2) A person, who wilfully destroys or damages any tree or member of any species or class of trees declared to be reserved trees under Section 4 of the Act, is guilty of an offence.

Penalty: A fine not exceeding K10,000.00.

4. POWER OF AUTHORITY TO ENTER INTO CONTRACTS.

The Authority may, in accordance with the following procedure, enter into agreements for the carrying out of the purposes of the Act:–

- (a) in the case of a Forest Management Agreement, project agreement or any agreement which, if made between private persons, would by law be required to be in writing and under seal—by affixing the seal in accordance with Section 5(3) of the Act;
- (b) any agreement which if made between private persons, would by law be required to be in writing signed by the parties—in writing signed by the Chairman and another member of the Board pursuant to a resolution of the Board or by any two officers of the National Forest Service authorized by the Board; and
- (c) any agreement which, if made between private persons, would by law be valid although not reduced into writing—orally by any member of the Board pursuant to a resolution of the Board or by any officer of the National Forest Service authorized by the Board to do so.

5. MINISTER’S DIRECTION TO THE AUTHORITY.

Any direction to the Authority by the Minister under Section 7(2) of the Act shall be in Form 3 of Schedule 1.

6. GRANT OF LEAVE OF ABSENCE BY THE CHAIRMAN TO A MEMBER OR ALTERNATE MEMBER OF THE BOARD.

A grant of leave of absence by the Chairman to a member or alternate member of the Board under Section 13(1) of the Act shall be in Form 4 of Schedule 1.

7. GRANT OF LEAVE OF ABSENCE BY THE MINISTER TO THE CHAIRMAN OR DEPUTY CHAIRMAN OF THE BOARD.

A grant of leave of absence by the Minister to the Chairman or Deputy Chairman of the Board under Section 13(2) of the Act shall be in Form 5 of Schedule 1.

8. RESIGNATION OF OFFICE BY A BOARD MEMBER OR ALTERNATE MEMBER.

A resignation of office by a Board member or alternate member under Section 14(1) of the Act shall be in Form 6 of Schedule 1.

9. TERMINATION OF A BOARD MEMBER OR ALTERNATE MEMBER BY THE MINISTER.

A termination of a Board Member or Alternate Member by the Minister under Section 14(2) of the Act shall be in Form 7 of Schedule 1.

10. NOTICE OF INTENTION BY NATIONAL EXECUTIVE COUNCIL TO A MEMBER OR ALTERNATE MEMBER OF THE BOARD THAT IT INTENDS TO TERMINATE HIS APPOINTMENT.

A notice of intention by the National Executive Council to a member or alternate member of the Board that it intends to terminate his appointment under Section 14(4) of the Act shall be in Form 8 of Schedule 1

11. REPRESENTATION TO NATIONAL EXECUTIVE COUNCIL FROM CHAIRMAN OR DEPUTY CHAIRMAN OR MEMBER OR ALTERNATE MEMBER OF THE BOARD.

A representation to the National Executive Council from the Chairman, Deputy Chairman, Member or Alternate Member of the Board under Section 14(5) of the Act shall be in Form 9 of Schedule 1.

12. TERMINATION BY NATIONAL EXECUTIVE COUNCIL OF APPOINTMENT OF CHAIRMAN, DEPUTY CHAIRMAN, MEMBER OR ALTERNATE MEMBER OF THE BOARD OF THE FOREST AUTHORITY.

A termination by the National Executive Council of the appointment of the Chairman, Deputy Chairman, Member or Alternate Member of the Board of the Forest Authority under Section 14(5) shall be in Form 10 of Schedule 1.

13. DETERMINATION OF THE BOARD TO CONVENE A MEETING OF THE BOARD.

A determination of the Board to convene a meeting of the Board under Section 16(1) of the Act shall be in Form 11 of Schedule 1.

14. CONVENING OF BOARD MEETING PURSUANT TO A DIRECTION BY THE CHAIRMAN OR DEPUTY CHAIRMAN OF THE BOARD.

The convening of a Board meeting pursuant to a direction by the Chairman or Deputy Chairman of the Board under Section 16(1) of the Act shall be in Form 12 of Schedule 1.

15. REQUEST BY MINISTER TO CHAIRMAN OR DEPUTY CHAIRMAN OF THE BOARD TO CONVENE A MEETING OF THE BOARD.

A request by the Minister to the Chairman or Deputy Chairman of the Board to convene a meeting of the Board under Section 16(2) of the Act shall be in Form 13 of Schedule 1.

16. REQUEST BY NOT LESS THAN TWO MEMBERS OF THE BOARD TO THE CHAIRMAN OR DEPUTY CHAIRMAN OF THE BOARD TO CONVENE A MEETING OF THE BOARD.

A request by not less than two members of the Board to the Chairman or Deputy Chairman of the Board to convene a meeting of the Board under Section 16(2) of the Act shall be in Form 14 of Schedule 1.

17. CONVENING OF A BOARD MEETING BY CHAIRMAN OR DEPUTY CHAIRMAN PURSUANT TO A REQUEST BY THE MINISTER.

The convening of a Board meeting by the Chairman or Deputy Chairman pursuant to a request by the Minister under Section 16(2) of the Act shall be in Form 15 of Schedule 1.

18. CONVENING OF A BOARD MEETING BY CHAIRMAN OR DEPUTY CHAIRMAN PURSUANT TO A REQUEST BY TWO OR MORE MEMBERS OF THE BOARD.

The convening of a Board meeting by the Chairman or Deputy Chairman pursuant to a request by two or more members of the Board under Section 16(2) of the Act shall be in Form 16 of Schedule 1.

19. REQUEST BY MINISTER TO CHAIRMAN OR DEPUTY CHAIRMAN OF THE BOARD TO CONVENE A MEETING OF THE BOARD.

A request by the Minister to the Chairman or Deputy Chairman of the Board to convene a meeting of the Board under Section 16(4) of the Act shall be in Form 17 of Schedule 1.

20. CONVENING A BOARD MEETING BY MANAGING DIRECTOR PURSUANT TO A REQUEST TO THE BOARD BY THE MINISTER.

The convening of a Board meeting by the Managing Director pursuant to a request to the Board by the Minister under Section 16(5) of the Act shall be in Form 18 of Schedule 1.

21¹. [REPEALED.]

22. DELEGATION OF MINISTER'S POWERS AND FUNCTIONS TO THE BOARD.

²A delegation by the Minister of all or any of his powers and functions under Section 19(1) of the Act to the Board shall be in Form 20 of Schedule 1.

23. DELEGATION OF BOARD'S POWERS AND FUNCTIONS TO THE MANAGING DIRECTOR.

³A delegation by the Board of all or any of its powers and functions under Section 19(2) of the Act to the Managing Director shall be in Form 21 of Schedule 1.

24. LETTER OF TRANSMITTAL BY THE BOARD TO THE MINISTER OF AN ANNUAL REPORT OF THE BOARD.

A letter of Transmittal by the Board to the Minister of an Annual Report of the Board under Section 20(1) of the Act shall be in Form 22 of Schedule 1.

25. LETTER OF TRANSMITTAL BY THE MINISTER TO PROVINCIAL GOVERNMENTS OF AN ANNUAL REPORT OF THE BOARD.

A letter of Transmittal by the Minister to a Provincial Government of an Annual Report of the Board under Section 20(2)(b) of the Act shall be in Form 23 of Schedule 1.

26. APPOINTMENT OF MEMBERS AND ALTERNATE MEMBERS OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE.

A notification in the Provincial gazette of an appointment of members and alternate members of a Provincial Forestry Management Committee under Section 22(2) and 23(1) of the Act shall be in Form 24 of Schedule 1.

¹ Section 21 repealed by No 1 of 2001.

² Section 22 replaced by No 1 of 2001.

³ Section 23 replaced by No 1 of 2001.

27. APPOINTMENT OF MEMBERS OF PROVINCIAL FOREST MANAGEMENT COMMITTEES.

A notification in the Provincial gazette of an appointment of members of a Provincial Forest Management Committee under Section 22(2) of the Act shall be in Form 25 of Schedule 1.

28. REVOCATION OF APPOINTMENT AND APPOINTMENT OF MEMBERS OF PROVINCIAL FOREST MANAGEMENT COMMITTEE.

A revocation of appointment and appointment of a member of a Provincial Forest Management Committee under Section 22(2) of the Act to be notified in the provincial gazette shall be in Form 26 of Schedule 1.

29. REVOCATION OF APPOINTMENT AND APPOINTMENT OF ALTERNATE MEMBERS OF THE PROVINCIAL FOREST MANAGEMENT COMMITTEE.

A revocation of appointment and appointment of an alternate member of a Provincial Forest Management Committee under Section 22(2) of the Act to be notified in the provincial gazette shall be in Form 27 of Schedule 1.

30. GRANT OF LEAVE OF ABSENCE BY THE CHAIRMAN OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE TO A MEMBER OR ALTERNATE MEMBER OF THE COMMITTEE.

A grant of leave of absence by the Chairman of a Provincial Forest Management Committee to a member or alternate member of the Committee under Section 24(1) of the Act shall be in Form 28 of Schedule 1.

31. GRANT OF LEAVE OF ABSENCE BY THE CHAIRMAN OF THE FOREST BOARD TO THE CHAIRMAN OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE.

A grant of leave of absence by the Chairman of the Board to the Chairman of a Provincial Forest Management Committee under Section 24(2) of the Act shall be in Form 29 of Schedule 1.

32. RESIGNATION OF OFFICE BY A MEMBER OR ALTERNATE MEMBER OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE.

The resignation of office by a member or alternate member of a Provincial Forest Management Committee under Section 25(1) of the Act shall be in Form 30 of Schedule 1.

33. TERMINATION OF A MEMBER OR ALTERNATE MEMBER OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE BY THE CHAIRMAN OF THE BOARD.

The termination of a member or alternate member of a Provincial Forest Management Committee by the Chairman of the Board under Section 25(2) of the Act shall be in Form 31 of Schedule 1.

34. REQUEST TO BOARD BY A BODY WHICH HAS NOMINATED A MEMBER OR ALTERNATE MEMBER TO A PROVINCIAL FOREST MANAGEMENT COMMITTEE TO TERMINATE THE APPOINTMENT.

A request to the Board by a body which has nominated a member or alternate member to a Provincial Forest Management Committee to terminate the appointment under Section 25(3) of the Act shall be in Form 32 of Schedule 1.

35. TERMINATION BY BOARD OF APPOINTMENT OF A MEMBER/ALTERNATE MEMBER OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE.

A termination by the Board of the appointment of a member or alternate member of a Provincial Forest Management Committee under Section 25(3) of the Act shall be in Form 33 of Schedule 1.

36. NOTICE OF INTENTION BY THE CHAIRMAN OF THE BOARD TO A MEMBER OR ALTERNATE MEMBER OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE THAT HE INTENDS TO TERMINATE HIS APPOINTMENT.

A notice of intention by the Chairman of the Board to a member or alternate member of a Provincial Forest Management Committee that he intends to terminate his appointment under Section 25(4) of the Act shall be in Form 34 of Schedule 1.

37. REPRESENTATION TO CHAIRMAN OF THE BOARD FROM A MEMBER OR ALTERNATE MEMBER OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE.

A representation to the Chairman of the Board from a member or alternate member of a Provincial Forest Management Committee under Section 25(5) of the Act shall be in Form 35 of Schedule 1.

38. TERMINATION BY CHAIRMAN OF THE BOARD OF APPOINTMENT OF MEMBER OR ALTERNATE MEMBER OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE.

The termination by the Chairman of the Board of the appointment of a member or alternate member of a Provincial Forest Management Committee under Section 25(5) or 25(6) of the Act shall be in Form 36 of Schedule 1.

39. DETERMINATION BY THE CHAIRMAN OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE TO CONVENE A MEETING OF THE COMMITTEE.

A determination by the Chairman of a Provincial Forest Management Committee to convene a meeting of the Committee under Section 27(1) of the Act shall be in Form 37 of Schedule 1.

40. REQUEST TO THE CHAIRMAN OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE BY THE BOARD OR MANAGING DIRECTOR OF THE NATIONAL FOREST SERVICE TO CONVENE A MEETING OF THE COMMITTEE.

A request to the Chairman of a Provincial Forest Management Committee by the Board or the Managing Director of the National Forest Service to convene a meeting of the Committee under Section 27(2) of the Act shall be in Form 38 of Schedule 1.

41. REQUEST TO THE CHAIRMAN OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE BY NOT LESS THAN TWO MEMBERS TO CONVENE A MEETING OF THE COMMITTEE.

A request to the Chairman of a Provincial Forest Management Committee by not less than two members to convene a meeting of the Committee under Section 27(2) of the Act shall be in Form 39 of Schedule 1.

42. CONVENING OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE BY THE CHAIRMAN OF THE PROVINCIAL FOREST MANAGEMENT COMMITTEE PURSUANT TO A REQUEST BY THE BOARD OR MANAGING DIRECTOR OF THE NATIONAL FOREST SERVICE OR OF NOT LESS THAN TWO MEMBERS OF THE PROVINCIAL FOREST MANAGEMENT COMMITTEE.

The convening of a Provincial Forest Management Committee by the Chairman of the Provincial Forest Management Committee pursuant to a request by the Board or Managing Director of the National Forest Service or by not less than two members of the Provincial Forest Management Committee under Section 27(2) of the Act shall be in Form 40 of Schedule 1.

43. PROVINCIAL FOREST MANAGEMENT COMMITTEE NOTICE TO THE OWNERS OF A FOREST RESOURCE.

A Provincial Forest Management Committees notice to the owner of a Forest Resource under Section 28(3) of the Act shall be in Form 41 of Schedule 1.

44. DELEGATION OF PROVINCIAL FOREST MANAGEMENT COMMITTEE'S FUNCTIONS TO THE NATIONAL FOREST SERVICE.

A delegation of a Provincial Forest Management Committee's functions to the National Forest Service under Section 30(2) of the Act shall be in Form 42 of Schedule 1.

45. LETTER OF TRANSMITTAL OF AN ANNUAL REPORT OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE TO THE CHAIRMAN OF THE BOARD.

A letter of transmittal of an Annual Report of a Provincial Forest Management Committee under Section 31(1) of the Act shall be in Form 43 of Schedule 1.

46. ANNUAL REPORT OF THE PROVINCIAL FOREST MANAGEMENT COMMITTEE.

An Annual Report of a Provincial Forest Management Committee under Section 31(1) of the Act shall be in Form 44 of Schedule 1.

47. LETTER OF TRANSMITTAL OF AN ANNUAL REPORT OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE BY THE CHAIRMAN OF THE BOARD TO THE MINISTER AND THE CHAIRMAN OF THE COMMITTEE IN THE PROVINCIAL EXECUTIVE COUNCIL RESPONSIBLE FOR FORESTRY FUNCTIONS IN A PROVINCIAL GOVERNMENT.

A letter of Transmittal of an Annual Report of a Provincial Forest Management Committee by the Chairman of the Board to the Minister and the Chairman of the Committee in the Provincial Executive Council responsible for Forestry Functions in a Provincial Government under Section 31(2) of the Act shall be in Form 45 of Schedule 1.

48. ESTABLISHMENT OF AN ADVISORY COMMITTEE OF THE BOARD.

The establishment of an Advisory Committee of the Board under Section 32 of the Act shall be in Form 46 of Schedule 1.

49. APPOINTMENT TO AN ADVISORY COMMITTEE OF THE BOARD.

The appointment of a person to an Advisory Committee of the Board under Section 32(2)(a) of the Act shall be in Form 47 of Schedule 1.

50. BOARD'S ADVICE TO THE MINISTER ON OTHER FUNCTIONS OF THE MANAGING DIRECTOR.

The Board's advice to the Minister on other functions of the Managing Director under Section 35(2) of the Act shall be in Form 48 of Schedule 1.

51. DETERMINATION BY THE MINISTER FOR FORESTS ON OTHER FUNCTIONS TO BE CARRIED OUT BY THE MANAGING DIRECTOR.

A determination by the Minister for Forests on other functions to be carried out by the Managing Director under Section 35(2) of the Act shall be in Form 49 of Schedule 1.

52. DELEGATION OF POWERS BY MANAGING DIRECTOR.

A delegation of powers by the Managing Director under Section 35(3) of the Act shall be in Form 50 of Schedule 1.

53. NATIONAL FOREST SERVICE.

(1) Subject to the *Salaries and Conditions Monitoring Committee Act 1988*, the terms and conditions of employment of officers of the National Forest Service, excluding the Managing Director—

- (a) may provide for the employment of certain officers under a contract of employment for a specified term; and
- (b) shall otherwise be as determined by the Board.

(2) Subject to the *Salaries and Conditions Monitoring Committee Act 1988*, the provision for a superannuation or other retirement benefits scheme to provide benefits for the staff, the provision for a home ownership scheme for citizen officers and disciplinary procedures including the creation and abolition of offices and the promotion of officers shall be as determined by the Board.

54. MINISTER'S CONSULTATION WITH BOARD ON PROPOSED APPOINTMENT OF CONSULTANT.

The Minister's consultation with the Board on a proposed appointment of the Consultant under Section 40 of the Act shall be in Form 51 of Schedule 1.

55. BOARD'S AND MANAGING DIRECTOR'S ADVICE TO MINISTER ON PROPOSAL BY MINISTER TO APPOINT A CONSULTANT.

The Board's and the Managing Director's advice to the Minister on a proposal by the Minister to appoint a consultant under Section 40 of the Act shall be in Form 52 of Schedule 1.

56. APPOINTMENT OF CONSULTANT BY THE MINISTER.

An appointment of a Consultant by the Minister under Section 40 of the Act shall be in Form 53 of Schedule 1.

57. BOARD RECOMMENDATION TO MINISTER TO APPOINT FOREST OFFICERS.

A Board's recommendation to the Minister to appoint Forest Officers under Section 41(1) of the Act shall be in Form 54 of Schedule 1.

58. INSTRUMENT OF APPOINTMENT OF FOREST OFFICERS.

An instrument of appointment of Forest Officers by the Minister under Section 41(1) of the Act shall be in Form 55 of Schedule 1

59. BOARD RECOMMENDATION TO MINISTER TO APPOINT FOREST INSPECTORS.

A Board's recommendation to the Minister to appoint Forest Inspectors under Section 41(2) of the Act shall be in Form 56 of Schedule 1.

60. INSTRUMENT OF APPOINTMENT OF FOREST INSPECTORS.

An instrument of appointment of Forest Inspectors by the Minister under Section 41(2) of the Act shall be in Form 57 of Schedule 1.

61. MINISTER'S CONSULTATION WITH THE BOARD ON PROPOSED ESTABLISHMENT OF A STATE MARKETING AGENCY.

The Minister consultation with the Board on a proposed establishment of a State Marketing Agency under Section 42(1) of the Act shall be in Form 58 of Schedule 1.

62. BOARD'S ADVICE TO MINISTER FOR FOREST ON PROPOSAL BY MINISTER TO ESTABLISH A STATE MARKETING AGENCY.

The Board's advice to the Minister on the Minister's proposal to establish a State Marketing Agency shall be in Form 59 of Schedule 1.

63. DETERMINATION BY THE BOARD FOR THE MANAGEMENT STAFFING AND CONTROL OF THE STATE MARKETING AGENCY ESTABLISHED AS A DIVISION OF THE NATIONAL FOREST SERVICE BY THE MINISTER.

A determination by the Board for the management, staffing and control of a State Marketing Agency established as a division of the National Forest Service by the Minister under Section 42(2) of the Act shall be in Form 60 of Schedule 1.

64. ESTABLISHMENT OF A STATE MARKETING AGENCY AS A DIVISION OF THE NATIONAL FOREST SERVICE BY THE MINISTER OR OTHERWISE.

An establishing of a State Marketing Agency as a Division of the National Forest Service by the Minister or otherwise under Section 42(1) of the Act shall be in Form 61 of Schedule 1.

65. NOTICE TO MINISTER FOR FINANCE OF BOARD'S INTENTION TO EXECUTE A PROJECT AGREEMENT AND SEEKING THE MINISTER FOR FINANCE'S APPROVAL.

A Notice to the Minister for Finance of the Board's intention to execute a Project Agreement and seeking the Minister for Finance's approval under Section 61(2) of the *Public Finances (Management) Act 1995* shall be in Form 62 of Schedule 1.

66. MINISTER FOR FINANCE'S APPROVAL FOR BOARD TO EXECUTE A PROJECT AGREEMENT.

An approval by the Minister for Finance for the Board to execute a Project Agreement under Section 61(2) of the *Public Finances (Management) Act 1995* shall be in form 63 of Schedule 1.

67. NOTICE TO MINISTER FOR FINANCE OF BOARD'S INTENTION TO EXECUTE A CONTRACT AND SEEKING THE MINISTER FOR FINANCE'S APPROVAL.

A Notice to the Minister for Finance of the Board's intention to execute a contract (other than a project agreement) and seeking the Minister for Finance's approval under Section 61(2) of the *Public Finances (Management) Act 1995* shall be in Form 64 of Schedule 1.

68. MINISTER FOR FINANCE'S APPROVAL FOR BOARD TO EXECUTE A CONTRACT.

An approval by the Minister for Finance for the Board to execute a contract (other than a project agreement) under Section 61(2) of the *Public Finances (Management) Act 1995* shall be in Form 65 of Schedule 1.

69. NATIONAL FOREST INVENTORY AND ANNUAL STATEMENT BY BOARD OF ALLOWABLE CUT VOLUMES.

(1) A National Forest Inventory referred to in Section 47(2)(b) of the Act shall include the following particulars:—

- (a) a precise description of those parts of the national forest estate which are deemed suitable for long term sustainable management by location, type, area and estimated merchantable volume;

- (b) a description of the national forest estate presenting broad details of all forests by location, type and area;
- (c) such other particulars as the Board may specify from time to time.

(2) The content of the National Forest Inventory shall be revised from time to time to take account of known changes in the nature and size of the national forest resource, data obtained from successive or more detailed forest resource assessments and knowledge obtained through forest research.

(3) A document purporting to be the National Forest Inventory or a revision thereof shall be of no force and effect unless it has been certified as such by the Chairman pursuant to a resolution of the Board to the effect that the Board is satisfied that the information contained therein is the best available at the time and is suitable for inclusion in the Inventory.

(4) A certificate certifying a National Forest Inventory under Section 47(2)(b) of the Act shall be in Form 66 of Schedule 1.

(5) Within 30 days of certification under Subsection (4), the Authority shall make and offer for sale to the public, at a price determined by the Managing Director, printed copies of the National Forestry Inventory or a revision thereof, and the Authority may make and offer for sale to the public consolidated copies of the Inventory and revisions thereof on such occasions as it sees fit.

(6) An Annual Statement by the Board of allowable cut volumes under Section 47(2)(c)(iii) of the Act shall be in Form 67 of Schedule 1.

70. LETTER OF TRANSMITTAL OF A NATIONAL FOREST PLAN BY THE CHAIRMAN OF THE BOARD TO THE MINISTER.

A transmittal by the Chairman of the Board to the Minister under Section 48 of the Act of a National Forest Plan shall be accompanied by a letter of transmittal in Form 68 of Schedule 1.

71. SUBMISSION OF PROVINCIAL FOREST PLAN TO BOARD.

A submission to the National Forest Board of a copy of a Provincial Forest Plan or a renewal thereof pursuant to Section 50(1) of the Act shall be in Form 69 of Schedule 1.

72. REFERRAL BY BOARD OF PROVINCIAL FOREST PLAN TO PROVINCIAL GOVERNMENT.

A referral by the Board to a Provincial Government of a Provincial Forest Plan under Section 50(2) of the Act shall be in Form 70 of Schedule 1.

73. RE-SUBMISSION OF A PROVINCIAL FOREST PLAN TO BOARD.

A re-submission by the Minister responsible for forestry functions in a Provincial Executive Council of a Provincial Government to the Board of a Provincial Forest Plan under Section 50(3) of the Act shall be in Form 71 of Schedule 1.

74. BOARD'S NOTIFICATION TO CHAIRMAN OF THE COMMITTEE OF THE PROVINCIAL EXECUTIVE COUNCIL RESPONSIBLE FOR FORESTRY FUNCTION RELATING TO A PROVINCIAL FOREST PLAN.

A notification by the Board under Section 51(a) of the Act to the Chairman of the Committee of the Provincial Executive Council responsible for forestry functions in a Provincial Government that the Provincial Forest Plan is consistent with the National Forestry Development Guidelines shall be in Form 72 of Schedule 1.

75. LETTER OF TRANSMITTAL OF A PROVINCIAL FOREST PLAN BY THE BOARD TO THE MINISTER.

A letter of transmittal by the Board to the Minister of a Provincial Forest Plan shall be in Form 73 of Schedule 1.

76. DECLARATION OF RESTRICTED AREA BY MANAGING DIRECTOR.

A declaration by the Managing Director of a restricted area under Section 52 of the Act shall be in Form 74 of Schedule 1.

77. BURNING PERMIT.

A burning permit issued by a Forest Officer under Section 53 of the Act shall be in Form 75 of Schedule 1.

78. APPLICATION TO MANAGING DIRECTOR FOR A BURNING PERMIT.

An application for a burning permit shall—

- (a) be in Form 76 of Schedule 1; and
- (b) contain the information and particulars specified in the form or as are required in any particular case by the Managing Director.

79. FOREST MANAGEMENT AGREEMENT.

A Forest Management Agreement under Section 58 of the Act shall contain those particulars as set out in Section 58 of the Act and such other particulars as the Board may specify from time to time.

80. APPROVAL OF A FOREST MANAGEMENT AGREEMENT BY MINISTER.

The approval of the Minister to a Forest Management Agreement under Section 56(2) of the Act shall be in Form 77 of Schedule 1.

81. BOARD'S REQUEST TO THE MINISTER TO APPROVE A FOREST MANAGEMENT AGREEMENT.

A Board request to the Minister to approve a Forest Management Agreement under Section 56(2) of the Act shall be in Form 78 of Schedule 1.

82. CERTIFICATE FROM PROVINCIAL FOREST MANAGEMENT COMMITTEE ON FOREST MANAGEMENT AGREEMENT.

A certificate from a Provincial Forest Management Committee under Section 58(f) of the Act shall be in Form 79 of Schedule 1 and shall be annexed to a Forest Management Agreement referred to in Section 58 of the Act.

83. BOARD CONSULTATION WITH CUSTOMARY OWNERS, ETC.

To enable the Board to carry out its obligation under Section 59 of the Act to consult with those persons and Provincial Government referred to in Section 59 of the Act the Board shall forward to such persons and Provincial Government a Notice in Form 80 of Schedule 1.

84. BOARD DIRECTION TO THE NATIONAL FOREST SERVICE OR A CONTRACTOR TO CARRY OUT DEVELOPMENT OPTIONS STUDIES OVER A PROPOSED PROJECT AREA.

The Board's direction to the National Forest Service or a contractor to carry out development options studies over a proposed project area under Section 62(1) of the Act shall be in Form 81 of Schedule 1.

85. BOARD'S REQUEST TO PROVINCIAL FOREST MANAGEMENT COMMITTEE TO GIVE DIRECTIONS TO THE BOARD ON THE CARRYING OUT OF A DEVELOPMENT OPTIONS STUDY.

A request by the Board to a Provincial Forest Management Committee requiring the Provincial Forest Management Committee to give the Board directions on the carrying out of a Development Options Study shall be in Form 82 of Schedule 1.

86. DIRECTIONS TO THE BOARD FROM PROVINCIAL FOREST MANAGEMENT COMMITTEE ON DEVELOPMENT OPTIONS STUDY.

A provincial Forest Management Committee's direction to the Board under Section 62(3)(b) of the Act shall be in Form 83 of Schedule 1.

87. PROVISION OF DEVELOPMENT OPTIONS STUDY TO MINISTER AND PROVINCIAL FOREST MANAGEMENT COMMITTEE.

(1) The provision by the Board to the Minister and the Provincial Forest Management Committee of true copies of a development option study under Section 62(4) of the Act shall be in Form 84 of Schedule 1.

(2) Any person may on payment of the prescribed fee in Schedule 3, make application in Form 232 of Schedule 1 to the National Forest Service for a copy of a development option study.

88. SUBMISSION TO BOARD OF DRAFT PROJECT GUIDELINES BY PROVINCIAL FOREST MANAGEMENT COMMITTEE.

A submission by a Provincial Forest Management Committee to the Board of draft project guidelines under Section 63(2) of the Act shall be in Form 85 of Schedule 1.

89. BOARDS ISSUANCE OF FINAL PROJECT GUIDELINES FOR FOREST DEVELOPMENT PROJECT.

(1) The issuing of final project guidelines by the Board under Section 63(2) of the Act shall be in Form 86 of Schedule 1.

(2) Any person may on payment of the prescribed fee in Schedule 3, make application in Form 232 of Schedule 1 for a copy of final Project Guidelines for a Forest Development Project.

90. EXPRESSIONS OF INTEREST IN A FOREST DEVELOPMENT PROJECT AND PROJECT PROPOSAL.

(1) The Registration of an Expression of interest in a Forest Development Project and the lodgement of a Project Proposal under Section 64 of the Act from a registered forestry industry participant shall be in Form 87 of Schedule 1 and both the Expression of Interest and Project Proposal must be lodged together in accordance with the manner and procedures as determined by the Board and as set out in any public advertisement calling for tenders to lodge Expressions of Interest in a Forest Development Project and to lodge Project Proposals.

(2) Where the Board has determined under Section 64(3) of the Act to consider Expressions of Interest in a Forest Development Project and Project Proposals without advertisement for open tender then such expressions of interest and project proposals shall be lodged together directly with the Managing Director and shall be in Form 92 of Schedule 1.

(3) The fee payable on lodging an expression of interest and accompanied project proposal under Section 66 of the Act shall be as specified in Schedule 3.

91. INVITATION BY THE BOARD TO THE HOLDER OF A TIMBER PERMIT TO LODGE AN EXPRESSION OF INTEREST AND MAKE A

PROJECT PROPOSAL IN RESPECT OF AN EXTENSION INTO A FOREST DEVELOPMENT PROJECT AREA.

⁴An invitation by the Board under Section 64(3) to a registered forest industry participant who is the holder of a timber permit to lodge an expression of interest and project proposal shall be in Form 88 of Schedule 1.

92⁵. [REPEALED.]

93. GRANT OR REFUSAL OF PERMISSION TO CARRY OUT FEASIBILITY STUDIES, ETC.

The Managing Director's grant of permission under Section 65 of the Act shall be in Form 90 of Schedule 1.

94. APPLICATION TO MANAGING DIRECTOR TO CARRY OUT FEASIBILITY STUDIES, ETC.

(1) An application under Section 65 of the Act by a registered forest industry participant or consultant to enter a project area and carry out those activities referred to in Section 65 of the Act shall be in Form 91 of Schedule 1.

(2) The fee payable on making an application under Section 65 of the Act shall be as specified in Schedule 3.

95. PROJECT PROPOSALS.

(1) A project proposal referred to in Section 66 of the Act shall be accompanied by the following particulars:—

- (a) a description of the proposed use of the forest resource;
- (b) the proposed forest harvesting methods;
- (c) details of employment potential in relation to the project;
- (d) detailed financial analysis in relation to the project including projected revenue flows, cost flows, particulars of debt servicing and rates of return;
- (e) an undertaking and guarantee that the proponents will comply with contemporary environmental control standards and the Authority's Manuals titled "Planning, Monitoring and Control Procedures for Natural Forest Logging Operations under a Timber Permit", "P.N.G. Logging Code of Practice" and "Procedures for Exporting Logs" (or any revisions thereof);
- (f) detailed description and independent valuation of the proponents proposals for landowner benefits;

⁴ Section 91 replaced by No 1 of 2001.

⁵ Section 92 repealed by No 1 of 2001.

- (g) details of proposed measures to implement the principles of sustainable forest management which shall include but are not limited to all of the following:–
 - (i) resource replacement;
 - (ii) selective logging;
 - (iii) enrichment planting;
 - (iv) harvesting practices;
 - (v) reforestation;
- (h) a copy of certificate of registration as a forest industry participant;
- (i) supporting documentation from the proponents Bankers, financiers or others confirming the ability of the proponent to undertake the proposed project;
- (j) the name, postal address, address for service in Papua New Guinea of legal process, telephone number and facsimile number of the proponent;
- (k) where the proponent is a corporate person–
 - (i) the shareholding structure; and
 - (ii) the name, office or position held in the company, nationality, place of residence, details of formal qualifications, relevant work experience of, and other current or prior offices held by, each director, office-bearer or senior management executive; and
 - (iii) the proponents experience in proposals of a similar nature;
- (l) the name, address, telephone and facsimile number of the applicant's bankers;
- (m) any permit, licence or timber authority applied for or held by the Proponent;
- (n) where the proponent is a corporate person–
 - (i) a copy of the certificate of incorporation; and
 - (ii) the shareholding structure of any incorporated shareholders;
- (o) audited financial statements for the year ending 31 December previously; and

96. REFERENCE OF A PROJECT PROPOSAL TO A PROVINCIAL FOREST MANAGEMENT COMMITTEE.

A reference of a project proposal by the Managing Director under Section 67(1) of the Act to a Provincial Forest Management Committee for evaluation shall be in Form 93 of Schedule 1.

97. PROVINCIAL FOREST MANAGEMENT COMMITTEE INVITATION TO PROPONENT FOR FURTHER INFORMATION, ETC.

An invitation by a Provincial Forest Management Committee under Section 68(1) of the Act to a proponent to provide further information shall be in Form 94 of Schedule 1.

98. REPORT AND RECOMMENDATION OF PROVINCIAL FOREST MANAGEMENT COMMITTEE ON PROJECT PROPOSAL TO THE BOARD.

A Provincial Forest Management Committees report and recommendations to the Board under Section 69 of the Act shall be in Form 95 of Schedule 1.

99. BOARDS CONSULTATION WITH MINISTER ON REPORT AND RECOMMENDATIONS OF A PROVINCIAL FOREST MANAGEMENT COMMITTEE.

The Board's consultation with the Minister on a report and recommendation of a Provincial Forest Management Committee under Section 70(1)(a) of the Act shall be in Form 96 of schedule 1.

100. MINISTER VIEWS ON PROVINCIAL FOREST MANAGEMENT COMMITTEE'S REPORT AND RECOMMENDATIONS AND ON THE BOARD'S VIEWS.

The Minister views on Provincial Forest Management Committee's reports and recommendations and on the Board's views under Section 70(a) of the Act shall be in Form 97 of Schedule 1.

101. BOARD DIRECTIONS TO PROVINCIAL FOREST MANAGEMENT COMMITTEE ON PROJECT AGREEMENT.

A direction by the Board to the Provincial Forest Management Committee under Section 70(1)(b) of the Act shall be in Form 98 of Schedule 1.

102. BOARD RECOMMENDATION TO THE PROVINCIAL FOREST MANAGEMENT COMMITTEE ON THE PARAMETERS WITHIN WHICH NEGOTIATIONS SHOULD BE CONDUCTED AND RECOMMENDATIONS ON THE COMPOSITION OF A NEGOTIATING COMMITTEE.

The Board's recommendation to the Provincial Forest Management Committee on the parameters within which negotiations should be conducted and recommendations on the composition of a negotiating committee under Section 70(1)(c) and (d) of the Act shall be in Form 99 of Schedule 1.

**103. PROVINCIAL FOREST MANAGEMENT COMMITTEES
CONFIRMATION TO THE BOARD ON THE PARAMETERS WITHIN
WHICH NEGOTIATIONS ARE TO BE CONDUCTED AND OF THE
COMPOSITION OF A NEGOTIATING COMMITTEE.**

The recommendations to the Board by the Provincial Forest Management Committee on the parameters within which negotiations should be conducted and of the composition of a negotiating committee under Section 70(1)(c) and (d) of the Act shall be in Form 100 of Schedule 1.

**104. CONFIRMATION BY THE BOARD TO THE PROVINCIAL FOREST
MANAGEMENT COMMITTEE OF THE PARAMETERS WITHIN
WHICH NEGOTIATIONS ARE TO BE CONDUCTED AND ON THE
COMPOSITION OF A NEGOTIATING COMMITTEE.**

The Board's determination of the parameters within which negotiations shall be conducted and on the composition of a negotiating committee under Section 70(1)(c) and (d) of the Act shall be in Form 101 of Schedule 1.

**105. ADVICE TO BOARD BY PROVINCIAL FOREST MANAGEMENT
COMMITTEE THAT NEGOTIATIONS HAVE FAILED IN RESPECT TO
A FINAL DRAFT OF A PROJECT AGREEMENT.**

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

**106. SUBMISSION OF FINAL DRAFT OF PROJECT AGREEMENT 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 a final draft of a project agreement to the Board shall be in Form 103 of Schedule 1.

**107. BOARD RECOMMENDATION TO MINISTER TO GRANT A TIMBER
PERMIT.**

A recommendation by the Board to the Minister under Section 72(1)(b)(ii) of the Act to grant a timber permit shall be in Form 104 of Schedule 1.

**108. BOARD REFERRAL TO PROVINCIAL FOREST MANAGEMENT
COMMITTEE OF DRAFT PROJECT AGREEMENT.**

A referral from the Board to the Provincial Forest Management Committee under Section 72(1)(c) of the Act shall be in Form 105 of Schedule 1.

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

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

110. MINISTER'S INVITATION TO A PERSON TO MAKE AN APPLICATION FOR A TIMBER PERMIT.

An invitation by the Minister under Section 73(1) or Section 75(1) of the Act to a person to make an application under Section 77 of the Act for the grant of a timber permit shall be in Form 107 of Schedule 1.

111. MINISTER'S NON-ACCEPTANCE OF BOARD'S RECOMMENDATION TO GRANT A TIMBER PERMIT AND REFERRAL TO BOARD.

The Minister's notification to the Board under Section 73(4) of the Act of his non-acceptance of a Board recommendation made under Section 72(1)(b)(ii) of the Act shall be in Form 108 of Schedule 1.

112. BOARD'S FINAL RECOMMENDATION TO THE MINISTER TO GRANT A TIMBER PERMIT.

A final recommendation by the Board to the Minister under Section 74 of the Act to grant a timber permit shall be in Form 109 of Schedule 1.

113. MINISTER REFERRAL OF BOARD RECOMMENDATION FOR A GRANT OF A TIMBER PERMIT TO NATIONAL EXECUTIVE COUNCIL.

The Minister's referral to the National Executive Council of a recommendation of the Board to grant a timber permit under Section 75(2) of the Act shall be in Form 110 of Schedule 1.

114. DIRECTION OF NATIONAL EXECUTIVE COUNCIL TO THE MINISTER TO ACCEPT THE RECOMMENDATION OF THE BOARD OF THE FOREST AUTHORITY TO GRANT A TIMBER PERMIT.

A direction of the National Executive Council to the Minister to accept the recommendation of the Forest Authority to grant a timber permit under Section 76 of the Act shall be in Form 111 of Schedule 1.

115. DIRECTION OF NATIONAL EXECUTIVE COUNCIL TO THE MINISTER TO REJECT THE RECOMMENDATION OF THE BOARD OF THE FOREST AUTHORITY TO GRANT A TIMBER PERMIT.

A direction of the National Executive Council to the Minister to reject the recommendation of the Board of the Forest Authority to grant a timber permit under Section 76 of the Act shall be in Form 112 of Schedule 1.

116. MINISTER'S ADVICE TO THE BOARD OF NATIONAL EXECUTIVE COUNCIL'S DIRECTION TO THE MINISTER TO ACCEPT THE RECOMMENDATION OF THE BOARD OF THE FOREST AUTHORITY TO GRANT A TIMBER PERMIT.

The Minister's advice to the Board made pursuant to Section 76(2)(b) of the Act of a National Executive Council direction to the Minister to accept the recommendation of the Board of the Forest Authority to grant a timber permit shall be in Form 113 of Schedule 1.

117. MINISTER'S ADVICE TO THE BOARD OF NATIONAL EXECUTIVE COUNCIL'S DIRECTION TO THE MINISTER TO REJECT THE RECOMMENDATION OF THE BOARD OF THE FOREST AUTHORITY TO GRANT A TIMBER PERMIT.

The Minister's advice to the Board made pursuant to Section 76(2)(b) of the Act of a National Executive Council direction to the Minister to reject the recommendation of the Board of the Forest Authority to grant a timber permit shall be in Form 114 of Schedule 1.

118. TIMBER PERMIT.

A timber permit under Section 73 of the Act shall—

- (a) be in Form 115 of Schedule 1; and
- (b) contain such conditions as are provided for in Section 73(2) of the Act and as are specified in Form 115 of Schedule 1.

119. APPLICATION FOR A TIMBER PERMIT.

(1) An application for a timber permit under Section 77(1) of the Act shall be in Form 116 of Schedule 1.

(2) An application for a timber permit shall contain the information and particulars as required under Section 77(2) of the Act and as are specified in Form 116 of Schedule 1 and an approval of the environmental plan referred to in Section 77(2)(c)(iii) of the Act by the National Executive Council under Section 18 of the *Environmental Planning Act 1978*.

(3) The fee payable on an application for a timber permit shall be as specified in Schedule 3.

120. RETURN OF AN APPLICATION FOR A TIMBER PERMIT.

The return of an application for a timber permit by the Managing Director under Section 77(1) of the Act shall be in Form 117 of Schedule 1.

121. TIMBER PERMIT EXTENSION OR RENEWAL OF TERM.

A timber permit extension or renewal of term under Section 78(4) of the Act shall—

- (a) be in Form 118 of Schedule 1; and
- (b) contain such conditions as provided for in Section 78 of the Act and as are specified in Form 118 of Schedule 1.

122. RETURN BY MANAGING DIRECTOR OF APPLICATION FOR EXTENSION OR RENEWAL OF THE TERM A TIMBER PERMIT.

The return of an application for an extension or renewal of the term a timber permit by the Managing Director under Section 78(1) of the Act shall be in Form 119 of Schedule 1.

123. APPLICATION FOR EXTENSION OR RENEWAL OF TERM OF TIMBER PERMIT.

(1) An application for an extension or renewal of a term of a timber permit under Section 78(2) of the Act shall be in Form 120 of Schedule 1.

(2) An application for extension or renewal of a timber permit shall not be considered by the Board until the information and particulars as are specified in Section 78(3) of the Act have been obtained and any application must contain a brief submission setting out why the extension or renewal is desired.

(3) An application must be lodged no later than 90 days before the expiry of the timber permit.

(4) The fee payable on an application for an extension or renewal of term shall be as specified in Schedule 3.

124. BOARD REQUEST TO PROVINCIAL FOREST MANAGEMENT COMMITTEE FOR A REPORT ON TIMBER PERMIT EXTENSION OR RENEWAL OF TERM.

A Board request to a Provincial Forest Management Committee under Section 78(3) of the Act shall be in Form 121 of Schedule 1.

125. REPORT TO THE BOARD BY A PROVINCIAL FOREST MANAGEMENT COMMITTEE ON AN APPLICATION FOR AN EXTENSION OR RENEWAL OF THE TERM OF A TIMBER PERMIT EXTENSION.

A report to the Board by a Provincial Forest Management Committee on an application for an extension or renewal of the term of a timber permit extension under Section 78(3) of the Act shall be in Form 122 of Schedule 1.

126. REJECTION BY BOARD OF APPLICATION FOR EXTENSION OR RENEWAL OF TERM OF A TIMBER PERMIT.

A rejection by the Board of an application for an extension or renewal of term of a timber permit under Section 78(4) of the Act shall be in Form 123 of Schedule 1.

127. RECOMMENDATION BY BOARD TO THE MINISTER FOR TIMBER PERMIT EXTENSION, ETC.

A recommendation from the Board to the Minister under Section 78(4) of the Act to extend or renew the term of a timber permit shall be in Form 124 of Schedule 1.

128. BOARD NOTICE TO A HOLDER OF A TIMBER PERMIT THAT IT REQUIRES AN AMENDMENT TO A TIMBER PERMIT.

A Board notice to a holder of a timber permit that it requires an amendment to a timber permit under Section 79(3) of the Act shall be in Form 125 Schedule 1

129. MANAGING DIRECTOR'S NOTICE OF MINISTER'S APPROVAL OF TRANSFER OF A TIMBER PERMIT.

A Notice by the Managing Director of the Ministers approval under Sections 81(1) and 83(1) of the Act of a transfer of a timber permit shall be in Form 126 of Schedule 1.

130. MANAGING DIRECTOR'S NOTICE OF MINISTER'S APPROVAL OF SURRENDER OF A TIMBER PERMIT.

A Notice by the Managing Director of the Minister's approval under Section 81(1) and 83(1) of the Act of a surrender of a timber permit shall be in Form 127 of Schedule 1.

131. MANAGING DIRECTOR'S NOTICE OF MINISTER'S APPROVAL OF AMENDMENT OF A TIMBER PERMIT.

A notice by the Managing Director of the Minister's approval under Section 81(1) and 83(1) of the Act of an amendment of a timber permit shall be in Form 128 of Schedule 1.

132. CONDITIONS OF A TRANSFER SURRENDER OR AMENDMENT OF A TIMBER PERMIT.

The Minister's approval of a transfer, surrender or amendment of a timber permit shall contain such conditions as are provided for in Section 81 of the Act and as are specified in the relevant forms.

133. APPLICATION TO TRANSFER ETC. A TIMBER PERMIT.

(1) An application under Section 79(1) of the Act for the transfer, amendment or surrender of a timber permit shall—

- (a) be in Form 129 of Schedule 1; and
- (b) contain the information and particulars as specified in Form 129 of Schedule 1.

(2) The fee payable on an application to transfer, amend or surrender a timber permit shall be as specified in Schedule 3.

134. RETURN BY MANAGING DIRECTOR OF AN APPLICATION TO TRANSFER AMEND OR SURRENDER A TIMBER PERMIT.

A return by the Managing Director of an application to transfer, amend or surrender a timber permit under Section 79(1) of the Act shall be in Form 130 of Schedule 1.

135. BOARD RECOMMENDATION TO MINISTER TO TRANSFER, ETC., TIMBER PERMIT.

A recommendation from the Board to the Minister under Section 80(b) of the Act for the grant of a transfer amendment or surrender of a timber permit shall be in Form 131 of Schedule 1.

136. APPROVAL OF MINISTER TO TRANSFER, ETC., TIMBER PERMIT.

The approval of the Minister to the Board under Section 81(1) of the Act of a recommendation of the Board to a transfer, amendment or surrender of a timber permit shall be in Form 132 of Schedule 1.

137. MINISTERS REFERRAL OF APPLICATION TO TRANSFER, ETC., A TIMBER PERMIT FOR BOARD'S RECOMMENDATION.

A referral from the Minister under Section 81(3) of the Act to the Board for its reconsideration shall be in Form 133 of Schedule 1.

138. BOARD'S FINAL RECOMMENDATION TO MINISTER ON TRANSFER, ETC. , A TIMBER PERMIT.

After a reconsideration of the application a final recommendation from the Board to the Minister under Section 82 of the Act in respect of the transfer, amendment or surrender of a timber permit shall be in Form 134 of Schedule 1.

139. APPROVAL OF MINISTER TO TRANSFER, ETC, TIMBER PERMIT AFTER RECEIVING BOARD'S FINAL RECOMMENDATION.

The approval of the Minister under Section 83(1) of the Act of a final recommendation of the Board to a transfer amendment or surrender of a timber permit shall be in Form 135 of Schedule 1.

140. MINISTER'S REFERRAL OF AN APPLICATION FOR A TRANSFER AMENDMENT OR SURRENDER OF A TIMBER PERMIT TO THE NATIONAL EXECUTIVE COUNCIL.

The Minister's referral of an application for the transfer, amendment or surrender of a timber permit to the National Executive Council under Section 83(3) of the Act shall be in Form 136 of Schedule 1.

141. DIRECTIONS OF NATIONAL EXECUTIVE COUNCIL TO THE MINISTER TO ACCEPT THE RECOMMENDATION OF THE BOARD OF THE FOREST AUTHORITY FOR A TRANSFER AMENDMENT OR SURRENDER OF A TIMBER PERMIT.

Directions of the National Executive Council to the Minister to accept the recommendation of the Board of the Forest Authority for a transfer, amendment or surrender of a timber permit under Section 84 of the Act shall be in Form 137 of Schedule 1.

142. DIRECTIONS OF NATIONAL EXECUTIVE COUNCIL TO THE MINISTER TO REJECT THE RECOMMENDATION OF THE BOARD OF THE FOREST AUTHORITY FOR A TRANSFER AMENDMENT OR SURRENDER OF A TIMBER PERMIT.

Directions of the National Executive Council to the Minister to reject the recommendation of the Board of the Forest Authority for a transfer, amendment or surrender of a timber permit under Section 84 of the Act shall be in Form 138 of Schedule 1.

143. MINISTER'S ADVICE TO THE BOARD AND THE HOLDER OF A TIMBER PERMIT OF NATIONAL EXECUTIVE COUNCIL'S DIRECTIONS TO THE MINISTER TO ACCEPT THE RECOMMENDATION OF THE BOARD OF THE FOREST AUTHORITY FOR A TRANSFER AMENDMENT OR SURRENDER OF A TIMBER PERMIT.

The Minister's advice to the Board and the Holder of a timber permit pursuant to Section 84(2)(a) of the Act of a National Executive Council direction to the Minister to accept the recommendation of the Board of the Forest Authority for the transfer, amendment or surrender of a timber permit shall be in Form 139 of Schedule 1.

144. MINISTER'S ADVICE TO THE BOARD AND THE HOLDER OF A TIMBER PERMIT OF NATIONAL EXECUTIVE COUNCIL'S DIRECTIONS TO THE MINISTER TO REJECT THE RECOMMENDATION OF THE BOARD OF THE FOREST AUTHORITY FOR A TRANSFER AMENDMENT OR SURRENDER OF A TIMBER PERMIT.

The Minister's advice to the Board and the Holder of a timber permit pursuant to Section 84(2)(a) of the Act of a National Executive Council direction to the Minister to reject the recommendation of the Board of the Forest Authority for the transfer, amendment or surrender of a timber permit shall be in Form 140 of Schedule 1.

145. SUSPENSION OF RIGHTS OF A TIMBER PERMIT, ETC.

Suspension of rights in a timber permit, timber authority or a licence under Section 85 of the Act shall be in accordance with Form 141 of Schedule 1.

146. NOTICE OF INTENTION TO SUSPEND RIGHTS.

A notice of intention under Section 85(2) of the Act to suspend rights under a timber permit, timber authority or licence shall be in accordance with Form 142 of Schedule 1.

147. REQUEST OF HOLDER OF TIMBER PERMIT, ETC., TO BE HEARD ON SUSPENSION OF RIGHTS.

A request by the holder of a timber permit, timber authority or licence under Section 85(4) of the Act to be heard shall be in Form 143 of Schedule 1.

148. APPLICATION OF HOLDER OF TIMBER PERMIT, ETC, TO RE-INSTATE RIGHTS SUSPENDED.

An application by the holder of a timber permit, timber authority or licence under Section 85(5) of the Act to re-instate rights suspended under Section 85 of the Act shall be in Form 144 of Schedule 1.

149. RECISSION OF NOTICE OF SUSPENSION BY THE MANAGING DIRECTOR.

A recission of a notice under Section 85(4) of the Act of suspension by the Managing Director shall be in Form 145 of Schedule 1.

150. RE-INSTATEMENT BY MANAGING DIRECTOR OF RIGHTS SUSPENDED.

The re-instatement of rights suspended under a timber permit, timber authority or licence by the Managing Director under Section 85(5) shall be in Form 146 of Schedule 1.

151. CANCELLATION OF TIMBER PERMIT BY MINISTER.

Cancellation of a timber permit under Section 86 of the Act by the Minister shall be in accordance with Form 147 of Schedule 1.

152. NOTICE OF INTENTION TO CANCEL TIMBER PERMIT.

A notice of intention under Section 86(3) to cancel a timber permit shall be in Form 148 of Schedule 1.

153. REPRESENTATIONS TO MANAGING DIRECTOR FROM HOLDER OF TIMBER PERMIT.

Representations by the holder of a timber permit under Section 86(3)(b) of the Act shall be in Form 149 of Schedule 1.

154. REQUEST OF HOLDER OF TIMBER PERMIT TO BE HEARD ON PROPOSED CANCELLATION OF A TIMBER PERMIT.

A request by the holder of a timber permit under Section 86(4) of the Act to be heard shall be in Form 150 of Schedule 1.

155. MANAGING DIRECTOR'S REPORT TO THE BOARD OF HEARING ON PROPOSED CANCELLATION OF A TIMBER PERMIT.

A report to the Board by the Managing Director pursuant to Section 86(7) (a) of the Act of a hearing under Section 86(4) of the Act shall be in Form 151 of Schedule 1.

156. MANAGING DIRECTOR'S REPORT TO THE BOARD WHEN THERE HAS BEEN NO REPRESENTATIONS MADE OR REQUEST TO BE HEARD.

Where there has been no representations by a holder of timber permit under Section 86(3) of the Act or a request to be heard under Section 86(4) of the Act the Managing Director shall make a report to the Board in Form 152.

157. RECOMMENDATIONS BY BOARD TO MINISTER ON PROPOSED CANCELLATION OF TIMBER PERMIT.

Recommendations by the Board to the Minister under Section 86(7)(b) shall be in Form 153 of Schedule 1.

158. ADVICE TO THE MINISTER TO CANCEL A TIMBER PERMIT.

Where there has been no representation made by the holder of a timber permit under Section 86(3) of the Act or a request to be heard under Section 86(4) of the Act the Board shall advise the Minister in Form 154 of Schedule 1.

159. TIMBER AUTHORITY FOR DOMESTIC PROCESSING, ETC.

A timber authority under Section 87 of the Act and which is to harvest less than 5000m³ per year by selection logging for domestic processing shall be in Form 155 of Schedule 1 and shall be subject to all of the conditions set out in that Form.

160. APPLICATION FOR TIMBER AUTHORITY FOR DOMESTIC PROCESSING, ETC.

(1) An application for a timber authority under Section 88 of the Act shall, where the application is to harvest not more than 5000m³ per year by selection logging for domestic processing, be in Form 156 of Schedule 1 and contain the particulars as set out in that Form and shall have attached to such application the following documentation:—

- (a) a Verification of Ownership and consent of landowners form which shall be in Form 165 of Schedule 1;
- (b) a copy of a Sale and Purchase Agreement between the applicant and the customary owners, which relates to the purchase, harvesting, processing or marketing of timber and other forest products from the project area and such Agreement shall be in Form 166 of Schedule 1;
- (c) contain those particulars as set out in Section 88(c) of the Act.

(2) The fee payable on an application for a timber authority under this Regulation shall be as specified in Schedule 3.

161. TIMBER AUTHORITY FOR ROADLINE CLEARANCE, ETC.

(1) A timber authority under Section 87 of the Act and which is for roadline clearance shall be in Form 157 of Schedule 1 and shall be subject to all of the conditions as set out in that Form.

(2) The maximum roadline corridor which may be cleared under a single timber authority for this purpose shall not exceed—

- (a) corridor length—the length of road planned to be constructed in the particular timber authority period; and

- (b) corridor width—40 metres and such said width shall not be more than 20 metres on either side of the centre of the road.

(3) Any grant of a timber authority for roadline clearance shall be granted for the period of the total roadline clearance project.

(4) A timber authority granted for forest clearance for road construction may be suspended where—

- (a) construction of the road in the corridor cleared under the timber authority is not progressing according to the Department of Transport and Work's approved implementation schedule; or
- (b) the applicant has not provided the Authority with a certificate from the Department responsible for road works matters confirming that the length of road constructed in the roadline cleared in accordance with any stage of an implementation schedule meets the road construction standards of that Department.

(5) The construction of new public roads through forested area shall not be funded by the logging of a wide forest corridor, and the timber authority shall prescribe that forest clearance for road construction shall only be authorized in stages in order to ensure actual construction takes place. An applicant for a timber authority must satisfy the Managing Director that he is able to fund the roadline clearance and for this purpose the applicant may factor into their financial proposals estimates of income to the resource owners and themselves from the projected sale of forest resources.

(6) Before a timber authority is processed by the Forest Authority, the relevant Provincial Government must confirm in writing that the proposed road is on the National and or Provincial transport plan and that it agrees with the road being built, and that where it is to be responsible for the roads maintenance, it can afford to maintain the road.

162. APPLICATION FOR TIMBER AUTHORITY FOR ROADLINE CLEARANCE, ETC.

(1) An application for a timber authority under Section 88 of the Act shall, where the application is to harvest logs for commercial use from forest clearing operations, be in Form 158 of Schedule 1 and shall have attached to such application the following documentation:—

- (a) a Verification of Ownership and consent of landowners form which shall be in Form 165 of Schedule 1;
- (b) a copy of a Sale and Purchase Agreement between the applicant and the customary owners, which relates to the purchase, harvesting, processing or marketing of timber and other forest products from the project area and such Agreement shall be in form 166 of Schedule 1;
- (c) contain those particulars as set out in Section 88(c) of the Act.

(2) The fee payable on an application for a timber authority under this Regulation shall be as specified in Schedule 3.

163. TIMBER AUTHORITY FOR AGRICULTURAL OR OTHER LAND USE.

(1) A timber authority under Section 87 of the Act and which is for agricultural or other land use shall be in Form 159 of Schedule 1 and shall be subject to all of the conditions as set out in that Form.

(2) Any grant of a timber authority for agricultural or other land use shall be granted for the period of the total agriculture or other land use project.

(3)⁶ [*Repealed.*]

(4) A further stage under the same Timber Authority may only be granted for the same purposes of forest clearance for agriculture or other land use where all conditions relating to an agricultural development plan implementation schedule have been satisfied.

(5) A timber authority granted for agriculture and other land use may be suspended where—

- (a) the planned land use is not progressing according to the Department of Agriculture and Livestock approved implementation Schedule; or
- (b) the applicant has not provided the Authority with a certificate from the Department responsible for Agriculture and Livestock confirming that the requirements of agriculture contained in the timber authority are in accordance with any stage of an implementation schedule and meets the standards of that Department.

(6) An applicant for a timber authority for agriculture or other land use must satisfy the Managing Director that it is able to fund the agriculture or other land use project and for this purpose the applicant may factor into their financial proposals estimates of income to the resource owners and themselves from the projected sale of forest resources.

164. APPLICATION FOR TIMBER AUTHORITY FOR AGRICULTURAL OR OTHER LAND USE.

(1) An application for a timber authority under Section 88 of the Act shall, where the application is to harvest logs for commercial use from forest clearing operations for agricultural or other land use development (except roadline clearance), be in Form 160 of Schedule 1 and shall have attached to such application the following documentation:—

- (a) a verification of ownership and consent of landowners form which shall be in Form 165 of Schedule 1;
- (b) a copy of a Sale and Purchase Agreement between the applicant and the customary owners which relates to the purchase, harvesting, processing

⁶ Subsection (3) repealed by No 1 of 2001.

or marketing of timber and other forest products from the project area and shall be in Form 166 of Schedule 1;

(c) contain those particulars as set out in Section 88(c) of the Act.

(2) The fee payable on an application for a timber authority under this Regulation shall be as specified in Schedule 3.

165. TIMBER AUTHORITY TO HARVEST OTHER FOREST PRODUCTS.

A timber authority under Section 87 of the Act and which is for the harvesting of other forest products other than plantation material shall be in Form 161 of Schedule 1 and shall be subject to all of the conditions as set out in that Form.

166. APPLICATION FOR TIMBER AUTHORITY TO HARVEST OTHER FOREST PRODUCTS.

(1) An application for a timber authority under Section 88 of the Act, where the application is to harvest forest products other than timber, shall be in Form 162 of Schedule 1 and shall have attached to such application the following documentation:—

(a) a verification of ownership and consent of landowners form which shall be in Form 165 of Schedule 1;

(b) a copy of a Sale and Purchase Agreement between the applicant and the customary owners which relates to the purchase, harvesting, processing or marketing of timber and other forest products from the project area and shall be in Form 166 of Schedule 1;

(c) contain those particulars as set out in Section 88(c) of the Act.

(2) The fee payable on an application for a timber authority under this Regulation shall be as specified in Schedule 3.

167. TIMBER AUTHORITY TO HARVEST PLANTATION MATERIAL ON GOVERNMENT, STATE LEASEHOLD, PRIVATE LEASEHOLD OR PRIVATE FREEHOLD LANDS.

A timber authority to harvest plantation material on Government, State leasehold, private leasehold or private freehold land under Section 87 of the Act shall be in Form 163 of Schedule 1.

168. APPLICATION FOR TIMBER AUTHORITY TO HARVEST PLANTATION MATERIAL ON GOVERNMENT, STATE LEASEHOLD, PRIVATE LEASEHOLD OR PRIVATE FREEHOLD LAND.

(1) An application for a timber authority under Section 88 of the Act where the application is to harvest plantation material on Government, State leasehold, private leasehold or private freehold land shall be in Form 164 of Schedule 1 and shall have

attached to such application documentary evidence to satisfaction of the Managing Director of—

- (a) the legal ownership of the plantation land and of the plantation material and the consent of the legal owners of the plantation and of the owners of the plantation material where applicable; and
- (b) where appropriate and to the satisfaction of the Managing Director, a copy of a Sale and Purchase Agreement between the applicant and the owner of the plantation material which relates to the purchase, harvesting, processing or marketing of plantation material from the project area; and
- (c) contain those particulars as set out in Section 88(c) of the Act.

(2) The fee payable on an application for a timber authority under this Regulation shall be as specified in Schedule 3.

169. MANAGING DIRECTOR'S NOTICE TO APPLICANT FOR TIMBER AUTHORITY.

Where an application for a timber authority does or does not contain the particulars as required under Section 88 of the Act and those particulars as specified in the relevant form then the Managing Director shall by notice in writing in Form 167 of Schedule 1 advise the applicant accordingly.

170. MANAGING DIRECTOR'S REFERRAL OF TIMBER AUTHORITY APPLICATION TO PROVINCIAL FOREST MANAGEMENT COMMITTEE.

A referral of an application by the Managing Director to the Provincial Forest Management Committee under Section 89(1) of the Act shall be in Form 168 of Schedule 1.

171. REJECTION BY A PROVINCIAL FOREST MANAGEMENT COMMITTEE OF AN APPLICATION FOR A TIMBER AUTHORITY.

The rejection by a Provincial Forest Management Committee of an application for a timber authority under Section 89(4) of the Act shall be in Form 169 of Schedule 1.

172. RECOMMENDATIONS OF PROVINCIAL FOREST MANAGEMENT COMMITTEE ON TIMBER AUTHORITY APPLICATIONS.

(1) A recommendation made under Section 89(4) of the Act by a Provincial Forest Management Committee to the Chairman of the Committee of the Provincial Executive Council responsible for forestry functions shall be in Form 170 of Schedule 1.

(2) A recommendation shall have attached to it a draft timber authority which has been approved by the Provincial Forest Management Committee.

(3) A copy of the recommendation shall be forwarded to the Board and the Managing Director.

173. NOTICE OF INTENTION TO BOARD TO GRANT A TIMBER AUTHORITY.

(1) A Notice of Intention to issue a timber authority over a project area and requesting consent of the Board to issue a timber authority and made under Section 89(5) of the Act by the Chairman of the Committee of the Provincial Executive Council responsible for forestry functions shall be in Form 171 of Schedule 1.

(2) A copy of the proposed timber authority shall be attached to the Notice of Intention.

174. CONSENT OR NON-CONSENT OF BOARD TO THE GRANT OF A TIMBER AUTHORITY.

The Board's consent or non-consent under Section 89 of the Act to a grant of a timber authority by the Chairman of the Committee of the Provincial Executive Council responsible for forestry matters shall be in Form 172 of Schedule 1.

175. CANCELLATION OF A TIMBER AUTHORITY.

A cancellation of a timber authority made under Section 90 of the Act by the Chairman of the Committee of the Provincial Executive Council responsible for forestry functions shall be in Form 173 of Schedule 1.

176. NOTICE OF INTENTION TO CANCEL A TIMBER AUTHORITY.

A Notice of intention by the Chairman of the Committee of the Provincial Executive Council responsible for forestry functions to cancel a timber authority shall be in Form 174 of Schedule 1.

177. LICENCE.

A licence to engage in forest industry activities under Section 91 of the Act shall be in Form 175 of Schedule 1.

178. RETURN BY MANAGING DIRECTOR OF AN APPLICATION FOR A LICENCE.

A return by the Managing Director of an application for a Licence under Section 91(1) of the Act shall be in Form 176 of Schedule 1.

179. APPLICATION FOR A LICENCE.

(1) An application for a licence under Section 92 of the Act shall—

(a) be in Form 177 of Schedule 1; and

- (b) contain the information and particulars as required by Section 92 of the Act and those particulars as are specified in Form 177 of Schedule 1 and the particulars set out in Subsection (2).
- (2) The particulars referred to Subsection (1)(b) are as follows:–
 - (a) the proposed felling and logging methods of forest produce;
 - (b) the proposed methods and arrangements in relation to the transportation of forest produce (if applicable);
 - (c) the proposed methods and arrangements in relation to the sale and/or purchase of forest produce (if applicable);
 - (d) the proposed methods and arrangements in relation to the marketing of forest produce (if applicable);
 - (e) the proposed methods and arrangements in relation to the processing of forest produce (if applicable);
 - (f) the proposed methods and arrangements in relation to the grading of forest produce (if applicable);
 - (g) the proposed consulting activities to be undertaken;
 - (h) any other proposed activities other than those activities specified in subsection (a), (b), (c), (d), (e), (f) and (g);
 - (i) the proposed forest harvesting methods if applicable;
 - (j) details of employment potential in relation to the licence;
 - (k) detailed financial analysis in relation to the licence activities including projected revenue flows, cost flows, particulars of debt servicing and rates of return;
 - (l) covenant and undertaking of the applicant to comply with contemporary environmental control standards and the Authority's Manuals titled "Planning, Monitoring and Control Procedures for Natural Forest Logging Operations under a timber permit", "The Papua New Guinea Logging Code of Practice" and "Procedures for Exporting Logs" (or any revisions thereof);
 - (m) detailed description and independent valuation of the applicants proposals for landowner benefits (if applicable);
 - (n) name of proposed contractor;
 - (o) a copy of certificate of registration as a forest industry participant;
 - (p) supporting documentation from the applicants Bankers, financiers or others confirming the ability of the applicant to undertake the proposed activities;
 - (q) the name, postal address, address for service in Papua New Guinea of legal process, telephone number and facsimile number of the applicant;
 - (r) where the applicant is a corporate person–

- (i) the shareholding structure including shareholding structure of any incorporated shareholders; and
- (ii) the name, office or position held in the company, nationality, place of residence, details of formal qualifications, relevant work experience of, and other current or prior offices held by, each director, office-bearer or senior management executive; and
- (iii) the applicants experience in proposals of a similar nature;
- (s) the name, address, telephone and facsimile number of the applicant's bankers;
- (t) any permit, licence or timber authority presently applied for or held by the applicant;
- (u) audited financial statements for the year ending 31 December previously;
- (v) a copy of the applicants Investment Promotion Authority certificate (if applicable).

(3) The Authority may in additions to the above information and in its discretion, require the applicant to provide further or additional information.

(4) The fee payable on an application for a licence shall be as specified in Schedule 3.

180. RETURN OF APPLICATION FOR A LICENCE.

If an application for a licence is not completed or further or additional information is required by the Managing Director before it is referred to the Authority the Managing Director shall return the application to the applicant by using Form 178.

181. REFERRAL TO BOARD FOR CONSIDERATION OF APPLICATION FOR A LICENCE.

A referral by the Managing Director under Section 93(1) of an application for a licence shall be in Form 179 of Schedule 1.

182. BOARD DETERMINATION TO SEEK ASSISTANCE FROM THE NATIONAL FOREST SERVICE OR ANY RELEVANT DEPARTMENT IN EVALUATING AN APPLICATION FOR THE ISSUE OF A LICENCE.

A Board's determination to seek assistance from the National Forest Service or any relevant Department in evaluating an application for the issue of a licence under Section 93(3) of the Act shall be in Form 180 of Schedule 1.

183. REJECTION BY BOARD OF AN APPLICATION FOR A LICENCE.

A Board determination to reject an application for a licence made under Section 92 of the Act shall be in Form 181 of Schedule 1.

184. CANCELLATION OF LICENCE.

A cancellation by the Minister of a licence under Section 97 of the Act shall be in Form 182 of Schedule 1.

185. NOTICE OF INTENTION TO CANCEL LICENCE.

A notice of an intention to cancel a licence under Section 97(3) of the Act shall be in Form 183 of Schedule 1.

186. REPRESENTATIONS TO MANAGING DIRECTOR FROM HOLDER OF A LICENCE.

Representations by the holder of a licence under Section 97(3)(b) of the Act shall be in Form 184 of Schedule 1.

187. REQUEST BY HOLDER OF A LICENCE TO BE HEARD ON PROPOSED CANCELLATION OF A LICENCE.

A request by the holder of a licence under Section 97(4) of the Act to the Board shall be in Form 185 of Schedule 1.

188. REPORT OF HEARING TO BOARD ON PROPOSED CANCELLATION OF A LICENCE.

A report to the Board of a hearing under Section 97(4) of the Act shall be in Form 186 of Schedule 1.

189. RECOMMENDATIONS BY BOARD TO MINISTER ON PROPOSED CANCELLATION OF A LICENCE.

Recommendations by the Board to the Minister under Section 97(7)(b) shall be in Form 187 of Schedule 1.

190. MANAGING DIRECTOR'S REPORT TO BOARD WHERE THERE HAS BEEN NO REPRESENTATION MADE OR HEARING REQUESTED IN RESPECT OF A PROPOSED CANCELLATION OF A LICENCE.

A report by the Managing Director to the Board where there has been no representations made or hearing requested in respect of a proposed cancellation of a licence shall be in Form 188 of Schedule 1.

191. BOARD'S ADVICE TO MINISTER TO CANCEL A LICENCE.

The Board's advice to the Minister where he is required to cancel a licence under Section 97(5) of Act shall be in Form 189 of Schedule 1.

192. EXTENSION OF TERM OF LICENCE.

An extension of term of a licence to engage in forestry industry activities under Section 95 of the Act shall be in Form 190 of Schedule 1.

193. APPLICATION FOR AN EXTENSION OF A LICENCE.

(1) An application for an extension of a licence under Section 95 of the Act shall be in Form 191 of Schedule 1 and shall be lodged with the Managing Director not less than 60 days before the expiration of the applicant's current licence.

(2) The Managing Director shall submit an application lodged under Subsection (1) to the Board together with a report on the performance of the licensee in carrying out the activities authorized by the licence.

(3) The Board shall consider an application submitted to it at its first meeting after it is received and where it is satisfied with the performance of the applicant, shall recommend to the Minister that an extension be granted and the Minister may grant the extension.

(4) Where an application for extension is made more than 60 days in advance of the expiration of the licence and the licensee is not notified of the outcome of the application before the expiration of the licence, the licence shall be deemed to be extended until such notification is made.

(5) Where the Board is not satisfied with the performance of a licence it may—

- (a) offer the applicant an opportunity of providing a written explanation of any alleged breach of the licence conditions; and
- (b) after considering any explanation provided under Paragraph (a), reject the application by notice in writing to the applicant or recommend its extension.

(6) Where an Incorporated Land Group or other party to a Forest Management Agreement gives written notice to the Managing Director of an alleged breach of the conditions of a licence in respect of activities within the area covered by the Agreement, the Managing Director shall cause an investigation to be made of the allegation and shall submit a report of the investigation to the Board.

(7) The fee for an application for an extension of a licence shall be as specified in Schedule 3.

194. RETURN BY MANAGING DIRECTOR OF AN APPLICATION FOR EXTENSION OF TERM OF A LICENCE.

A rejection by the Managing Director of an application for an extension of term of a licence under Section 95(1) of the Act shall be in Form 192 of Schedule 1.

195. REJECTION OF AN APPLICATION BY THE BOARD FOR AN EXTENSION OF TERM OF A LICENCE.

A rejection of an application by the Board for an extension of term of a licence under Section 95(2) of the Act shall be in Form 193 of Schedule 1.

196. PERFORMANCE BOND.

⁷(1) In this section, “holder” means the holder of a timber permit, timber authority, licence, forest clearing authority, authority to carry out large scale agriculture or other land use development and authority to carry out large scale roadline development that involves clearance of natural forest.

(2) A performance bond required to be lodged under Section 98 of the Act shall be as agreed to by the Managing Director in the form of either –

- (a) an open ended bank guarantee with a commercial bank approved by the Managing Director in which case it shall be in Form 194A of Schedule 1 and shall be in the form of Deed; or
- (b) cash lodgement(s) to a current account bearing deposit with a commercial bank approved by the Managing Director in which case it shall be in Form 194B of Schedule 1 or substantially in that form.

(3) Where, under Subsection (2), an open ended bank guarantee is the designated option and the performance bond has been executed by an approved Bank, the holder shall, as soon as practicable, provide to the Authority a stamped original copy of the Deed and a confirmation of lodgement of the performance bond in Form 195A of Schedule 1.

(4) Where, under Subsection (2), cash lodgement(s) to a trust account is the designated option, the following shall apply –

- (a) a separate bank account shall be established with a commercial bank within Papua New Guinea;
- (b) the Account shall be opened as the Project Performance Bond Account of the particular Project for which the appropriate timber permit, timber authority, licence or Authority has been issued under the Act, with the signatories to be only the Managing Director of PNG Forest Authority, the Secretary of the Department of Environment and Conservation, the Legal Counsel of the National Board Service or independent person(s) authorized by the Board and the authorized representative of the landowners;
- (c) bond moneys shall be deposited in the account maintained solely for that purpose and any moneys deposited with the bank pursuant to Section 98 of the Act shall be paid into the account and any interest earned on funds of the account shall form part of the bond moneys;

⁷ Section 196 replaced by No 1 of 2001; Section 196 Substituted by S.R. 2004, No. 2.

- (d) the holder shall provide copies of quarterly statements of account to the Managing Director of the PNG Forest Authority, the Secretary of the Department of Environment and Conservation, the Legal Counsel or the person(s) authorized by the National Forest Board, and the designated representative of the landowners.

(5) Timber Permits

- (a) In respect of a timber permit, the total amount of the performance bond shall be not less than the equivalent of the total of the royalty rate plus the average rate of all landowner premiums and levies payable multiplied by the annual allowable cut divided by two, or, at the discretion of the Board in any particular case, an amount greater than what is specified in this Regulation and expressed in the following: –

$$P = (A+B) \times C / 2 \qquad \text{where -}$$

P = is the performance bond required

A = is the gross royalty rate payable

B = is the assessed average gross rate of all levies and premiums payable (including project development benefit)

C = is the minimum annual allowable cut.

- (b) For the purpose of calculation of the performance bond under Paragraph (a), the following shall apply: –
- (i) all levies and premiums payable, including those for log export, shall be assessed on the total minimum annual allowable cut, except that where a levy or premium is specified at different rates for log export and domestic processing, the lesser rate shall apply;
 - (ii) where calculations are required involving log export price, the price used shall be the published Papua New Guinea average log export price, expressed in PNG Kina as published in the log export monitoring report or equivalent, for the preceding calendar year.
- (c) Performance bonds may be lodged within the following time periods: –
- (i) where the performance bond is to be lodged under Subsection (2)(a) – within thirty days of issuance of the timber permit; or
 - (ii) where the performance bond is to be lodged under Subsection (2)(b) – two sixths of the total performance bond amount shall be deposited within thirty days of the issuance of the timber permit and with one sixth of the total performance bond amount to be deposited within thirty days of the start of the calendar year, for each of the four subsequent years following the issuance of the timber permit.

- (d) Irrespective of the time of initial performance bond lodgement, the level of performance bond for all timber permits shall be reviewed on a standard five yearly basis, starting from the year 2005, and shall be assessed on the basis of any changes to the prevailing royalty, levy and premium rates' the level of annual allowable cut and to the published Papua New Guinea average log export price for the calendar year preceding the review.
- (e) Changes to the level of performance bond on the basis of the five yearly review shall only be made where an increased amount is required, such changes to be made in the following manner: –
- (i) any existing lodgements or bank guarantees to be increased to the revised amount within 30 days of the holder receiving notice from the Managing Director of the new bond payable under this Paragraph;
 - (ii) any future lodgements required to be increased to the revised amount and paid as and when they fall due.

(6) In respect of forest clearing authorities

- (a) In respect of forest clearing authorities and timber authorities, the total amount of the performance bond shall be not less than the equivalent of the total of the royalty rate plus the average rate of all landowner premiums and levies payable multiplied by the total assessed net timber harvest volume or the annual allowable cut, as the case may be, or, at the discretion of the Board in any particular case, an amount greater than what is specified in this Regulation and expressed in the following formula:

$$P = (A+B) \times C \times 0.2 \quad \text{where -}$$

P = is the performance bond required

A = is the gross royalty rate payable

B = is the assessed average gross rate of all levies and premiums payable

C = is the assessed net harvestable timber volume or timber authority annual allowable cut.

- (b) For the purpose of calculation of the performance bond under Paragraph (a), the following shall apply: –
- (i) all levies and premiums payable, including those for log export, shall be assessed on the total annual allowable cut, except that where a levy or premium is specified at different rates for log export and domestic processing, the lesser rate shall apply;
 - (ii) where calculations are required involving log export price, the price used shall be the published Papua New Guinea average log

export price, expressed in PNG Kina as published in the log export monitoring report or equivalent, for the preceding calendar year.

- (c) Performance bonds may be lodged within the following time periods: –
- (i) where the performance bond is to be lodged under Subsection (2)(a) – within thirty days of issuance of the Forest Clearing Authority or Timber Authority, as the case may be; or
 - (ii) where the performance bond is to be lodged under Subsections (2)(b) – two sixths of the total performance bond amount shall be deposited within thirty days of the issuance of the Forest Clearing Authority or Timber Authority, as the case may be, and with one sixth of the total performance bond amount to be deposited within thirty days of the start of the calendar year, for each of the four subsequent year following the issuance of the Forest Clearing Authority or Timber Authority, as the case may be.

(7) Authorities to carry out Large Scale Agriculture or other Land Use Development and Authorities to Carry Out Large Scale Roadline Development.

- (a) In respect of authorities to carry out large scale agriculture or other land use development or authorities to carry out large scale roadline development, the total amount of the performance bond shall be not less than fifteen percent (15%) of the total capital cost of the agricultural, roading or other land use development proposed or, at the discretion of the Board in any particular case, where the perceived level of risk of the holder or lesser level of performance bond, as specified in this Regulation.
- (b) Performance bonds may be lodged within the following time periods: –
- (i) where the performance bond is to be lodged under Subsection (2)(a) – within thirty days of issuance of any forest clearing authority; or
 - (ii) where the performance bond is to be lodged under Subsection (2)(b) – fifty percent (50%) of the total performance bond amount must be deposited prior to the commencement of any forest clearing under a forest clearing authority and the remaining fifty percent (50%) to be deposited within thirty days of the issuance of the authority to carry out large scale agriculture or other land use development or authority to carry out large scale roadline development, as the case may be.
- (c) Irrespective of the time of initial performance bond lodgement, the level of performance bond for all authorities to carry out large scale agriculture or other land use development or authorities to carry out large scale roadline development shall be reviewed annually, and adjustments made as follows: –

- (i) where development is delayed and progress is deemed to be unsatisfactory, except in the case of the force majeure, the level of bond shall be increased or decreased by the Papua New Guinea Consumer Price Index on the anniversary date of the signing of the Authority for each of the Authority for each of the succeeding years, the amount to be calculated in accordance with the following formula: –

$$P1 = P \times N1 / B1$$

Where -

P1 = is the revised performance bond amount

P = is the amount of performance bond calculated at the time of signing the Authority

N1 = is the Consumer Price Index for Papua New Guinea (All Weighted Urban Average) published by the National Statistical Office of Papua New Guinea in respect of the quarter immediately preceding the particular anniversary date

B1 = is the Consumer Price Index for Papua New Guinea (All Weighted Urban Average) published by the National Statistics Office of Papua New Guinea in respect of quarter immediately preceding the base date;

- (ii) where development is proceeding the performance bond amount shall be reduced proportionately based on the percentage of the total development, in expenditure terms, completed and subject to specific time frames agreed to between the holder and Authority.

(8) In respect of licences, the amount of performance bond shall be as determined by the Board.

(9) A holder of a timber permit, timber authority, licence, forest clearing authority, authority, authority to carry out large scale agriculture or other land use development and an authority to carry out large scale roadline development shall not be regarded as having lodged a performance bond until the holder has delivered an original copy, together with a duly complete confirmation of performance bond, to the Managing Director.

(10) No timber permit, timber authority, licence, forest authority, authority to carry out large scale agriculture or other land use development and an authority to carry out large scale roadline development shall commence, or be in effect, until a performance bond has been lodged with the Authority in the prescribed form and if not lodged within 21 days of the date of grant of such authority or such longer period as determined by the Board then the said grant or authority shall be deemed void and shall be cancelled by the Board forthwith.

(11) A holder of an existing timber permit, timber authority, licence, forest clearing authority to carry out large scale agriculture or other land use development and an authority to carry out large scale roadline scale roadline development shall comply fully with the requirements of this section within one month of the coming into operation of the Forest (Amendment) Regulation 2004.

(12) The Managing Director may, on recommendation from the Board, increase the performance bond payable under this section, taking into consideration any past non-compliance by the holder with respect to any past or existing permit, timber permit, licence, forest clearing authority, authority to carry out large scale agriculture or other land use development and authority to carry out large scale roadline development and assess the risk of the holder, including its perceived ability to replenish the performance bond in the event that it is drawn upon under Section 198 of the Act.

(13) The Managing Director may opt to undertake a risk assessment on the performance of the holder, based on criteria endorsed by the Board, if he is of the opinion that the holder poses a high level of risk to the State and landowners.

197. PROCEDURE FOR DRAWING ON A PERFORMANCE BOND.

⁸(1) The procedure for drawing on a bond are follows: –

- (a) before the Authority draws on a performance bond, the Managing Director or his delegate shall serve a notice on the holder in Form 196 of Schedule 1 –
 - (i) specifying the alleged non-performance; and
 - (ii) allowing the holder at least 14 days after the date of serving the notice to –
 - (A) remedy the non-performance; or
 - (B) provide a written explanation or denial of the alleged non-performance;
- (b) upon expiry of the notice period, the Managing Director may –
 - (i) arrange for the Authority to draw on the bond, in accordance with the prescribed scale of deductions; or
 - (ii) if satisfied with the explanation provided by the holder, determine that the Authority will not draw the bond, subject to the holder taking such remedial action, if any, as he directs; or
 - (iii) if he is of the opinion that the holder is not in breach, or that the holder has taken satisfactory remedial action, determine that the Authority will not draw on the bond and shall notify the holder in writing of his decision by a notice in Form 197 of Schedule 1.

⁸ Section 197 Substituted by S.R. 2004, No. 2.

(2) Where a bank guarantee is the designated opinion, upon termination of the timber permit, timber authority, licence, forest clearing authority, authority to carry out large scale agriculture or other land use development and authority to carry out large scale roadline development in respect of which the bond was lodged, the Managing Director shall arrange for delivery to the bank of an authorization in Form 198A of Schedule 1, under seal of the Authority, to release the balance of bond money (if any), after the Authority has drawn any money due to it, and the Authority may delay giving such authorization until it has had a reasonable opportunity to assess whether the holder has committed any breaches.

(3) Where a current interest bearing deposit account is the designated option, the following shall apply: –

- (a) withdrawals from the account shall only be for the purpose of –
 - (i) drawing on the bond in accordance with the prescribed scale of deductions; or
 - (ii) refunding the full account balance, including any interest earned, to the holder upon completion, and upon confirmation of completion, of the Project;
- (b) upon termination of the timber permit, timber authority, licence, forest clearing authority, authority to carry out large scale agriculture or other land use development and authority to carry out large scale roadline development in respect of which the account was established, the Managing Director shall arrange for delivery to the account signatories of an authorization in Form 198B of Schedule 1, under seal of the Authority, to release the balance of bond money (if any), after the Authority has drawn any money due to it, and the Authority may delay giving such authorization until it has had a reasonable opportunity to assess whether or not the holder has committed any breaches;
- (c) any withdrawals from the Account shall require the joint signatures of any three of the Managing Director of the Papua New Guinea Forest Authority, the Secretary of the Department of Environment and Conservation, the Legal Council of the National Forest Board Service or independent person(s) authorized by the Board and the authorized representative of the landowners.

(4) In relation to a performance bond drawn under this section, the following shall apply: –

- (a) no bond moneys shall be released to the holder by the Bank prior to the delivery of authorization under Subsection (2) or (3)(b);
- (b) where the Authority has drawn on the performance bond of any holder, the holder shall, within 30 days of the date of the notification by the Authority of the drawdown by the Authority, replenish the bond as prescribed by Section 98(3) of the Act and if the holder does not provide evidence to the Managing Director that the amount in the performance bond account has been restored in full, the Managing Director may, at

the expiration of the 14 days, suspend the timber permit, timber authority, licence, forest clearing authority, authority to carry out large scale agriculture or other land use development and authority to carry out large scale roadline development under Section 85 of the Act; and

- (c) in the event that the assessed cost of the contractual breach or non-compliance exceeds the value of the performance bond in place, the performance bond shall be replenished and draw upon to the extent that the full value of the contractual breach or non-compliance is compensated;
- (d) a notification to the holder of a timber permit, timber authority, licence, forest clearing authority, authority to carry out large scale agriculture or other land use development and authority to carry out large scale roadline development under Section 98(3) of the Act shall be in Form 199 of Schedule 1.

198. PRESCRIBED SCALE OF DEDUCTIONS FOR BREACHES OF CONDITIONS OF TIMBER PERMITS, ETC.

⁹(1) The prescribed scale of the deductions for breaches of conditions or requirements of a timber permit, timber authority, licence, forest clearing authority, authority to carry out large scale agriculture or other land use development and authority to carry out large scale roadline development for breaches of conditions or requirements shall be specified in the terms and conditions of the permit, authority or licence, as the case may be, and the breaches and the scale of deductions for such said breaches shall be as specified in Schedule 2.

(2) In assessing the scale of deduction of the performance bond for breaches or defaults as required under this section, the Authority shall make allowance for non-compliance(s) relating to force majeure as stipulated under the timber permit, authority, licence or project agreement(s) entered under Section 72 of the Act or as mutually agreed between the State, the landowners and the holder.

198A. MANAGEMENT AND CONTROL OF PERFORMANCE BONDS.

¹⁰(1) The Managing Director shall designate an officer of the Authority whose function is to administer and monitor the performance bonds for all timber permits, timber authorities, licences, forest clearing authorities, authorities to carry out large scale agriculture or other land use development and authorities to carry out large scale roadline development in accordance with Subsection (2).

- (2) An officer designated under Subsection (1) shall –
 - (a) ensure that all performance bonds are properly in place and up to date; and

⁹ Section 198 Substituted by S.R. 2004, No. 2.

¹⁰ Section 198A Inserted by S.R. 2004, No. 2.

- (b) ensure that whenever performance bonds are drawn upon, they are replenished within the due time; and
- (c) provide six monthly activity reports for each performance bond guarantee or account, including start balance, account transactions, end balance and details of any notices of alleged non-performance and outcomes, and shall report on any other activities or breaches associated with each performance bond to the Managing Director with copies of the report to be provided to the Legal Counsel of the National Forest Board Service or independent person(s) authorized by the Board.

(3) The process for reporting and acting upon allegations of non-compliance or breach of conditions shall be as follows: –

- (a) all allegations shall be made in writing to the Managing Director and copied immediately to the Legal Counsel of the National Forest Board Service or independent person authorized by the National Forest Board;
- (b) the Managing Director shall ensure that all allegations are properly investigated and that a report is prepared for each, including, the details of the findings of the investigation, and the recommended course of action;
- (c) the Managing Director shall forward the report to the Legal Counsel of the National Forest Board Service or independent person authorized by the National Forest Board, who will assess the matter and either provide a final clearance or will recommend other actions. No reported breaches are to be either dismissed or acted upon without both the approval of the Managing Director and consent of the Legal Counsel of the National Forest Board Service or independent person authorized by the National Forest Board.
- (d) the Legal Counsel of the National Forest Board Service or independent person authorized by the National Forest Board shall provide six monthly reports to the Board regarding the status and activities of all performance bonds and shall also report to the Board immediately regarding any significant actions or breaches associated with any performance bond.

199. PROJECT STATEMENT.

(1) A project statement as required under Section 100 of the Act shall be in Form 200 of Schedule 1 and shall contain the following details:–

- (a) permit holders' company profile including details of all senior personnel employed;
- (b) permit holders' experience in the carrying out of similar projects;
- (c) permit holders proposed method or methods and mode of operations in the harvesting, processing and sale of forest produce in the project;
- (d) permit holders proposed method of project management;

- (e) permit holders objectives and strategies in respect to the project for each successive five year periods during the term of the timber permit;
- (f) such other detail as are determined by the Board from time to time.

(2) The fee payable on the submission of a project statement shall be as specified in Schedule 3.

200. FIVE YEAR WORKING PLANS.

(1) A five year working plan as required under Section 101 of the Act shall be in Form 201 of Schedule 1 and shall contain the following details:–

- (a) a map of the entire project area at a scale of 1:50,000 (blow-ups of the standard PNG 1:100,000 topographic map series are acceptable) showing–
 - (i) areas already logged (if any) and year of logging; and
 - (ii) areas to be logged during the next five years. The area shown must be the gross loggable area, i.e. excluding major areas where logging may not take place (e.g. conservation areas, swamps, areas exceeding 30 degrees slope, extensive village/garden areas), and areas of unmerchantable forest where logging is not planned, but note smaller scale exclusion areas to be delineated at the operational or set-up planning stage (e.g. buffer zones, small cultural sites); and
 - (iii) permanent forest roads and bridges to be constructed during the five years; and
 - (iv) the location of any log ponds to be constructed during the five years. Planners preparing a Five Year Plan should note take specific approval to establish a new log pond must be obtained before any construction commences; and
 - (v) the location of any new logging base camps to be constructed during the five years. Planners preparing a Five Year Plan should note that specific approval to establish a new logging base camp must be obtained before any construction commences; and
 - (vi) the location of the volumetric survey lines or plots;
- (b) a Schedule showing the planned order of logging, including estimates of net loggable areas, and net harvestable volumes (including species distribution) for each year's area of operations. The estimate of net harvestable volume must be based at minimum on a 1% sample of the gross loggable area (as would be provided for example by parallel survey lines consisting of continuous line plots 5m wide at 500m intervals). For new projects a 1% sample will have already been assessed as part of the Feasibility Study. For existing projects a minimum 1% volumetric survey must be undertaken. The details of net harvestable volumes

presented must be based on actual inventory of the areas to be logged, and not on historical data from previously logged areas;

- (c) a schedule detailing all landowner benefits which are to be delivered during the five year period, plus a delivery schedule;
- (d) five bound copies of the plan shall be attached to Form 201 of Schedule 1;
- (e) such other detail as are determined by the Board from time to time.

(2) The fee payable on the submission of a five year working plan shall be as specified in Schedule 3.

201. ANNUAL LOGGING PLAN.

(1) An annual logging plan as required under Section 102 of the Act shall be in Form 202 of Schedule 1 and shall contain the following details:–

- (a) an endorsement letter signed by the Authority's field based Project Supervisor;
- (b) a map at a scale of 1:25,000 (blow-up of the standard PNG 1:100,000 topographic map series are acceptable) clearly showing–
 - (i) the areas to be logged during the next 12 months split into set-ups of a maximum of 150 hectares each. Set-up boundaries must reflect natural features (where these exist), especially water courses. Areas with no identifiable natural features may be split upon a grid basis and where natural features exist with no reference to the field, the map will not be accepted. Set-ups must be numbered; and
 - (ii) areas not to be logged e.g. conservation areas, low merchantable volume areas, village reserves, cultural and historic sites; and
 - (iii) the existing road network, and any existing permanent roads to be decommissioned during the year; and
 - (iv) any new permanent forest roads and bridges to be constructed during the year. Typically permanent roads are constructed up to 12 months ahead of logging. The map must show all permanent roads to be constructed during the year, including those roads which will not be used until the following year. Road corridors to be cleared for permanent forest road construction must be split into one or more set-ups, and numbered; and
 - (v) log volume production and use i.e. exported, converted to wood products (sawn timber, plywood, chips, other—including processed product output volumes), changes in stocks; and
 - (vi) new construction undertaken (forest roads, log ponds, logging base camps, and landowner infrastructure); and

- (vii) existing construction which has been decommissioned (forest roads, log ponds and logging base camps); and
 - (viii) a list of the set-ups from the previous year's Annual Logging Plan for which no application for a Set-up Plan approval was made, and which have been renumbered and included in the current year's Annual Logging Plan; and
 - (ix) infrastructure and other landowner benefits delivered during the year; and
 - (x) the location of any gravel sources to be exploited during the year; and
 - (xi) existing log ponds, and the location of any new log ponds to be constructed during the year. Planners preparing an Annual Logging Plan should note that specific Authority's approval to establish a new log pond must be obtained before any construction commences; and
 - (xii) existing logging base camps, and the location of any new logging base camps to be constructed during the year. Planners preparing an Annual Logging Plan should note that specific Authority's approval to establish a new logging base camp must be obtained before any construction commences;
- (c) a schedule showing the planned order of logging the set-ups (including both selection logging set-ups and permanent roading set-ups), including set-up number, and for each set-up an estimate of the net loggable area, and an estimate of the harvestable volume (including species distribution). The estimate of net harvestable volume may be based on the 1% sample of the loggable area already presented in the Five Year Plan;
- (d) a schedule detailing road and water crossing standards for the permanent forest roads to be constructed during the year;
- (e) a schedule setting out the equipment (types and numbers) and logging methods to be used during the 12 months period;
- (f) a schedule detailing all landowner benefits which are to be delivered during the year. For infrastructure the Schedule must indicate construction start-up time, estimated completion time, construction standards, an estimate of total costs, and an indicative infrastructure maintenance plan (including responsibility and cost estimates);
- (g) a report on the implementation of the previous year's Annual Logging Plan, comparing plan with actual performance, and summarising;
- (h) five bound copies of the plan shall be attached to Form 202 of Schedule 1;
- (i) such other detail as are determined by the Board from time to time.

(2) Before logging commences in each harvest area the holder of a timber permit shall apply in writing to a Forest Officer or Forest Inspector for a harvest authorization.

(3) Before a harvest authorization is granted for a particular area the holder of the timber permit shall, in accordance with directions issued from time to time by the Managing Director—

- (a) conduct and submit the results of an inventory as directed by the Managing Director from time to time; and
- (b) produce a detailed map of the area showing the location of proposed logging roads and skid trails and areas where logging is not to occur for environmental and cultural reasons; and
- (c) specify any site-specific measures to avoid or mitigate environmental damage; and
- (d) comply with such general directions as from time to time, are given by the Managing Director.

(4) A holder of a timber permit shall notify the Authority upon completion of logging, forest management and related work carried out by him in accordance with any standards and directions set by the Managing Director from time to time.

(5) As soon as practicable after notification under Subsection (4) is received by the Authority, a Forest Officer or Forest Inspector shall—

- (a) carry out an inspection of the work as prescribed; and
- (b) if work has been carried out in compliance with the standards and directions required, issue a certificate in Form 203 of Schedule 1 to that effect in accordance with Section 102(3) of the Act; and
- (c) if work has not been carried out in compliance with the standards and directions required, issue a Notice of Unsatisfactory Completion of Work in Form 204 of Schedule 1.

(6) Harvest authorization to commence logging in successive harvest areas designated in an annual logging plan may be granted subject to and conditional upon the holder of the timber permit obtaining a certificate under Section 102(3) of the Act in respect of a previous harvest authorization.

(7) Commencement of logging in an area without a harvest authorization shall constitute an offence and a breach of the offender's timber permit, timber authority or licence.

(8) The fee payable on submission of an Annual Logging Plan shall be as specified in Schedule 3.

202. FAILURE TO LODGE SATISFACTORY STATEMENTS AND PLANS.

Where the holder of a timber permit fails to lodge a project statement, 5 year working plan or annual logging plan and have same approved by the Board before

the expiration of the preceding statement or plan, the timber permit may be suspended in accordance with Section 85 of the Act or cancelled in accordance with Section 86 of the Act until such time as the outstanding statement or plan is approved and compliance with approved statements and plans is deemed to be a condition of a timber permit.

203. PRESERVATION REQUIREMENTS.

The requirement for preservation of forest produce as required by Section 117 of the Act shall be those as set out in the National Standards Council of Papua New Guinea Standard 1293-1989 for Preservation specification for sawn and round timber.

204. LOG IDENTIFICATION SCALING METHODS AND REPORTING AND ROYALTY SELF-ASSESSMENT.

(1) In respect of a timber permit, timber authority or licence the following provisions shall apply:–

- (a) the Forest Authority's "Manual of Procedures for the Identification Scaling and reporting (including royalty self assessment) on Logs harvested from Natural Forest Logging Operations" (or any revisions thereof) shall form part of the Regulations;
- (b) only licensed log scalars may measure and identify logs;
- (c) it shall be an offence if any person identifies or measures logs otherwise than in accordance with the Regulations or makes a false statement in any scaling statement or declaration;

Penalty: A fine not exceeding K50,000.00.

- (d) log tags will be supplied by the Authority, or on behalf of the Authority by an agent on making application in Form 232 of Schedule 1 and on payment of the fee as determined from time to time by the Managing Director;
- (e) the Authority may from time to time specify different methods of identification, measurement and branding for different categories of timber and specify different procedures relating thereto.

205. LICENSING OF LOG SCALERS.

(1) The Managing Director shall appoint an officer of the National Forest Service to be the Authority's Chief Log Scaler.

(2) A–

- (a) person shall not work as a log scaler; and
- (b) logging operator shall not employ a person as a log scaler, unless that person–

- (i) has been awarded a log scaling certificate by the Timber Industry Training College; and
- (ii) is licensed in accordance with this Regulation.

Penalty: A fine not exceeding K200.00.

(3) A Log Scaler's Licence shall be Form 205 of Schedule 1 and shall be issued for a period of two years by the Chief Scaler, who shall maintain a register of log scalers.

(4) A log scaler who has been licensed shall be provided with an identity card by the Chief Scaler and shall, whilst carrying out scaling activities, carry the identity card on his person and produce it on demand to a Forest Officer or Inspector.

(5) Any person, whether self-employed, employed by the holder of a timber permit or timber authority or by a logging company may apply for a Log Scaler's Licence to the Chief Scaler enclosing—

- (i) an application which shall be in Form 206 of Schedule 1; and
- (ii) a copy of the applicant's log scaling certificate awarded by the Timber Industry Training College; and
- (iii) two passport size photographs, one of which will be attached to the licence; and
- (iv) a cash performance bond of K500.00 which, subject to Subsection (5), is refundable when the licence lapses; and
- (v) a two year licence fee as specified in Schedule 3.

(6) The cash performance bond lodged under Subsection (5)(iv) shall be—

- (a) forfeited to the Authority in the event of cancellation by the Chief Log Scaler on the grounds of failure by the Log Scaler to comply with the Regulations relating to log scaling; and
- (b) otherwise, be repaid to the person lodging the bond on the expiry or cancellation of the Log Scaler's Licence.

(7) A licensed log scaler shall ensure that his licence is renewed as required and where a licensed log scaler intends to cease practising before his current licence expires he may apply to the Chief Log Scaler for his licence to be cancelled and his performance bond to be returned.

206. NOTICE OF INTENTION TO CANCEL SCALER'S LICENCE.

A notice of intention by the Chief Log Scaler to cancel a scaler's licence shall be Form 207 of Schedule 1.

207. CANCELLATION OF LOG SCALER'S LICENCE.

Cancellation of a log scaler's licence shall be in Form 208 of Schedule 1

208. REGISTRATION OF A FOREST INDUSTRY PARTICIPANT.

A certificate of registration of a forest industry participant shall be in Form 209 of Schedule 1.

209. APPLICATION FOR REGISTRATION AS A FOREST INDUSTRY PARTICIPANT.

(1) An application for registration as a forest industry participant shall be in Form 210 of Schedule 1.

(2) An application under Subsection (1) shall contain particulars of—

- (a) the name, postal address, address for service in Papua New Guinea of legal process, telephone number and facsimile number of the applicant; and
- (b) where the applicant is a corporate person—
 - (i) the shareholding structure; and
 - (ii) the name, office or position held in the company, nationality, place of residence, details of formal qualifications, relevant work experience of, and other current or prior offices held by, each director, office-bearer or senior management executive; and
- (c) the name, address, telephone and facsimile number of the applicant's bankers; and
- (d) the proposed activities; and
- (e) any permit, licence or timber authority granted under the repealed Acts; and
- (f) any agreement under the repealed Acts to which the applicant was a party; and
- (g) such other information as required by Form 210.

(3) An application under Subsection (1) shall be accompanied by—

- (a) where the applicant is a corporate person—
 - (i) a copy of the certificate of incorporation; and
 - (ii) the shareholding structure of any incorporated shareholders; and
- (b) a summary of proposed forest industry activities; and
- (c) financial statements for the three years immediately prior to the date of application; and
- (d) The application fee as specified in Schedule 3.

(4) The fee payable on an application for registration as a forest industry participant.

210. REGISTRATION OF A FOREST INDUSTRY CONSULTANT.

A certificate of registration of a forest industry consultant shall be in Form 211 of Schedule 1.

211. APPLICATION FOR REGISTRATION AS A CONSULTANT.

(1) An application for registration as a consultant shall be in Form 212 of Schedule 1.

(2) An application under Subsection (1) shall contain particulars of—

- (a) the name, type of entity, postal address, address for service in Papua New Guinea of legal process, telephone number and facsimile number of the applicant; and
- (b) where the applicant is a corporate person—
 - (i) the shareholding structure; and
 - (ii) the name, office or position held in the company, nationality, place of residence, details of formal qualifications, relevant work experience and other current or prior offices held by each director, office-bearer or senior management executive; and
- (c) the type of expertise offered; and
- (d) the proposed consultancy activities; and
- (e) such other information as is required by Form 212.

(3) An application under Subsection (1) shall be accompanied by—

- (a) a resume of qualifications and work experience of the applicant and of consultants employed by the applicant; and
- (b) where the applicant is a corporate person—
 - (i) a copy of the certificate of incorporation; and
 - (ii) the shareholding structure of any incorporated shareholders; and
- (c) the application fee as specified in Schedule 3.

(4) The fee payable on an application for registration as a forest industry consultant shall be as specified in Schedule 3.

212. RETURN BY THE MANAGING DIRECTOR OF AN APPLICATION FOR REGISTRATION AS A FOREST INDUSTRY PARTICIPANT OR CONSULTANT.

A return by the Managing Director of an application for registration as a forest industry participant or consultant under Section 107 or 108 of the Act shall be in Form 213 of Schedule 1.

213. NOTIFICATION OF CHANGE OF PARTICULARS.

(1) A registered forest industry participant or registered consultant shall, within 28 days of a change of any of the particulars submitted with his application for registration as a forest industry participant or consultant give written notification to the Managing Director in Form 214 of Schedule 1 of the particulars of such change.

(2) The Managing Director may on receipt of a Notification of Change of particular request such further or additional information as he thinks fit.

(3) Where the Notification particulars are of such a nature that there is a change in ownership, share holding or beneficial ownership or control and such change is—

- (a) more than 10% in any one year; or
- (b) represents a change of more than 25% in the ownership of the forest industry participant or consultant enterprise (except where the registered forest industry participant or consultant is a subsidiary of a holding company and the ownership of the holding company does not change and the registered forest industry participant enterprise remains a subsidiary of that holding company) as from the date of registration under the Act then such change may be deemed sufficient grounds to justify cancellation of registration and the Board may require the registered forest industry participant or consultant to make a new application for registration as a forest industry participant or consultant.

(4) In Subsection (3) “subsidiary” and “holding company” have the same meanings as defined in the *Companies Act 1997*.

(5) Nothing in this Section restricts the Managing Director from exercising the power contained in Section 112 of the Act.

(6) A person, who fails to comply with the provisions of Subsection (1), is guilty of an offence.

Penalty: A fine not exceeding K10,000.00.

(7) The fee payable on a notification of change of particulars shall be as specified in Schedule 3.

214. NOTIFICATION OF INTENTION TO MAKE REFERRALS TO THE BOARD FOR CANCELLATION OF REGISTRATION.

A notification of intention to make referral to the Board under Section 112 of the Act shall be in Form 215 of Schedule 1.

215. REFERRALS TO THE BOARD FOR CONSIDERATION OF CANCELLATION OF REGISTRATION.

A referral for consideration of cancellation of registration under Section 112 of the Act shall be in Form 216 of Schedule 1.

216. NOTICE OF BOARD DIRECTIONS.

A notice of Board Directions under Section 112 of the Act shall be in Form 217 of Schedule 1.

217. APPEAL TO MINISTER ON REGISTRATION, ETC.

(1) An appeal to the Minister under Section 113 of the Act shall be in Form 218 of Schedule 1.

(2) The fee payable on an appeal to the Minister shall be as specified in Schedule 3.

218. MINISTER'S DECISION ON APPEAL.

A decision of the Minister under Section 113 of the Act shall be in Form 219 of Schedule 1.

219. EXEMPTION.

(1) An officer or employee of the National Forest Service does not require to be registered as a consultant in respect of work undertaken by him in the course of his employment as such officer or employee.

(2) A person engaged in an aid project approved by the Government of Papua New Guinea does not require to be registered as a consultant in respect of work undertaken by him in connection with such aid project.

220. STATE PURCHASE OPTION.

(1) A form of Notice under Section 115(2) of the Act shall be in Form 220 of Schedule 1.

(2) The procedure to be followed in accordance with Section 115(4) of the Act are as follows:—

- (i) on the first day of the third month of each quarter of each permit year the permit holder shall, in writing, offer to sell, in relation to logs in proportions approximately representative of the mix species of logs to be harvested that permit year, at least one-sixteenth (1/16) of that permit year's permitted log export volume to the State or its nominee for delivery within a period of one month from the end of that quarter on dates to be agreed upon and on payment terms substantially consistent with those in effect with respect to the permit holder's other customers;

- (ii) the offer will include details of the size and grade of each log, by species, with prices differentiated by size, grade, and species and shall be in that form and contain such other particulars as determined from time to time by the State Marketing Agency;
- (iii) the offer or part thereof will be accepted or rejected in writing by the State or its nominee within ten working days of its receipt;
- (iv) if an offer is accepted the State shall deliver to the holder of the timber permit a Notice of Proposal to exercise option in Form 220 of Schedule 1;
- (v) if and to the extent that the State or its nominee rejects the offer with respect to any quarter, it will forego the right to purchase that amount of logs for that quarter under this Section;
- (vi) if the State rejects or fails to respond to the aforesaid offer within the ten working days provided, the permit holder shall not sell the logs or any part thereof to any other party at lesser prices or on terms more favourable to the buyer than those offered to the State or its nominee without first re-offering the logs to the State or its nominee at such lesser price or such more favourable terms, whereupon, as before, the State shall, within ten working days of the receipt of the offer, accept or reject it;
- (vii) the obligation to make offers under Subsection 1 above will cease when the State or its nominee has acquired twenty-five percent (25%) of the permit holder's permitted log export volume for the relevant permit year;
- (viii) logs purchased under this Regulation will be on a free-on-board basis, and the price paid by the State or its nominee shall be the price accepted pursuant to Subsection (3) less any duty payable on the export of the said logs;
- (ix) logs purchased by the State or its nominee pursuant to this Regulation shall cause the permit holder's permitted log export volume for that permit year to be reduced accordingly by the volume of logs purchased by the State.
- (x) the administrative operation of this Regulation may be reviewed, and, if necessary, revised annually by the State to ensure that it effectively enables the State to purchase up to 25% of the permit holder's permitted annual log export volume;
- (xi) the Managing Director shall have authority on behalf of the State to exercise the rights conferred on the State by this Regulation, and may appoint a nominee on behalf of the State to exercise these rights.

221. TRANSFER PRICING.

(1) For the purposes of this Regulation and of Section 118 of the Act—

“**arms length**” means a transaction where—

- (a) the parties, in negotiating the transaction, have sought to promote their own best interests in accordance with fair and honest business methods; and
- (b) there is no other consideration for the provision of goods or services other than a monetary consideration, being the price; and
- (c) the terms of the transaction have not been affected by, nor determined as a consequence of, any other agreement, or proposed agreement, or understanding, or any direct or indirect relationship (other than the relationship created by the transaction) between one party, or a shareholder of that party, or a company in which that party or a shareholder of the party; and a company in which that party is a shareholder; and
- (d) in the case of a sale, neither the seller nor any person connected with it, through shareholding or otherwise, has any direct or indirect interest in the subsequent resale or disposal by the buyer of any of the products or services purchased pursuant to the agreement;

“transfer pricing” means the pricing of inter-company loans, or transfer of goods or services such that—

- (a) in respect of the Company receiving the loans, goods or services, the interest or other monies paid or payable by the Company for such loans, goods or services is higher than the value received by the Company; and
- (b) in respect of the Company is providing the loans, goods or services, the interest or other moneys received or receivable by the Company for such loans, goods or services is lower than the value received by the other party;

“value received”, in the case of a transfer of goods and services, is the price which would have been obtained on an arm’s length transaction, and in the case of a loan, shall be the interest and other moneys payable for a loan in the same amount for the same period and on the same terms and conditions which a Company of similar standing to the Company could, in seeking to promote its own best interest in accordance with fair and honest business methods, have negotiated from a lending institution of international repute.

(2) A person, who practices transfer pricing, is guilty of an offence.

Penalty: A fine of twice the “value received” as defined in Subsection (1) or K100,000.00, whichever is the greater amount.

(3) For the purpose of enabling the Authority to satisfy itself as to compliance by a Company with its obligations under this section not to practise transfer pricing,

the Company, on written request by the Authority, shall promptly furnish the Authority with—

- (a) full details of the parties to, and the conditions of, any loans, transfers of goods or services to, or by, the Company; and
- (b) copies of all agreements, documents, and correspondence in respect thereof; and
- (c) full details of any other agreements or undertakings entered into, or reached by, the Company, or a shareholder of the Company or by a company in which the Company is a shareholder.

222. VARIATION BY THE MINISTER OF ROYALTY PAYABLE UNDER A TIMBER PERMIT.

A variation by the Minister of the royalty payable under a timber permit under Section 120 of the Act shall be in Form 221 of Schedule 1.

223. LEVIES.

(1) A levy or levies fixed under Section 121 of the Act shall be payable by the holder of a timber permit, timber authority or licence (as the case may be) at the time or times specified in and to the person specified in the notice in the National Gazette fixing the levy.

(2) The holder of a timber permit, timber authority or licence, who fails to pay a levy fixed under Section 121 of the Act at the time and to the person specified in the notice referred to in Subsection (1), is guilty of an offence.

Penalty: A fine up to but not exceeding K500,000.00.

Default penalty: A fine not exceeding K500,000.00.

(3) The method of payment and collection of levies shall be as follows:—

- (a) the Managing Director or his regional representative shall prepare and deliver a Notice of assessment of levy and forward it by post or otherwise to the holder of a timber permit, timber authority or licence as the case may be and the holder of such timber permit, timber authority or licence must pay the amount assessed, clear of all deductions, within 14 days after the date specified in the assessment and such payment shall be by bank cheque.

Penalty: A fine not exceeding K1,000.00.

- (b) without prejudice to any other imposition, suspension or penalty that may be made or imposed under this Regulation, any amount of levy that remains unpaid after the expiration of the period specified in Subsection (3)(a) may be recovered by the Authority as a debt and in addition thereto the holder of a timber permit, timber authority or licence as the case may be

shall not be permitted to export any forest produce while levies or any part thereof remain unpaid.

(4) A notice of a levy under Section 121 shall be in Form 222 of Schedule 1.

224. LAWFUL DIRECTION.

A lawful direction under Section 122 of the Act shall be in Form 223 of Schedule 1.

225. NOTICE OF SEIZURE.

Notice of seizure of timber or forest produce or other property pursuant to Section 214 of the Act shall be in Form 224 of Schedule 1.

226. ACT OF SEIZURE.

(1) A Forest Inspector or Forest Officer shall have a hammer brand with a distinguishing number or figure on one face of a type which the Managing Director may approve from time to time.

(2) The face referred to in Subsection 1 shall be used for marking any timber or forest produce seized under the Act.

227. NOTICE OF FORFEITURE.

Notice of forfeiture under Section 124 of the Act shall be in Form 225 of Schedule 1.

228. DECLARATION BANNING EXPORT ETC.

A declaration banning or restricting export of a species or class of timber under Section 134 of the Act shall be in Form 226 of Schedule 1.

229. REGISTRATION OF BRAND.

Registration of a brand shall be in Form 227 of Schedule 1.

230. APPLICATION TO REGISTER IN THE AUTHORITY A BRAND.

An application to register in the Authority a brand under Section 135(1)(2)(b) of the Act shall be in Form 228 of Schedule 1.

231. SAFETY.

(1) A tramway truck or vehicle used for the transport of forest produce shall—

- (a) be strongly and properly made; and
- (b) be provided with proper and efficient brake-gear for regulating and controlling its speed and running power.

(2) A tramway and every part of a tramway shall be kept and maintained in good order and repair for the purpose of transporting forest produce and any other freight that is authorized, and for the safety of persons and animals carried or employed on and such said forest produce shall at all times be properly secured.

(3) A Forest Inspector or Forest Officer may—

- (a) suspend the working of a tramway, or the use and employment of any locomotive, mill-truck, winch, cable, or hauling machinery, that he regards as unsafe or not in proper repair; and
- (b) notify the holder of the timber permit or his agent accordingly and direct such repair or renewals as he thinks proper, and the holder of the timber permit shall comply immediately with the notice and without delay effect the repairs or renewals directed to the satisfaction of a Forest Inspector or Forest Officer.

Penalty: A fine not exceeding K1,000.00.

232. ACCESS RIGHTS.

(1) Where it is, in the opinion of a Forest Inspector or a Forest Officer, necessary, and subject to charges having been paid as provided for in Subsection (2) hereof, a holder of a timber permit shall at all reasonable times afford to other holders of timber permits and to licensees facilities for the carriage of forest produce over tramways, roads, waterways and airways owned or operated by him.

Penalty: A fine not exceeding K1,000.00.

(2) All charges by the holder of a timber permit for the carriage of forest produce or running rights over the tramway shall be on a reasonable scale and are subject to the approval of the Managing Director.

233. SHIP LOADING AUTHORIZATION AND SUSPENSION OF SHIP LOADING AUTHORIZATION.

Authorization to load a ship with timber or forest produce and a Notice of suspension of ship loading shall be in such Forms as are provided for in the Authority's Manual titled "Procedures for Exporting Logs" (or any revision thereof made from time to time).

234. LOG EXPORTS.

(1) The procedures and requirements which shall be followed in an application under Section 134 of the Act to export logs shall be those procedures and requirements as contained in the Authority's Manual titled "Procedures for Exporting Logs" (or any revisions thereof).

(2) A person, who fails to comply with the provisions of this Regulation is guilty of an offence.

Penalty: A fine not exceeding K50,000.00.

(3) A person, who makes a false statement in any return or other document furnished to the National Forest Service, the Authority or the Minister in connection with an application to export timber, is guilty of an offence.

Penalty: A fine not exceeding K50,000.00.

235. ROLE AND RECOGNITION OF BODIES REPRESENTING CUSTOMARY OWNERS.

(1) Subject to Subsection (3), the customary owners in relation to an area of land covered by a timber permit (in this section referred to as the “project area”) shall appoint or establish, and nominate for recognition by the Managing Director, a corporate body or Local-Level Government to represent them.

(2) Subject to Subsection (3), where the Managing Director is of the opinion that a body nominated under Subsection (1) satisfactorily represents in accordance with this section the customary owners in the project area, he shall recognise the body for such purpose, and notify the body accordingly.

(3) Where the Managing Director, in consultation with the Provincial Forest Management Committee, is satisfied that—

- (a) due to the special circumstances of the customary owners from a project area, it is impracticable for all such customary owners to be represented by a single representative body; and
- (b) it is in the best interests of the customary owners from that project area that they appoint or establish more than one representative body, the Managing Director may recognise more than one body nominated by customary owners from a project area provided that—
 - (i) each such body shall represent customary owners from a clearly defined area within the project area; and
 - (ii) the aggregate of such areas shall make up the whole of the project area.

(4) Where the Managing Director recognises more than one body in accordance with Subsection (3), he shall also determine the arrangements under which payments shall be apportioned between the bodies.

(5) The Managing Director may issue Guidelines on the formation and structure of bodies which he will consider as satisfactorily representing customary owners.

(6) A body recognised under this section may expend and invest moneys received by it as it considers fit, subject to—

- (a) the articles, constitution or rules governing or establishing the body; and
- (b) any reasonable rules and procedures regarding management of bank accounts which may be determined by the Board, for the purpose of

ensuring that payments are invested or expended for the collective benefit of customary owners in the project area.

(7) Where the Board, on reasonable grounds, is of the opinion that moneys have been expended or invested in breach of any articles, constitution or rules and procedures determined by the Board under Subsection (6), it may, by notice to the representative body and to the bank where the account is held, suspend the operation of the account.

236. CANCELLATION OF RECOGNITION.

(1) Where a body recognised in accordance with Regulation 235 or any of its principals—

- (a) fails to comply with any rules or procedures determined by the Board in relation to bank accounts; or
- (b) fails adequately to account for funds in accordance with any procedures provided for under the law governing its establishment or incorporation, the Managing Director may cancel its recognition.

(2) For the purposes of Subsection (1), “principal” includes director, manager, secretary, executive committee member or public officer, or any other similar office or any person purporting to act in such a capacity.

(3) On cancellation under Subsection (1), the Managing Director may withhold moneys in trust.

237. RETURNS AND RECORDS.

The holder of a timber permit, timber authority or licence shall maintain such records and submit such returns in the form and in the manner as set out in the Authority’s manuals titled “Procedures for the Identification, Scaling and Reporting (including royalty self-assessment) on logs harvested from Natural Forest Logging Operations” and “Procedures for Exporting Logs” (or any revision thereof).

238. DESTRUCTION OF FOREST PRODUCE.

A person, who fells, removes, damages, or destroys any timber or merchantable forest produce on government land unless authorized to do so under this Act or any other law or except as the unavoidable result of carrying out an activity authorized under another law, is guilty of an offence.

Penalty: A fine not exceeding K100,000.00.

239. REGISTRATION OF TIMBER PROCESSING PLANT.

A certificate of registration of a timber processing plant and of the registered operator of such plant shall be in Form 229 of Schedule 1.

240. APPLICATION FOR REGISTRATION OF TIMBER PROCESSING PLANT.

(1) A person who proposes to operate any plant for processing timber shall apply to the Managing Director for registration of such plant as a timber processing plant and of himself as an operator of such plant.

(2) The fee payable on submitting an application shall be as specified in Schedule 3.

(3) An application under Subsection (1) shall be in Form 230 of Schedule 1.

(4) An officer of the National Forest Service may at any reasonable time inspect any plant used for processing timber or which he believes is used for processing timber, whether or not such plant is registered.

(5) The person responsible for the operation of a registered plant shall, by 31 March in each year, submit to the Managing Director an Annual Return for the preceding year setting out details of the operations of the plant in a form and manner and containing such particulars as are specified from time to time by the Managing Director.

(6) Any change in the operator of a timber processing plant shall be notified within seven days to the Managing Director.

(7) A person, who operates a timber processing plant which is not registered under this section, is guilty of an offence.

Penalty: A fine not exceeding K10,000.00.

241. LOGGING AND ROADING STANDARDS AND PRACTICES.

A holder of a—

- (a) timber permit; or
- (b) timber authority, where that authority was applied to harvest less than 5000m³ per year by selection logging from customary land; or
- (c) licence,

shall ensure that forest roading and logging and all other forestry activities of whatsoever nature is undertaken according to the Authority's standards and practices as set out in the Authority's Manuals titled "Papua New Guinea's Logging Code of Practice", "Planning, Monitoring and Control Procedures for Natural Forest Logging Operations, under a timber permit" and "Procedures for Exporting Logs" (or any revisions thereof).

242. BOARD NOTICE TO VARY TERMS OR CONDITIONS OF REGISTRATION, PERMIT, LICENCE, TIMBER RIGHTS PURCHASE AGREEMENT, AUTHORITY OR AGREEMENT.

A Board notice to vary terms or conditions of registration, permit, licence, Timber Rights Purchase Agreement, Authority or Agreement under Section 137 of the Act shall be in Form 231 of Schedule 1.

243. OFFENCES GENERALLY.

(1) A person, who contravenes or fails to comply with any provision of this Regulation is guilty of an offence.

(2) A person, who attempts, aids, abets, counsels, or procures, or is in any way knowingly concerned in an offence against this Regulation, is deemed to have committed that offence.

(3) Where, by the authority of the Act or this Regulation, a direction is given to a person and such direction is not complied with, then that person is guilty of an offence.

(4) Where no other penalty is expressly provided in respect of an offence a person guilty of that offence against any provision of this Regulation shall be liable to a penalty by way of a fine of—

- (a) where the person is a natural person—an amount not exceeding K1,000.00; or
- (b) where the person is a body corporate—an amount not exceeding K10,000.00.

(5) In addition to any penalty under Subsection (4), a person guilty of an offence involving timber or other forest produce shall—

- (a) forfeit such timber or forest produce to the owner, or in the case where the offender is the owner, to the Authority; and
- (b) be liable also to compensate the Authority or owner of timber or other forest produce in respect of any loss or damage caused in the commission of an offence.

(6) All timber and forest produce harvested pursuant to a timber permit or timber authority on which any royalties, levies or other charges are payable under the Act may be seized by the Authority until the royalties, levies or other charges or paid, and if payment is not made with 20 days of seizure, may be disposed of by the Authority.

244. FEES.

Fees paid by or on behalf of a person or company are non-refundable.

245. MAPS, ETC.

Upon application being made in Form 232 of Schedule 1 the Authority may provide log tags, copies of maps, publications and other documents at a fee determined from time to time by the Managing Director.

246. FORMS.

(1) Except where the Managing Director otherwise determines, forms prescribed by the Regulations shall be printed on behalf of the Authority and shall be available upon application being made in Form 232 of Schedule 1 to any person on payment of the fee as determined by the Managing Director from time to time.

(2) Forms required to be signed by or on behalf of the Managing Director, the Authority, the Minister, or any officer of the National Forest Service may be numbered and shall be kept in a secure place.

247. TENDERS.

(1) Rules and procedures for tenders shall be as determined by the Board.

(2) An application for tender documentation/specifications (if any) relating to any tender (other than documentation/specifications relating to a project proposal) shall be in Form 232 of Schedule 1 and shall be accompanied by the prescribed fee in Schedule 3 which shall be non-refundable.

248. SERVICE OF NOTICE ETC.

Service on a forest industry participant of any notice or other document required or permitted to be served under the Act may be effected by sending such notice or document by pre-paid post or by facsimile to the participant's postal address or address for service.

249. PUBLIC REGISTER.

¹¹(1) The Public Register referred to in Section 103A shall as far as is practicable be in the form of loose-leaf folio or folios, which together make up the public register.

(2) An application to search the public register shall be in Form 232 of Schedule 1 and the prescribed fee shall be as set out in Schedule 3.

250¹². [REPEALED.]**251. DISASTERS.**

In any case where a Provincial Disaster Committee has declared any area which contains or comprises forests therein and the Provincial Disaster Committee

¹¹ Section 249 replaced by No 1 of 2001.

¹² Section 250 repealed by No 1 of 2001.

which has been established under relevant legislation has made a recommendation to the Managing Director of the National Forest Service relating to salvaging the forest produce or to carry out reforestation or to convert to any other land use then the Managing Director may suspend all or any requirement in the Act or Regulations and—

- (a) invite any person or persons who are registered forest industry participants to salvage the forest produce and to carry out any other forest industry activity as defined in such disaster area on such terms and conditions as he thinks fit; or
- (b) permit such person or persons or the National Forest Service itself to undertake any reforestation or other land use in the disaster area on such terms and conditions as he thinks fit.

252. REPEAL.

The *Forestry Regulation 1992* is hereby repealed.

253. TRANSITIONAL.

Forest Industry Participants or Consultants who have been registered under the repealed Regulations shall be deemed to have been registered under these Regulations.

254. APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE AGRICULTURAL OR OTHER LAND USE DEVELOPMENT PROJECT WHERE THE AMOUNT OF PROPOSED CLEARANCE OF NATURAL FOREST IS GREATER THAN 50 HECTARES IN TOTAL.

¹³(1) An application under Section 90(A) of the Act for an Authority to carry out a large scale agriculture or other land use development project shall—

- (a) be in Form 233 of Schedule 1; and
- (b) contain the information and particulars as are specified in Form 233 of Schedule 1.

(2) The fee payable on an application to carry out a large scale agricultural or other land use development project shall be as specified in Schedule 3.

255. RETURN OF AN APPLICATION FOR A LARGE SCALE CONVERSION OF FOREST TO AGRICULTURE OR OTHER LAND USE.

¹⁴A return by the Board of an application for a large scale agricultural or other land use development project under Section 90(A) of the Act shall be in Form 234 of Schedule 1.

¹³ Section 254 added by No 1 of 2001.

¹⁴ Section 255 added by No 1 of 2001.

256. BOARD'S CONSULTATION WITH A GOVERNMENT BODY RELATING TO AN APPLICATION TO CARRY OUT A LARGE SCALE AGRICULTURE OR OTHER LAND USE DEVELOPMENT.

¹⁵The Board's consultation with a Government body under Section 90(B) of the Act shall be in Form 235 of Schedule 1.

257. NOTICE OF A PUBLIC HEARING IN RESPECT TO AN APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE AGRICULTURE OR OTHER LAND USE DEVELOPMENT.

¹⁶The Board's notice of a Public Hearing under Section 90(B)(2) of the Act shall be in Form 236 of Schedule 1.

258. INSTRUMENT OF APPOINTMENT OF CHAIRMAN OF A PUBLIC HEARING.

¹⁷An instrument of appointment by the Board of a Chairman of a Public Hearing under Section 90(B)(4) of the Act shall be in Form 237 of Schedule 1.

259. REFERENCE OF AN APPLICATION FOR A PROPOSED LARGE SCALE AGRICULTURE OR OTHER LAND USE PROJECT AND SUMMARY OF PUBLIC HEARING TO PROVINCIAL FOREST MANAGEMENT COMMITTEE.

¹⁸A reference of an application by the Chairman of a Public Hearing to a Provincial Forest Management Committee under Section 90(B)(6) of the Act shall be in Form 238 of Schedule 1.

260. PROVINCIAL FOREST MANAGEMENT COMMITTEE REQUEST FOR ASSISTANCE OF NATIONAL FOREST SERVICE OR OTHER RELEVANT DEPARTMENT.

¹⁹A request by a Provincial Forest Management Committee to the National Forest Service or a Government Department for assistance under Section 90(B)(8) of the Act shall be in Form 239 of Schedule 1.

¹⁵ Section 256 added by No 1 of 2001.

¹⁶ Section 257 added by No 1 of 2001.

¹⁷ Section 258 added by No 1 of 2001.

¹⁸ Section 259 added by No 1 of 2001.

¹⁹ Section 260 added by No 1 of 2001.

261. PROVINCIAL FOREST MANAGEMENT COMMITTEE REPORT AND RECOMMENDATION TO THE BOARD TO APPROVE/REJECT AN APPLICATION FOR AN AUTHORITY TO CARRY OUT AN AGRICULTURAL OR OTHER LAND USE PROJECT.

²⁰A report of a Provincial Forest Management Committee and recommendation to the Board under Section 90(B)(9) or 90(B)(10) of the Act shall be Form 240 of Schedule 1.

262. BOARD'S ADVICE TO APPLICANT OF REJECTION OF APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE AGRICULTURE OR OTHER LAND USE PROJECT.

²¹The Board's advice to an applicant under Section 90(B)(11) of the Act of a rejection of an application to carry out a large scale agriculture or other land use project shall be in Form 241 of Schedule 1.

263. BOARD'S RECOMMENDATION TO MINISTER TO RECOMMEND TO THE NATIONAL EXECUTIVE COUNCIL TO ENDORSE AN APPLICATION FOR A LARGE SCALE CONVERSION OF FOREST TO AGRICULTURE OR OTHER LAND USE.

²²The Board's recommendation under Section 90(B)(12) of the Act to the Minister to recommend to the Provincial Forest Management Committee to endorse an application for a large scale conversion of forest to agriculture shall be in Form 242 of Schedule 1.

264. REJECTION BY BOARD OF AN APPLICATION FOR A LARGE SCALE AGRICULTURE OR OTHER LAND USE PROJECT.

²³A rejection by the Board under Section 90(B)(13) of the Act of an application for a large scale agriculture or other land use project shall be in Form 243 of Schedule 1.

265. MINISTER FOR FORESTS REFERRAL OF BOARD RECOMMENDATION FOR APPROVAL OF AN APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE AGRICULTURE OR OTHER LAND USE DEVELOPMENT TO NATIONAL EXECUTIVE COUNCIL.

²⁴A referral by the Minister to the National Executive Council under Section 90(B)(14) of the Act and the Board's recommendation for approval of an application

²⁰ Section 261 added by No 1 of 2001.

²¹ Section 262 added by No 1 of 2001.

²² Section 263 added by No 1 of 2001.

²³ Section 264 added by No 1 of 2001.

²⁴ Section 265 added by No 1 of 2001.

for an authority for a large scale agriculture or other land use development project shall be in Form 244 of Schedule 1.

266. DIRECTION OF NATIONAL EXECUTIVE COUNCIL TO THE MINISTER FOR FORESTS TO ENDORSE/REJECT AN APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE AGRICULTURE OR OTHER LAND USE PROJECT.

²⁵A direction of the National Executive Council under Section 90(B)(15) of the Act to the Minister to endorse or reject an application for an Authority to carry out a large scale agriculture or other land use project shall be in Form 245 of Schedule 1.

267. MINISTER'S ADVICE TO THE BOARD OF THE NATIONAL EXECUTIVE COUNCILS DIRECTION TO THE MINISTER FOR FORESTS TO ENDORSE/REJECT THE RECOMMENDATION OF THE BOARD OF THE FOREST AUTHORITY TO APPROVE AN APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE AGRICULTURE OR OTHER LAND USE PROJECT.

²⁶The Minister's advice to the Board under Section 90(B)(16) of the Act of the National Executive Council's direction to endorse or reject a recommendation of the Board to approve an application for an Authority to carry out a large scale agriculture or other land use project shall be in Form 246 of Schedule 1.

268. BOARD'S ADVICE TO APPLICANT AND PROVINCIAL FOREST MANAGEMENT COMMITTEE OF DECISION OF NATIONAL EXECUTIVE COUNCIL DIRECTING THE MINISTER TO REJECT AN APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE AGRICULTURE OR OTHER LAND USE DEVELOPMENT.

²⁷The Board's advice to an Applicant and Provincial Forest Management Committee under Section 90(B)(17) of the Act of a decision of the National Executive Council to reject an application for an Authority to carry out a large scale agriculture or other land use development shall be in Form 247 of Schedule 1.

269. AUTHORITY TO CARRY OUT A LARGE SCALE AGRICULTURE OR OTHER LAND USE DEVELOPMENT PROJECT.

²⁸An Authority under Section 90(B)(21) of the Act to carry out a large scale agriculture or other land use development project shall be in Form 248 of Schedule 1.

²⁵ Section 266 added by No 1 of 2001.

²⁶ Section 267 added by No 1 of 2001.

²⁷ Section 268 added by No 1 of 2001.

²⁸ Section 269 added by No 1 of 2001.

270. FOREST CLEARING AUTHORITY.

²⁹A forest clearing authority under Section 90(B)(22) of the Act shall be in Form 249 of Schedule 1.

271. APPLICATION FOR AUTHORITY TO CARRY OUT A LARGE SCALE ROADLINE DEVELOPMENT PROJECT OVER AN EXISTING FORESTED AREA WHERE THE PROPOSED ROAD WILL BE GREATER THAN 12.5 KILOMETRES IN LENGTH.

³⁰(1) An application under Section 90(c) of the Act for an Authority to carry out a large roadline development shall—

- (a) be in Form 250 of Schedule 1; and
- (b) contain the information and particulars as are specified in Form 250 of Schedule 1.

(2) The fee payable on an application to carry large scale roadline development project shall be as prescribed in Schedule 3.

272. RETURN OF AN APPLICATION FOR A LARGE SCALE CONVERSION OF FOREST TO ROAD.

³¹A return by the Board of an application for a large scale roadline development project under Section 90(D) of the Act shall be in Form 251 of Schedule 1.

273. BOARD'S CONSULTATION WITH A GOVERNMENT BODY RELATING TO AN APPLICATION TO CARRY OUT A LARGE SCALE ROAD DEVELOPMENT PROJECT.

³²The Board's consultation with a Government body under Section 90(D) of the Act shall be in Form 252 of Schedule 1.

274. NOTICE OF A PUBLIC HEARING IN RESPECT TO AN APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE ROAD DEVELOPMENT PROJECT.

³³The Board's notice of a Public Hearing under Section 90(D)(2) of the Act shall be in Form 253 of Schedule 1.

²⁹ Section 270 added by No 1 of 2001.

³⁰ Section 271 added by No 1 of 2001.

³¹ Section 272 added by No 1 of 2001.

³² Section 273 added by No 1 of 2001.

³³ Section 274 added by No 1 of 2001.

275. INSTRUMENT OF APPOINTMENT OF CHAIRMAN OF A PUBLIC HEARING.

³⁴An instrument of Appointment by the Board of a Chairman of a Public Hearing under Section 90(D)(4) of the Act shall be Form 254 of Schedule 1.

276. REFERENCE OF AN APPLICATION FOR A PROPOSED LARGE SCALE ROAD DEVELOPMENT PROJECT AND SUMMARY OF PUBLIC HEARING TO PROVINCIAL FOREST MANAGEMENT COMMITTEE.

³⁵A reference of an application by the Chairman of a Public Hearing to a Provincial Forest Management Committee under Section 90(D)(6) of the Act shall be in Form 255 of Schedule 1.

277. PROVINCIAL FOREST MANAGEMENT COMMITTEE REQUEST FOR ASSISTANCE OF NATIONAL FOREST SERVICE OR OTHER RELEVANT DEPARTMENT.

³⁶A Request by a Provincial Forest Management Committee to the National Forest Service or a Government Department for assistance under Section 90(D)(8) of the Act shall be in Form 256 of Schedule 1.

278. PROVINCIAL FOREST MANAGEMENT COMMITTEE REPORT AND RECOMMENDATION TO THE BOARD TO APPROVE/REJECT AN APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE ROAD DEVELOPMENT PROJECT.

³⁷A Report of the Provincial Forest Management Committee and recommendation to the Board under Section 90(D)(9) or 90(D)(10) of the Act shall be in Form 257 of Schedule 1.

279. BOARD'S ADVICE TO APPLICANT OF REJECTION OF APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE ROAD DEVELOPMENT PROJECT.

³⁸The Board's advice to an applicant under 90(D)(11) of the Act of a rejection of an application to carry out a large scale road development project shall be in Form 258 of Schedule 1.

280. BOARD'S RECOMMENDATION TO MINISTER TO RECOMMEND TO THE NATIONAL EXECUTIVE COUNCIL TO ENDORSE AN

³⁴ Section 275 added by No 1 of 2001.

³⁵ Section 276 added by No 1 of 2001.

³⁶ Section 277 added by No 1 of 2001.

³⁷ Section 278 added by No 1 of 2001.

³⁸ Section 279 added by No 1 of 2001.

APPLICATION FOR A LARGE SCALE CONVERSION OF FOREST TO ROAD.

³⁹The Board's recommendation under 90(D)(12) of the Act to the Minister to recommend to the National Executive Council to endorse an application for a large scale conversion of forest to road shall be in Form 259 of Schedule 1.

281. REJECTION BY BOARD OF AN APPLICATION FOR A LARGE SCALE ROAD DEVELOPMENT PROJECT.

⁴⁰A rejection by the Board under Section 90(D)(13) of the Act of an application for a large scale road development project shall be in Form 260 of Schedule 1.

282. MINISTER FOR FORESTS REFERRAL OF BOARD RECOMMENDATION FOR APPROVAL OF AN APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE ROAD DEVELOPMENT PROJECT TO NATIONAL EXECUTIVE COUNCIL.

⁴¹A referral by the Minister to the National Executive Council under Section 90(D)(14) of the Act of the Board's recommendation for approval of an application to carry out a large scale road development project shall be in Form 261 of Schedule 1.

283. DIRECTION OF NATIONAL EXECUTIVE COUNCIL TO THE MINISTER FOR FORESTS TO ENDORSE OR REJECT AN APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE ROAD DEVELOPMENT PROJECT.

⁴²A direction of the National Executive Council under Section 90(D)(15) of the Act to the Minister to endorse or reject an application for an Authority to carry out a large scale road development project shall be in Form 262 of Schedule 1.

284. MINISTER'S ADVICE TO THE BOARD OF NATIONAL EXECUTIVE COUNCILS DIRECTION TO THE MINISTER FOR FORESTS TO ENDORSE OR REJECT THE RECOMMENDATION OF THE BOARD OF THE FOREST AUTHORITY TO APPROVE AN APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE ROAD DEVELOPMENT PROJECT.

⁴³The Minister's advice to the Board under Section 90(D)(16) of the Act of a National Executive Council's direction to endorse or reject a recommendation of the Board to approve an application for an Authority to carry out a large scale road development project shall be in Form 263 of Schedule 1.

³⁹ Section 280 added by No 1 of 2001.

⁴⁰ Section 281 added by No 1 of 2001.

⁴¹ Section 282 added by No 1 of 2001.

⁴² Section 283 added by No 1 of 2001.

⁴³ Section 284 added by No 1 of 2001.

285. BOARD'S ADVICE TO APPLICANT AND PROVINCIAL FOREST MANAGEMENT COMMITTEE OF DECISION OF NATIONAL EXECUTIVE COUNCIL DIRECTING THE MINISTER TO REJECT AN APPLICATION FOR AN AUTHORITY TO CARRY OUT A LARGE SCALE ROAD DEVELOPMENT PROJECT.

⁴⁴The Board's advice to an applicant and a Provincial Forest Management Committee under 90(D)(17) of the Act of a decision of the National Executive Council to reject an application for an Authority to carry out a large scale road development project shall be in Form 264 of Schedule 1.

286. AUTHORITY TO CARRY OUT A LARGE SCALE ROAD DEVELOPMENT PROJECT.

⁴⁵An Authority under Section 90(D)(21) of the Act to carry out a large scale road development project shall be in Form 265 of Schedule 1.

287. FOREST CLEARING AUTHORITY.

⁴⁶A forest clearing authority under Section 90(D)(22) of the Act shall be in Form 249 of Schedule 1.

288. VERIFICATION OF OWNERSHIP AND CONSENT OF LAND OWNERS.

⁴⁷A verification of ownership and consent of landowners under Section 90(A)(3)(f) and 90(D)(3)(g) of the Act shall be in Form 267 of Schedule 1 and shall contain those particulars as set out in that Form.

289. SALES AND PURCHASE AGREEMENT.

⁴⁸The prescribed Sales and Purchase Agreement under Section 90(B)(20) and 90(D)(20) of the Act shall be in Form 266 of Schedule 1 and shall contain those particulars as are set out in that Form.

290. APPLICATION TO INSPECT AND MAKE COPIES OF A SUMMARY OF MATTERS ASSOCIATED WITH AN APPLICATION.

⁴⁹(1) An application under Section 90(B)(5) and 90(D)(5) of the Act for copies of a summary of matters associated with an application for a large scale agriculture or other land use or road project shall be in Form 232 of Schedule 1.

(2) The fee payable on making an application shall be as specified in Schedule 3.

⁴⁴ Section 285 added by No 1 of 2001.

⁴⁵ Section 286 added by No 1 of 2001.

⁴⁶ Section 287 added by No 1 of 2001.

⁴⁷ Section 288 added by No 1 of 2001.

⁴⁸ Section 289 added by No 1 of 2001.

⁴⁹ Section 290 added by No 1 of 2001.

SCHEDULE 1

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 1 – Notice of dedication of Government land as a National Forest.
Act, Sec. 3 Form 1Reg. 2

I . . . , Governot Genetal, by vittue of the powets confetted by Section 3 of the Forestry Act 1991 and all other powets me enabling, acting with and in accordance with, the advice of the National Executive Council, heteby dedicate the Government land described below as a National forest.

Description of Government Land:

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

Governot Genetal

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 2 – Declaration of reserved trees.

Act, Sec. 4 Form 2Reg. 3

I . . . , Minister for Forests, by virtue of the powers conferred on me by Section 4 of the Forestry Act 1991 and all other powers me enabling hereby declare the trees or members of the species or class of tree set forth below to be reserved trees for the purposes of the said Act:

(specify the trees, or members or class)

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

Minister for Forests

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 3 – Ministers’ direction to the Authority.

Act, Sec. 7(2)

Form 3Reg. 5

To the Board

I, . . . , Minister for Forests, by virtue of the powers conferred by Section 7(2) of the Forestry Act, 1991 and all other powers me enabling, hereby issue to the Authority the following direction in regard to the carrying out of the functions of the Authority which I consider necessary for the purposes of achieving the objectives of the Authority.

Direction:

(State)

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 4 – Grant of leave of absence by the Chairman to a
member/alternate member of the Board.***

Act, Sec. 13(1)

Form 4Reg. 6

To: ... *a member/alternate member of the Board.

Pursuant to Section 13(1) of the Forestry Act, 1991 I hereby grant to you leave of absence on the following terms and conditions:

Terms and Conditions:

(state)

*Delete whichever is inapplicable

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

Chairman of the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 5 – Grant of leave of absence by the Minister to the
Chairman/Deputy Chairman of the Board.***

Act, Sec. 13(2) Form 5Reg. 7

To: . . . *Chairman/Deputy Chairman of the Board.

Pursuant to Section 13(2) of the Forestry Act 1991 I hereby grant to you leave of absence on the following terms and conditions.

Terms and Conditions:

(state)

*Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 6 – Resignation of office by a Board member/alternate member.

Act, Sec. 14(1) Form 6Reg. 8

To: The Minister for Forests

I, ... a *member/alternate member of the Board appointed under Section
*10(1)(e)/10(1)(f)/10(1)(g) of the Forestry Act 1991 do hereby resign from office as a
*member/alternate member of the Board.

My resignation shall take effect from *the date of this instrument/the ... day of ...
20...

*Delete whichever is inapplicable.

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

*Member/Alternate Member of the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 7 – Termination of a Board member/alternate member by the
Minister.***

Act, Sec. 14(2) Form 7Reg. 9

To: . . . *Chairman/Deputy Chairman/Member of the Board

Pursuant to Section 14(2) of the Forestry Act, 1991 I hereby terminate your appointment as *Chairman/Deputy Chairman/member/alternate member of the Board on the following grounds:—

Grounds of Termination:

(specify)

*Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 8 – Notice of intention by National Executive Council to a member/alternate member of the Board that it intends to terminate his appointment.

Act, Sec. 14(4) Form 8Reg. 10

To: . . . *Chairman/Deputy Chairman/Member/Alternate Member of the Board
TAKE NOTICE that pursuant to Section 14(4) of the Forestry Act, 1991 the National Executive Council intends to terminate your appointment as *Chairman/Deputy Chairman/member/alternate member of the Board on the grounds of *Inefficiency/Incapacity/Misbehaviour particulars whereof are specified below.
Particulars of *Inefficiency/Incapacity/Misbehaviour:
(specify)
AND TAKE FURTHER NOTICE that under Section 14(5) of the Forestry Act you may within 14 days of the date of receipt of this Notice reply in writing to the National Executive Council who shall consider your reply and, where appropriate, terminate your appointment.
*Delete whichever is inapplicable
Dated this . . . day of . . . 20...

Chairman of National Executive Council

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 9 – Representation to National Executive Council from
Chairman/Deputy Chairman/member/alternate
member of the Board.***

Act, Sec. 14(5) Form 9Reg. 11

To: The Secretary
National Executive Council

I, ... *Chairman/Deputy Chairman/Member/Alternate Member of the Board of the Forest Authority hereby make representation under Section 14(5) of the Forestry Act as to why my appointment should not be terminated by the National Executive Council.

Representation:
(*specify or attach to the form*)

*Delete whichever is inapplicable

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

Chairman/Deputy Chairman/Member
of the Board of the Forest Authority

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 10 – Termination by National Executive Council of appointment
of Chairman/Deputy Chairman/member/alternate
member of the Board of the Forest Authority.***

Act, Sec. 14(5) Form 10Reg. 12

To: . . . *Chairman/Deputy Chairman/Member/Alternate Member of the Board of the Forest Authority

*The National Executive Council after having considered your reply provided to it pursuant to Section 14(5) of the Forestry Act 1991 hereby pursuant to Section 14(5) of the Forestry Act 1991 terminates your appointment.

*The National Executive Council under Section 14(6) of the Forestry Act 1991 hereby terminates your appointment.

*Delete whichever is inapplicable

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

Chairman
National Executive Council

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 11 – Determination of the Board to convene a meeting of the Board.

Act, Sec. 16(1) Form 11Reg. 13

To: All Board Members

TAKE NOTICE that in accordance with a determination of the Board made under Section 16(1) of the Forestry Act, 1991 there will be a meeting of the Board to be held on the date, place, time and for the purposes as set out below.

Purpose of Meeting:

(specify)

Date of Meeting:

*(at least 14 days notice
of the meeting must be
given)*

Place of Meeting:

Time of Meeting:

*Delete whichever is inapplicable

Date this . . . day of . . . 20...

*Chairman/Deputy Chairman

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 12 – Convening of a Board meeting pursuant to a direction by the
Chairman/Deputy Chairman of the Board.***

Act, Sec. 16(1) Form 12Reg. 14

To: All Board Members

TAKE NOTICE that pursuant to Section 16(1) of the Forestry Act 1991 I hereby direct that the Board convenes and meets on the date, place, time and for the purposes as set out below.

Purpose of Meeting:

(specify)

Date of Meeting:

*(at least 14 days notice
of the meeting must be
given)*

Place of Meeting:

Time of Meeting:

*Delete whichever is inapplicable

*Chairman/Deputy Chairman

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 13 – Request by Minister to Chairman/Deputy Chairman of the
Board to convene a meeting of the Board.***

Act, Sec. 16(2) Form 13Reg. 15

To: *The Chairman/Deputy Chairman

Pursuant to Section 16(2) of the Forestry Act, 1991 I hereby request that you convene a meeting of the Board within 14 days of the date of receipt of this request for the purposes as set out below.

Purposes of Meeting:

(specify)

*Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 14 – Request by not less than two members of the Board to the
Chairman/Deputy Chairman of the Board to convene
a meeting of the Board.***

Act, Sec. 16(2) Form 14Reg. 16

To: *The Chairman/Deputy Chairman

Pursuant to Section 16(2) of the Forestry Act, 1991 we hereby request that you convene a meeting of the Board within 14 days of the date of receipt of this request for the purposes as set out below.

Purposes:

(specify)

*Delete whichever is inapplicable

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

Board Member

Board Member

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 15 – Convening of a Board meeting by Chairman/Deputy
Chairman pursuant to a request by the Minister for
Forests.***

Act, Sec. 16(2) Form 15Reg. 17

To: All Board Members

TAKE NOTICE that pursuant to a request to so by *the Minister for Forests under Section 16(2) of the Forestry Act, 1991 I hereby, convene, pursuant to Section 16(2) of the Forestry Act, 1991 a meeting of the Board to be held on the date, place, time and for the purposes as set out below.

Purpose of Meeting:

(specify)

Date of Meeting:

*(at least 14 days Notice
of the meeting must be
given)*

Place of Meeting:

Time of Meeting:

*Delete whichever is inapplicable

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

*Chairman/Deputy Chairman

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 16 – Convening of a Board meeting by Chairman/Deputy
Chairman pursuant to a request by two or more
members of the Board.***

Act, Sec. 16(2) Form 16Reg. 18

To: All Board Members

TAKE NOTICE that pursuant to a request to so by not less than two Board Members I hereby, convene a meeting of the Board pursuant to Section 16(2) of the Forestry Act, 1991 to be held on the date, place, time and for the purposes as set out below.

Purpose of Meeting:

(specify)

Date of Meeting:

*(at least 14 days Notice
of the meeting must be
given)*

Place of Meeting:

Time of Meeting:

*Delete whichever is inapplicable

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

*Chairman/Deputy Chairman

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 17 – Request by Minister to Chairman/Deputy Chairman of the
Board to convene a meeting of the Board.***

Act, Sec. 16(4) Form 17Reg. 19

To: *Chairman/Deputy Chairman

Pursuant to Section 16(4) of the Forestry Act, 1991 I hereby request that you convene a meeting of the Board within 14 days of the date of receipt of this request to consider and advise me on those matters as set out below.

Matters:

(Specify)

*Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 18 – Convening of a Board meeting by Managing Director
pursuant to a request to the Board by the Minister for
Forests.***

Act, Sec. 16(5) Form 18Reg. 20

To: All Board Members

TAKE NOTICE that pursuant to a request by the Minister for Forests made under Section 16(4) of the Forestry Act, 1991 I hereby, in accordance with Section 16(5) of the Forestry Act, 1991 convene a meeting of the Board to be held on the date, place, time and for the purposes as set out below.

Purpose of Meeting:

(specify)

Date of Meeting:

*(at least 14 days Notice
of the meeting must be
given)*

Place of Meeting:

Time of Meeting:

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 19 – Minister’s consultation with Board on proposed delegation of Board’s powers.

Act, Sec. 19 Form 19Reg. 21

To: *The Chairman/Deputy Chairman of the Board

TAKE NOTICE that pursuant to Section 19 of the Forestry Act, 1991 I propose by instrument to delegate to the person named as the delegatee hereunder those powers and functions of the Board under the Forestry Act, 1991 as set out below and for the reasons stated hereunder:

I require the Board to consult with me by advising me of its views on any proposed delegation within 14 days of the date of receipt by it of this Notice.

Name of Delegatee:

(specify)

Powers and Functions of the Board to be delegated:

(specify)

Reasons for Proposed Delegation:

(specify)

*Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 20 – ⁵⁰Delegation by the Minister of all or any of his powers and functions to the Board.

Act, Sec. 19 Form 20Reg. 22

⁵⁰ Form 20 replaced by No 1 of 2001.

To: The Board

By virtue of the powers conferred by Section 19(1) of the *Forestry Act 1991*, and all other powers enabling I hereby delegate to the Board all those powers and functions as stated hereunder.

Powers and Functions of the Minister delegated to the Board:

(insert or attach)

This delegation of my powers and functions shall remain in force and effect until withdrawn by me in writing.

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

Minister for Forests.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 21 – ⁵¹Delegation by the Board of all or any of its powers and functions to the Managing Director of the National Forest Service.

Act, Sec. 19 Form 21Reg. 23

⁵¹ Form 21 replaced by No 1 of 2001.

To: The Managing Director, National Forest Service.

The Board by virtue of the powers conferred by Section 19 of the *Forestry Act 1991* and all other powers it enabling does hereby delegate to you those powers and functions of the Forest Board as stated hereunder.

Powers and Functions of the Board delegated to the Managing Director of the National Forest Service:

(Insert or attach)

This delegation of the powers and functions of the Board shall remain in full force and effect until withdrawn by the Board in writing.

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

For the Board.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 22 – Letter of transmittal of Board’s annual report.

Act, Sec. 20(1) Form 22Reg. 24

The Hon

Minister for Forests

Dear Minister:

In accordance with the provisions contained in Section 20(1) of the Forestry Act, 1991 the Board of the Forest Authority submits to you a report on the progress and performance of the Authority in relation to its functions during the year ended 31 December, . . .

Section 20(2) of the Forestry Act, 1991 also requires that, as soon as practicable after you have received this report, you forward the report to the Speaker for presentation to the Parliament and a copy to each Provincial Government.

Yours sincerely

Chairman of the Forest Board

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

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 23 – Letter of transmittal of Board’s annual report.

Act, Sec. 20(2)(b) Form 23Reg. 25

The Governor:

... Provincial Government

Dear Governor:

In accordance with the provisions contained in Section 20(2)(b) of the Forestry Act, 1991 I forward to you a report on the progress and performance of the Forest Authority in relation to its functions during the year ended 31 December, ...

Yours sincerely

Minister for Forests

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

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 24 – Appointment of members and alternate members of
provincial forestry management committee.***

Act, Sec. 22(2), 23(1) Form 24Reg. 26

THE BOARD, by virtue of the powers conferred by Section 22 of the Forestry Act, 1991 and all other powers it enabling hereby appoints—

- (a) as a member of the . . . Provincial Forest Management Committee, under the provision specified in Column 1 of the Schedule and on the nomination of the authority specified in Column 2 opposite, each person specified in Column 3 opposite; and
- (b) as an alternate member of the . . . Provincial Forest Management Committee to the member specified in Column 3 of the Schedule, the person specified in Column 4 opposite.

SCHEDULE

Provision	Nominating Authority	Member (who shall be Chairperson)	Alternate Member
S22(1)(a)	Provincial Government		
S22(1)(b)	Managing Director		
S22(1)(c)	Provincial Executive		
S22(1)(e)	National Alliance of Non-Governmental Organizations		

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 25 – Appointment of members of Provincial Forest Management
Committee.***

Act, Sec. 22(2) Form 25Reg. 27

THE BOARD, by virtue of the powers conferred by Section 22 of the Forestry Act, 1991 and all other powers it enabling hereby appoints—

... as a member of the ... Provincial Forest Management Committee, under the provision specified in Column 1 of the Schedule and on the nomination of the authority specified in Column 2 opposite, each person specified in Column 3 opposite.

SCHEDULE

Provision	Nominating Authority	Member
S22(1)(d)	Provincial Forest Management Committee	
S22(1)(d)	Provincial Forest Management Committee	

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 26 – REVOCATION OF APPOINTMENT AND APPOINTMENT OF
MEMBER OF THE PROVINCIAL FOREST
MANAGEMENT COMMITTEE.***

Act, Sec. 22(2)

Form 26Reg. 28

THE BOARD, by virtue of the powers conferred by Section 22 of the Forestry Act, 1991 and all other powers it enabling hereby:

- (a) revokes the appointment of . . . as member of the Provincial Forest Management Committee; and
- (b) appoints . . . to be a member of that Committee.

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 27 – Revocation of appointment and appointment of alternate member of the Provincial Forest Management Committee.

Act, Sec. 23 Form 27Reg. 29

THE BOARD, by virtue of the powers conferred by Section 23 of the Forestry Act, 1991 and all other powers it enabling hereby:

- (a) revokes the appointment of . . . as an alternate member of the Provincial Forest Management Committee; and
- (b) appoints . . . as an alternate member of that Committee.

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 28 – Grant of leave of absence by the Chairman of a Provincial
Forest Management Committee to a member/alternate
member of the committee.***

Act, Sec. 24(1) Form 28Reg. 30

To: ... *a member/alternate member of the ... Provincial Forest Management Committee

Pursuant to Section 24(1) of the Forestry Act, 1991 I hereby grant to you leave of absence on the following terms and conditions:

Terms and Conditions:

(state)

*Delete whichever is inapplicable

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

Chairman
... Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 29 – Grant of leave of absence by the Chairman of the Forest Board to the Chairman of a Provincial Forest Management Committee.

Act, Sec. 24(2) Form 29Reg. 31

To: ... Chairman ... Provincial Forest Management Committee

Pursuant to Section 24(2) of the Forestry Act 1991 I hereby grant to you leave of absence on the following terms and conditions.

Terms and Conditions:

(state)

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

Chairman of the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 30 – Resignation of office by a member/alternate member of a
Provincial Forest Management Committee.***

Act, Sec. 25(1) Form 30Reg. 32

To: The Chairman of the Board

I, ... a *member/alternate member of the ... Provincial Forest Management Committee appointed under Section *22(1)(b)/22(1)(c)/22(1)(d)/22(1)(e) of the Forestry Act 1991 do hereby resign from office as a *member/alternate member of the Provincial Forest Management Committee.

My resignation shall take effect from *the date of this instrument/the ... day of ... 20...

*Delete whichever is inapplicable

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

*Member/Alternate Member
... Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 31 – Termination of a member/alternate member of a Provincial
Forest Management Committee by the Chairman of
the Board.***

Act, Sec. 25(2)

Form 31Reg. 33

To: . . . *Member/Alternate Member of the . . . Provincial Forest Management
Committee

Pursuant to Section 25(2) of the Forestry Act, 1991 I hereby terminate your
appointment as *Member/Alternate Member of the Provincial Forest Management
Committee on the following grounds:—

Grounds of Termination:

(specify)

*Delete whichever is inapplicable

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

Chairman of the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 32 – Request to Board by a body which has nominated a member/alternate member to a Provincial Forest Management Committee to terminate the appointment.

Act, Sec. 25(3) Form 32Reg. 34

To: The Board

Pursuant to Section 25(3) of the Forestry Act, 1991 the Board is hereby requested to terminate the appointment of the *Member/Alternate Member appointed under Section *22(1)(c)/22(1)(d)/22(1)(e) on the grounds as specified below.

Grounds of termination:

(specify)

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

*For the . . . Provincial Executive

*For the . . . Provincial Forest Management Committee

*For the National Alliance of Non-Government Organisation

*Delete whichever is inapplicable

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 33 – Termination by Board of appointment of a member/alternate member of the Provincial Forest Management Committee.

Act, Sec. 25(3) Form 33Reg. 35

To: . . . *Member/Alternate Member of the . . . Provincial Forest Management Committee

*The Board after having received a request to terminate your appointment under Section 25(3) of the Forestry Act, 1991 from the body which nominated you to be a *member/alternate member of the . . . Provincial Forest Management Committee doth hereby pursuant to Section 25(3) of the Forestry Act, 1991 terminate your appointment as a *member/alternate member of the . . . Provincial Forest Management Committee.

*Delete whichever is inapplicable

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 34 – Notice of intention by the Chairman of the Board to a member/alternate member of a Provincial Forest Management Committee that he intends to terminate his appointment.

Act, Sec. 25(4)

Form 34Reg. 36

To: . . . *Member/Alternate Member of the . . . Provincial Forest Management Committee

TAKE NOTICE that pursuant to Section 25(4) of the Forestry Act, 1991 I intend to terminate your appointment as a Member/Alternate Member of the . . . Provincial Forest Management Committee on the grounds of

*Inefficiency/Incapacity/Misbehaviour particulars whereof are specified below.

Particulars of *Inefficiency/Incapacity/Misbehaviour:

(specify)

AND TAKE FURTHER NOTICE that under Section 25(5) of the Forestry Act, 1991 you may within 14 days of the date of receipt of this Notice reply in writing to the Chairman of the Board and your reply shall be considered by the Chairman and, where appropriate, your appointment terminated.

*Delete whichever is inapplicable

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

Chairman of the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 35 – Representation to Chairman of the Board from a
member/alternate member of a Provincial Forest
Management Committee.***

Act, Sec. 25(5) Form 35Reg. 37

To: The Chairman of the Board

I, ... *Member/Alternate Member of the ... Provincial Forest Management Committee hereby make representations under Section 25(5) of the Forestry Act, 1991 as to why my appointment should not be terminated by you.

Representation:

(specify or attach to the form)

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

*Member/Alternate member
... Provincial Forest
Management Committee

*Delete whichever is inapplicable

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 36 – Termination by Chairman of the Board of appointment of
member/alternate member of a Provincial Forest
Management Committee.***

Act, Sec. 25(5), 25(6) Form 36Reg. 38

To: . . . *Member/Alternate Member of the . . . Provincial Forest Management Committee

*After having considered your reply provided to me pursuant to Section 25(5) of the Forestry Act, 1991 I hereby pursuant to Section 25(5) of the Forestry Act, 1991 terminate your appointment as a *member/alternate member of the . . . Provincial Forest Management Committee.

*Pursuant to Section 25(6) of the Forestry Act, 1991 I hereby terminate your appointment.

*Delete whichever is inapplicable

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

Chairman of the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 37 – Determination by the Chairman of a Provincial Forest
Management Committee to convene a meeting of the
committee.***

Act, Sec. 27(1) Form 37Reg. 39

To: All Members of the Provincial Forest Management Committee

TAKE NOTICE that in accordance with a determination made by me under Section 27(1) of the Forestry Act, 1991 there will be a meeting of the . . . Provincial Forest Management Committee to be held on the date, place, time and for the purposes as set out below.

Purpose of Meeting:

(specify)

Date of Meeting:

*(at least 14 days notice
of the meeting must be
given)*

Place of Meeting:

Time of Meeting:

Date this . . . day of . . . 20...

Chairman
. . . Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 38 – Request to the Chairman of a Provincial Forest Management
Committee by the Board/Managing Director National
Forest Service to convene a meeting of the committee.***

Act, Sec. 27(2) Form 38Reg. 40

To: The Chairman— . . . Provincial Forest Management Committee

Pursuant to Section 27(2) of the Forestry Act, 1991 I hereby request that you convene a meeting of the . . . Provincial Forest Management Committee within 14 days of the date of receipt of this request for the purposes as set out below.

Purposes:

(specify)

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

*For the Board/Managing
Director, National Forest Service

*Delete whichever is inapplicable

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 39 – Request to the Chairman of a Provincial Forest Management Committee by not less than two members to convene a meeting of the committee.

Act, Sec. 27(2) Form 39Reg. 41

To: The Chairman— . . . Provincial Forest Management Committee

Pursuant to Section 27(2) of the Forestry Act, 1991 we hereby request that you convene a meeting of the . . . Provincial Forest Management Committee within 14 days of the date of receipt of this request for the purposes as set out below.

Purposes:

(specify)

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

Member
. . . Provincial Forest Management Committee

Member
. . . Provincial Forest Management Committee
. . . Province

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 40 – Convening of a Provincial Forest Management Committee by the Chairman of the Provincial Forest Management Committee pursuant to a request by the Board/Managing Director of the National Forest Service/not less than two members of the Provincial Forest Management Committee.

Act, Sec. 27(2)

Form 40Reg. 42

To: All Members of the . . . Provincial Forest Management Committee

TAKE NOTICE that pursuant to a request made to me under Section 27(2) of the Forestry Act, 1991 by *the Board of the Forest Authority*/Managing Director of the National Forest Service/*not less than two members of the Provincial Forest Management Committee I hereby, convene, pursuant to Section 27(2) of the Forestry Act, 1991 a meeting of the . . . Provincial Forest Management Committee to be held on the date, place, time and for the purposes as set out below.

Purpose of Meeting:

(specify)

Date of Meeting:

*(at least 14 days Notice
of the meeting must be
given)*

Place of Meeting:

Time of Meeting:

*Delete whichever is inapplicable

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

Chairman
. . . Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 41 – Provincial Forest Management Committee notice to the
owner of a forest resource.***

Act, Sec. 28(3) Form 41Reg. 43

To: The Owners of the Forest Resource located in the area described below

TAKE NOTICE that the . . . Provincial Forest Management Committee intends to deliberate in respect of the forest resource located in the area and for the purposes as described below.

AND TAKE FURTHER NOTICE that pursuant to Section 28(3) of the Forestry Act, 1991 you as owners of that particular forest resource as described below are entitled to be represented at the meeting of the . . . Provincial Forest Management Committee by two of your number selected by you who shall be entitled to take part in the deliberations but shall not be entitled to vote.

The date, place, time and purpose of the meeting and the location and description of the forest resource are as set out below.

The location and description of the forest resource:

(specify)

Purpose of Meeting:

(specify)

Date of meeting:

*(at least 14 days notice
of the meeting must be
given)*

Place of meeting:

Time of meeting:

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

For: . . . Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 42 – Delegation of Provincial Forest Management Committee’s
functions to the National Forest Service.***

Act, Sec. 30(2) Form 42Reg. 44

To: The Managing Director, National Forest Service

The . . . Provincial Forest Management Committee by virtue of the powers conferred by Section 30(2) of the Forestry Act, 1991 and all other powers it enabling doth hereby delegate to the National Forest Service all those functions of the Provincial Forest Management Committee as stated hereunder:

Functions of the Provincial Forest Management Committee delegated to the National Forest Service:

(specify)

This delegation of the functions of the PFMC shall remain in full force and effect until withdrawn by the . . . Provincial Forest Management Committee in writing.

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

For . . . Provincial Forest
Management Committee

NOTE: THIS DELEGATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO, N.C.D.
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 43 – Letter of transmittal of Provincial Forest Management
Committee annual report.***

Act, Sec. 31(1) Form 43Reg. 45

To: The Chairman of the Forest Board

Dear Chairman

In accordance with the provisions contained in Section 31(1) of the Forestry Act, 1991 the Provincial Forest Management Committee submits to you a report on the activities of the Provincial Forest Management Committee for the year ended 31 December, . . .

Section 31(2) of the Forestry Act, 1991 also requires that, as soon as practicable after you have received this report, you forward a copy of the report to the Minister for Forests and to the Minister responsible for forestry matters in the . . . Province.

Yours sincerely

Chairman of the
. . . Provincial Forest
Management Committee

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

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Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 44 – Annual report of the Provincial Forest Management
Committee.***

Act, Sec. 31(1) Form 44Reg. 46

To: The Chairman of the Forest Board

Report of the . . . Provincial Forest Management Committees on its activities for year ending 31 December 20... made pursuant to Section 31(1) of the Forestry Act, 1991 is as follows:—

1. Membership of Committee:

Member	Alternate	Representing
(Chairman)		Provincial Government National Forest Service Local Governments NANGO
	N/A	Landowners
	N/A	Landowners

(Note any membership changes during the year)

2. Meetings:

(List number of meetings held, and dates and venues of meetings. Mention significant matters considered at meetings, for example Provincial Forest Plan, major forest areas for development, community forestry, forest management agreements, timber authorities, forest industry operations).

3. Decisions and Recommendations:

(List briefly by number and in chronological order the decisions and recommendations that were made by the Committee at meetings).

4. Finance Statement:

(Detail expenses incurred in the holding of Committee meetings)

5. Conclusion:

(For making general comments and recommendations, and for any matter considered relevant or appropriate to bring to the notice of the Board).

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

For the . . . Provincial
Forest Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 45 – Letter of transmittal of annual report of Provincial Forest
Management Committee.***

Act, Sec. 31(2) Form 45Reg. 47

To: The Minister for Forests

And To: The Chairman of the Committee responsible for Forestry functions in the ...
Provincial Executive Council

Dear Minister:

In accordance with the provisions contained in Section 31(2) of the Forestry Act,
1991 I forward to you a report on the activities of the ... Provincial Forest
Management Committee for the year ended 31 December ...

Yours sincerely

Chairman of the Forest Board

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

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 46 – Establishment of an Advisory Committee of the Board.

Act, Sec. 32 Form 46Reg. 48

Pursuant to Section 32(1) of the Forestry Act, 1991 the Board has determined that there is a need to establish an advisory committee of the Board and hereby establishes an Advisory Committee as described hereunder and for such committee to advise the Board on those matters as set out below.

The functions, powers and procedures of the Committee and the persons appointed to it are set out hereunder:

Name of the Advisory Committee:

(insert)

Names of the Appointees to the Committee:

(insert)

Advice required to be provided to the Board:

(specify)

Functions, Powers and Procedures of the Committee:

(specify)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 47 – Appointment to an Advisory Committee of the Board.

Act, Sec. 32 (2)(a) Form 47Reg. 49

To: . . .

Pursuant to Section 32(1) of the Forestry Act, 1991 the Board has established an advisory committee of the Board as described hereunder to advise it on those matters as set out below.

Pursuant to Section 32(2)(a) the Board has appointed you to the Advisory Committee.

The functions, powers and procedures of the Committee are set out hereunder:

Name of the Advisory Committee:

(insert)

Advice required to be provided to the Board:

(specify)

Functions, Powers and Procedures of the Committee:

(specify)

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

For the Board

Note: Section 32(3) of the Forestry Act provides that a member of a Committee of the Board is subject to the same terms and conditions as a member of the Board, but not both as a member of the Board and as a member of the Committee.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 48 – Board’s advice to the Minister on other functions of the
Managing Director.***

Act, Sec. 35(2)

Form 48Reg. 50

To: The Minister for Forests

Pursuant to Section 35(2) of the Forestry Act, 1991 the Board hereby advises you to make a determination that the Managing Director of the National Forest Service shall have the following other functions as set out hereunder:

Other functions:

(specify)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 49 – Determination by the Minister for Forests on other functions
to be carried out by the Managing Director.***

Act, Sec. 35(2) Form 49Reg. 51

To: The Board

And To: The Managing Director, National Forest Service

I, . . . Minister for Forests, by virtue of the powers conferred by Section 35(2) of the Forestry Act, 1991 and all other powers me enabling and after being received advice from the Board do hereby determine that the Managing Director of the National Forest Service shall have those such other functions as set out below.

Other Functions:

(specify)

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 50 – Delegation of powers by Managing Director.

Act, Sec. 35(3)

Form 50Reg. 52

To: ... an officer of the National Forest Service

I, ..., Managing Director of the National Forest Service by virtue of the powers conferred by Section 35(3) of the Forestry Act, 1991 and all other powers now enabling do hereby delegate to you all those functions and powers as described hereunder:

Functions and powers:

(specify)

This delegation of my powers and functions as Managing Director of the National Forest Service shall remain in full force and effect until withdrawn by me in writing.

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 51 – Minister’s consultation with Board on proposed appointment
of consultant.***

Act, Sec. 40 Form 51Reg. 54

To: The Board

And To: The Managing Director, National Forest Service

TAKE NOTICE that pursuant to Section 40 of the Forestry Act, 1991 I propose to appoint as an employee of the Authority the Consultant named hereunder to carry out the following duties for the purposes of the Authority.

I require you to consult with me by advising me of the limits of funds available for this purpose and to advise me of what terms and conditions should apply to my proposed appointment and whether the appointment is necessary for the purposes of the authority within 14 days of the date of receipt by you of this Notice.

Name of Consultant:

(specify)

Position and Duties:

(specify)

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 52 – Board’s and Managing Director’s advice to Minister for
Forests on proposal by Minister to appoint a
consultant.***

Act, Sec. 40 Form 52Reg. 55

To: The Minister for Forests

The Board of the Forest Authority and the Managing Director of the National Forest Service have considered your proposal dated the ... day of ... to appoint ... as a consultant and as an employee of the Authority.

The Board's advice to you is as follows:—

1. *(a) There are no funds available for this purpose
 or
 *(b) The limits of funds available for this purpose are K. . .
2. That the appointment *is/is not necessary for the purposes of the Authority.
- *3. The Board and the Managing Director of the National Forest Service advise that the terms and conditions of such consultant should be as per the attached draft contract of employment.

*Delete whichever is inapplicable

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

Managing Director

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 53 – Appointment of consultant by the Minister for Forests.

Act, Sec. 40 Form 53Reg. 56

I, . . . Minister for Forests by virtue of the powers conferred by Section 40 of the Forestry Act, 1991 and all other powers me enabling and after having consulted with the Board of the Forest Authority and the Managing Director of the National Forest Service do hereby appoint the Consultant named below as an employee of the Authority to the position described below upon those terms and conditions as attached hereto.

Name of Consultant:

(Insert Name)

Consultant's Position:

(insert)

Terms and Conditions of the Appointment:

(attach Terms and Conditions or Contract of Employment)

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 54 – Board recommendation to Minister to appoint Forest
Officers.***

Act, Sec. 41(1) Form 54Reg. 57

To: The Minister for Forests

The Board pursuant to Section 41(1) recommends to you as follows:

- (1) That you revoke the appointment of those officers of the National Forest Service named in Attachment 'A' as Forest Officers; and
- (2) That you appoint as Forest Officers those officers of the National Forest Service named in Attachment 'B' such officers having obtained the degree or diploma of a recognized forestry school.

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 55 – Instrument of appointment of Forest Officers.

Act, Sec. 41(1) Form 55Reg. 58

I, . . . Minister for Forests, by virtue of the powers conferred by Section 41(1), of the Forestry Act, 1991 and after having received a recommendation from the Board of the Forest Authority so to do and all other powers me enabling do hereby:—

- (1) revoke all appointments of Forest Officers at any time hereinbefore made; and
- (2) appoint those officers of the National Forest Service specified in Attachment "A" as Forest Officers such said officers having obtained the degree or diploma of a recognized forestry school.

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 56 – Board recommendation to Minister to appointment Forest Inspectors.

Act, Sec. 41(2) Form 56Reg. 59

To: The Minister for Forests

The Board pursuant to Section 41(2) recommends to you as follows:—

- (1) That you revoke the appointment as Forest Inspectors those officers of the National Forest Service named in Attachment 'A'; and
- (2) That you appoint as Forest Inspectors those officers of the National Forest Service named in Attachment 'B'.

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 57 – Instrument of appointment of Forest Inspectors.

Act, Sec. 41(2) Form 57Reg. 60

I, . . . Minister for Forests, by virtue of the powers conferred by Section 41(2) of the Forestry Act, 1991 and after having received a recommendation from the Board of the Forest Authority so to do and all other powers me enabling do hereby:—

* (1) Revoke all appointments of Forest Inspectors at any time hereinbefore made, and

* (2) Appoint those officers of the National Forest Service specified in Attachment 'A' as Forest Inspectors.

* Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 58 – Minister’s consultation with the Board on proposed
establishment of a State Marketing Agency.***

Act, Sec. 42(1) Form 58Reg. 61

To: The *Chairman/Deputy Chairman of the Board

TAKE NOTICE that pursuant to Section 42(1) of the Forestry Act, 1991 I propose to establish:

*(1) within the Authority as a division of the National Forest Service a State Marketing Agency to carry out those functions as specified in Section 43 of the Forestry Act, 1991;

*(2) or otherwise (*specify*).

I require the Board to consult with me by advising me on my proposal within 14 days of the date of receipt by it of this Notice.

*Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 59 – Board’s advice to Minister for Forests on proposal by
Minister to establish a State Marketing Agency.***

Act, Sec. 42(1) Form 59Reg. 62

To: The Minister for Forests

The Board has considered your proposal dated the . . . day of . . . to establish a State Marketing Agency.

The Board's advice to you is as follows:—

(state or attach)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 60 – Determination by the Board for the management staffing
and control of the State Marketing Agency
established as a division of the National Forest
Service by the Minister for Forests.***

Act, Sec. 42(2)

Form 60Reg. 63

Pursuant to Section 42(2) of the Forestry Act, 1991 the Board hereby determines that the State Marketing Agency established as a division of the National Forest Service by the Minister for Forestry shall be managed, staffed and controlled as follows:

Management:

(insert)

Staffing:

(insert)

Form of Control:

(specify)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 61 – Establishment of a State Marketing Agency as a division of
the National Forest Service by the Minister for
Forests/or otherwise.***

Act, Sec. 42(1)

Form 61Reg. 63

I, . . . , Minister for Forests by virtue of the powers conferred by Section 42(1) of the Forestry Act, 1991 and all other powers me enabling and after having consulted with the Board of the Forest Authority do hereby establish—

*within the Authority as a division of the National Forest Service a State Marketing Agency:

*or otherwise:

(specify)

*Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 62 – Notice to Minister for Finance of Board’s intention to execute
a Project Agreement and seeking the Minister for
Finance’s approval.***

Act, Sec. 44(1) Form 62Reg. 65

To: The Minister for Finance

TAKE NOTICE that the Board intends to execute a project agreement and to recommend the allocation of a timber permit over or in relation to the area described in the Forest Management Agreement.

The area described is as follows:

(specify)

The Board's intentions are as follows:

(specify)

For the National Forest Board to execute a . . . project agreement with . . . for the development of the area described above. The major features of the project area and to be prescribed in the agreement are attached.

Upon execution of the project agreement the Board will recommend to the Minister for Forests to grant a timber permit to . . . in accordance with Section 72 of the Forestry Act.

The Board seeks your approval under Section 61(2) of the Public Finance Management Act in relation to the Board's intention to execute the project agreement as set out above.

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 63 – Minister for Finance’s approval for Board to execute a
project agreement.***

Act, Sec. 44(1) Form 63Reg. 66

To: The Board

TAKE NOTICE that pursuant to Section 61(2) of the Public Finance Management Act, I hereby give my approval for the Board to execute a Project Agreement with . . . for the development of the area described below.

The area described as follows:

(specify)

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

Minister for Finance

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 64 – Notice to Minister for Finance of Board’s intention to execute a contract and seeking the Minister for Finance’s approval.

Act, Sec. 44(1)

Form 64Reg. 67

To: The Minister for Finance

TAKE NOTICE that the Board intends to execute a contract with . . . a copy of which is attached hereto.

Brief Particulars of the Contract are as follows:—

(specify)

The Board seeks your approval under Section 61(2) of the Public Finance Management Act in relation to the Board's intention to execute the contract as described above.

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 65 – Minister for Finance’s approval for Board to execute a contract.

Act, Sec. 44(1) Form 65Reg. 68

To: The Board

TAKE NOTICE that pursuant to Section 61(2) of the Public Finance Management Act, I hereby give my approval for the Board to execute a contract with . . .

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

Minister for Finance

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 66 – Certified National Forest Inventory.

Act, Sec. 47(2)(b) Form 66Reg. 69(4)

I, . . . Chairman of the Board of the Forest Authority do hereby certify that on the . . . day of . . . 20. . . the Board of the Forest Authority resolved that the attached document be the approved National Forest Inventory and I further certify that the Board resolved on the same date that it was satisfied that the information contained in the National Forest Inventory was the best available at that time and was suitable for inclusion in the said National Forest Inventory and that it includes particulars as prescribed.

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

Chairman of the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 67 – Annual statement by the Board of allowable cut volumes.

Act, Sec. 47(2)(c)(iii) Form 67Reg. 69(6)

In accordance with Section 47(2)(c)(iii) of the Forestry Act, 1991 the Board resolved on the . . . day of . . . 20... that the following is a statement by the Board of allowable cut volumes, being the amount of allowable cut for each province for the next succeeding year:

This Statement forms part of the National Forest Plan and is made as required by the Act to ensure that the areas of forest resource set out in the Provincial Forest Plans, for present or future production, are harvested on a sustained yield basis.

"Allowable cut" means the amount of timber which may be cut annually.

Statement:

(attach)

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

Chairman

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 68 – Letter of transmittal of National Forest Plan.

Act, Sec. 48 Form 68Reg. 70

To: The Minister for Forests

Dear Minister:

In accordance with the provisions contained in Section 48 of the Forestry Act, 1991 I submit to you a copy of the National Forest Plan .

Section 48 of the Forestry Act, 1991 also requires that you table the National Forest Plan in the Parliament.

Yours sincerely

Chairman of the Board

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

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 69 – Submission of Provincial Forest Plan to Board.

Act, Sec. 50(1) Form 69Reg. 71

To: The Board

Submitted herewith a copy of the Provincial Forest Plan prepared pursuant to section 49 of the Forestry Act 1991 by the . . . Provincial Government.

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

Chairman of the Committee responsible
for Forestry Functions in the . . .
Provincial Executive Council

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 70 – Referral by Board to the provincial government of Provincial
Forest Plan.***

Act, Sec. 50(2) Form 70Reg. 72

To the . . . Provincial Government

The Board under Section 50(2) of the Forestry Act 1991 herewith returns the Provincial Forest Plan submitted by you and sets out below the details of the inconsistencies that the plan has with the National Forest Policy and/or the National Forestry Development Guidelines.

(Specify the inconsistencies with the National Forest Policy and/or the National Forestry Development Guidelines).

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 71 – Re-submission of Provincial Forest Plan to Board by
provincial government.***

Act, Sec. 50(3) Form 71Reg. 73

To: The Board

Re-submitted herewith a copy of the Provincial Forest Plan prepared pursuant to section 49 of the Forestry Act 1991 by the . . . Provincial Government.

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

Chairman of the Committee responsible
for Forestry Functions in the . . .
Provincial Executive Council

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 72 – Board’s notification to Chairman of the Committee of the
Provincial Executive Council responsible for forestry
functions relating to Provincial Forest Plan.***

Act, Sec. 51(a) Form 72Reg. 74

To: The Chairman of the Committee responsible for Forestry Functions in the . . .
Provincial Executive Council

TAKE NOTICE that the Board has considered the Provincial Forest Plan submitted to it under Section 50(1) of the Forestry Act, 1991 and hereby notifies you that it has determined that the said Plan is consistent with the National Forestry Development Guidelines.

TAKE FURTHER NOTICE that under Section 51(a) of the Forestry Act, 1991 you are now required to table a copy of the said Plan in the Provincial Assembly.

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 73 – Letter of transmittal of Provincial Forest Plan.

Act, Sec. 51(b) Form 73Reg. 75

To: The Minister for Forests

Dear Minister:

In accordance with the provisions contained in Section 51(b) of the Forestry Act, 1991 I submit to you a copy of the . . . Provincial Forest Plan.

Yours sincerely

For the Board

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

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 74 – Declaration of restricted area by Managing Director.

Act, Sec. 52 Form 74Reg. 76

I . . . , Managing Director of the Papua New Guinea Forest Authority, by virtue of the powers conferred on me by section 52 of the Forestry Act 1991 being of the opinion that the area of forest described hereunder is endangered by hazardous fire conditions hereby declare such area to be a restricted area on and from the date specified hereunder.

Description of Restricted Area:

Date on and from specified as a restricted area: The . . . day of . . . 20...

Period of the restriction:

(specify period or until further notice)

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

Managing Director

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 75 – Burning permit.

Act, Sec. 53 Form 75Reg. 77

This permit is issued pursuant to Section 53 of the Forestry Act 1991 and authorizes . . . to ignite and maintain an open fire in the . . . restricted area at the following location(s)
on the following day(s)—
between the hours of . . . and . . . subject to such terms and conditions as are set out in Schedule 1.
Dated this . . . day of . . . 20...

Forest Officer

Schedule 1—terms and conditions

1. The permit holder, having ignited or maintained any fire under this permit, shall not leave such fire unattended temporarily or otherwise without completely extinguishing the fire.

(Add any special terms and conditions attaching to the permit)

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 76 – Application for burning permit.

Act, Sec. 53 Form 76Reg. 78

To the Managing Director

... hereby applies for a burning permit under Section 53 of the Forestry Act 1991 to
ignite and maintain an open fire within the ... restricted area at the following
location(s)

on the following day(s)—

between the hours of ... and

The Applicant seeks such permit for the purpose of

The Applicant proposes to take the following precautions to avoid the risk of the fire
spreading beyond the above locations.

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

Signed on behalf of the Applicant

Name of person signing

... Office held with Applicant

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 77 – Approval of Minister for Forests to a Forest Management Agreement.

Act, Sec. 56(2) Form 77Reg. 80

To: *Chairman/Deputy Chairman

Pursuant to Section 56(2) of the Forestry Act, 1991 I hereby approve the executed Forest Management Agreement dated the ... day of ... 20... between the customary owners of the Forest Resource area as described below and the Authority.

Forest Resource Area:

(describe briefly)

*Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 78 – Board request to the Minister to approve a Forest
Management Agreement.***

Act, Sec. 56(2) Form 78Reg. 81

To: The Minister for Forests

Pursuant to Section 56(2) of the Forestry Act 1991 the Board hereby requests you to approve the attached Forest Management Agreement which has been executed by the customary owners and the Authority in respect of the forest resource area described below.

Forest Resource Area:

(describe briefly)

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

For the Board

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 79 – Certificate from Provincial Forest Management Committee.

Act, Sec. 58 Form 79Reg. 82

I hereby certify that the . . . Provincial Forest Management Committee established under Section 21 of the *Forestry Act 1991* in respect of the . . . Province, having inquired into the matter, is satisfied as to—

- (a) the authenticity of the tenure of the customary land alleged by the persons or land group or groups claiming to be the customary owners in respect to that land described as being held by them in the within Forest Management Agreement; and
- (b) the willingness of the customary owners to enter into this Agreement.

Signed pursuant to a resolution of, and on behalf of, the said Committee this . . . day of . . . 20... by its Chairman.

(Name of Chairman)

(Signature)

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 80 – Notice of Boards intentions in recommending the allocation
of a timber permit.***

Act, Sec. 59 Form 80Reg. 83

To: The Customary Owners who are parties to the Forest Management Agreement;

And To: The Provincial Government;

And To: The Member or Members of Parliament for the Province and the electorate or electorates in which the area covered by the Agreement is situated.

Take notice that the Board under Section 59 of the Forestry Act, 1991 is required to consult with you in relation to the intentions of the Board in recommending the allocation of a timber permit over or in relation to the area described in the Forest Management Agreement.

The area described is as follows:

(specify)

The Boards intentions are as follows:—

(specify)

The Board seek your views in relation to the Boards intentions as set out above.

The Board requests that you provide to it your views within 14 days of the date hereof.

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 81 – Board direction to National Forest Service or a contractor to carry out a development options study over a proposed project area.

Act, Sec. 62(1) Form 81Reg. 84

To: *The Managing Director, National Forest Service; or
*... Contactor

Pursuant to Section 62(1) of the Forestry Act, 1991 the Board has determined that there be carried out a development option study over the proposed project area referred to below.

Project Area:

(Describe)

The Board directs that the Development Options Study provide the following information:

1. Inventory of the forest resource in the Project Area; and
2. Feasible options for development of the area; and
3. Report on investigation of means of landowner participation in such development; and
4. Possible environmental and social impacts of such development; and
5. In respect of any forest products to be harvested from the area—the feasibility of local processing and marketing prospects generally.

*Delete whichever is inapplicable

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

For the Board

N.B.: In accordance with Section 62(3)(b) you are advised that the development options study shall be carried out in accordance with directions given by the appropriate Provincial Forest Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 82 – Board request to Provincial Forest Management Committee
to give directions to the Board on the carrying out of
a development options study.***

Act, Sec. 62(3)(b) Form 82Reg. 85

To: The ... Provincial Forest Management Committee

TAKE NOTICE that the Board pursuant to Section 62(1) of the Forestry Act, 1991 is required to arrange for a development options study for the forest development project described below and which is required to be carried out in accordance with any directions given by you under Section 62(3)(b) of the Forestry Act.

AND TAKE FURTHER NOTICE that you are hereby required to give to the Board any directions relating to the carrying out of the development options study.

Forest Development Project:

(insert)

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

For the Board

Note: The Provincial Forest Management Committee should use Form 83 in responding to this Notice.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 83 – Directions to the Board from the Provincial Forest
Management Committee on development options
study.***

Act, Sec. 62(3)(b) Form 83Reg. 86

To: The Board

The . . . Provincial Forest Management Committee under Section 62(3)(b) of the Forestry Act, 1991 hereby directs that the development options study for the forest development project described below be carried out in accordance with the directions set out below.

Forest Development Project:

(insert)

Directions:

(insert)

(if none state—NIL)

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

For . . . Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 84 – Provision of development options study to the Minister and
the Provincial Forest Management Committee.***

Act, Sec. 62(4) Form 84Reg. 87

To: The Minister for Forests

And To: The . . . Provincial Forest Management Committee

The attached Development Options study in respect of the undetentioned proposed project area has been carried out by the *National Forest Service/a contractor of the Board and such Development Option Study is provided to you as required by Section 62(4) of the Forestry Act 1991.

Development Options Study:

(attach)

Proposed project area:

*delete whichever is inapplicable

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 85 – Submission to Board of draft project guidelines by
Provincial Forest Management Committee.***

Act, Sec. 63(2) Form 85Reg. 88

To: The Board

The ... Provincial Forest Management Committee in consultation with the owners of the forest resource the subject of the forest development project described below and the ... Provincial Government herewith submit to the Board under Section 63(2) of the Forestry Act, 1991 draft project guidelines for the Board's review.

Forest Development Project:

(describe)

Draft Project Guidelines:

(attached)

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

For ... Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 86 – Board’s issuance of final project guidelines for forest
development project.***

Act, Sec. 63(2) Form 86Reg. 89

The Board having received the draft project guidelines submitted to it by the undetentioned Provincial Forest Management Committee pursuant to Section 63(2) the Forestry Act 1991 herewith issues final project guidelines for the forest development project referred to hereunder:

Provincial Forest Management Committee:

Forest Development Project:

Final Project Guidelines:

(attached)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 87 – Registration of expression of interest in a forest development
project and project proposal.***

Act, Sec. 66 Form 87Reg. 90

To: The Managing Director

... a registered forest industry participant (Reg. No. ...) hereby registers its expression of interest in respect to the advertised Tender No.: ... AND hereby makes the accompanying proposals under Section 66 of the Forestry Act 1991 in respect of a forest development project advertised under Section 64 of the Forestry Act, 1991 and described as below.

Also accompanying this proposal are:

- (1) Particulars in accordance with Regulation 95;
- (2) A cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3 of the Forestry Regulations by way of project proposal lodgement fee.

Forest Development Project:

(describe)

Project Proposal Particulars:

(attach)

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

Signed on behalf of
the forest industry participant

Name of person signing

Office held with Applicant

NOTE: THIS REGISTRATION OF EXPRESSION OF INTEREST IN A FOREST DEVELOPMENT PROJECT AND ACCOMPANIED PROJECT PROPOSAL MUST BE LODGED TOGETHER IN ACCORDANCE WITH THE MANNER AND PROCEDURES DETERMINED BY THE BOARD AND AS SET OUT IN THE PUBLIC ADVERTISEMENT CALLING FOR TENDERS TO LODGE EXPRESSIONS OF INTEREST IN A FOREST DEVELOPMENT PROJECT AND PROJECT PROPOSALS.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 88 – ⁵²Invitation by Board to the holder of a timber permit to lodge an expression of interest and make a project proposal in respect to an extension of an existing approved operation.

Act, Sec. 64(3)

Form 88Reg. 91

⁵² Form 88 replaced by No 1 of 2001.

To: ... a registered forest industry participant Reg. No.: ...

The Board has determined that in accordance with Section 64(3) of the Act that the Forest Development Project described below should be extension of an existing approved operation.

Pursuant to Section 64(4) of the Act the Board hereby invites you to lodge an expression of interest and make a project proposal in accordance with Section 66 of the Act in Form 92 in respect to the Forest Development Project.

Forest Development Project:

(describe)

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

For the Board.

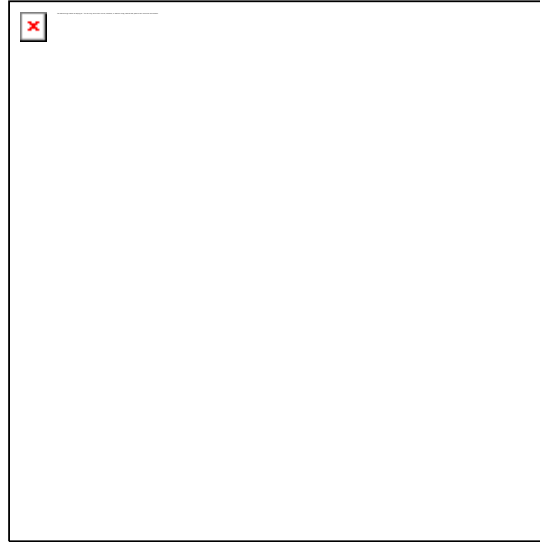
PAPUA NEW GUINEA.

Forestry Act 1991.

**Form 89 – Application to the Board by the holder of a timber permit to
approve a forest development project as an extension
of an existing approved operation.**

Act, Sec. 64(3)

Form 89Reg. 92



PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 90 – Grant or refusal of grant of permission to carry out
feasibility study.***

Act, Sec. 65 Form 90Reg. 93

To: . . .

I ~~am~~ not satisfied that the condition of registration of the applicant is appropriate to the project.

Notice is accordingly hereby given under Section 65 of the Forestry Act 1991 of my ~~permission/refusal to grant permission to . . .~~ ~~a registered forest industry participant (Reg. No. . . .); or a registered forest industry consultant (Reg. No. . . .) engaged by . . .~~ ~~a registered forest industry participant (Reg. No. . . .) to enter the project area described below for the purposes only of carrying out the following which relate to the project:—~~

- ~~*(a) feasibility studies; and~~
- ~~*(b) appraisal of the forest resources; and~~
- ~~*(c) other preparatory work as follows:~~
(specify)

Project Area:

(describe)

~~*delete whichever is inapplicable~~

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 91 – Application to carry out feasibility studies.

Act, Sec. 65 Form 91Reg. 94

To: Managing Director

... a registered forest industry participant (Reg. No. ...) hereby applies under Section 65 of the Forestry Act 1991 for permission for *itself/for for ... a registered forest industry consultant (Reg. No. ...) engaged by it to enter the project area described below for the purposes of carry out:—

- (a) feasibility studies; and
- (b) appraisal of the forest resources; and
- (c) other preparatory work (as detailed below) relating to the project.

The Project Area:

(describe)

Other preparatory work:

(describe)

A cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3 of the Forestry Regulations by way of application fee is attached.

*Delete whichever is inapplicable

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

Signed on behalf of the Applicant

Name of person signing

Office held with Applicant

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 92 – Registration of expression of interest in a forest development project and project proposal which relates to an extension of an existing approved operation.

Act, Sec. 66 Form 92Reg. 95

To: The Managing Director

... a registered forest industry participant (Reg. No. ...) hereby registers its expression of interest in respect to a forest development project which is an extension of an existing approved operation and hereby makes the accompanying proposals under Section 66 of the Forestry Act 1991 in respect of a forest development project described below which has been exempted from the requirement for advertisement for open tender under Section 64(3) of the Forestry Act, 1991.

Also accompanying this proposal are:

- (1) Particulars in accordance with the Regulations; and
- (2) A cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3 of the Forestry Regulations by way of project proposal lodgement fee.

Forest Development Project:

(describe)

Project Proposal Particulars:

(attach)

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

Signed on behalf of
the forest industry participant

Name of person signing

Office held with Applicant

NOTE: THE REGISTRATION OF EXPRESSION OF INTEREST AND ACCOMPANIED PROJECT PROPOSAL MUST BE LODGED TOGETHER WITH THE MANAGING DIRECTOR AND IN ACCORDANCE WITH THE REGULATIONS.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 93 – Reference of project proposals to Provincial Forest
Management Committee.***

Act, Sec. 67 Form 93Reg. 96

To the . . . Provincial Forest Management Committee

The attached Project Proposals in respect of the undetentioned Forest Development Project have been lodged by the registered forest industry participant referred to hereunder. Such proposals are referred to the Committee for evaluation in accordance with Section 67 of the Forestry Act 1991.

The Provincial Forest Management Committee is required under Section 67(3) of the Act to obtain the assistance of the National Forest Service and of any relevant Department in making an evaluation under Section 67 of the Forestry Act, 1991.

Forest Development Project:

Registered Forest Industry Participants:

(Reg. No. . . .)

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 94 – Provincial Forest Management Committee invitation to
proponent for further information.***

Act, Sec. 68 Form 94Reg. 97

To: . . .

(insert name of proponent)

The . . . Provincial Forest Management Committee has evaluated your project proposal in respect to a forest development project as described below and has determined that your proposal merits further consideration by the Committee. Pursuant to Section 68 of the Forestry Act 1991 you are invited to provide to the Committee the further information as set out below in order that the Committee may clarify or elaborate on your proposal.

Forest Development Project:

The following further information is required:

(specify)

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

For . . . Provincial Forest
Management Committee

c.c. The Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 95 – Provincial Forest Management Committee report and
recommendations to the Board.***

Act, Sec. 69 Form 95Reg. 98

To the Board

The ... Provincial Forest Management Committee being satisfied with:

- * (a) its evaluation under Section 67 of the Forestry Act 1991; and
- (b) any further evaluation under Section 68 of the said Act.

hereby submits its report of its evaluation under Section 69 of the Act.

(Attach report of the Provincial Forest Management Committee's Evaluation)

The Committee's recommendation as to the proponents (if any) with whom further negotiations should proceed are: *(specify)*

*delete whichever is inapplicable

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

For ... Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 96 – Boards consultation with Minister for Forests on report and recommendations of a Provincial Forest Management Committee.

Act, Sec. 70(1)(a) Form 96Reg. 99

To: The Minister for Forests

TAKE NOTICE that pursuant to Section 70(1)(a) of the Forestry Act, 1991 the Board provides to you herewith the report and recommendations of the . . . Provincial Forest Management Committee in respect to the forest development project described below in relation to the evaluations carried out by it.

The Board has considered the said report and recommendations and the Board's views are as stated hereunder:

Pursuant to Section 70(1)(a) of the Forestry Act, 1991 the Board is now required to consult with you on the Provincial Forest Management Committee's report and recommendations and on the Board's views as stated hereunder. You are requested to provide to the Board within 14 days of the date of receipt by you of this Notice your views on the said report and recommendations and on the Board's views.

Forest Development Project:

(describe)

Provincial Forest Management Committee's report and recommendations:

(attach)

Board's views on the Report and Recommendations:

(attach)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 97 – Minister for Forests views on Provincial Forest Management
Committee’s report and recommendations and on the
Boards views.***

Act, Sec. 70(a)

Form 97Reg. 100

To: The Board

TAKE NOTICE that pursuant to Section 70(a) of the Forestry Act, 1991 my views on the report and recommendation relating to the Forest Development Project described below and submitted to the Board by the . . . Provincial Forest Management Committee under Section 69 of the Forestry Act, 1991 and my views of the Boards comments on the said report and recommendations submitted to me under Section 70(a) of the Forestry Act, 1991 are as set out hereunder:

Forest Development Project:

(describe)

Ministers views:

(state)

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

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

Act, Sec. 70 Form 98Reg. 101

To the . . . Provincial Forest Management Committee

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

Proponents:

Project:

Minister's Comments:

(Attach or advise any comments by the Minister for Forests)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 99 – Board recommendation to the Provincial Forest Management Committee on the parameters within which negotiations should be conducted and recommendations on the composition of a negotiating committee.

Act, Sec. 70(1)(c) and (d) Form 99Reg. 102

To: The Chairman— . . . Provincial Forest Management Committee

TAKE NOTICE that pursuant to Section 70(1)(c) and (d) of the Forestry Act, 1991 the Board recommends to the . . . Provincial Forest Management Committee that in respect to the forest development project described below the parameters within which such negotiations should be conducted and the composition of a negotiating committee should be as set out hereunder:

The Board requires that the Provincial Forest Management Committee provide to the Board its views on the above recommendations within 14 days of the receipt of this Notice.

Forest Development Project:

(specify)

Parameters:

(attach)

Composition of negotiating Committee:

(specify)

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

Chairman of the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 100 – Provincial Forest Management Committee’s confirmation to the Board on the parameters within which negotiations are to be conducted and of the composition of a negotiating committee.

Act, Sec. 70(1)(c) and (d) Form 100Reg. 103

To: The Chairman of the Board

TAKE NOTICE that pursuant to Section 70(1)(c) and (d) of the Forestry Act, 1991 the . . . Provincial Forest Management Committee confirms in respect to the forest development project described below the Board's recommendations dated the . . . day of . . . 20... of the parameters within which such negotiations should be conducted and the composition of a negotiating committee.

Forest Development Project:

(specify)

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

For . . . Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 101 – Confirmation by the Board to the Provincial Forest Management Committee of the parameters within which negotiations shall be conducted and on the composition of a negotiating committee.

Act, Sec. 70(1)(c) and (d) Form 101Reg. 104

To: The Chairman— . . . Provincial Forest Management Committee

TAKE NOTICE that pursuant to Section 70(1)(c) and (d) of the Forestry Act, 1991 the Board, after having reached an agreement with you, hereby confirms that in respect to the forest development project described below the parameters within which such negotiations shall be conducted and the composition of a negotiating committee are as set out hereunder:

Forest Development Project:

(specify)

Parameters:

(attach)

Composition of negotiating Committee:

(specify)

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

Chairman of the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 102 – Advice to Board by Provincial Forest Management
Committee that negotiations in respect to a project
agreement have failed.***

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

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 a *final draft/final further draft of a Project Agreement in respect to the Forest Development Project described below as negotiations between it and the proponent named below have collapsed for the reasons as stated below.

Forest Development Project:

(describe)

Name of Proponent:

(state)

Reasons why negotiations have failed:

(specify)

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

*Delete whichever is inapplicable

For . . . Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 103 – Submission of final draft of project agreement by
Provincial Forest Management Committee to the
Board.***

Act, Sec. 71 Form 103Reg. 106

To the Board

The . . . Provincial Forest Management Committee under Section 71 of the Forestry Act 1991 submits herewith the final draft of the Project Agreement.

(Attach final draft of Project Agreement)

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

For . . . Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 104 – Board’s recommendation to the Minister to grant a timber permit.

Act, Sec. 72 Form 104Reg. 107

To the Minister for Forests

The Board hereby recommends pursuant to Section 72(1)(b)(ii) of the Forestry Act 1991 that you grant a Timber Permit to the person named hereunder with whom a Project Agreement has been entered into, details of which are set out hereunder:

Proposed Permit-Holder:

(Reg. No. . . .)

Project Agreement:

(attach copy)

Timber Permit:

(Attach draft)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 105 – Referral from the Board to the Provincial Forest
Management Committee of draft project agreement.***

Act, Sec. 72 Form 105Reg. 108

To the . . . Provincial Forest Management Committee

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

Draft Project Agreement:

(attach)

The following details are the matters requiring further negotiation:

(specify)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

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

Act, Sec. 72 Form 106Reg. 109

To the Board

The . . . Provincial Forest Management Committee pursuant to Section 72(2) of the Forestry Act 1991 and after having carried out further negotiations as were necessary submits herewith a further final draft of the Project Agreement for consideration by the Board.

Draft Project Agreement:

(attach)

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

For . . . Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 107 – Minister’s invitation to a person to make an application for
a timber permit.***

Act, Sec. 73, 75 Form 107Reg. 110

To . . . a registered forest industry participant (Reg. No. . . .)

You are invited to make an application in the prescribed form for the grant of a timber permit under Section 77 of the Forestry Act in respect of the project agreements described below.

Project Agreement:

(Describe)

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

Minister for Forests

c.c. The Board

NOTE: AN APPLICATION FOR A TIMBER PERMIT MUST BE IN THE PRESCRIBED FORM AND CONTAIN THE PRESCRIBED PARTICULARS AND SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
NATIONAL CAPITAL DISTRICT

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 108 – Minister’s non-acceptance of Board recommendation to
grant a timber permit.***

Act, Sec. 73 Form 108Reg. 111

To the Board

I, . . . , Minister for Forests, under Section 73(4) of the Forestry Act, 1991 advise you that I do not accept the Board's recommendation made under Section 72(1)(b)(ii) of the Forestry Act, 1991 in respect of the Project Area referred to hereunder for the reasons appearing herein, and I accordingly refer the matter back to the Board for its reconsideration.

Project Area:

Reasons:

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 109 – Boards final recommendation to Minister to grant a timber permit.

Act, Sec. 74 Form 109Reg. 112

To the Minister for Forests

The Board under Section 74 of the Forestry Act, 1991 makes the following final recommendation in respect of the within Project Area described below.

Project Area:

Recommendation:

(set out or attach recommendation)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 110 – Minister for Forests referral of Board recommendation for a grant of a timber permit to National Executive Council.

Act, Sec. 75(2)

Form 110Reg. 113

To: The Secretary: National Executive Council

TAKE NOTICE that pursuant to Section 75(2) of the Forestry Act, 1991 I have determined not to accept a final recommendation from the Board of the Forest Authority to grant a timber permit in respect to the project agreement referred to below to the person named hereunder:

In accordance with Section 75(2) of the Forestry Act, 1991 I now refer the matter to the National Executive Council together with the final recommendation of the Board and my reasons for not accepting the Board's recommendation.

The National Executive Council is now required under Section 76(1) of the Forestry Act, 1991 to consider the matter referred to it by me hereto and is required to make a direction to me to accept or reject the recommendation referred to hereunder.

Project Agreement:

(attach)

Person Named:

Other Papers (if any):

(attach)

Recommendations of the Board:

(attach)

Reasons for not accepting Boards Recommendation:

(attach)

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 111 – Direction of National Executive Council to the Minister for
Forests to accept the recommendation of the Board of
the Forest Authority to grant a timber permit.***

Act, Sec. 76 Form 111Reg. 114

To: The Minister for Forests

TAKE NOTICE that in accordance with a decision the National Executive Council made on the ... day of ... 20... and made pursuant to Section 76(1) of the Forestry Act, 1991 you are hereby directed to accept the recommendation of the Board of the Forest Authority to grant a timber permit to the proponent listed below.

*AND TAKE FURTHER NOTICE that the National Executive Council under Section 76(3) directs that you comply with certain requirements (if any) as specified hereunder:

You are now required pursuant to Section 76(2) of the Forestry Act, 1991 to comply with Council's direction and to advise the Board of the Forest Authority of Council's directions.

Name of Proponent:

(specify)

*Requirements to be complied with pursuant to Section 76(3) of the Forestry Act, 1991:

(If none, state NIL, otherwise, specify)

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

Chairman
National Executive Council

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 112 – Direction of National Executive Council to the Minister for
Forests to reject the recommendation of the Board of
the Forest Authority to grant a timber permit.***

Act, Sec. 76 Form 112Reg. 115

To: The Minister for Forests

TAKE NOTICE that in accordance with a decision the National Executive Council made on the ... day of ... 20... you are hereby directed pursuant to Section 76 of the Forestry Act, 1991 you are hereby directed as follows:

1. To reject the recommendations of the Board of the Forest Authority to grant a timber permit to the proponent listed below;
2. *To refer the matter back to the Board of the Forest Authority to renegotiate such terms and conditions in the project agreement executed under Section 72(1)(b)(i) as are specified below; and
*To re-advertise the forest development project under Section 64 of the Forestry Act, 1991 and take action thereafter in the manner required under Division 5 of the Forestry Act, 1991; and
3. To comply with Council's directions as to other requirements as set out below; and
4. To advise the Board of the Forest Authority of Council's direction.

Name of Proponent:

(specify)

*Requirements to be complied with pursuant to Section 76(3) of the Forestry Act, 1991:

(specify)

*Terms and Conditions of the Project Agreement to be renegotiated:

*Delete whichever is inapplicable

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

Chairman
National Executive Council

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 113 – Minister’s advice to the Board of National Executive Council’s direction to the Minister for Forests to accept the recommendation of the Board of the Forest Authority to grant a timber permit.

Act, Sec. 76 (2)(b) Form 113Reg. 116

To: The Chairman of the Board

TAKE NOTICE that in accordance with Section 76(2)(b) of the Forestry Act, 1991 I am required to advise you of the National Executive Council's decision made on the . . . day of . . . 20... and so made pursuant to Section 76(1) of the Forestry Act, 1991; Council's decision is as follows:

1. I have been directed to accept the recommendation of the Board of the Forest Authority to grant a timber permit to the proponent listed below.
2. I have been directed under Section 76(3) of the Forestry Act, 1991 to comply with certain requirements (if any) as specified hereunder.

I am now required to proceed in the manner required by Section 71(1) of the Forestry Act, 1991.

Name of Proponent:

(specify)

*Requirements to be complied with pursuant to Section 76(3) of the Forestry Act, 1991:

(If none, state NIL, otherwise, specify)

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 114 – Minister’s advice to the Board of National Executive
Councils direction to the Minister for Forests to reject
the recommendation of the Board of the Forest
Authority to grant a timber permit.***

Act, Sec. 76 (2)(b) Form 114Reg. 117

To: The Minister for Forests

TAKE NOTICE that in accordance with Section 76(2)(b) of the Forestry Act, 1991 I am required to advise you of the National Executive Council's decision made on the . . . day of . . . 20... and so made pursuant to Section 76(1) of the Forestry Act, 1991 is as follows:

- 1. I have been directed to reject the recommendations of the Board of the Forest Authority to grant a timber permit to the proponent listed below; and
- 2. *I have been directed to refer the matter back to the Board of the Forest Authority to renegotiate such terms and conditions in the project agreement executed under Section 72(1)(b)(i) as are specified below;
 - *I have been directed to re-advertise the forest development project under Section 64 of the Forestry Act, 1991 and take action thereafter in the manner required under Division 5 of the Forestry Act, 1991; and
- 3. I have been directed to comply with Council's directions as to other requirements (if any) as set out below.

Name of Proponent:

(specify)

*Requirements to be complied with pursuant to Section 76(3) of the Forestry Act, 1991:

(specify)

*Terms and Conditions of the Project Agreement to be renegotiated:

*Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 115 – Timber Permit.

Act, Sec. 73 Form 115Reg. 118

Permit No.

I, . . . , Minister for Forests, by virtue of the powers conferred by Section 73 of the Forestry Act 1991 and all other powers me enabling, grant a timber permit to . . . (*in this permit referred to as "the holder"*).

This permit relates to the project area described in Schedule 1. Pursuant to or as conditions of this permit:

- (1) the amount of allowable cut is as specified in Schedule 2;
- (2) the term is as specified in Schedule 3 or no more than the term of any Forest Management Agreement relating to the project area (whichever is less);
- (3) where the term specified in paragraph (2) and Schedule 3 exceeds ten years, the term and conditions of this permit shall be reviewed by the Board on the expiry of ten years and on the expiry of every successive period of five years;
- (4) the rates of royalties, levies and charges to be paid are as specified in Schedule 4;
- (5) the infrastructural requirements of this permit are as specified in the accompanying conditions or in Schedule 5;
- (6) this permit is subject to the provision of a performance bond for an amount specified in Schedule 6 which the holder shall lodge within 14 days with the Authority;
- (7) this permit relates to the project agreement specified in Schedule 7;
- (8) this permit is subject to the conditions prescribed in the Regulations;
- (9) this permit is subject to and conditional upon the holder throughout the period of the permit, observing and complying with all standards and practices as determined from time to time by the Authority including but not limited to the P.N.G. Logging Code of Practice, Procedures for Exporting Logs and Procedures for the identification, scaling and reporting (including royalty self-assessment) on logs harvested from Natural Forest Logging operations or any revisions or replacement documents thereof.

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

Minister for Forests

NOTE: A PROJECT STATEMENT UNDER SECTION 100 OF THE ACT, A FIVE YEAR WORKING PLAN UNDER SECTION 101 OF THE ACT, AND AN ANNUAL LOGGING PLAN UNDER SECTION 102 OF THE ACT ARE REQUIRED TO BE SUBMITTED TO THE BOARD IN THE PRESCRIBED FORM BEFORE ANY RIGHTS IN THE TIMBER PERMIT MAY BE EXERCISED.

SCHEDULE 1

(Identify the project area)

SCHEDULE 2

(Specify the amount of allowable cut)

SCHEDULE 3

This permit shall be for a term of . . . years commencing on the . . . 20...

SCHEDULE 4

(Specify the rate of royalties, levies and charges to be paid)

SCHEDULE 5

(Specify any requirements for the construction and/or use of roads, bridges and other infrastructural requirements)

SCHEDULE 6

The amount of the performance bond shall be K. . . .

SCHEDULE 7

(Identify the project agreement under Section 72(1)(b)(i) to which the permit relates)

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 116 – Application for Timber Permit.

Act, Sec. 77 Form 116Reg. 119

... a registered forest industry participant (Reg. No. ...) hereby applies for a timber permit under Section 77 of the Forestry Act 1991 relating to the project agreement entered into between it and the Papua New Guinea Forest Authority dated the ... day of ... 20..., in respect of the ... project area.

Enclosed with this application are the following—

- (a) a cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3 of the Forestry Regulations by way of application fee;
- (b) an environmental plan relating to proposed activities under the permit sought which has been approved—
 - * by the Minister under S.4 of the *Environmental Planning Act 1978*
 - * by the National Executive Council under S.18 of the *Environmental Planning Act 1978*.

*delete whichever is inapplicable

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

Signed on behalf of the Applicant

Name of person signing

Office held with Applicant

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 117 – Return of an application for a Timber Permit.

Act, Sec. 77(1) Form 117Reg. 120

I refer you to your application for a timber permit made under Section 77(1) of the Forestry Act, 1991 and dated the ... day of ... 20... and relating to the project agreement dated the ... of ... 20... in respect of the ... project area.

The application has not been accepted because

- *Application form is not completed
- Application fee of K... not enclosed
- Applicant is not a registered forest industry participant
- Applicant does not hold a valid IPA certificate
- Required information is missing

(specify)

Your Application is returned here with for your completion and relodgement.

Yours faithfully

*delete as appropriate

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

Managing Director

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 118 – Timber Permit extension or renewal of the term.

Act, Sec. 78 Form 118Reg. 121

Permit No.:

Project Area name:

I, . . . , Minister for Forests, by virtue of the powers conferred by Section 78 of the Forestry Act 1991 and all other powers me enabling and after having received a recommendation from the Board of the Forest Authority, do hereby *grant/refuse to grant—

*an extension of . . . years to the term ()

*a renewal of the term (being a period of . . . years))

of the timber permit described above held by . . . , a registered forest industry participant (Reg. No. . . .) (*in this permit referred to as "the Holder"*) such that the term of the permit shall now expire on the . . . day of . . . 20...

*The extension or renewal of the permit is granted subject to the Act and to the terms and conditions set out in the original permit save that during the period covered by the extension or renewal the Holder shall comply with the revised project agreement entered into between it and the Authority dated the . . . day of . . . 20..., a copy of which is attached hereto.

*delete whichever is inapplicable

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

Minister for Forests

c.c. The Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 119 – Return by Managing Director of application for extension
or renewal of the term a Timber Permit.***

Act, Sec. 78(1) Form 119Reg. 122

I refer you to your application dated the . . . day of . . . 20... for an extension or renewal of the term of the timber permit No.: . . . which expires on the . . . day of . . . 20...—

The application has not been accepted because:

- *Application form is not completed
- Application fee of K. . . not enclosed
- Applicant is not a registered forest industry participant
- Applicant does not hold a valid IPA certificate
- Required information is missing
(specify)

Your Application is returned here with for your completion and relodgement.

Yours faithfully

*delete as appropriate

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 120 – Application for extension or renewal of term of Timber
Permit.***

Act, Sec. 78 Form 120Reg. 123

To the Board

... a registered forest industry participant (Reg. No. ...) hereby applies for—

- *an extension of ... years to the term
 - *a renewal of the term (being a period of ... years)
- of timber permit No. ... in respect of the ... project area.

Enclosed with this application are:

- (a) A cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3 of the Forestry Regulations by way of application fee.
- (b) A brief submission setting out why the extension or renewal is desired.

*delete whichever is inapplicable.

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

Signed on behalf of the _____ Applicant

Name of person signing

Office held with Applicant

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 121 – Board request to Provincial Forest Management Committee
for a report on Timber Permit extension or renewal.***

Act, Sec. 78 Form 121Reg. 124

To . . . Provincial Forest Management Committee

An application to extend/renew a timber permit described hereunder has been made by the holder of a timber permit described hereunder. Pursuant to Section 78(3) of the Act the Board hereby requires that you provide to it a report on:

- (a) the social acceptability of the holder of the timber permit in the project area; and
- (b) the performance of the holder of the timber permit in carrying out the operations authorized by the timber permit; and
- (c) the amount of forest resource available in the vicinity of the project area in accordance with sustained yield management practices.

Timber Permit No.:

(Attach copy of Timber Permit)

Timber Permit Holder:

Project Area Name:

Terms of extension or renewal sought:

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 122 – Report to the Board by a Provincial Forest Management
Committee on an application for an extension or
renewal of the term of a Timber Permit.***

Act, Sec. 78(3) Form 122Reg. 125

To: The Chairman of the Board

In accordance with Section 78(3) of the Forestry Act, 1991 the ... Provincial Forest Management provides the following report in relation to timber permit No.: ... held by ... in respect to the Project area described as ...

- (a) The social acceptability of the holder of the timber permit referred to below in the project area:
(state or attach)
- (b) The performance of the holder of the timber permit referred to below in carrying out the operations authorized by the timber permit:
(state or attach)
- (c) The amount of forest resource available in the vicinity of the project area in accordance with sustained yield management practices:
(state or attach)

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

For the ... Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 123 – Rejection by Board of application for extension or renewal
of term of a Timber Permit.***

Act, Sec. 78(4)

Form 123Reg. 126

TO THE APPLICANT

Application No.:

**REJECTION BY BOARD OF APPLICATION FOR EXTENSION OR
RENEWAL OF TERM OF A TIMBER PERMIT**

Your application for an extension or renewal of the term of timber permit No. . . . has been considered by the Board in accordance with Section 78(4) of the Forestry Act, 1991.

In accordance with Section 78(3) of the Forestry Act, 1991 the Board obtained reports from the . . . Provincial Forest Management Committee. The Reports of the Provincial Forest Management Committee do not satisfy the Board that there should be an extension or renewal of the term of the timber permit.

The report did not satisfy the Board that an extension or renewal of the term should be granted to the following extent:

(specify)

TAKE NOTICE that the Board has accordingly determined not to make a recommendation for an extension or renewal of the term of the above Timber Permit to the Minister.

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 124 – Recommendation by Board to the Minister for extension or
renewal of Timber Permit.***

Act, Sec. 78(4)

Form 124Reg. 127

To the Minister for Forests

The Board having received satisfactory reports under Section 78(3) of the Forestry Act 1991 from the Provincial Forest Management Committee hereby recommends under Section 78(4) of the Forestry Act, 1991 an extension/renewal of the term be granted to the holder of the timber permit as described hereunder and for the period as set out hereunder:

Timber Permit Holder:

Timber Permit No.:

Project Area Name:

Term of Extension and renewal:

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 125 – Board notice to a holder of a Timber Permit that it requires
an amendment to a Timber Permit.***

Act, Sec. 79(3) Form 125Reg. 128

To: ... the holder of timber permit No.: ...

TAKE NOTICE that pursuant to Section 79(3) of the Forestry Act, 1991 the Board requires an amendment to the Permit held by you to the extent as set out hereunder and pursuant to the Section 79(3) of the Forestry Act, 1991 the Board is required to negotiate with you a mutually agreed amendment to the Timber Permit.

The Board requires that you provide to it your comments on the proposed amendment within 14 days of date of receipt of this Notice.

Amendment required to timber permit

(state)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 126 – Managing Director’s notice of Minister’s approval of
transfer of Timber Permit.***

Act, Sec. 81, 83 Form 126Reg. 129

Permit No.: . . .

Project Area Name:

To: . . . (the permit holder),

Notice is hereby given under Section *(81)(1)/83(1) of the Forestry Act 1991 of the Minister's approval of the transfer of the above permit to . . . ("the Transferee"), a registered forest industry participant (Reg. No. . . .) with the transfer to take effect on the . . . day of . . . 20...

Pursuant to Section 81(2) of the Act, the Minister requires the Transferee to lodge, within a period of . . . days after the said transfer date, a performance bond in accordance with Section 98 of the Act, for an amount of K...

NOTE: That if the performance bond is not lodged within the above period, Section 81(2) of the Forestry Act, 1991 provides that the transfer of the timber permit is null and void and the timber permit shall be deemed to have been surrendered.

*Delete whichever is inapplicable

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

Managing Director

c.c. The Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 127 – Managing Director’s notice of Minister’s approval of
surrender of Timber Permit.***

Act, Sec. 81, 83 Form 127Reg. 130

Permit No.:

Project Area Name:

To: ... a registered forest industry participant (Reg. No. ...) (*the permit holder*)

Notice is hereby given under Section 81(1)/83(1) of the Forestry Act 1991 of the Minister's approval of the surrender of the above permit to take effect on the ... day of ... 20...

*Delete whichever is inapplicable

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

Managing Director

c.c. The Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 128 – Managing Director’s notice of Minister’s approval of
amendment of Timber Permit.***

Act, Sec. 81, 83 Form 128Reg. 131

Permit No: . . .

Project Area Name: . . .

To: . . . a registered forest industry participant (Reg. No. . . .) ("*the permit holder*")

Notice is hereby given under *Section 81(1)/Section 83(1) of the Minister's approval of the amendment of the above permit to take effect on the . . . day of . . . 20... A copy of the approved amendments are attached hereto.

(*Attach copy of approved amendment*)

*Delete whichever is inapplicable

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

Managing Director

c.c. The Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 129 – Application for transfer amendment or surrender of Timber Permit.

Act, Sec. 79 Form 129Reg. 133

To the Board

..., a registered forest industry participant (Reg. No. ...) being the holder of timber permit No. ... hereby applies for:

*the transfer of that Permit to ... ("the Transferee") a registered forest industry participant (Reg. No. ...) in respect of the project area.

Enclosed with this application are the following—

- (a) a cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3 of the Forestry Regulations by way of application fee; and
- (b) a true copy of a deed of assignment from the Applicant to the Transferee of the Applicant's rights and obligations under the project agreement entered into between the Applicant and the Papua New Guinea Forest Authority dated ... 20..., such assignment being conditional upon the transfer of this permit to the Transferee; and
- (c) a brief submission setting out why the transfer is desired.

(attach copy of submission)

*the amendment of that permit in the following respects

(attach copy of amendments sought)

Enclosed with this Application are the following—

- (a) a cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3 by way of application fee; and
- (b) a brief submission setting out why the amendment is desired.

*the surrender of that permit effective on the ... day of ... 20...

- (a) a cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3 by way of application fee; and
- (b) a brief submission setting out why the surrender is sought.

*delete whichever is inapplicable

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

Signed on behalf of the Applicant

Name of person signing

Office held with Applicant

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 130 – Return by Managing Director of an application to
transfer/amend or surrender a Timber Permit.***

Act, Sec. 79(1) Form 130Reg. 134

I refer you to your application dated the . . . day of . . . 20... for *transfer/amendment
of surrender of timber permit No.: . . .

Your application has not been accepted because

*Application form is not completed

Application fee of K. not enclosed

Transferee is not a registered forest industry participant

Proposed transferee has no valid IPA certificate

Required information is missing

(specify)

Your application is returned herewith for your completion and relodgement.

Yours faithfully

*Delete whichever is inapplicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 131 – Board’s recommendation to Minister on transfer
amendment surrender of a Timber Permit.***

Act, Sec. 80 Form 131Reg. 135

To the Minister for Forests

The Board having considered an application by . . . , a registered forest industry participant (Reg. No.) and being the holder of timber permit No. . . . for:

*a transfer to . . . (*insert name of transferee*)

*an amendment

*a surrender

of the above timber permit recommends pursuant to Section 80 of the Forestry Act, 1991 that the application for *transfer/amendment/surrender be granted in terms of the application lodged.

A copy of the application is attached.

*Delete whichever is inapplicable

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

For the Board

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 132 – Approval of Minister.

Act, Sec. 81 Form 132Reg. 136

To the Board

I, . . . , Minister for Forests pursuant to Section (81)(1) of the Forestry Act hereby accept the Board's recommendation dated the . . . day of . . . 20... and made under Section 80 of the Forestry Act and hereby approve:

*a transfer of the permit to . . . in respect to the permit described below

(insert name of transferee)

*an amendment to the permit in terms of the application lodged

*a surrender of the permit in terms of the application lodged

In the case of a transfer my approval is subject to and conditional upon the lodgement by the transferee Named below within 28 days of a performance bond in accordance with Section 98 of the Act for an amount as specified below.

Timber Permit:

Amount of Performance Bond:

K...

(insert N/A if not applicable)

*Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 133 – Minister’s referral to Board of application to transfer
amend surrender a Timber Permit.***

Act, Sec. 81 Form 133Reg. 137

To the Board

I, . . . , Minister for Forests pursuant to Section 81(3) of the Forestry Act, 1991 hereby advise you that I do not accept the Board's recommendation dated the . . . day of . . . 20... and made under Section 80 of the Forestry Act, 1991 for the

*transfer/amendment/surrender of the timber permit referred to below and held by the person described below. I refer the application back to the Board for the reasons appearing hereunder for reconsideration.

Timber Permit Holder:

Reasons for non-acceptance:

*delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 134 – Board’s final recommendation to the Minister on transfer,
amendment and surrender of a Timber Permit.***

Act, Sec. 82 Form 134Reg. 138

To the Minister for Forests

The Board having reconsidered the application referred back to it under Section 81(3) of the Forestry Act, 1991 hereby makes pursuant to Section 82 of the Forestry Act, 1991 the following final recommendation for the *transfer/amendment/surrender of the timber permit held by the person referred to below and described below.

Timber Permit Holder:

Timber Permit:

Recommendation:

(Set out or attach recommendation)

*Delete whichever is inapplicable

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 135 – Approval of Minister to the transfer/amendment/surrender
of a Timber Permit.***

Act, Sec. 83 Form 135Reg. 139

To the Board

I, . . . , Minister for Forests pursuant to Section 83(1) of the Forestry Act, 1991 hereby accepts the Board's final recommendation dated the . . . day of . . . 20... and made under Section 82 of the Forestry Act and approve the *transfer/amendment/surrender of the timber permit described below and held by the person referred to below.

In the case of a transfer my approval is subject to and conditional upon the lodgement by the transferee within 28 days of a performance bond in accordance with Section 98 of the Act for an amount as specified below.

Holder of Timber Permit:

Timber Permit:

Amount of Performance Bond:

*delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 136 – Minister for Forests referral of application for a
transfer/amendment/surrender of a Timber Permit to
National Executive Council.***

Act, Sec. 83(3) Form 136Reg. 140

To: The Secretary: National Executive Council

TAKE NOTICE that pursuant to Section 83(3) of the Forestry Act, 1991 I have determined not to accept a final recommendation from the Board of the Forest Authority to approve an application for the *transfer/amendment/surrender of a timber permit described below to the person named hereunder:

In accordance with Section 83(3) of the Forestry Act, 1991 I now refer the matter to the National Executive Council together with the final recommendation of the Board and my reasons for not accepting the Board's recommendation.

The National Executive Council is now required under Section 84(1) of the Forestry Act, 1991 to consider the application and other papers (if any) referred to it by me hereto and is required to make a direction to me to accept or reject the application referred to hereunder:

Timber Permit:

(describe)

Name of Permit Holder:

Application for *Transfer/Amendment/Surrender of timber permit:

(attach)

Other Papers (if any):

(attach)

Recommendations of the Board:

(attach)

Reasons for not accepting Boards Recommendation:

(attach)

*Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 137 – Directions of National Executive Council to the Minister for Forests to accept the recommendation of the Board of the Forest Authority for a transfer/amendment or surrender of a Timber Permit.

Act, Sec. 84 Form 137Reg. 141

To: The Minister for Forests

TAKE NOTICE that in accordance with a decision of the National Executive Council made on the . . . day of . . . 20... and made pursuant to Section 84(1) of the Forestry Act, 1991 you are hereby directed as follows:—

1. To accept the recommendation of the Board of the Forest Authority to accept the application of the applicant named below for a
*transfer/amendment/surrender of a timber permit No.: . . .
2. That pursuant to Section 84(2) of the Forestry Act, 1991 you comply with certain requirements (if any) as specified hereunder.
3. That pursuant to Section 84(2) of the Forestry Act, 1991 you comply with Council's direction and advise the Board of the Forest Authority of such directions.

Name of Applicant:

(specify)

*Requirements to be complied with pursuant to Section 84(2) of the Forestry Act, 1991:

(If none, state NIL, otherwise, specify)

*Delete whichever is inapplicable

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

Chairman
National Executive Council

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 138 – Directions of National Executive Council to the Minister for Forests to reject the recommendation of the Board of the Forest Authority for a transfer/amendment or surrender of a Timber Permit.

Act, Sec. 84 Form 138Reg. 142

To: The Minister for Forests

TAKE NOTICE that in accordance with a decision of the National Executive Council made on the ... day of ... 20... and made pursuant to Section 84(1) of the Forestry Act, 1991 you are hereby directed as follows:—

1. To reject the recommendation of the Board of the Forest Authority to accept the application of the applicant named below for a *transfer/amendment/surrender of a timber permit No.: ... for the reasons as set out hereunder.
2. That pursuant to Section 84(2) of the Forestry Act, 1991 you comply with certain requirements (if any) as specified hereunder.
3. That pursuant to Section 84(2) of the Forestry Act, 1991 you comply with Council's direction and to advise the Board of the Forest Authority of such directions.

Name of Applicant:

(specify)

Reasons for rejection:

(state)

*Requirements to be complied with pursuant to Section 84(2) of the Forestry Act, 1991:

(If none, state NIL, otherwise, specify)

*Delete whichever is inapplicable

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

Chairman
National Executive Council

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 139 – Minister’s advice to the Board and the holder of a Timber Permit of National Executive Council’s directions to the Minister for Forests to accept the recommendation of the Board of the Forest Authority for a transfer/amendment or surrender of a Timber Permit.

Act, Sec. 84 (2)(a) Form 139Reg. 143

To: The Board

And To: The holder of timber permit No.: . . .

TAKE NOTICE that in accordance with Section 84(2)(a) of the Forestry Act, 1991, I am required to advise you of the National Executive Council's decision made on the . . . day of . . . 20... and so made pursuant to Section 84(1)(a) of the Forestry Act, 1991 as follows:—

1. I have been directed to accept the recommendation of the Board of the Forest Authority to accept the application of the applicant named below for a
*transfer/amendment/surrender of a timber permit No.: . . .
2. I have been directed pursuant to Section 84(2) of the Forestry Act, 1991 to comply with certain requirements (if any) as specified hereunder.

Name of Applicant:

(specify)

*Requirements to be complied with pursuant to Section 84(2) of the Forestry Act, 1991:

(If none, state NIL, otherwise, specify)

*Delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 140 – Ministers advice to the Board and to the holder of a Timber Permit of National Executive Council’s directions to the Minister for Forests to reject the recommendation of the Board of the Forest Authority for a transfer/amendment or surrender of a Timber Permit.

Act, Sec. 84 (2)(a) Form 140Reg. 144

To: The Board

And to: The holder of timber permit No.: . . .

TAKE NOTICE that in accordance with Section 84(2)(a) of the Forestry Act, 1991 I am required to advise you of the National Executive Councils decision made on the . . . day of . . . 20... and so made pursuant to Section 84(1)(b) of the Forestry Act, 1991 is as follows:—

1. I have been directed to reject the recommendation of the Board of the Forest Authority to accept the application of the applicant named below for a *1transfer/amendment/surrender of a timber permit No.: . . . for the reasons as set out hereunder:
2. I have been directed pursuant to Section 84(2) of the Forestry Act, 1991 to comply with certain requirements (if any) as specified hereunder:

National Executive Councils reasons for the rejection are as set out below.

Name of Applicant:

(specify)

Reasons for rejection:

(state)

*Requirements to be complied with pursuant to Section 84(2) of the Forestry Act, 1991:

(If none, state NIL, otherwise, specify)

*Delete whichever is inapplicable

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

Minister for Forests

Note: Section 84(3) of the Forestry Act, 1991 provides inter alia that a direction under Subsection (b) to reject an application shall not preclude the applicant from making a further application to the Board where the circumstances giving rise to the reasons have been resolved or no longer apply.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 141 – Suspension of rights of a timber permit, Timber Authority,
licence.***

Act, Sec. 85 Form 141Reg. 145

To:

Take notice that pursuant to Section 85 of the Forestry Act, 1991 the rights of . . . in the timber permit/timber authority/licence* referred to below are hereby suspended by me to the extent and for the term set out below.

*Timber permit/Authority/Licence:

Suspension:

(Set out the Nature or type of activities to be suspended, including the period of suspension, e.g. until further notice)

*delete whichever is inapplicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 142 – Notice of intention to suspend rights under a Timber
Permit/Timber Authority/licence.***

Act, Sec. 85 Form 142Reg. 146

To: . . .

TAKE NOTICE that it is proposed to suspend your rights in the *timber permit/timber authority/licence referred to below on the grounds set out hereunder.

*Timber Permit/Timber Authority/Licence:

Grounds:

*(Specify the alleged misrepresentation, omission/mis-statements, failure to perform an obligation under the *timber permit/timber authority/licence, or failure to comply with the Act)*

AND TAKE FURTHER NOTICE that in the case of a failure of performance or compliance you have days (being not less than 14 days) after the date of service of this notice to remedy the said failure of performance or compliance.

*Delete whichever is not applicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 143 – Request of holder of Timber Permit, Timber Authority or
licence to be heard on suspension of rights.***

Act, Sec. 85 Form 143Reg. 147

To: Managing Director:

I, . . . , a registered forest industry participant (Reg. No. . . .) hereby request under Section 85(4) of the Forestry Act 1991 to be given the opportunity to be heard in respect of the Notice issued by the Managing Director on the . . . day of . . . 20. . . relating to the *timber permit/timber authority/licence referred to below.

*Timber Permit/Timber Authority/Licence:

(insert description and number)

*delete whichever is inapplicable

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

Signed on behalf of the holder of the
*Timber permit/Timber Authority/Licence

Name of person signing

Office held with holder of *Timber
Permit/Timber Authority/Licence

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 144 – Application of holder of Timber Permit, Timber Authority
or licence to re-instate rights.***

Act, Sec. 85 Form 144Reg. 148

To: Managing Director

The holder of *timber permit/timber authority or licence as described below hereby applies to the Managing Director under Section 85 of the Forestry Act for a reinstatement of rights suspended under Section 85 of the Act on the grounds that the holder of the *timber permit/timber authority/licence is performing those obligation and complying with the Forestry Act, 1991 as specified below.

Name of Holder of *timber permit/timber authority/licence:

Description and Number of *timber permit/timber authority/licence:

Details of performance of obligations and compliance with Forestry Act:

*Delete whichever is inapplicable

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

Signed on behalf of the holder of the
*timber permit/timber authority/licence

Name of person signing

Office held with holder of
*timber permit/timber authority/licence

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 145 – Recission of notice of suspension of rights by Managing
Director.***

Act, Sec. 85 Form 145Reg. 149

To:

Pursuant to Section 85(4) of the Forestry Act 1991 and after being satisfied that the holder of the *timber permit/timber authority/licence described below is not subject to section 85(1) of the Forestry Act 1991 I hereby rescind the Notice of Suspension dated the ... day of ... 20...

*timber permit/Timber Authority/Licence:

(insert description)

*Delete whichever is inapplicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 146 – Re-instatement by Managing Director of rights suspended.

Act, Sec. 85 Form 146Reg. 150

To: . . .

Pursuant to Section 85(5) of the Forestry Act 1991 and after having considered your application, I hereby with effect from the date set out below re-instate the rights as set out below which were suspended by me on the . . . day of . . . 20..., under Section 85 of the Forestry Act 1991 and which related to *timber permit/timber authority/licence as described below.

Rights Re-instated:

(insert details)

*Timber permit/Timber Authority/Licence:

*Delete whichever is inapplicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 147 – Cancellation of Timber Permit by Minister.

Act, Sec. 86 Form 147Reg. 151

To: . . .

the Holder of timber permit No. . . .

I, . . . , Minister for Forests pursuant to Section 86 of the Forestry Act 1991 hereby
cancel timber permit No. . . .

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

Minister for Forests

c.c. The Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 148 – Notice of intention by Managing Director to cancel Timber Permit.

Act, Sec. 86 Form 148Reg. 152

To . . .

Take notice that the Minister for Forests intends under Section 86 of the Forestry Act, 1991 to cancel the timber permit described below for the reasons stated below. You are required within fourteen days from the date of service of this notice to make any representations as to why the timber permit should not be cancelled.

Timber permit:

Reasons:

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 149 – Representation to Managing Director from holder of
Timber Permit.***

Act, Sec. 86 Form 149Reg. 153

To: Managing Director:

I, . . . a registered forest industry participant (Reg. No. . . .) hereby make representations as attached under Section 86 of the Act as to why the timber permit should not be cancelled.

Representations:

(attach to this form)

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

Signed on behalf of the Applicant

Name of person signing

Office held with Applicant

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 150 – Request of holder of Timber Permit to be heard on
cancellation of Timber Permit.***

Act, Sec. 86 Form 150Reg. 154

To: Managing Director

I, ... a registered forest industry participant (Reg. No. ...) hereby request under Section 86(4) of the Forestry Act, 1991 to be given the opportunity to be heard in respect of the Notice issued by the Managing Director on the ... day of ... 20..., relating to the timber permit referred to below.

Timber Permit:

(insert description and number)

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

Signed on behalf of the holder
of the Timber Permit

Name of person signing

Office held with holder of
Timber Permit

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 151 – Managing Director’s report to Board of hearing of proposed
cancellation of Timber Permit.***

Act, Sec. 86 Form 151Reg. 155

To the Board

In accordance with Section 86(7)(a) of the Forestry Act 1991 I report as follows in respect of the hearing under Section 86(4) of the Act as to why the timber permit referred to hereunder held by . . . , a registered forest industry participant (Reg. No. . . .) should not be cancelled.

Timber Permit:

(attach report of hearing)

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 152 – Managing Director’s report to Board where there has been no representations made or hearing requested in respect to a proposed cancellation of a Timber Permit.

Act, Sec. 86 Form 152Reg. 156

To the Board

I advise the Board that . . . , the holder of timber permit No.: . . . has not made any representations under Section 86(3) of the Act or a request to be heard under Section 86(4) of the Act in respect to a Notice served on the holder of the timber permit on the . . . day of . . . 20...

In accordance with Section 86(5) of the Act the Minister is now required to cancel the said timber permit and the Board should advise the Minister accordingly.

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 153 – Recommendation by Board to Minister on proposed
cancellation of Timber Permit.***

Act, Sec. 86 Form 153Reg. 157

The Board in accordance with Section 86(7)(b) of the Forestry Act 1991 has considered the attached report made by the Managing Director under Section 86(7)(a) of the Act in respect to a proposed cancellation of a timber permit described below and herewith forwards the report to you with the Board's recommendations thereon.

Timber Permit:

(describe)

Written Report:

(attached)

Recommendations:

(specify)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 154 – Board’s advice to Minister to cancel a Timber Permit.

Act, Sec. 86 Form 154Reg. 158

To the Minister for Forests

The Board advises you that the holder of the timber permit named and described below has not made any representations within the 14 day period as provided for in Section 86(3) of the Forestry Act and has not made a request to be heard under Section 86(4) of the Forestry Act.

You are now required pursuant to Section 86(5) of the Act to cancel the said timber permit.

Name of holder of timber permit:

(state)

Timber Permit:

(describe)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 155 – Timber Authority for domestic processing up to 5,000 cubic metres per year.

Act, Sec. 87 Form 155Reg. 159

Authority No.:

Project Area Name:

I, . . . , Chairman of the Committee responsible for forestry matters in the . . . Provincial Government by virtue of the powers conferred by Section 87 of the Forestry Act 1991 and all other powers me enabling, hereby grant a timber authority to . . . , a registered forest industry participant (Registration No. . . .) (*referred to in this Authority as "the holder"*).

This Authority authorizes the holder to carry out forestry operations in the project area described, and outlined in red on the map in Schedule 1 ("the Project Area") for the term specified in Schedule 2 subject to the Act and to the following terms and conditions—

- (a) the amount of allowable cut shall be as specified in Schedule 3; and
- (b) the holder must, within 21 days, lodge a performance bond in accordance with Section 98 of the Act for the amount specified in Schedule 4 (and if the performance bond is not lodged then this timber authority is void and of no effect); and
- (c) the holder must comply with the terms and conditions specified in the Schedules hereto.

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

(Signature of Chairman)

SCHEDULE 1—Map and description of Project Area

(INSERT A DESCRIPTION OF THE PROJECT AREA AND INCLUDE A MAP WITH THE AREA OUTLINED IN RED)

SCHEDULE 2—Term and commencement date

The term of the authority is for a period of . . . commencing on the . . . day of . . . 20...

SCHEDULE 3—Allowable cut

The annual allowable cut is *[INSERT AMOUNT NOT MORE THAN 5,000 cubic metres]* subject to the provisions of Clause 3 which may require the annual allowable cut to apply to more than one timber authority.

SCHEDULE 4—Performance Bond

The amount of the performance bond will be K...

The Performance Bond will be released on the authorization of the Managing Director under Seal of the Forest Authority after the holder has submitted a completion report and has satisfied the terms and conditions of this authority.

SCHEDULE 5—Standard conditions

(The following standard conditions have been approved by the Forest Authority)

1. INTERPRETATION

1.1 In this authority—

"Project Area" means the area described in Schedule 1;

"resource owners" means the customary owners of the timber and other forest products in the Project Area, and includes any person named as owners in the Sales and Purchase Agreement;

"the Act" means the Forestry Act 1991;

"the holder" means the registered forest industry participant named in this timber authority.

1.2 Words and phrases have the same meanings as in the Forestry Act 1991.

2. CONDITIONS PRECEDENT

2.1 The following conditions must be satisfied before this timber authority becomes effective—

- (a) the lodgement of a Performance Bond in accordance with Schedule 4;
- (b) the continued validity of the authority holder's registration as a forest industry participant;
- (c) if the applicant is a foreign enterprise within the meaning of the *Investment Promotion Act*, the continued validity of the IPA approvals for the activity authorized by the timber authority.

2.2 If the registration or approval referred to in Clause 2.1 ceases to be valid, this timber authority immediately becomes void and of no effect.

3. HARVESTING

3.1 Subject to the terms and conditions of this authority, the provisions of the Forestry Act and Forestry Regulations, and the provisions of any agreement entered into by the holder with the resource owners, the holder may exercise timber rights within the Project Area during the term of this authority.

3.2 Where the holder is, or becomes, the holder of another timber authority or timber authorities having its or their boundary within ten kilometres of the boundary of the Project Area, the total annual allowable cut for all the timber authorities combined must not exceed 5,000 cubic metres per annum.

3.3 Where the holder of this timber authority was, on the commencement of this timber authority, the holder of another timber authority having its boundary within ten kilometres of the boundary of this timber authority, but did not declare the existence of the first timber authority at the time of making application for this timber authority, this timber authority is void and of no effect.

4. ASSOCIATED RIGHTS

4.1 In carrying out the terms and conditions of this authority the holder may, within those parts of Project Area in which harvesting is authorized, exercise rights to—

- (a) enter on and pass through land (but not private premises);
- (b) make fire breaks, roads, tracks, bridges, culverts and similar works;
- (c) prepare and construct loading and storage sites for forest produce;
- (d) extract, remove, convert and use road-making materials for the purpose of any of the activities set out in paragraphs (a) and (c) above carried out within the Project Area subject to payment of any royalty-equivalent payment agreed with the resource owners or fixed in the Sales and Purchase Agreement.
- (e) use, keep and transport vehicles, machinery, plant and equipment;
- (f) use roads and waterways;
- (g) conduct land and resource assessment surveys (including aerial surveys) and inventories.

4.2 Export of timber harvested under this timber authority is not permitted.

5. ENVIRONMENTAL AND FOREST MANAGEMENT STANDARDS

5.1 The holder must at all times comply with and observe the provisions of the *Environmental Contaminants Act*, *Environmental Planning Act*, *Water Resources Act* and other environmental laws of Papua New Guinea.

5.2 The holder must at all times comply with and observe the Key Standards for Selection Logging appended to this authority or those environmental and forest management standards fixed from time to time by the authority which replace them.

5.3 The holder must at all times comply with and observe all such standards and practices as determined from time to time by the authority and issued in the form of a P.N.G. Logging Code of Practice or any replacement document thereof.

6. RIGHTS OF RESOURCE OWNERS

6.1 In carrying out its rights under this authority, the holder must not interfere with the customary user rights of the resource owners including the right to—

- (a) hunt;
- (b) fish;
- (c) gather plant foods;
- (d) gather traditional materials for making clothing, artifacts, tools, utensils and houses;
- (e) collect firewood;
- (f) plant, maintain and harvest subsistence gardens;
- (g) enter on and pass through land.

6.2 Nothing in this authority shall be taken as authorizing the holder to make food gardens, hunt or fish within the Project Area or the areas adjacent to it.

6.3 The holder must not fell, cut, remove, dispose of or damage any—

- (a) trees which have been declared to be reserve trees under Section 4 of the Act;
- (b) the species of trees or other plants specified as excluded forest products in the Sales and Purchase Agreement;
- (c) particular plants marked and identified by the resource owners in accordance with the Sales and Purchase Agreement;
- (d) timber or other forest products growing in cultural areas, burial grounds, gardens or reserved areas identified by the resource owners in accordance with the Sales and Purchase Agreement.

6.4 Compensation for any breach of this Clause will be determined by agreement between the holder and the resource owners or will be fixed by the Valuer-General if no agreement can be reached.

6.5 Where the holder is in breach of this Clause, the holder must pay the compensation which has been agreed or fixed under Clause 6.4, within the period of time specified by the Managing Director.

7. PAYMENT FOR TIMBER

7.1 The holder must pay revenue to the resource owners at the rates fixed in Schedule 6, in respect of all timber felled and scaled within the Project Area.

7.2 In addition to payments made to the resource owners, the holder must pay to the Forest Authority levies set out in Schedule 6, or which are from time to time fixed by the Minister in respect of the timber authority, or in respect of Timber Authorities

generally.

8. ROADS AND BRIDGES

8.1 The holder must construct all bridges and roads required for its operation within the Project Area.

8.2 The holder must maintain all bridges and roads to a standard sufficient to carry normally laden logging trucks and at all times during the term of this authority must ensure that all roads which are in use for the logging operation are in a trafficable condition.

8.3 Any roads constructed by the holder will be available for use by the public without charge.

9. LAND AND BUILDINGS

9.1 The holder must not erect any buildings or fixtures within the Project Area other than roads and bridges, landings and other infrastructure mentioned in Clause 4, without the consent of the resource owners.

9.2 Any buildings or fixtures constructed in the Project Area for the purpose of this authority are severable and may be removed by the holder within 90 days of the expiration or cancellation of the timber authority doing as little damage to the land as possible.

10. MEASUREMENT AND RECORDING OF FOREST PRODUCE

10.1 All forest produce harvested in the project area must be scaled and numbered in accordance with directions given from time to time by the Managing Director.

10.2 Subject to any other direction which may be given under Clause 10.1, timber harvested in the Project Area must be scaled, recorded and declared in accordance with the Regulations and the Forest Authority's Directions for Scaling, but the use of a Licensed Log Scale is not required, and the use of official numbered Log Scale Record Sheets and numbered log tags is not required.

11. SUBCONTRACTING PROHIBITED

11.1 Harvesting under this timber authority may be carried out only by the person named as the holder and not be subcontracted, other than by the employment of individual contract workers on piece-rates.

12. MARKETING

12.1 The holder must endeavour to obtain the best price for the timber harvested under this authority and must in all cases obtain an's length prices. For the purposes of this clause, a price is an an's length price if it is equal to or greater than the price which would have been obtained on an an's length sale on the same terms and conditions of sale other than price.

13. COMPLIANCE WITH LAWS

13.1 The holder must observe the conditions of any permit, licence approval or other authority relating to the project, and the provisions of all relevant laws of Papua New Guinea.

SCHEDULE 6—Revenue Payments

Revenue payments must be made at rates not less than those required under the National Forest revenue requirements for timber permit holders existing at the time of harvest.

**SCHEDULE 7—Provincial Forest Management Committee terms and
Conditions**

(insert if any)

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 156 – Application for timber authority–Annual cut under 5,000
cubic metres, Domestic Processing.***

Act, Sec. 88 Form 156Reg. 160

Use this form to apply for permission to harvest up to but not more than 5,000m³ per year by selection logging from customary land

Name and address of applicant:

Name:

Address:

Phone: Fax:

Registration number of applicant as registered forest industry participant.

Registration number:

Declaration of applicant status under *Investment Promotion Act*:

A company joint venture owned 50% or more by non-citizens is a foreign enterprise.

Is the applicant a foreign enterprise? YES/NO

If YES, IPA certificate number:

Location of the proposed project:

Province:

Location:

Any other timber authorities held by the applicant within 10 km of the boundary of the proposed Project Area:

NOTE: THIS FORM IS TO BE LODGED WITH THE MANAGING DIRECTOR, NATIONAL FOREST SERVICE, P.O. BOX 5055, BOROKO, PAPUA NEW GUINEA. Applications received by other Forest Authority offices will be returned to the applicant.

Details of the proposed project

Area (hectares):

Commencement date:

Proposed annual cut:

Declaration by Applicant:

I declare that the following documents are included with this application and that the contents of such forms are to best of my knowledge and belief are true and correct:

- (1) application fee per schedule 3 of the Forestry Regulations (cheque made out to Papua New Guinea Forest Authority);
- (2) a copy of the applicant's IPA approval in respect of the activities and location to be carried out by the timber authority (if relevant);
- (3) a map and description of the project area in respect of which the application is made ("the project area") showing any areas of slope in excess of 30° and giving details of land tenure;
- (4) a completed Form 165 from each resource owning Incorporated Land Group or clan agent within the project area, which has been signed in the village in the presence of a Village Court Magistrate or land mediator;
- (5) copies of Sales and Purchase Agreement in Form 166 and all other agreements between the applicant and the customary owners, which relate to the purchase, harvest, processing or marketing of timber and other forest products from the project area;

- (6) a plan for utilisation of the timber to be harvested;
- (7) copies of any agreements, or details of proposed arrangements with another registered forest industry participant in respect of the marketing or processing of timber from the project area;
- (8) if the timber authority applied for relates to an existing or expired authority, a report showing how the previous authority was performed, the volumes harvested, and details of utilisation.

Declared at ... this ... day of ... 20...

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

Signed on behalf of the Applicant

Name of person signing

Office held with Applicant

IT IS AN OFFENCE UNDER THE FORESTRY ACT 1991 TO MAKE AN UNTRUE DECLARATION IN AN APPLICATION AND THE OMISSION, MISREPRESENTATION OR MIS-STATEMENT OF FACTS IN AN APPLICATION MAY BE GROUNDS FOR SUSPENSION OF THE TIMBER AUTHORITY

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 157 – ⁵³Timber authority for roadline clearance of up to 12.5 kilometres in length.

Act, Sec. 87 Form 157Reg. 161

⁵³ Form 157 replaced by No 1 of 2001.

Authority No.:

Project Area Name:

I, . . . , Chairman of the Committee responsible for forestry matters in the . . . Provincial Government by virtue of the powers conferred by Section 87 of the *Forestry Act* 1991 (the Act) and all other powers me enabling, hereby grant a timber authority to . . . , a registered forest industry participant (Registration No. . . .) (referred to in this authority as "the holder").

This authority authorizes the holder to carry out forestry operations in the project area described, and outlined in red on the map in Schedule 1 ("the Project Area") for the term specified in Schedule 2 subject to the Act and to the following terms and conditions:—

- (a) the holder must, within 21 days, lodge a performance bond in accordance with Section 98 of the Act for the amount specified in Schedule 3;
- (b) the holder must comply with the terms and conditions specified in Schedule 4.

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

(Signature of Chairman).

N.B. IF THE PERFORMANCE BOND IS NOT LODGED WITHIN 21 DAYS AND NO APPLICATION UNDER SECTION 98(6) OF THE FORESTRY ACT HAS BEEN MADE WITHIN 21 DAYS TO THE BOARD FOR AN EXTENSION OF TIME WITHIN WHICH TO LODGE THE PERFORMANCE BOND THEN THIS TIMBER AUTHORITY IS DEEMED VOID UNDER SECTION 98(5) OF THE ACT AND SHALL BE THEREBY CANCELLED.

SCHEDULE 1—Map and description of Project Area

The Project Area is an area of . . . hectares of road corridor of maximum width 40 metres along the route shown in red on the map providing always that such said width is not more than 20 metres on either side of the centre of the road.

(THE MAP SHOULD SHOW THE ROUTE OF THE ENTIRE ROAD IN 5 KM SECTIONS NUMBERED IN ORDER OF CLEARANCE)

SCHEDULE 2—Term and commencement date

The term of the Authority is for a period of . . . commencing on the . . . day of . . . 20...

SCHEDULE 3—Performance Bond

The amount of the performance bond will be K...

The Performance Bond will be released on the authorization of the Managing Director under Seal of the Forestry Authority after the holder has submitted a completion report and has satisfied the terms and conditions of this Authority.

SCHEDULE 4—Standard conditions

1. INTERPRETATION

1.1 In this Authority—

- "Authorized Harvesting Area" means the area in respect of which harvesting is, from time to time, authorized under Clause 3;
- "Project Area" means the area described in Schedule 1;

"resource owners" means the customary owners of the timber and other forest products in the Project Area, and includes any person named as owners in the Sales and Purchase Agreement;

"the Act" means the *Forestry Act 1991*;

"the holder" means the registered forest industry participant named in this timber authority.

1.2 Words and phrases have the same meanings as in the *Forestry Act 1991*.

2. TERMINATION

2.1 If at any time the holder's registration as a forest industry participant is cancelled or, where the applicant is a foreign enterprise within the meaning of the *Investment Promotion Authority Act*, the IPA approvals for the activity authorized by the timber authority are cancelled then the timber authority shall be cancelled.

3. HARVESTING

3.1 Subject to the terms and conditions of this Authority, the provisions of the *Forestry Act* and *Forestry Regulations*, and the provisions of any agreement entered into by the holder with the resource owners, the holder may exercise timber rights within the Authorized Harvesting Area during the term of this Authority.

3.2 For the purposes of Clause 3.1, the Authorized Harvesting Area is up to 50 hectares of trees as shown on the map in Schedule 1.

4. ASSOCIATED RIGHTS

4.1 In carrying out the terms and conditions of this Authority the holder may exercise rights within those parts of the Project Area in which harvesting is authorized to—

- (a) enter on and pass through land (but not private premises);
- (b) make fire breaks, roads, tracks, bridges, culverts and similar works;
- (c) prepare and construct loading and storage sites for forest products;
- (d) extract, remove, convert and use road-making materials for the purpose of any of the activities set out in paragraphs (a) to (c) above carried out within the Project area subject to payment of any royalty agreed with the resource owners or fixed in the Sales and Purchase Agreement;
- (e) use, keep and transport vehicles, machinery, plant and equipment;
- (f) use road and waterways;
- (g) conduct land and resource assessment surveys (including aerial surveys) and inventories.

4.2 Subject to this Authority and the laws of PNG, the holder may export timber harvested under this Authority.

5. ENVIRONMENTAL AND FOREST MANAGEMENT STANDARDS

5.1 The holder must at all times comply with and observe the provisions of the *Environmental Contaminants Act*, *Environmental Planning Act*, *Water Resources Act* and other environmental laws of Papua New Guinea.

5.2 The holder must at all times comply with and observe all such standards and practices as determined from time to time by the Authority and issued in the form of a P.N.G. Logging Code of Practice or any replacement document thereof.

6. RIGHTS OF RESOURCE OWNERS

6.1 In carrying out its rights under this Authority, the holder must not interfere

with the customary user rights of the resource owners including the right to—

- (a) hunt;
- (b) fish;
- (c) gather plant foods;
- (d) gather traditional materials for making clothing artifacts, tools, utensils and houses;
- (e) collect firewood;
- (f) plant, maintain and harvest subsistence gardens;
- (g) enter on and pass through land.

6.2 Nothing in this Authority shall be taken as authorizing the holder to make food gardens, hunt or fish within the Project Area or the areas adjacent to it.

6.3 Compensation for any breach of this Clause will be determined by agreement between the holder and the resource owners or will be fixed by the Valuer-General if no agreement can be reached.

6.4 Where the holder is in breach of this Clause, the Holder must pay the compensation which has been agreed or fixed under Clause 6.3, within the period of time specified by the Managing Director.

7. PAYMENT FOR TIMBER

7.1 The holder must pay revenue to the resource owners at the rates fixed in any Sales and Purchase Agreements between the resource owners and the holder and such revenue shall in any event not be less than rates required to be paid under the National Forest Service revenue requirements for timber permit holder existing at the time of harvest in respect of all timber felled and scaled within the Project Area.

7.2 In addition to payments made to the resource owners, the holder must pay to the Forest Authority levies set out in Schedule 6, or which are from time to time fixed by the Minister in respect of the Timber Authority, or in respect of Timber Authorities generally.

8. ROADS

8.1 The holder must construct all roads within the Project Area in accordance with any approvals and standards determined by the Departments responsible for transport and road matters.

9. LAND AND BUILDINGS

9.1 The holder must not erect any buildings or fixtures within the Project Area other than roads and bridges, landings and other infrastructure mentioned in Clause 4, without the consent of the resource owners.

9.2 Any buildings or fixtures constructed in the Project Area for the purpose of this Authority are severable and may be removed by the holder within 90 days of the expiration or cancellation of the Timber Authority doing as little damage to the land as possible.

10. MEASUREMENT AND RECORDING OF FOREST PRODUCE

10.1 All forest produce harvested in the project area must be scaled and numbered in accordance with directions given from time to time by the Managing Director.

10.2 Subject to any other direction which may be given under Clause 10.1, timber harvested in the Project Area must be scaled, recorded and declared in accordance with the Forest Authority's Directions for Scaling, but the use of a Licensed Log

Scale is not required, and the use of official numbered Log Scale Record Sheets and numbered log tags is not required.

10.3 Where timber harvested in the Project Area is to be exported, the holder must also comply with procedures for export of logs from time to time specified by the Managing Director.

11. MARKETING

11.1 The Holder must endeavour to obtain the best price for the timber harvested under this Timber Authority and must in all cases obtain a turn's length price. For the purposes of this clause, a price is an a turn's length price if it is equal to or greater than the price which would have been obtained on an a turn's length sale on the same terms and conditions of sale other than price.

12. COMPLIANCE WITH LAWS

12.1 The holder must observe the conditions of any permit, licence approval or other authority relating to the project, and the provisions of all relevant laws of Papua New Guinea.

13. PROVINCIAL FOREST MANAGEMENT COMMITTEE TERMS AND CONDITIONS

(insert if any)

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 158 – ⁵⁴Application for timber authority for roadline clearance of
up to 12.5 kilometres in length.***

Act, Sec. 88 Form 158Reg. 162

⁵⁴ Form 158 replaced by No 1 of 2001.

Use this form to apply for permission to harvest logs for commercial use from routine clearing operations other than under a timber permit

Name and address of Applicant:

Name:	
Address:	
Phone:	Fax:

Registration Number of applicant as registered forest industry participant:

Registration number:

Declaration of applicant status under *Investment Promotion Authority (IPA) Act*:

A company or joint venture owned 50% or more by non-citizens is a foreign enterprise. Is the applicant a foreign enterprise? YES/NO If yes, IPA certificate number:

Location of the proposed project:

Province:
Location:

NOTE: THIS FORM IS TO BE LODGED WITH THE MANAGING DIRECTOR NATIONAL FOREST SERVICE, P.O. BOX 5055, BOROKO, PAPUA NEW GUINEA. Applications received by other Forest Authority offices will be returned to the applicant.

Details of the proposed project:

Area (hectares) (road length x 40m maximum width) : Proposed return: Commencement date:
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Declaration by Applicant:

I declare that the following documents are included with this application and that the contents of such forms are to the best of my knowledge and belief true and correct:

- (1) application fee per Schedule 3 of the *Forestry Regulation* (cheque made out to Papua New Guinea Forest Authority);
- (2) if the applicant is a foreign company within the meaning the *Investment Promotion Act* (50% or more foreign ownership), a copy of the applicant's IPA

- approval in respect of the activities and location to be carried out under the Timber Authority;
- (3) a map and description of the project area in respect of which the application is made ("the project area") giving details of land tenure, and showing the route of the proposed road in numbered 5 kilometre sections;
 - (4) a completed Form 165 from each resource owning Incorporated Land Group or clan agent within the project area, which has been signed in the village in the presence of a Village Court Magistrate or land mediator;
 - (5) copies of Sales and Purchase Agreement in Form 166 and all other agreements between the applicant and the customary owners, which relate to the purchase, harvest, processing or marketing of timber and other forest products from the project area;
 - (6) if the Timber Authority application relates to an existing or expired authority, a report showing how the previous Authority was performed, the volumes harvested and details of utilisation;
 - (7) details of the design of the road including alignment and proposed standard of construction in accordance with Department of Works road design manual;
 - (8) details of equipment and manpower suitable for the development of the proposed roadline project and evidence of past experience in such development;
 - (9) details of cost of the roadline project and certificate from a Bank or financial institution certifying that the full cost of funding the roadline project will be available to the applicant;
 - (10) 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;
 - (11) 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;
 - (12) 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;
 - (13) other evaluation reports and certificates as requested by the Board.

(specify)

Declared at ... this ... day of ... 20...

Name of person signing

Office held with the Applicant

IT IS AN OFFENCE UNDER THE FORESTRY ACT 1991 TO MAKE AN UNTRUE DECLARATION IN AN APPLICATION AND THE OMISSION,

MISREPRESENTATION OR MIS-STATEMENT OF FACTS IN AN APPLICATION MAY BE GROUNDS FOR SUSPENSION OF THE TIMBER AUTHORITY.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 159 – ⁵⁵Timber authority for the removal of up to 50 hectares of trees for agricultural or other land use.

Act, Sec. 87 Form 159Reg. 163

⁵⁵ Form 159 replaced by No 1 of 2001.

Authority No.:

Project Area name:

I, . . . , Chairman of the Committee responsible for forestry matters in the . . . Provincial Government by virtue of the powers conferred by Section 87 of the *Forestry Act* 1991 (the Act) and all other powers me enabling, hereby grant a Timber Authority to . . . , a registered forest industry participant (Registration No. . . .) (referred to in this Authority as "the holder").

This Authority authorizes the holder to carry out forestry operations in the project area described, and outlined in red on the map in Schedule 1 ("the Project Area") for the term specified in Schedule 2 subject to the Act and to the following terms and conditions—

- (a) the holder must, within 21 days, lodge a performance bond in accordance with Section 98 of the Act for the amount specified in Schedule 3; and
- (c) the holder must comply with the terms and conditions specified in Schedule 4.

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

Signature of Chairman

N.B. IF THE PERFORMANCE BOND IS NOT LODGED WITHIN 21 DAYS AND NO APPLICATION UNDER SECTION 98(6) OF THE *FORESTRY ACT* HAS BEEN MADE WITHIN 21 DAYS TO THE BOARD FOR AN EXTENSION OF TIME IN WHICH TO LODGE THE PERFORMANCE BOND THEN THIS TIMBER AUTHORITY IS DEEMED VOID UNDER SECTION 98(5) OF THE ACT AND SHALL BE THEREBY CANCELLED.

SCHEDULE 1.—Map and description of Project Area.

The Project Area is an area of . . . hectares.

(INSERT A DESCRIPTION OF THE PROJECT AREA, DETAILING SEPARATELY, THE EXACT AREAS TO BE CLEARFELLED FOR AGRICULTURAL PLANTING AND REQUIRED FOR INFRASTRUCTURE AND INCLUDE A MAP SHOWING THE PRECISE AREAS OUTLINED IN RED)

SCHEDULE 2—Term and commencement date.

The term of the Authority is for a period of . . . commencing on the . . . day of . . . 20...

SCHEDULE 3—Performance Bond

The amount of the performance bond will be K.

The Performance Bond will be released on the authorization of the Managing Director under Seal of the Forestry Authority after the holder has submitted a completion report and has satisfied the terms and conditions of this Authority.

SCHEDULE 4—Standard conditions

1. INTERPRETATION

1.1 In this Authority—

"Authorized Harvesting Area" means the area in respect of which harvesting

is, from time to time, authorized under Clause 3;

"Project Area" means the area described in Schedule 1;

"resource owners" means the customary owners of the timber and other forest products in the Project Area, and includes any person named as owners in the Sales and Purchase Agreement;

"the Act" means the *Forestry Act 1991*;

"the holder" means the registered forest industry participant named in this Timber Authority.

1.2 Words and phrases have the same meanings as in the *Forestry Act 1991*.

2. TERMINATION

2.1 If at any time the holder's registration as a forest industry participant is cancelled or, where the applicant is a foreign enterprise within the meaning of the *Investment Promotion Authority Act*, the IPA approvals for the activity authorized by the Timber Authority are cancelled then the Timber Authority shall be cancelled.

3. HARVESTING

3.1 Subject to the terms and conditions of this Authority, the provisions of the *Forestry Act* and *Forestry Regulations*, and the provisions of any agreement entered into by the holder with the resource owners, the holder may exercise timber rights within the Authorized Harvesting Area during the term of this Authority.

3.2 For the purposes of Clause 3.1, the Authorized Harvesting Area is 50 hectares of trees as shown on the map in Schedule 1.

4. ASSOCIATED RIGHTS

4.1 In carrying out the terms and conditions of this Authority the holder may exercise rights within those parts of Project Area in which harvesting is authorized to—

- (a) enter on and pass through land (but not private premises);
- (b) make fire breaks, roads, tracks, bridges, culverts and similar works;
- (c) prepare and construct loading and storage sites for forest products;
- (d) extract, remove, convert and use road-making materials for the purpose of any of the activities set out in paragraphs (a) to (c) above carried out within the Project area subject to payment of any royalty agreed with the resource owners or fixed in the Sales and Purchase Agreement;
- (e) use, keep and transport vehicles, machinery, plant and equipment;
- (f) use road and waterways;
- (g) conduct land and resource assessment surveys (including aerial surveys) and inventories.

4.2 Subject to this Authority and the laws of PNG, the holder may export timber harvested under this Authority.

5. ENVIRONMENTAL AND FOREST MANAGEMENT STANDARDS

5.1 The holder must at all times comply with and observe the provisions of the *Environmental Contaminants Act*, *Environmental Planning Act*, *Water Resources Act* and other environmental laws of Papua New Guinea.

5.2 The holder must at all times comply with and observe all such standards and practices as determined from time to time by the Authority and issued in the form of a P.N.G. Logging Code of Practice or any replacement document thereof.

6. RIGHTS OF RESOURCE OWNERS

6.1 In carrying out its rights under this Authority, the holder must not interfere with the customary user rights of the resource owners including the right to—

- (a) hunt;
- (b) fish;
- (c) gather plant foods;
- (d) gather traditional materials for making clothing, artifacts, tools, utensils and houses;
- (e) collect firewood;
- (f) plant, maintain and harvest subsistence gardens;
- (g) enter on and pass through land.

6.2 Nothing in this Authority shall be taken as authorizing the holder to make food gardens, hunt or fish within the Project Area or the areas adjacent to it.

6.3 Compensation for any breach of this Clause will be determined by agreement between the holder and the resource owners or will be fixed by the Valuer-General if no agreement can be reached.

6.4 Where the holder is in breach of the Clause, the Holder must pay the compensation which has been agreed or fixed under Clause 6.3, within the period of time specified by the Managing Director.

7. PAYMENT FOR TIMBER

7.1 The holder must pay revenue to the resource owners at the rates fixed in any Sales and Purchase Agreements between the resource owners and the holder and such revenue shall in any event be not less than rates required to be paid under the National Forest Service revenue requirements for Timber Permit holders existing at the time of harvest in respect of all timber felled and scaled within the Project Area.

7.2 In addition to payments made to the resource owners, the holder must pay to the Forest Industry levies which are from time to time fixed by the Minister in respect of the Timber Authority, or in respect of Timber Authorities generally.

8. AGRICULTURE PROJECT

8.1 The holder must carry out the project within the Project Area in accordance with the project description contained in the application for the timber authority.

9. LAND AND BUILDINGS

9.1 The holder must not erect any buildings or fixtures within the Project Area other than roads and bridges, landings and other infrastructure mentioned in Clause 5, without the consent of the resource owners.

9.2 Any buildings or fixtures constructed in the Project Area for the purpose of this Authority are severable and may be removed by the holder within 90 days of the expiration or cancellation of the Timber Authority doing as little damage to the land as possible.

10. MEASUREMENT AND RECORDING OF FOREST PRODUCE

10.1 All forest produce harvested in the project area must be scaled and numbered in accordance with directions given from time to time by the Managing Director.

10.2 Subject to any other direction which may be given under Clause 11.1, timber harvested in the Project Area must be scaled, recorded and declared in accordance with the Forest Authority's Directions for Scaling, but the use of a Licensed Log

Scale is not required, and the use of official numbered Log Scale Record Sheets and numbered log tags is not required.

10.3 Where timber harvested in the Project Area is to be exported, the holder must also comply with procedures for export of logs from time to time specified by the Managing Director.

11. MARKETING

11.1 The Holder must endeavour to obtain the best price for the timber harvested under this Timber Authority and must in all cases obtain a turn's length price. For the purposes of this clause, a price is an a turn's length price if it is equal to or greater than the price which would have been obtained on an a turn's length sale on the same terms and conditions of sale other than price.

12. COMPLIANCE WITH LAWS

12.1 The holder must observe the conditions of any permit, licence approval or other authority relating to the project, and the provisions of all relevant laws of Papua New Guinea.

13. PROVINCIAL FOREST MANAGEMENT COMMITTEE TERMS AND CONDITIONS

(Insert if any)

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 160 – ⁵⁶Application for timber authority for agricultural or other
land use clearance for the removal of up to 50
hectares of trees.***

Act, Sec. 88 Form 160Reg. 164

⁵⁶ Form 160 replaced by No 1 of 2001.

Use this form for permission to harvest logs for commercial use from forest clearing operations for agricultural or other land use development (except road building)

Name and address of Applicant:

Name:	
Address:	
Phone:	Fax:

Registration number of applicant as registered forest industry participant:

Registration number:

Declaration of applicant status under *Investment Promotion Authority (IPA) Act*:

A company or joint venture owned 50% or more by non-citizens is a foreign enterprise.

Is the applicant a foreign enterprise? YES/NO

If yes, IPA certificate number:

Location of the proposed project:

Province:
Location:

NOTE: THIS FORM IS TO BE LODGED WITH THE MANAGING DIRECTOR, NATIONAL FOREST SERVICE, P.O. BOX 5055, BOROKO, PAPUA NEW GUINEA. Applications received by other Forest Authority offices will be returned to the applicant.

Details of the proposed project:

Proposed return: Commencement date:
--

Declaration by Applicant:

I declare that the following documents are included with this application and that the information contained in them is true and correct:

- (1) application fee per Schedule 3 of the *Forestry Regulation* (cheque made out to Papua New Guinea Forest Authority);
- (2) if the applicant is a foreign company within the meaning the *Investment Promotion Act* (50% or more foreign ownership), a copy of the applicant's IPA approval in respect of the activities and location to be carried out under the Timber Authority;
- (3) a map and description of the project area in respect of which the application is made ("the project area") showing any areas of slope in excess of 30° and giving details of land tenure;
- (4) Land owner consent:
a completed Form 165 from each resource owning clan agent (or Incorporated Land Group if they have been formed) within the project area, which has been

signed in the village in the presence of a Village Court Magistrate or land mediator;

- (5) copies of Sales and Purchase Agreement in Form 166 and all other agreements between the applicant and the customary owners, which relate to the purchase, harvest, processing or marketing of timber and other forest products from the project area;
- (6) if the Timber Authority application relates to an existing or expired authority, a report showing how the previous Authority was performed, the volumes harvested and details of utilisation;
- (7) Project description showing—
 - the nature of the proposed land use;
 - who is to carry out the land use;
 - a description of the precise area of land use;
 - the proposed timetable of implementation;
 - details of equipment and manpower suitable for the development of the project and evidence of past experience in such developments;
 - details of costs of the project and a certificate from a Bank or financial institution certifying that the full costs of funding the agricultural development will be available to the applicant

Declared at ... this ... day of ... 20...

Signed on behalf of the applicant

Name of person signing

Office held with the Applicant

IT IS AN OFFENCE UNDER THE *FORESTRY ACT* 1991 TO MAKE AN UNTRUE DECLARATION IN AN APPLICATION AND THE OMISSION, MISREPRESENTATION OR MIS-STATEMENT OF FACTS IN AN APPLICATION MAY BE GROUNDS FOR SUSPENSION OF THE TIMBER AUTHORITY.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 161 – Timber authority to harvest other forest products other
than plantation material.***

Act, Sec. 87 Form 161Reg. 165

Authority No.:

Project Area name:

I, . . . , Chairman of the Committee responsible for forestry matters in the . . . Provincial Government by virtue of the powers conferred by Section 87 of the Forestry Act 1991 and all other powers me enabling, hereby grant a timber authority to . . . , a registered forest industry participant (Registration No. . . .) (*referred to in this Authority as "the holder"*).

This Authority authorizes the holder to carry out forestry operations in the project area described, and outlined in red on the map in Schedule 1 ("the Project Area") for the term specified in Schedule 2 subject to the Act and to the following terms and conditions—

- (a) the amount of allowable *cut/harvest shall be as specified in Schedule 3; and
- (b) the holder must, within 21 days, lodge a performance bond in accordance with Section 98 of the Act for the amount specified in Schedule 4 (and if the performance bond is not lodged then this timber authority is void and of no effect); and
- (c) the holder must comply with the terms and conditions specified in the Schedules hereto.

*Delete whichever is inapplicable

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

Signature of Chairman

SCHEDULE 1—Map and description of Project Area

(INSERT A DESCRIPTION OF THE PROJECT AREA AND INCLUDE A MAP WITH THE AREA OUTLINE IN RED)

SCHEDULE 2—Term and commencement date

The term of the Authority is for a period of . . . commencing on the . . . day of . . . 20...

SCHEDULE 3—Allowable *cut/harvest

The annual allowable cut is

(specify volume and type of other forest product)

SCHEDULE 4—Performance Bond

The amount of the performance bond will be K...

The Performance Bond will be released on the authorization of the Managing Director under Seal of the Forestry Authority after the holder has submitted a completion report and has satisfied the terms and conditions of this Authority.

SCHEDULE 5—Standard conditions

*Delete whichever is inapplicable

1. INTERPRETATION

1.1 In this Authority—

"Project Area" means the area described in Schedule 1;

"resource owners" means the customary owners of the timber and other forest products in the Project Area, and includes any person named as owners in the Sales and Purchase Agreement;

"the Act" means the Forestry Act 1991;

"the holder" means the registered forest industry participant named in this timber authority.

1.2 Words and phrases have the same meanings as in the Forestry Act 1991.

2. CONDITIONS PRECEDENT

2.1 The following conditions must be satisfied before this timber authority becomes effective—

- (a) the lodgement of a Performance Bond in accordance with Schedule 4;
- (b) the continued validity of the Authority holder's registration as a forest industry participant;
- (c) if the applicant is a foreign enterprise within the meaning of the Investment Promotion Authority Act, the continued validity of the IPA approvals for the activity authorized by the timber authority.

2.2 If the registration or approval referred to in Clause 2.1 ceases to be valid, this timber authority immediately becomes void and of no effect.

3. HARVESTING

3.1 Subject to the terms and conditions of this Authority, the provisions of the Forestry Act and Forestry Regulations, and the provisions of any agreement entered into by the holder with the resource owners, the holder may exercise timber or harvesting rights within the Authorized Harvesting Area during the term of this Authority.

4. ASSOCIATED RIGHTS

4.1 In carrying out the terms and conditions of this Authority the holder may exercise rights within those parts of the Project Area in which harvesting is authorized, to—

- (a) enter on and pass through land (but not private premises);
- (b) make fire breaks, roads, tracks, bridges, culverts and similar works;
- (c) prepare and construct loading and storage sites for forest products;
- (d) extract, remove, convert and use road-making materials for the purpose of any of the activities set out in paragraphs (a) to (c) above carried out within the Project area subject to payment of any royalty agreed with the resource owners or fixed in the Sales and Purchase Agreement;
- (e) use, keep and transport vehicles, machinery, plant and equipment;
- (f) use road and waterways;
- (g) conduct land and resource assessment surveys (including aerial surveys) and inventories.

4.2 Subject to this Authority and the laws of PNG, the holder may export timber harvested under this Authority.

5. ENVIRONMENTAL AND FOREST MANAGEMENT STANDARDS

5.1 The holder must at all times comply with and observe the provisions of the Environmental Contaminants Act, Environmental Planning Act, Water Resources Act and other environmental laws of Papua New Guinea.

5.2 The holder must at all times comply with and observe all such standards and practices as determined from time to time by the Authority and issued in the form of a P.N.G. Logging Code of Practice or any replacement document thereof.

6. RIGHTS OF RESOURCE OWNERS

6.1 In carrying out its rights under this Authority, the holder must not interfere with the customary user rights of the resource owners including the right to—

- (a) hunt;
- (b) fish;
- (c) gather plant foods;
- (d) gather traditional materials for making clothing artifacts, tools, utensils and houses;
- (e) collect firewood;
- (f) plant, maintain and harvest subsistence gardens;
- (g) enter on and pass through land.

6.2 Nothing in this Authority shall be taken as authorizing the holder to make food gardens, hunt or fish within the Project Area or the areas adjacent to it.

6.3 The holder must not fell, cut, remove, dispose of or damage any—

- (a) trees which have been declared to be reserved trees under Section 4 of the Act;
- (b) species of trees or other plants specified as excluded forest products in the Sales and Purchase Agreement;
- (c) particular plants marked and identified by the resource owners in accordance with the Sales and Purchase Agreement;
- (d) timber or other forest products growing in cultural areas, burial grounds, gardens or reserved areas identified by the resource owners in accordance with the Sales and Purchase Agreement.

6.4 Compensation for any breach of this Clause will be determined by agreement between the holder and the resource owners or will be fixed by the Valuer-General if no agreement can be reached.

6.5 Where the holder is in breach of the Clause, the Holder must pay the compensation which has been agreed or fixed under Clause 6.4, within the period of time specified by the Managing Director.

7. PAYMENT FOR FOREST PRODUCE

7.1 The holder must pay revenue to the resource owners at the rates fixed in Schedule 6, in respect of all timber felled, harvested or taken and scaled or weighed within the Project Area.

7.2 In addition to payments made to the resource owners, the holder must pay to the Forest Industry levies set out in Schedule 6, or which are from time to time fixed by the Minister in respect of the timber authority, or in respect of Timber Authorities generally.

8. ROADS AND BRIDGES

8.1 The holder must construct all bridges and roads required for its operation within the Project Area.

8.2 The holder must maintain all bridges and roads to a standard sufficient to carry normally laden logging trucks and at all times during the term of this Authority must

ensure that all roads which are in use for the logging operation are in a trafficable condition.

8.3 Any roads constructed by the holder will be available for use by the public without charge.

9. LAND AND BUILDINGS

9.1 The holder must not erect any buildings or fixtures within the Project Area other than roads and bridges, landings and other infrastructure mentioned in Clause 4, without the consent of the resource owners.

9.2 Any buildings or fixtures constructed in the Project Area for the purpose of this Authority are severable and may be removed by the holder within 90 days of the expiration or cancellation of the timber authority doing as little damage to the land as possible.

10. MEASUREMENT AND RECORDING OF FOREST PRODUCE

10.1 All forest produce harvested in the project area must be scaled and numbered in accordance with directions given from time to time by the Managing Director.

10.2 Where forest produce harvested in the Project Area is to be exported, the holder must also comply with any procedures for export of forest produce from time to time specified by the Managing Director.

11. SUBCONTRACTING PROHIBITED

11.1 Harvesting under this timber authority may be carried out only by the person named as the holder and must not be subcontracted, other than by the employment of individual contract workers on piece-rates.

12. MARKETING

12.1 The Holder must endeavour to obtain the best price for the timber harvested under this timber authority and must in all cases obtain a turn's length price. For the purposes of this clause, a price is an a turn's length price if it is equal to or greater than the price which would have been obtained on an a turn's length sale on the same terms and conditions of sale other than price.

13. COMPLIANCE WITH LAWS

13.1 The holder must observe the conditions of any permit, licence approval or other authority relating to the project, and the provisions of all relevant laws of Papua New Guinea.

SCHEDULE 6—Revenue payments

Revenue payments are at rates as negotiated between the resource owners and the holder and as agreed to by the Managing Director.

SCHEDULE 7—Provincial Forest Management Committee Terms and Conditions

(insert if any)

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 162 – Application for timber authority for harvesting of other
forest produce other than plantation material.***

Act, Sec. 88 Form 162Reg. 166

Use this form for permission to harvest forest products other than timber or plantation material

Name and address of Applicant:

Name:

Address:

Phone: Fax:

Registration under of applicant as registered forest industry participant:

Registration number:

Declaration of applicant status under Investment Promotion Authority (IPA) Act:

A company or joint venture owned 50% or more by non-citizens is a foreign enterprise.

Is the applicant a foreign enterprise? YES/NO

If yes, IPA certificate number:

Location of the proposed project:

Province:

Location:

NOTE: THIS FORM IS TO BE LODGED WITH THE MANAGING DIRECTOR, NATIONAL FOREST SERVICE, P.O. BOX 5055, BORO KO, PAPUA NEW GUINEA. Applications received by other Forest Authority offices will be returned to the applicant.

Details of the proposed project:

Forest Product to be harvested:

Quantity to be harvested:

Proposed term:

Commencement date:

Declaration by Applicant:

I declare that the following documents are included with this application and that the contents of the forms are to the best of my knowledge and belief true and correct:

- (1) application fee per Schedule 3 of the Forestry Regulation (cheque made out to Papua New Guinea Forest Authority);
- (2) a copy of the applicant's IPA approval in respect of the activities and location to be carried out under the timber authority (if relevant);
- (3) a map and description of the project area in respect of which the application is made ("the project area") giving details of land tenure;
- (4) a completed Form 165 from each resource owning clan agent (or Incorporated Land Group if they have been formed) within the project area, which has been signed in the village in the presence of a Village Court Magistrate or land mediator;
- (5) copies of all Sales and Purchase Agreement in Form 166 and all other agreements between the applicant and the customary owners, which relate to the

purchase, harvest, processing or marketing of timber and other forest products from the project area;

- (6) details of the proposed revenue benefits to landowners from the project;
- (7) a description of the type and amount of forest produce to be harvested;
- (8) a plan for utilisation of the forest produce to be harvested;
- (9) copies of any agreements, or details of proposed arrangements with another registered forest industry participant in respect of the marketing and processing of other forest from the project area.

Declared at ... this ... day of ... 20...

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

Signed on behalf of the applicant

Name of person signing

Office held with the Applicant

IT IS AN OFFENCE UNDER THE FORESTRY ACT 1991 TO MAKE AN UNTRUE DECLARATION IN AN APPLICATION AND THE OMISSION, MISREPRESENTATION OR MIS-STATEMENT OF FACTS IN AN APPLICATION MAY BE GROUNDS FOR SUSPENSION OF THE TIMBER AUTHORITY.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 163 – Timber authority to harvest plantation material on
government, state leasehold, private leasehold or
private freehold lands.***

Act, Sec. 87 Form 163Reg. 167

Authority No.:

Project Area name:

I, . . . , Chairman of the Committee responsible for forestry matters in the . . . Provincial Government by virtue of the powers conferred by Section 87 of the Forestry Act 1991 and all other powers me enabling, hereby grant a timber authority to . . . , a registered forest industry participant (Registration No. . . .) (*referred to in this Authority as "the holder"*).

This Authority authorizes the holder to carry out forestry operations in the project area described, and outlined in red on the map in Schedule 1 ("the Project Area") for the term specified in Schedule 2 subject to the Act and to the following terms and conditions—

- (a) the amount of allowable cut shall be as specified in Schedule 3; and
- (b) the holder must, within 21 days, lodge a performance bond in accordance with Section 98 of the Act for the amount specified in Schedule 4 (and if the performance bond is not lodged then this timber authority is void and of no effect); and
- (c) the holder must comply with the terms and conditions specified in the Schedules hereto.

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

Signature of Chairman

SCHEDULE 1—Map and description of Project Area

(INSERT A DESCRIPTION OF THE PROJECT AREA AND INCLUDE A MAP WITH THE AREA OUTLINE IN RED)

SCHEDULE 2—Term and commencement date

The term of the Authority is for a period of . . . commencing on the . . . of . . . 20...

(The term must not exceed, where applicable, any term in any relevant lease)

SCHEDULE 3—Allowable cut, Allowable export and Reforestation requirement

The allowable area to be clearfelled is: . . .

The Proportion of the total allowable harvest volume allowed to be exported in round log form is . . .

The area required to be reforested within one year of clearfelling is: . . .

SCHEDULE 4—Performance Bond

The amount of the performance bond will be K...

The Performance Bond will be released on the authorization of the Managing Director under Seal of the Forestry Authority after the holder has submitted a completion report and has satisfied the terms and conditions of this Authority.

SCHEDULE 5—Standard conditions

1. INTERPRETATION

1.1 In this Authority—

"Legal Owner" means the person who has the right of legal occupancy to the land upon which the plantation material has been planted whether such

land is held by the owner under and pursuant to a State Lease, a private leasehold or private freehold;

"Project Area" means the area described in Schedule 1;

"Plantation Material" means forest produce as defined in the Act provided that it is capable of being planted and produced using afforestation or reforestation techniques;

"Plantation Owners" means the legal owners of the Plantation Material in the Project Area, and includes any person or organisation named as owners in any Sales and Purchase Agreement and may include the legal owner as defined hereto;

"the Act" means the Forestry Act 1991;

"the holder" means the registered forest industry participant named in this timber authority.

1.2 Words and phrases have the same meanings as in the Forestry Act 1991.

2. CONDITIONS PRECEDENT

2.1 The following conditions must be satisfied before this timber authority becomes effective—

- (a) the lodgement of a Performance Bond in accordance with Schedule 4;
- (b) the continued validity of the Authority holder's registration as a forest industry participant;
- (c) if the applicant is a foreign enterprise within the meaning of the Investment Promotion Authority Act, the continued validity of the IPA approvals for the activity authorized by the timber authority.

2.2 If the registration or approval referred to in Clause 2.1 ceases to be valid, this timber authority immediately becomes void and of no effect.

3. HARVESTING AND EXPORT

3.1 Subject to the terms and conditions of this Authority, the provisions of the Forestry Act and Forestry Regulations, and the provisions of the lease agreement (if any) the holder may exercise timber rights within the Authorized Harvesting Area during the term of this Authority and to export the allowable volume.

4. ASSOCIATED RIGHTS

4.1 In carrying out the terms and conditions of this Authority the holder may exercise rights within those parts of the Project Area in which harvesting is authorized—

- (a) enter on and pass through land (but not private premises);
- (b) make fire breaks, roads, tracks, bridges, culverts and similar works;
- (c) prepare and construct loading and storage sites for forest products;
- (d) extract, remove, convert and use road-making materials for the purpose of any of the activities set out in paragraphs (a) to (c) above carried out within the Project area subject to payment of any royalty agreed with the resource owners or fixed in the Sales and Purchase Agreement;
- (e) use, keep and transport vehicles, machinery, plant and equipment;
- (f) use road and waterways;
- (g) conduct land and resource assessment surveys (including aerial surveys) and inventories.

4.2 Subject to this Authority and the laws of PNG, the holder may export

Plantation Material harvested under this Authority.

5. ENVIRONMENTAL AND FOREST MANAGEMENT STANDARDS

5.1 The holder must at all times comply with and observe the provisions of the Environmental Contaminants Act, Environmental Planning Act, Water Resources Act and other environmental laws of Papua New Guinea.

5.2 The holder must at all times comply and observe all such standards and practices as determined from time to time by the Authority and issued in the form of a P.N.G. Logging Code of Practice or any replacement document thereof.

6. PAYMENT FOR PLANTATION MATERIAL

6.1 Where the holder is not the legal Plantation Owner, the holder must pay revenue to the Plantation Owner at the agreed rates (if any) specified in Schedule 6 in respect of all Plantation Material felled and scaled within the Project Area.

6.2 In addition to payments made to the Plantation Owners (if any), the holder must pay any Forest Industry levies set out in Schedule 6, or which are from time to time fixed by the Minister in respect of the timber authority, or in respect of Timber Authorities to harvest Plantation Material generally.

7. LAND AND BUILDINGS

7.1 The holder must not erect any buildings or fixtures within the Project Area other than roads and bridges, landings and other infrastructure mentioned in Clause 4, without the consent of the Legal Owners and the Plantation Owners.

7.2 Any buildings or fixtures constructed in the Project Area for the purpose of this Authority are severable and may be removed by the holder within 90 days of the expiration or cancellation of the timber authority doing as little damage to the land as possible.

8. MEASUREMENT AND RECORDING OF FOREST PRODUCE

8.1 All forest produce harvested in the project area must be scaled and numbered in accordance with directions given from time to time by the Managing Director.

8.2 Where forest produce harvested in the Project Area is to be exported, the holder must also comply with any procedures for export of forest produce from time to time specified by the Managing Director.

9. SUBCONTRACTING PROHIBITED

9.1 Harvesting under this timber authority may be carried out only by the person named as the holder and must not be subcontracted, other than by the employment of individual contract workers on piece-rates.

10. MARKETING

10.1 The Holder must endeavour to obtain the best price for the Plantation Material harvested under this timber authority and must in all cases obtain at least the best price. For the purposes of this clause, a price is an at least the best price if it is equal to or greater than the price which would have been obtained on an at least the best price sale on the same terms and conditions of sale other than price.

11. COMPLIANCE WITH LAWS

11.1 The holder must observe the conditions of any permit, licence approval or other authority relating to the project, and the provisions of all relevant laws of Papua New Guinea.

SCHEDULE 6—Revenue payments

As specified by the plantation owner and the holder from time to time.

Current Forest Industry Levies: As applicable from time to time.

**SCHEDULE 7—Provincial Forest Management Committee Terms and
Conditions**

(insert if any)

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 164 – Application for timber authority for harvesting plantation material on government, state leasehold, private leasehold or private freehold land.

Act, Sec. 88 Form 164Reg. 168

Use this form for permission to harvest Plantation forests

Name and address of Applicant:

Name:

Address:

Phone: Fax:

Registration number of applicant as registered forest industry participant:

Registration number:

Declaration of applicant status under Investment Promotion Authority (IPA) Act:

A company or joint venture owned 50% or more by non-citizens is a foreign enterprise.

Is the applicant a foreign enterprise? YES/NO

If yes, IPA certificate number:

Location of the proposed project:

Province:

Location:

NOTE: THIS FORM IS TO BE LODGED WITH THE MANAGING DIRECTOR, NATIONAL FOREST SERVICE, P.O. BOX 5055, BORO KO, PAPUA NEW GUINEA. Applications received by other Forest Authority offices will be returned to the applicant.

Details of the proposed project:

Forest Produce to be harvested:

Area to be clearfelled:

Reforestation Planting to be undertaken:

Proposed term:

Commencement date:

Declaration by Applicant:

I declare that the following documents are included with this application and that the contents of the forms are to the best of my knowledge and belief true and correct:

- (1) application fee per Schedule 3 of the Forestry Regulation (cheque made out to Papua New Guinea Forest Authority);
- (2) a copy of the applicant's IPA approval in respect of the activities and location to be carried out under the timber authority (if relevant);
- (3) a map and description of the project area in respect of which the application is made ("the project area") giving details of land tenure;
- (4) copies of lease agreements or copies of titles to freehold land;
- (5) copies of all Sales and Purchase Agreements between the applicant and the Plantation Owners and the Legal Owners, which relate to the purchase, harvest, processing or marketing of Plantation Material from the project area;
- (6) details of the proposed revenue payments to the Plantation Owners;

- (7) a description of the type and amount of Plantation Material;
- (8) a plan for utilisation of the Plantation Material to be harvested;
- (9) copies of any agreements, or details of proposed arrangements with another registered forest industry participant in respect of the marketing and processing of Plantation Material from the Project Area.

Declared at ... this ... day of ... 20...

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

Signed on behalf of the applicant

Name of person signing

Office held with the Applicant

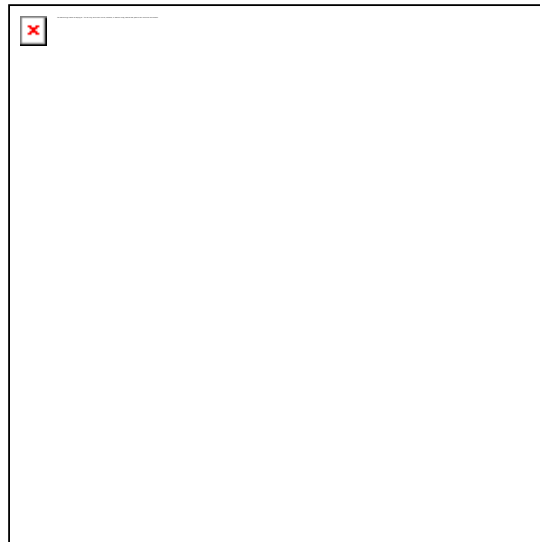
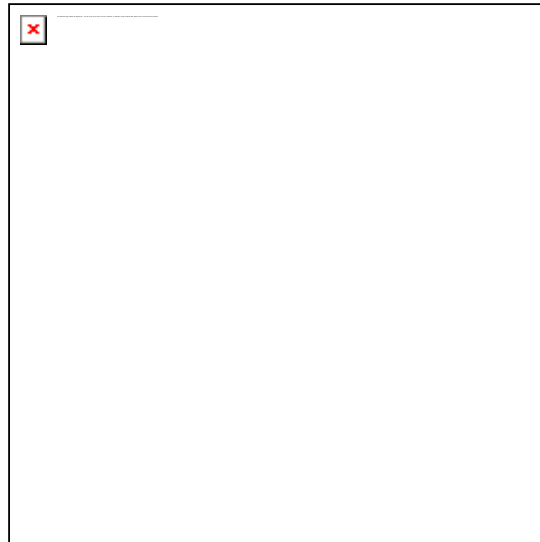
IT IS AN OFFENCE UNDER THE FORESTRY ACT 1991 TO MAKE AN UNTRUE DECLARATION IN AN APPLICATION AND THE OMISSION, MISREPRESENTATION OR MIS-STATEMENT OF FACTS IN AN APPLICATION MAY BE GROUNDS FOR SUSPENSION OF THE TIMBER AUTHORITY.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 165 – Timber authority.–Verification of ownership and consent of landowners.

Act, Sec. 88 Form 165Reg. 160, 162, 164, 166, 168



PAPUA NEW GUINEA.

Forestry Act 1991.

Form 166 – Sales and purchase agreement.

Act, Sec. 88 Form 166Reg. 160, 162, 164. 166, 168

THIS AGREEMENT is made on the ... day of ... 20...

BETWEEN

Name:

Address:

Registered Forest Industry Participant and timber authority applicant (*called 'the Purchaser' in this agreement*)

AND

Clan name:

Village

Customary owners of timber in the ... area (*called 'the Resource Owners'*) in this Agreement.

WHEREAS:

- A. The Resource Owners comprises the persons listed in Schedule 1 who are the sole owners of customary land in the area and have the right to sell timber or other forest products growing on the land in the area marked in red on the map in Schedule 2. (*use one agreement for each clan*);
- B. The Resource Owners have not otherwise sold or disposed of rights over the timber or other forest produce growing on the land;
- C. The Purchaser wishes to make an Agreement with the Resource Owners for the purchase of timber or other forest produce.
- D. The Resource Owners have appointed as their agent in accordance with custom—

name of Clan Agent or person appointed by Incorporated Land Group
to execute this agreement on their behalf.

NOW IS AGREED AS FOLLOWS

1. CONDITION PRECEDENT

1.1 This Agreement is subject to and conditional upon the grant of a timber authority and shall not confer any right to harvest timber or other forest produce except in accordance with that timber authority.

2. GRANT OF RIGHTS TO TIMBER OR OTHER FOREST PRODUCE

2.1 The Resource Owners hereby grant to the Purchaser the exclusive right to purchase timber or other forest produce from the land area described in Schedule 2 (*referred to in this agreement as 'the Clan land', with the exception of those species listed in Schedule 4*).

2.2 The Resource Owners declare that—

- (a) they are customary owners of the Clan land;
- (b) they are entitled under custom to deal with the timber or other forest produce on that land; and
- (c) no other person has any right or interest in the timber or other forest produce on the land.

2.3 Timber or other forest produce remains the property of the customary owners of the land in which it is growing until it has been felled, when the timber or other forest produce becomes the property of the Purchaser, subject to the payment of the

monetary benefits set out in Schedule 3.

2.4 The Resource Owners must not interfere with the carrying out of this Agreement.

2.5 The Resource Owners must not allow any other person to acquire an interest in the timber or other forest produce which the Purchaser may be entitled to take under this Act.

3. TERM OF THIS AGREEMENT

3.1 The term of this Agreement is . . . commencing on the day on which a timber authority covering all or part of the Clan land is issued.

4. MONETARY BENEFITS

4.1 At the end of each month during which timber or other forest produce has been taken under this Agreement, the Purchaser must pay to the Resource Owners monetary benefits in accordance with Schedule 3, calculated on the volume of timber or other forest produce declared during that month.

5. ADDITIONAL RIGHTS OF THE PURCHASER

5.1 The Resource Owners grant to the Purchaser and all persons lawfully authorized by the Purchaser the right to—

- (a) enter on and pass through land (but not private premises);
- (b) make fire breaks and felled and unfelled roads, tracks, bridges, culverts and similar works;
- (c) prepare and construct loading and storage sites for the forest produce;
- (d) extract, remove, convert and use road-making materials for the purpose of any of the activities set out in paragraphs (a) to (c) above carried out within the land area described in Schedule 2 subject to payment of revenue benefits described in Schedule 3.
- (e) use, keep and transport vehicles, machinery, plant and equipment;
- (f) use roads and waterways;
- (g) conduct land and resource assessment surveys (including aerial surveys and inventories).

6. RIGHTS OF THE RESOURCE OWNERS

6.1 The Clan and its members are entitled to carry out all customary rights to:

- (a) hunt;
- (b) fish;
- (c) gather plant foods;
- (d) gather traditional materials for making clothing, artifacts, tools, utensils and houses;
- (e) collect firewood;
- (f) plant, maintain and harvest subsistence gardens;
- (g) enter on and pass through land.

6.2 Nothing in this Agreement entitles any employee of the Purchaser to hunt, fish or make gardens on Clan land without the permission of the owners of the relevant land.

6.3 The Resource Owners have the right to—

- (a) mark commercial trees and other forest produce which are required by them for traditional purposes;

SCHEDULE 1—List of resource owners

Name Signature

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SCHEDULE 2—Map Diagram of clan land area

(Insert map—need not be to scale—showing clan area with red boundary)

Cultural areas to be excluded under clause 6 may also be shown in green or blue.

SCHEDULE 3—Monetary benefits

(Note: Monetary benefits must be payouts not less than those required under the National Forest revenue requirements for Timber Permit Holder such at the time of harvest, etc.)

SCHEDULE 4—Excluded species

May also list any excluded areas if they cannot be shown on the map in Schedule 2.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 167 – Application for timber authority.

Act, Sec. 88 Form 167Reg. 169

Date:

Application number:

TO THE APPLICANT

APPLICATION FOR TIMBER AUTHORITY

Your application for a timber authority for

- *harvesting under 5,000 cubic metres per year
- roadline clearance
- agricultural clearance
- harvesting other forest produce
- harvesting plantation material

has been received by this office.

The application has/has not been accepted because

- *Application form is not completed
- Application fee of K not enclosed
- Applicant is not a registered forest industry participant
- no valid IPA certificate included
- required information is missing

(if required information is missing, specify here what it is)

*Your Application is returned here with for your completion and re- lodgement.

*your Application will now be referred to the Provincial Forest Management Committee to consider and evaluate and make a recommendation under Section 89 of the Forestry Act.

Yours faithfully

*delete as appropriate

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

Managing Director

c.c. Regional Office, . . . Region
National Forest Authority Board Secretariat
PFMC Chairperson, . . . Province

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 168 – Referral to the Provincial Forest Management Committee of
application for timber authority.***

Act, Sec. 88 Form 168Reg. 170

To: . . . Provincial Forest Management Committee

An application for a timber authority has been received from . . . being a registered forest industry participant (Reg. No. . . .)

I am satisfied that the application (a copy of which is attached) has been lodged in the approved manner. The application is referred to the Committee to consider and evaluate and otherwise deal with it pursuant to Section 89 of the Forestry Act 1991 and to make recommendation to the chairman of the Forestry Committee of the Provincial Executive Council on whether the applicant should be granted a timber authority for the purposes of:

- * domestic processing of not more than 5,000m³ per year
- * harvesting logs for commercial use from roadline clearing operations
- * harvesting logs for commercial use for use from forest clearing operations for agricultural or other land use development (*specify*) (*except road building*)
- * harvesting of other forest produce
- * harvesting of plantation material.

*delete whichever is not applicable

Project Area:

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 169 – Rejection by a Provincial Forest Management Committee of
an application for a timber authority.***

Act, Sec. 89(4) Form 169Reg. 171

TO THE APPLICANT

Application No.:

**REJECTION BY A PROVINCIAL FOREST MANAGEMENT COMMITTEE
OF AN APPLICATION FOR A TIMBER AUTHORITY**

Pursuant to Section 89(4) of the Forestry Act, 1991 the ... Provincial Forest Management Committee has considered and evaluated your application and has formed the opinion that it is not satisfactory and accordingly, you are hereby notified that the Provincial Forest Management Committee will not recommend to the Chairman of the Committee responsible for Forestry functions in the ... Provincial Executive Council to grant a timber authority.

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

For ... Provincial Forest
Management Committee

c.c. The Board

c.c. Managing Director, National Forest Service

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 170 – Recommendation by the Provincial Forest Management
Committee.***

Act, Sec. 89(4)

Form 170 Reg. 172

To: The Chairman of the Committee responsible for Forestry functions in the ...
Provincial Executive Council

The Forest Management Committee having considered and evaluated under section 89 of the Forestry Act an application by the person named below for a timber authority and being of the opinion that it is satisfactory recommends the grant of a timber authority in the Form and in terms of the attached timber authority to the applicant for the purposes of:

- * domestic processing of up to 5,000m³ per year
- * harvesting logs for commercial use from roadline clearing operations
- * harvesting logs for commercial use for use from forest clearing operations for agricultural or other land use development (*specify*) (*except road building*)
- * harvesting of other forest produce
- * harvesting of plantation material.

Name of applicant:

The recommendation is in respect of the following project area:
(*described project area*)

Attached

Recommended draft timber authority.

*delete whichever is inapplicable

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

For ... Provincial Forest
Management Committee

Name of person signing

c.c. The Board

c.c. Managing Director, National Forest Service

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 171 – Notice of intention to grant timber authority.

Act, Sec. 89(5) Form 171Reg. 173

To: The Board

A recommendation has been received by me from the ... Provincial Forest Management Committee under section 89(4) of the Forestry Act 1991 to grant a timber authority to ... (*the applicant*)

Take notice that I intend under Section 89(5) of the Act to grant a timber authority in terms and in the form of the attached timber authority to the above named for the following purpose over the project area described below.

- * domestic processing up to 5,000m³ per year
- * harvesting logs for commercial use from roadline clearing operations
- * harvesting logs of commercial use for use from forest clearing operations for agricultural or other land use development (*specify*) (*except road building*)
- * harvesting of other forest produce
- * harvesting of plantation material.

Project Area: (*description*)

timber authority

(*Attach copy of Proposed timber authority*)

The consent of the Board to the said grant is hereby requested.

*delete whichever is inapplicable

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

Chairman of the Committee responsible
for Forestry Functions in the
... Provincial Executive Council

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 172 – Consent/non-consent to grant of timber authority.

Act, Sec. 89 Form 172Reg. 174

To: Chairman of Committee responsible for forestry functions in . . . Provincial Government

Having received notification from the Provincial Chairman of the Forestry Committee under Section 89(5) of the Forestry Act that he intends to grant a timber authority to . . . for the following purpose over the project area described below.

- * domestic processing up to 5,000m³ per year
- * harvesting logs for commercial use from roadline clearing operations
- * harvesting logs of commercial use for use from forest clearing operations for agricultural or other land use development (*specify*) (*except road building*)
- * harvesting of other forest produce
- * harvesting of plantation material.

Project Area: (*description*)

The Board hereby *consents/does not consent to the said grant

*delete whichever is inapplicable

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 173 – Cancellation of timber authority.

Act, Sec. 90 Form 173Reg. 175

To: . . .

(Insert name of Holder of timber authority)

The timber authority No. . . . held by you in respect of the project area described below is cancelled on the ground(s) that:

- * the holder of the timber authority
- * the holder being a corporate person a principal of the holder
- * has been convicted of an offence—
 - * against the Forestry Act 1991
 - * concerning forestry matters, against a law other than the Forestry Act 1991
- * has failed to comply with a condition or conditions of the timber authority, namely:
(specify the condition(s) not complied with)

Project Area:

*delete as appropriate

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

Chairman of the Committee
responsible for Forestry Functions
in the . . . Provincial
Executive Council

c.c. The Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 174 – Notice of intention to cancel timber authority.

Act, Sec. 90 Form 174Reg. 176

To: . . .

(*Insert name of Holder of timber authority*) (timber authority No. . . .)

Take notice that I intend to cancel the timber authority held by you in respect of the project area described below on the ground(s) that:

- * the holder of the timber authority
- * the holder being a corporate person a principal of the holder
- * has been convicted of an offence—
 - * against the Forestry Act 1991
 - * concerning forestry matters, against a law other than the Forestry Act 1991
- * has failed to comply with a condition or conditions of the timber authority.

Project Area: (*specify*)

Particulars of the offence and/or failure to comply: (*specify*)

Representations as to why the timber authority should not be cancelled may be made in writing within fourteen days (or such extended time as may be allowed)

*delete whichever is inapplicable

Date this . . . day of . . . 20..

Chairman of the Committee responsible
for Forestry Functions in the . . .
Provincial Executive Council

c.c. The Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 175 – Licence.

Act, Sec. 91 Form 175Reg. 177

Licence No.:

... a registered Forest Industry *Participant/Consultant (Reg. No. ...) is hereby licensed to engage in the Forestry Industry activities specified in Schedule 1 in addition to those activities carried out, or proposed to be carried out, under Timber Permit/timber authority* No. ... in the project area described therein.

This licence is granted for a term of 12 months commencing on the ... day of ... and is conditional on compliance by the licensee with the terms and conditions of the *Timber Permit/timber authority to which the activities authorized by this licence are related including but not limited to compliance with all standards and practices as determined from time to time by the Authority including but not limited to the P.N.G. Logging Code of Practice, the Procedures for Exporting Logs and the Procedures for the Identification, Scaling and Reporting (including Royalty Self-assessment) on Logs harvested from Natural Forest Logging Operations or any revisions or replacement documents thereof.

This licence is conditional upon the lodgement of a performance bond in accordance with Section 98 of the Act in an amount specified in Schedule 2.

The licensee shall comply with the terms and conditions contained in Schedule 3.

*delete whichever is inapplicable

Date this ... day of ... 20...

For the Board

SCHEDULE 1

(Specify the activity or activities in respect of which the licence is granted)

SCHEDULE 2

The amount of the performance bond is K...

SCHEDULE 3

(Specify such conditions as are applicable).

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 176 – Return by Managing Director of an application for a
licence.***

Act, Sec. 91(1) Form 176Reg. 178

Date:

TO THE APPLICANT

Application number:

RETURN BY MANAGING DIRECTOR OF AN APPLICATION FOR A LICENCE

I refer you to your application dated the ... day of ... 20... for a Licence for:
(specify)

The application has not been accepted because:

- Application form is not completed
- Application fee of K... not enclosed
- Applicant is not a registered forest industry *participant/consultant
- No valid IPA certificate
- Required information is missing
(specify)

Your Application is returned here with for your completion and re- lodgement.

Yours faithfully

*delete if inapplicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 177 – Application for licence.

Act, Sec. 92 Form 177Reg. 179

To the Board

... a registered forest industry *participant/consultant (Reg. No. ...) hereby applies for a licence in respect of the following project area ... (if applicable) to engage in:—

- *the felling and logging of forest produce
- *the transportation of forest produce
- *the sale of forest produce
- *the purchase of forest produce
- *the marketing of forest produce
- *the processing of forest produce
- *the grading of forest produce
- *forest industry consultancy (*specify*)
- *other activities (*specify*)

Enclosed with this application are:

- (a) particulars as prescribed in Regulation 179.
- (b) a cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3.

*delete whichever is inapplicable.

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

Signed on behalf of the Applicant

Name of person signing

Office held with Applicant

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055 BORO KO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 178 – Return by Managing Director of an application for a
licence.***

Act, Sec. 92 Form 178Reg. 180

TO THE APPLICANT

Application No.:

RETURN BY MANAGING DIRECTOR OF AN APPLICATION FOR A LICENCE

I refer you to your application dated the ... day of ... 20... for a Licence to engage in:

Your application has not been accepted because

- *Application form is not completed
- Application fee of K... not enclosed
- Applicant is not a registered forest industry participant
- Proposed applicant has no valid IPA certificate
- Required information is missing
- Further/additional information is required
(specify)

Your Application is returned here with for your completion and lodgement.

Yours faithfully

*Delete whichever is inapplicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 179 – Referral to Board for consideration of application for a
licence.***

Act, Sec. 93 Form 179Reg. 181

To the Board

An application by . . . , a registered forest industry participant/consultant (Reg. No. . . .) is hereby referred by me under Section 93 of the Act to the Board for it to consider and evaluate the application and to thereupon determine whether a licence should be issued to the applicant under Section 91 of the Act.

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

(Attach copy of application to this form)

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 180 – Board determination to seek assistance from the National
Forest Service or any relevant department in
evaluating an application for the issue of a licence.***

Act, Sec. 93(3) Form 180Reg. 182

To: *Managing Director, National Forest Service/ . . . Department

The Board is required to consider and evaluate an application made under Section 92 of the Forestry Act, 1991 for a Licence.

Pursuant to Section 93(3) of the Forestry Act, 1991 the Board requires your assistance in making an evaluation.

A copy of the application and the assistance the Board requires from you is set out hereunder.

Copy of the Application:

(attach)

Assistance required by the Board:

(specify)

*Delete whichever is inapplicable

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 181 – Rejection by the Board of an application for a licence.

Act, Sec. 93(4) Form 181Reg. 183

TO THE APPLICANT

REJECTION BY THE BOARD OF AN APPLICATION FOR A LICENCE

TAKE NOTE that pursuant to Section 93(4) of the Forestry Act, 1991 the Board after having considered and evaluated your application against those matters as set out in Section 93(2) of the Act has formed the opinion that the application is not satisfactory to the extent as follows:

(specify)

AND TAKE FURTHER NOTICE that the Board will accordingly not grant a Licence as sought.

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

For ... Provincial Forest
Management Committee

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 182 – Cancellation of licence.

Act, Sec. 97 Form 182Reg. 184

I, . . . , Minister for Forests under Section 97 of the Forestry Act hereby cancel
Licence No. . . . held by . . . , a registered forest industry *participant/consultant (Reg.
No. . . .)

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

*delete whichever is inapplicable

Minister for Forests

c.c. The Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 183 – Notice of intention to cancel licence.

Act, Sec. 97 Form 183Reg. 185

To . . .

Take notice that the Minister for Forests intends to cancel the within Licence for the reasons stated below. You are required within fourteen days from the date of service of this notice to make any representations as to why the Licence should not be cancelled.

Licence No.:

Reasons:

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 184 – Representation to Managing Director from holder of
licence.***

Act, Sec. 97 Form 184Reg. 186

To: Managing Director:

I, ... a registered forest industry *participant/consultant (Reg. No. ...) hereby make representations as attached under Section 97 of the Act as to why the Licence should not be cancelled.

Representation:

(attach to this form)

*delete whichever is inapplicable

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

Signed on behalf of the Applicant

Name of person signing

Office held with Applicant

NOTE: THIS FORM IS TO BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P.O. BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 185 – Request of holder of licence to be heard on cancellation of
licence.***

Act, Sec. 97 Form 185Reg. 187

To: Managing Director:

I, . . . , a registered forest industry *participant/consultant (Reg. No. . . .) hereby request under Section 97 of the Forestry Act, 1991 to be given the opportunity to be heard in respect of the Notice issued by the Managing Director on the . . . day of . . . 20. . . , relating to the Licence referred to below.

Licence No.:

(insert description and number)

*delete whichever is inapplicable

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

Signed on behalf of the holder
of the Licence

Name of person signing

Office held with holder of the Licence

NOTE: THIS FORM IS TO BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P.O. BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 186 – Managing Director’s report to Board of hearing on
proposed cancellation of licence.***

Act, Sec. 97 Form 186Reg. 188

To the Board

In accordance with Section 97(7)(a) of the Forestry Act 1991, I report as follows in respect of the hearing under Section 97(4) of the Forestry Act 1991 as to why the Licence referred to hereunder held by . . . a registered forest industry

*participant/consultant (Reg. No. . . .) should not be cancelled.

Licence No.:

Report:

(Attach report)

*delete whichever is inapplicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 187 – Recommendation by Board to Minister on proposed
cancellation of licence.***

Act, Sec. 97 Form 187Reg. 189

To the Minister for Forests

The Board in accordance with Section 97(7)(b) of the Forestry Act 1991 has considered the attached report made by the Managing Director under Section 97(7)(a) of the Act in respect to a proposed cancellation of a licence described below and herewith forward the report to you with the Board's recommendations thereon.

Licence No.:

(describe)

Report:

(attach)

Recommendations:

(specify)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 188 – Managing Director’s report to Board where no
representations have been made or hearing requested
in respect to a proposed cancellation of a licence.***

Act, Sec. 97 Form 188Reg. 190

To the Board

I advise that the Board that . . . , the holder of Licence No.: . . . has not made any representations under Section 97(3)(b) of the Act or a request to be heard under Section 97(4) of the Act in respect to a Notice served on the holder of the Licence on the . . . day of . . . 20...

In accordance with Section 97(5) of the Act the Minister is now required to cancel the said Licence and the Board should advise the Minister accordingly.

Timber Permit:

(attach report of hearing)

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 189 – Board’s advice to Minister to cancel a licence.

Act, Sec. 97 Form 189Reg. 191

To the Minister for Forests

The Board advises you that the holder of the Licence named and described below has not made any representations within the 14 period as provided for in Section 97(5)(b) of the Forestry Act and has not made a request to be heard under Section 97(4) of the Act.

You are now required pursuant to Section 97(5) of the Act to cancel the said Licence.

Name of Holder of Licence:

(State)

Timber Permit:

(describe)

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 190 – Licence extension.

Act, Sec. 95 Form 190Reg. 192

Licence No.:

Licensee:

The Board by virtue of the powers conferred by Section 95 of the Forestry Act and all other powers it enabling, hereby grant an extension of 12 months to the term of the above licence such that the term of licence shall now expire on . . . 20...

The Licensee is hereby authorized to engage in the activities specified in the licence during the term of the extension subject to the Act and to the terms and conditions set out in the licence.

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 191 – Application for extension of licence.

Act, Sec. 95 Form 191Reg.193

To the Board

..., a registered forest industry *participant/consultant (Reg. No. ...) and the holder of Licence No. ... hereby applies for an extension of 12 months to the term of the licence in respect of the following project area:

(Describe)

Enclosed with this application are:

- (a) a brief submission setting out why the extension is sought; and
- (b) a cheque in favour of the Papua New Guinea Forestry Authority in the sum prescribed in Schedule 3.

*delete whichever is inapplicable

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

Signed on behalf of the Applicant

Name of person signing

Office held with Applicant

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P.O. BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 192 – Return by Managing Director of application for extension
of term of a licence.***

Act, Sec. 95(1)

Form 192Reg. 194

To: THE APPLICANT

Application No.:

**RETURN BY MANAGING DIRECTOR OF APPLICATION FOR EXTENSION
OF TERM OF A LICENCE**

I refer you to your application dated the ... day of ... 20... for extension of term of a licence.

The application has not been accepted because:—

- *Application form is not completed
- Application fee of K... not enclosed
- Applicant is not a registered forest industry *participant/consultant
- No valid IPA certificate
- Required information is missing
(specify)

Your application form is returned herewith for completion and relodgement.

Yours faithfully

*Delete if inapplicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 193 – Rejection of application for extension of term of a licence.

Act, Sec. 95(2) Form 193Reg. 195

To: THE APPLICANT

Application No.:

**REJECTION OF APPLICATION FOR EXTENSION OF TERM OF A
LICENCE**

TAKE NOTICE that the Board pursuant to Section 95(2) of the Forestry Act, 1991 has rejected your application dated the . . . day of . . . 20... for an extension of the term of a Licence as described below because the following conditions of the Licence have been breached.

Description of Licence:

(specify)

Breaches of Conditions of Licence:

(specify)

Yours faithfully

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 194 – ⁵⁷Performance bond deed.

Act, Sec. 98 Form 194Reg. 196

⁵⁷ Form 194 replaced by No 1 of 2001.

This Deed is made the . . . day of . . . 20..

At the request of the Applicant named in Item 1 of the Schedule and in consideration of the Forest Authority (hereinafter called 'the favoutee') accepting this Performance Bond Deed and the Covenants and undertakings contained herein, the Bank named herein unconditionally agrees, covenants and undertakes to pay a maximum aggregate sum as specified in Item 2 of the Schedule for the period specified in Item 3 of the Schedule commencing from the date of this Performance Bond Deed as security for the performance of the covenants, conditions and warranties contained in the *timber permit/timber authority/licence/forest clearing authority/authority to carry out large scale agriculture or other land use development/authority to carry out large scale roadline development as described in Item 4 of the Schedule which was granted to the applicant.

This Performance Bond Deed and the Covenants and undertakings contained therein shall continue until the earliest of:—

- (i) Notification by the favoutee is received by the Bank in the form of an Authority to release funds and that the Performance Bond and the Covenants and undertakings therein are no longer required by the favoutee.
- (ii) The Performance Bond Deed has expired.
- (iii) Payment is made by the bank to the favoutee of the whole of the sum or such part as the favoutee may require.

Should the Bank be notified in writing, purporting to be signed by or for and on behalf of the favoutee that the favoutee desires payment to be made of the whole or any part or parts of the said sum, providing such notification is received by the Bank prior to the aforesaid expiry time, the Bank unconditionally agrees covenants and undertakes that such payment or payments will be made to the favoutee forthwith without further reference to the Applicant and notwithstanding any notice given by the Applicant not to pay same.

Provided always that the Bank may at any time without being required to do so pay to the favoutee the said sum referred to in Item 2 of the Schedule less any amount or amounts it may previously have paid under this Performance Bond Deed or such lesser sum as may be required and specified by the favoutee and thereupon the liability of the Bank hereunder shall immediately cease and determine.

* Delete whichever is inapplicable

SCHEDULE

- Item 1. Name of Applicant:
- Item 2. Maximum aggregate sum:
- Item 3. Period:
- Item 4. Type of Permit/Licence/Authority:
- Number:
- Commencement Date:
- Term:
- Name of Project Area:

Signed, sealed and delivered by the Bank on the day and year hereinbefore written.
The common seal, etc.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 195 – Confirmation of lodgement of performance bond deed.

Act, Sec. 98 Form 195Reg. 197

Both the Holder and the Bank must complete this form and lodge it with the Managing Director before the Timber Permit, timber authority or Licence becomes effective

Name and address of Holder of *Timber Permit, timber authority or Licence:

Name:

Address:

Phone: Fax:

Details of Timber Permit, timber authority or Licence:

Type of TP, TA or Licence:

Number:

Commencement Date:

Territory:

Name of Project Area:

(if relevant)

Location:

(if relevant)

Amount of Performance Bond required: K...

Details of Bond Account:

Name of Bank:

Branch Address:

Phone: Fax:

Account number:

Account balance: K...

PART ONE—DECLARATION BY HOLDER

Name and address of person making this declaration:

Name:

Address:

Phone: Fax:

Position held with Holder:

1. I am authorized to make this declaration on behalf of the above named Holder of the *Timber Permit/timber authority/Licence.
2. The Holder maintains the account set out above (called "the Bond Account") and the account has a credit balance as described above.
3. The Holder has nominated the funds held in the Bond Account to comprise the Performance Bond required to be lodged by it under the terms of the Timber *Permit/timber authority/Licence and Section 98 of the Forestry Act.
4. The Holder has given an irrevocable authority to the Bank to release to the Forest Authority such sums as the Authority seeks to draw, from funds held in the Bond Account, and such authority will remain in force until such time as the Bank receives a release notice under seal of the Forest Authority.

5. I have personal knowledge of the facts herein stated which are true and correct to the best of my knowledge and belief.

Signature of declarant

Signature of witness

Place of declaration:

Date of declaration:

Name of witness:

Address of witness:

*Delete whichever is inapplicable

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 196 – Notice of intention to draw on performance bond.

⁵⁸Act, Sec. 98

Form 196Reg.197

⁵⁸ Form 196 replaced by No 1 of 2001.

To:

being the holder of *timber permit, timber authority, licence, forest clearing authority, authority to carry out large scale agriculture or other land use development, authority to carry out large scale roadline development.

(No.)

TAKE NOTICE that the Papua New Guinea Forest Authority intends to draw on the Performance Bond lodged by you in respect of the abovementioned *permit/timber authority/licence/forest clearing authority/authority to carry out large scale agriculture or other land use development/authority to carry out large scale roadline development on the grounds of non-performance by you of the condition or requirement of such *permit/timber authority/licence/clearing authority/authority to carry out large scale agriculture or other land use/authority for large scale roadline development or on the grounds of a breach of provisions of the *Forestry Act 1991* as specified below.

Non-performance

(specify the alleged non-performance)

AND TAKE NOTICE that you have fourteen (14) days from the date of service of this notice to—

- (i) remedy the non-performance; or
- (ii) provide a written explanation or denial of the alleged non-performance.

Pursuant to the Act and Regulations upon expiration of the notice period the Managing Director may—

- (i) arrange for the Authority to draw on the bond in accordance with the prescribed scale of deduction; or
- (ii) if satisfied with the explanation provided by the holder - determine that the Authority will not draw on the bond subject to the holder taking such remedial action, if any, as he directs; or
- (iii) if he is of the opinion that the holder is not in breach or that it has taken satisfactory remedial action - determine that the authority will not draw on the bond and in all cases shall notify the holder in writing of his decision.

*delete whichever is inapplicable

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

Managing Director

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 197 – Notice of determination.

Act, Sec. 98 Form 197Reg. 197

To:

being the holder of *timber permit, timber authority, licence, forest clearing authority, authority to carry out large scale agriculture or other land use development, authority to carry out large scale roadline development.

(No. ...)

Take notice that on behalf of the Papua New Guinea Forest Authority I have:

- * Arranged for the Authority to draw on your Performance Bond in accordance with the prescribed scale of deductions as specified in the Regulations.
- * Determined that the Authority will not draw on your Performance Bond subject to you taking the remedial action, if any, as set out in Schedule 1.
- * Determined that you are not in breach of the conditions of your *permit/authority/licence or the conditions of the *Forestry Act 1991* and that the Authority will not draw on your Performance Bond.
- * Determined that you have taken satisfactory remedial action and that the Authority will not draw on your Performance Bond.

SCHEDULE 1

Set out any remedial action required

*delete whichever is inapplicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 198 – Authority for release of performance bond. Authority to
release funds in bond account.***

Act, Sec. 98 Form 198Reg. 197

To: Manager:

Bank
Branch

(insert address of Bank)

I, . . . , Managing Director of the PNG Forestry Authority, hereby—

1. confirm the expiration or cancellation of the *Timber Permit/Timber Authority/Licence/forest clearing authority/authority to carry out large scale agriculture or other land use development/authority to carry out large scale roadline development held by the holder;
2. confirm that the Forest Authority has received a completion report submitted by the Holder, I am satisfied that the Holder has discharged his/het or its obligations under the terms of the *Timber Permit/Timber Authority/Licence/forest clearing authority/authority to carry out large scale agriculture or other land use development/authority to carry out large scale roadline development; and
3. authorize and direct you to release the funds held in the Bond Account to the Holder.

Signature of Managing Director

THE COMMON SEAL of the Forest Authority was hereto affixed in due execution of this release in the presence of the witness.

Seal of the
Forest Authority

Name of witness authorized to affix seal:

Office held by witness:

Signature of witness:

*Delete whichever is inapplicable

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 199 – ⁵⁹Notice requiring deposit to replenish performance bond
drawn on.***

Act, Sec. 98 Form 199Reg. 197

⁵⁹ Form 199 replaced by No 1 of 2001.

To:

being the holder of *timber permit, timber authority, or licence, forest clearing authority, authority to carry out large scale agriculture or other land use development, authority to carry out large scale roadline development.

(No.)

TAKE NOTICE that the Authority requires you to lodge a deposit with the ... Bank in the sum of K... being the sum equivalent to the amount of the bond drawn on by the Authority.

AND TAKE FURTHER NOTICE that you have thirty (30) days from the date of service of this notice to deposit the said sum of K... with the ... Bank.

*delete whichever is inapplicable

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

Managing Director

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 200 – Submission of project statement to Board.

Act, Sec. 100 Form 200 Reg. 199

To: The Board

..., a registered forest industry participant (Reg. No. ...) and the holder of Timber Permit No. ... over the project area described below submits herewith under Section 100 of the Forestry Act 1991 the attached project statement for the Board's approval.

Project Area:

(describe)

Application fee per Schedule 3 of the Forestry Regulations made payable to the Papua New Guinea Forest Authority in the sum of K... is enclosed.

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

Signed on behalf of the Applicant

Name of person signing

Office held with Applicant

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P.O. BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 201 – Submission of five year working plan to Board.

Act, Sec. 101 Form 201 Reg. 200

To: The Board

..., a registered forest industry participant (Reg. No. ...) and the holder of Timber Permit No. ... over the project area described below submits herewith under Section 101 of the Forestry Act 1991 the attached Five Year Working Plan for the Board's approval.

Project Area:

(describe)

Application fee per Schedule 3 of the Forestry Regulations made payable to the Papua New Guinea Forest Authority in the sum of K... is enclosed.

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

Signed on behalf of the Applicant

Name of person signing

Office held with Applicant

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P.O. BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 202 – Submission of annual logging plan to Board.

Act, Sec. 102 Form 202 Reg. 201

To: The Board

..., a registered forest industry participant (Reg. No. ...) and the holder of Timber Permit No. ... over the project area described below submits herewith under Section 102 of the Forestry Act 1991 the attached Annual Logging Plan for the Board's approval.

Project Area:

(describe)

Application fee per Schedule 3 of the Forestry Regulations made payable to the Papua New Guinea Forest Authority in the sum of K... is enclosed.

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

Signed on behalf of the Applicant

Name of person signing

Office held with Applicant

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P.O. BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 203 – Certificate of satisfactory completion of work.

Act, Sec. 102(3) Form 203Reg. 201

Petmit No.

Project Area Name:

This is to certify for the purposes of Section 102(3) of the Forestry Act 1991 that the work described below has been checked and that the undersigned is satisfied that the work has been completed as detailed in the Logging Plan.

Harvesting Area:

Unit of Work:

Date notice of completion of work received by the Forest Authority from permit holder: . . . / . . . / 20...

Print name of Forest Officer/Forest Officer/Forest Inspector:

Forest Inspector:

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 204 – Notice of unsatisfactory completion of work.

Act, Sec. 102(3) Form 204Reg. 201 & 202

To Holder of the Timber Permit

Permit No.

Project Area Name:

TAKE NOTICE that for the purposes of Section 102(3) of the Forestry Act 1991 that the work described below has been checked and that the undersigned is not satisfied that the work has been completed as detailed in the Logging Plan.

Harvesting Area:

(describe)

Unit of Work Not Satisfactorily completed:

(specify)

AND TAKE FURTHER NOTICE that until the above unit or units of work have been satisfactorily completed and a Certificate of Satisfactory completion of work been issued, you may not carry out any further work under and in accordance with the permit and in addition the Timber Permit may be suspended in accordance with Section 85 of the Act or cancelled in accordance with Section 86 of the Act.

Print name of Forest Officer/Forest Officer/Forest Inspector: _____ Forest Inspector

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 205 – Log scaler’s licence.

Act, Sec. 135 Form 205 Reg. 205

Licence No.

... is hereby licensed as a Log Scalet.

This licence is granted for a term of two (2) years commencing on the date of the issue of this licence.

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

Chief Log Scalet

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 206 – Application for log scaler’s licence.

Act, Sec. 135 Form 206 Reg. 205

To the Chief Log Scalet:

... , hereby apply for a log scalet's licence under Regulation 99 of the Forestry Regulation. Enclosed with this application are:

- (a) a copy of the applicant's log scaling certificate received from the Timber Industry Training College;
- (b) two (2) passport size photographs;
- (c) a performance bond of K500;
- (d) a two year licence fee as prescribed in Schedule 3.

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

Signature

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:
THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P.O. BOX 5055
BOROKO
PAPUA NEW GUINEA

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 207 – Notice of intention to cancel scaler’s licence.

Act, Sec. 135 Form 207 Reg. 206

To: . . .

Take notice that it is proposed to cancel your scalet's licence on the grounds set out hereunder:

Scalet's licence No.:

Grounds:

(specify the grounds for the proposed cancellation)

You may within fourteen (14) days show cause in writing to the Chief Scalet as to why the licence should not be cancelled.

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

Chief Log Scalet

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 208 – Cancellation of log scaler’s licence.

Act, Sec. 135 Form 208 Reg. 207

To: . . .
Scaler's licence no. . . . held by you is hereby cancelled.
Dated this . . . day of . . . 20...

Chief Log Scaler

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 209 – Certificate of registration as a Forest Industry Participant.
Act, Sec. 111 Form 209 Reg. 208

This is to certify that . . . of . . . is registered as a forest industry participant under Part IV of the Forestry Act 1991 in respect of the activities set out in Schedule 1 of this certificate.

Registration No.:

Date of registration:

SCHEDULE 1

Managing Director

National Forest Service

IMPORTANT NOTICE: The Regulations require a registered forest industry participant to notify any change of the particulars contained in its application for registration within 28 days of the change. Failure to do so renders an offender liable to a fine and to having its registration cancelled.

Section 112 of the Forestry Act provides that where the Managing Director is of the opinion that there has been a change in the circumstances of a person registered under the Act sufficient to justify cancellation of registration the Managing Director may refer the matter to the Board for consideration as to whether registration should be cancelled.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 210 – Application for registration as Forest Industry Participant.
Act, Sec. 107 Form 210 Reg. 209

Information for Applicants

Unless registered as a forest industry participant (or alternatively, in the case of (a) and (d), registered as a consultant) under Part IV of the Act, a person shall not—

- (a) be granted permission under Section 65 to enter a forestry project area for the purpose of carrying out feasibility studies, appraisal of forest resources or other preparatory work; or
- (b) submit a project proposal under Section 66 in relation to an advertised forest industry project; or
- (c) be granted a timber permit or authority; or
- (d) be granted a licence to engage in forest industry activities under Section 91.

It is an offence to engage in the forest industry as a contractor, buyer, processor or consultant or in any other capacity without being registered in that capacity.

The Regulations define "forest industry" for this purpose as any commercial activities within Papua New Guinea in connected with—

- (a) harvesting or processing timber or tattan;
- (b) buying unprocessed timber or tattan for processing or export; or
- (c) selling or, on behalf of another person or other persons, arranging or procuring the sale or purchase of timber or tattan (whether unprocessed or processed but not including manufactured items made from timber or tattan materials)

by a natural or corporate person where the timber or tattan harvested, processed, bought, sold or arranged or procured to be sold or purchased, by that person in a calendar year exceeds—

- (d) 500 cubic metres in volume; or
- (e) in the case of sandalwood timber or tattan—K20,000 in market value.

It is also an offence for a person, not being registered as a forest industry participant or consultant, to enter into negotiations with a landowner in relation to any activity, to engage in which that person would require to be registered.

Application forms should be lodged in duplicate with the Managing Director of the National Forest Service—

by delivery to: The Managing Director
Papua New Guinea Forest Authority
HOHOLA
Port Moresby

or by certified mail: C/- P O Box 5055
BOROKO
National Capital District
Papua New Guinea

The application fee for registration as a forest industry participant is as prescribed in Schedule 3 of the Forestry Regulations. Overseas shareholding means shares held by a company incorporated outside Papua New Guinea or by a person ordinarily resident outside Papua New Guinea. Payment should be made by cheque in favour of the "PNG Forest Authority". Applications will only be considered upon payment of the fee.

Applicants should give full particulars for each item in Parts A, B, C, D, and E of this

form and attach additional pages where insufficient space is provided. An application will be considered incomplete unless all required attachments are included.

Part A—General Particulars

Applicant's Name

Type of entity (tick appropriate box)

- individual
 public
 private company
 business group
 incorporated association
 other

(specify . . .)

NOTE: 1. MEMBERS OF PARTNERSHIPS AND OTHER UNINCORPORATED GROUPS SHOULD EACH MAKE AN INDIVIDUAL APPLICATION FOR REGISTRATION.

2. WHERE A GROUP OF COMPANIES ARE ASSOCIATED, EACH COMPANY IN THE GROUP WHICH SEEKS TO PARTICIPATE IN THE PNG FOREST INDUSTRY SHOULD REGISTER SEPARATELY.

Postal address:

Address for service of legal process:

(must be a P.N.G. address)

Telephone number:

Facsimile number:

NOTE: An incorporated applicant is required to attach a copy of its certificate of incorporation (*Attachment 1*).

Part B—Shareholding Structure

(THIS PART ONLY TO BE COMPLETED BY COMPANY APPLICANTS)

Authorized capital: K

Paid-up capital: K

Complete the following table in respect of major shareholders.

Name of shareholder	Nationality/country of incorporation	Country of residence if an individual	Class of shares held	Number of shares	% of total shares
					Value of shares (K)

NOTE: A separate table in the above form should be attached in respect of each shareholder which is a company (*Attachment 2*).

Part C—Principal of the Applicant

Complete the following table in respect of the Applicant's directors, office-bearers and senior management—

Name	Office/position	Nationality	Country of residence
------	-----------------	-------------	----------------------

NOTE: A short curriculum vitae should be attached in respect of each Director, office-bearer and senior management employee. This should include details of formal

qualifications, relevant work experience and other current or prior offices or positions held (*Attachment 3*).

Part D—Finance

Applicant's Banks—

Name of Bank Branch Address Telex No. Fax No.

NOTE: Applicants are required to attach financial statements or annual reports to shareholders for each of the past three (3) years. If the applicant is part of a group, the Applicant's consolidated accounts should be submitted (*Attachment 4*).

Part E—Proposed Activities

The Applicant proposes to engage in the following activities (tick appropriate boxes).

1. Harvesting of forest produce— yes no

If yes, indicate type of products to be harvested—

timber

tattan

sandal wood

other (*please specify . . .*)

2. Processing of forest produce— yes no

If yes, indicate type of processing—

sawmilling

chipmilling

veneer production

other (*please specify . . .*)

3. Sale of forest produce— yes no

or, on behalf of another or others, arranging the sale or purchase of the forest produce—

yes no

indicate where produce will be sold—

export market domestic market

indicate type of produce to be sold—

logs woodchips

sawn timber sandal wood

plywood tattan

veneer other

(*please specify . . .*)

4. Buying unprocessed forest produce— yes no

If yes, the produce will be— processed exported

indicate type of produce to be bought—

logs sandal wood timber

tattan other

(*please specify . . .*)

5. other forest industry activities (please specify)—

...
...
...

6. The applicant proposes to conduct preliminary feasibility and appraisal work and/or apply for a timber permit/timber authority/licence under the Act (~~delete whichever is inapplicable~~) in respect of the following forestry projects—

- 1.
- 2.
- 3.
- 4.

7. The Applicant is the holder of a permit, licence or timber authority granted under the former Forestry Act or is a party to an agreement under the former Forestry (Private Dealings) Act in respect of the following projects—

- 1.
- 2.
- 3.
- 4.

NOTE: 1. A short summary of the Applicant's proposed forest industry activities should be attached (*Attachment 5*).

2. Details should be attached of the Applicant's past experience and current commitments, both within PNG and overseas, as these are relevant to its ability (technical/managerial/marketing expertise) to carry out the proposed activities detailed in this Part (*Attachment 6*).

ATTACHMENTS.

- 1. Certificate of Incorporation.
- 2. Structure of incorporated shareholders (Part B details to be provided for each incorporated shareholder).
- 3. Personal resumes of principals of Applicant.
- 4. Financial statements for each of the past 3 years.
- 5. Summary of proposed forest activities.
- 6. Details of relevant experience and expertise.

DECLARATION.

I, ...
(name) (position)

declare that I am duly authorized to make this application on behalf of the Applicant and that to the best of my knowledge and belief the information contained in this application (including the attachments) is correct and complete in all material particulars. The Papua New Guinea Forest Authority is hereby authorized to undertake such enquiries and searches as it deems necessary or appropriate and to receive such information concerning the Applicant and its shareholders (if any) and this shall be sufficient authorization to provide such information.

signature

Date: . . . / . . . / 20..

NOTE: It is an offence knowingly to make or cause to be made any entry or writing that is false in any material particular in any declaration or statement required by the Act.

PENALTY: A FINE NOT EXCEEDING K50,000 OR IMPRISONMENT FOR A TERM NOT EXCEEDING THREE YEARS OR BOTH.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 211 – Certificate of registration as forest industry consultant.

Act, Sec. 111 Form 211 Reg. 210

This is to certify that

of

is registered as a consultant under Part IV of the Forestry Act 1991 in respect of the activities set out in Schedule 1 of this certificate.

Registration No.:

Date of Registration:

SCHEDULE 1

Managing Director

National Forest Service

IMPORTANT NOTICE 1. The Regulations require a registered consultant to notify any change of the particulars contained in its application for registration within 28 days of the change. Failure to do so renders an offender liable to a fine and to having its registration cancelled.

2. Section 112 of the Forestry Act provides that where the Managing Director is of the opinion that there has been a change in the circumstances of a person registered under the Act sufficient to justify cancellation of registration the Managing Director may refer the matter to the Board for consideration as to whether registration should be cancelled.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 212 – Application for registration as a consultant.

Act, Sec. 107 Form 212 Reg. 211

Information for Applicants

Unless registered as a forest industry participant (or alternatively, in the case of (a) and (d), registered as a consultant) under Part IV of the Act, a person shall not—

- (a) be granted permission under Section 65 to enter a forestry project area for the purpose of carrying out feasibility studies, appraisal of forest resources or other preparatory work; or
- (b) submit a project proposal under Section 66 in relation to an advertised forest industry project; or
- (c) be granted a timber permit or authority; or
- (d) be granted a licence to engage in forest industry activities under Section 91.

It is an offence to engage in the forest industry as a contractor, buyer, processor or consultant or in any other capacity without being registered in that capacity. A "consultant" is defined in the Act as "a person (whether natural or corporate) holding himself out as having expertise particular to the forest industry and offering for reward services related to that expertise."

Application forms should be lodged in duplicate with the Managing Director of the National Forest Service—

by delivery to: The Managing Director
Papua New Guinea Forest Authority
HOHOLA
Port Moresby

or by certified mail: C/P O Box 5055
BOROKO
National Capital District
Papua New Guinea

The application fee for registration as a consultant is as prescribed in Schedule 3 of the Forestry Regulations. Overseas shareholding means shares held by a company incorporated outside Papua New Guinea or by a person ordinarily resident outside Papua New Guinea. Payment should be made by cheque in favour of the "PNG Forest Authority". Applications will only be considered upon payment of the fee.

Applications should give full particulars for each item in Parts A, B, C, and D of this form and attach additional pages where insufficient space is provided. An application will be considered incomplete unless all required attachments are included.

PART A—General Particulars

Applicant's name:

Type of entity (tick appropriate box) individual

public company

private company

incorporated association

other

(specify . . .)

NOTE: 1. MEMBERS OF PARTNERSHIPS AND OTHER UNINCORPORATED GROUPS SHOULD EACH MAKE AN INDIVIDUAL APPLICATION FOR REGISTRATION.

Postal address:

Address for service of legal process:

(*must be a P.N.G. address*)

Telephone number:

Facsimile number:

NOTE: An incorporated applicant is required to attach a copy of its certificate of incorporation (*Attachment 1*).

PART B—General Particulars

(*THIS PART ONLY TO BE COMPLETED BY COMPANY Applicants*)

Authorized capital: K

Paid-up capital: K

Complete the following table in respect of major shareholders—

Name of shareholder individual	Nationality/country of incorporation	Country of residence if an individual	Class of shares held	Number of shares	% of total shares
Value of shares (K)					

NOTE: A separate table in the above form should be attached in respect of each shareholder which is a company (*Attachment 2*).

Complete the following table in respect of the Applicant's directors—

Name	Office/position	Nationality	Country of residence
------	-----------------	-------------	----------------------

PART C—Expertise Offered

Expertise of consultant (if Applicant is an individual) or of consultants employed or otherwise available to work for the Applicant (if Applicant is incorporated)—

Name of	Nationality	Area(s) of expertise
---------	-------------	----------------------

NOTE: A curriculum vitae should be attached in respect of each consultant listed in the above table. This should include details of formal qualifications, relevant work experience and other current or prior offices or positions held (*Attachment 3*).

PART D—Proposed Consultancy Activities

The Applicant proposes to engage in the forest industry as a consultant offering the following services (*tick appropriate boxes*)—

- conduct of feasibility studies for the Forest Authority in respect of proposed forest project areas
- conduct of feasibility of resource appraisal studies for persons intending to submit forest project proposals
- preparation of project proposals
- preparation of environmental plans
- preparation of 5 year working plans
- preparation of annual logging plans
- preparation of follow-up land use plans
- advice on forest management practices
- advice on logging practices

- advice on marketing of forest products
- advice on processing of forest products
- advice on environment protection measures
- other (*please specify*

. . . .

ATTACHMENTS

1. Certificate of Incorporation
2. Structure of Incorporated shareholders (Part B details to be provided for each incorporated shareholders).
3. Personal resumes of consultants with Applicant.

DECLARATION

I,

(*name*) (*position*)

declare that I am duly authorized to make this application on behalf of the Applicant and that to the best of my knowledge and belief the information contained in this application (including the attachments) is correct and complete in all material particulars. The Papua New Guinea Forest Authority is hereby authorized to undertake such enquiries and searches as it deems necessary or appropriate and to receive such information concerning the Applicant and its shareholders (if any) and this shall be sufficient authorization to provide such information.

(signature)

Date: . . . / . . . 20..

NOTE: It is an offence to knowingly make or cause to be made any entry or writing that is false in any material particular in any declaration or statement required by the Act.

PENALTY: A FINE NOT EXCEEDING K50,000 OR IMPRISONMENT FOR A TERM NOT EXCEEDING THREE YEARS OR BOTH.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 213 – Return of application for registration as a Forest Industry
participant/consultant.***

Act, Sec. 107 and 108 Form 213Reg. 212

To: The Applicant

Application No.:

**RETURN OF APPLICATION FOR REGISTRATION AS A FOREST
INDUSTRY *PARTICIPANT/CONSULTANT**

I refer you to your application dated the . . . day of . . . 20... for registration as a
Forestry Industry *Participant/Consultant.

Pursuant to Section 108 of the Forestry Act, 1991 your application has not been
accepted because:—

*Application fee of K... not enclosed

*Required information as required by Section 107 of the Forestry Act, 1991
and/or the Regulations is missing

(*specify*)

The following further information is required pursuant to Section 108 of the Forestry
Act, 1991.

(*specify*)

Your application is returned herewith for completion and re- lodgement.

Yours faithfully

*Delete whichever is inapplicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 214 – Notification by a registered Forest Industry
participant/consultant of change of particulars.***

Act, Sec. 135 FORM 214 Reg. 213

To: The Managing Director
National Forest Service

**NOTIFICATION BY A REGISTERED FOREST INDUSTRY
PARTICIPANT/CONSULTANT OF CHANGE OF PARTICULARS**

TAKE NOTICE that . . . a Registered Forest Industry *Participant/Consultant Reg. No.: . . . hereby advises you that the following are changes to the particulars submitted with the *Participants/Consultants application for registration as a Forest Industry *Participant/Consultant.

Enclosed with this notification is a cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3 of the Forestry Regulation by way of notification fee.

Changes to the Particulars
(specify or attach documentation)

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

Registered Forest Industry
*Participant/Consultant

*Delete whichever is inapplicable

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
NATIONAL CAPITAL DISTRICT

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 215 – Notification of intention to make referral to the Board.

Act, Sec. 112 Form 215 Reg. 214

To ... (Reg. No. ...)

TAKE NOTICE that I intend to refer the matter of your registration as a *forest industry participant/consultant under Part IV of the Forestry Act 1991 to the Board to consider whether your registration should be cancelled.

The basis for such referral is (*tick as appropriate*):

- the person registered under Part IV (or if the person so registered is a corporate person, a principal of the corporate person) has been convicted of—
- an offence against a provision of the Forestry Act;
- an offence involving dishonesty;
- I am of the opinion there has been a change in the circumstances of the person so registered sufficient to justify cancellation of registration.

Further details of the said basis of cancellation of registration are as follows:—

...

You are invited to make a submission within fourteen days as to why such registration should not be cancelled. A referral to the Board shall be accompanied by any submission received within the said fourteen days.

*delete whichever is inapplicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 216 – Referral to Board for consideration of cancellation of registration.

Act, Sec. 112 Form 216 Reg. 215

To the Board

The registration under Part IV of the Act of . . . as a registered *forest industry participant/consultant (Reg. No. . . .) is referred to you to consider whether registration should be cancelled pursuant to Section 112 of the Act.

This referral is accompanied by—

- (a) a statement by the Managing Director of the reasons for the referral; and
- (b) the submission (if any) made by the said registrant under Section 112(2) of the Act.

*delete whichever is inapplicable

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

Managing Director

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 217 – Notice of Board’s direction.

Act, Sec. 112 Form 217 Reg. 216

To ... (Reg. No. ...)

You are advised that pursuant to a referral under Section 112 of the Forestry Act, the Board has directed:

- *that your registration as a forest industry participant/consultant is cancelled;
- *that your registration as a forest industry participant/consultant be cancelled with effect from the ... day of ... 20...
- *not to cancel your registration as a *forest industry participant/consultant.

Note: Where registration is cancelled under Section 112 of the Forestry Act, any timber permit, timber authority or licence is suspended with effect on and from the date of cancellation of the registration.

*delete whichever is inapplicable

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

Managing Director

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 218 – Appeal to Minister on registration, etc.

Act, Sec. 113 Form 218 Reg. 217

To the Minister for Forests

... (Reg. No. ...) hereby appeals against:

- * (a) the decision by the Board under Section 109(1)(b) as to whether the appellant should be registered as a forest industry participant or as a consultant;
- * (b) the decision of the National Forest Board to cancel the appellant's registration as a forest industry participant or consultant under Section 112(4)(a) or (b).

Enclosed with this appeal are:—

- (i) statement of the grounds or reasons relied on for reversing the decisions of the Board;
- (ii) a cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3.

*Delete whichever is inapplicable

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

Signed on behalf of the Applicant

Name of person signing

Office held with Applicant

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
NATIONAL CAPITAL DISTRICT

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 219 – Minister’s decision on appeal.

Act, Sec. 113 Form 219 Reg. 218

To: The Board

And to: The Managing Director

And to: The Appellant

I, . . . , Minister for Forests advise that after considering the appeal and the report provided to me on the matter by the Board hereby *uphold/reject the appeal in respect of a decision by the Board under Section 109(1)(b)/Section 112(4)(a) or (b).

*delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 220 – Notice of proposal by State Marketing Agency to exercise
option.***

Act, Sec. 115 Form 220 Reg. 220

To . . . (holder of Timber Permit No. . . .)

Take notice that the State Marketing Agency on behalf of the Independent State of Papua New Guinea in the year . . . proposes to exercise its option under Subsection 115(1)(a) of the Forestry Act to purchase compulsorily at the market price from you as a holder of the above Timber Permit up to twenty-five percent of the amount of logs which you as holder of the Timber Permit are permitted to export in that year. The amount of logs which the Agency will purchase is set out in the Schedule

Schedule

(Specify the compulsory purchase of logs)

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

(For the State Marketing Agency)

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 221 – Variation by the Minister for Forest of royalty payable
under a Timber Permit.***

Act, Sec. 120 Form 221 Reg. 222

To: . . . the holder of Timber Permit No.: . . .

TAKE NOTICE that I, . . . Minister for Forests by virtue of the powers conferred by Section 120 of the Forestry Act, 1991 and all other powers enabling and after having conducted a review under Section 120(2) of the Forestry Act, 1991 of the royalty payable for timber or forest produce under your timber permit do hereby:—

1. Vary the royalty payable in relation to the timber permit to the extent that the new rate of royalty payable shall now be K..
2. The varied royalty is from the date specified in this notice the royalty payable for timber or forest produce take under the timber permit.
3. The timber permit is, from the date specified in the notice, subject to the payment as so varied.

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

Minister for Forests

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 222 – Notice of levy under Section 121.

Act, Sec. 121 Form 222 Reg. 223

I, . . . , Minister for Forests, by virtue of the powers conferred on me by Section 121 of the Forestry Act 1991 (as amended) and all other powers me enabling, after consultation with the Board of the Papua New Guinea Forest Authority pursuant to S121, hereby fix, until further notice, the following annual levies on the holders of timber permits/timber authorities/licence in respect of:

- (a) follow-up development K...
- (b) provincial development K...
- (c) forest management and development K...
- (d) Papua New Guinea Forest Authority K...
- (e) other category (*insert*) K...

The levies fixed above are payable by the holders of all timber permits/timber authorities/licence current as at the date of this Notice, are payable to the Papua New Guinea Forest Authority, C/- P O Box 5055, Botoko, National Capital District, Papua New Guinea, with the first payment due 14 days after the date specified in a Notice of Notices of Assessment (as the case may be) prepared and delivered by the Authority and should be payable by cheque. Failure to comply with this Notice will render the holder liable to penalties as prescribed.

*delete whichever is inapplicable

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

Minister for Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 223 – Lawful direction.

Act, Sec. 122(g) Form 223Reg. 224

1. This lawful direction is issued under Section 122 of the Forestry Act and Regulation 225 by:
Name (*Print*):
Designation: Forest Officer/Forest Inspector
 2. This lawful direction is issued to
Individual or organisation name:
Designation (*if applicable*):
 3. The lawful direction is (*specify in detail*):
 4. The reason this lawful direction is given is that (*specify in detail*):
- Dated this . . . day of . . . 20...

Signature

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 224 – Notice of seizure.

Act, Sec. 123 Form 224 Reg. 225

To: . . .

A Forest Officer or Forest Inspector has seized the timber or forest produce or other property as described below pursuant to powers contained in Section 123 of the Forestry Act.

Description of Timber, Forest Produce or other property etc.:

All that timber or forest produce branded by a Forest Inspector or Forest Officer (*add any further description*).

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

Name of Forest Officer/Forest Inspector

Signature

Sch. 1

Forestry Regulation 1998

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 225 – Notice of forfeiture.

Act, Sec. 124 Form 225 Reg. 227

To: . . .

The forest produce described below has been forfeited to the Papua New Guinea Forest Authority pursuant to the provisions of Section 124 of the Forestry Act.

Description of Forest Produce:

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

(For the Authority)

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 226 – Declaration banning export of timber, etc.

Act, Sec. 134 Form 226 Reg. 228

I, . . . , Minister of Forests, by virtue of the powers conferred on me by Section 134 of the Forestry Act 1991 and all other powers me enabling hereby declare that the species or class of timber specified hereunder—

- * is banned from export
- * shall not be exported until—
 - (i) the timber has been inspected; and
 - (ii) the permission of the Minister to export has been obtained.

Description of Timber:

~~*delete whichever is inapplicable~~

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

Minister of Forests

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 227 – Registration of brand.

Act, Sec. 135(1)(zb) Form 227Reg. 229

The Authority hereby registers . . . being the holder of *Permit/Licence/Other
Authority as described below in respect of the brand described below by which timber
cut in or proceeding from their holdings may be distinguished from any other timber.

Permit Holder, etc.:

Brand:

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

*Delete whichever is inapplicable

(For the Authority)

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 228 – Application to register in the Authority a brand.

Act, Sec. 135(1)(2)(b) Form 228Reg. 230

To: The Managing Director

... the holder of a *Timber Permit/Timber authority/Licence No.: ... hereby applies to register in the Authority a brand by which timber cut in or proceeding from their holdings may be distinguished from any other timber. A description of the brand is as hereunder:

Enclosed with this Application is a cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3.

Description of Brand:

(specify or attach copy)

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

For the Applicant

Name of person signing

*Delete whichever is inapplicable

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P O BOX 5055
BOROKO
NATIONAL CAPITAL DISTRICT

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 229 – Certification of registration of timber processing plant and
of the operator of such plant.***

Act, Sec. 135 Form 229 Reg. 239

This is to certify that the plant specified in Schedule 1 is registered as a timber processing plant and that the person specified in Schedule 2 is the registered operator of the said plant.

SCHEDULE 1

(Identify plant, including system of operation and location)

SCHEDULE 2

Registered operator:

Address:

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

Managing Director
National Forest Service

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 230 – Application for registration of timber processing plant and
registration of the operator of such plant.***

Act, Sec. 135 Form 230 Reg. 240

To: Managing Director:

... hereby applies for registration of the plant specified in Schedule 1 as timber processing plant and of the person specified in Schedule 2 as the operator of such plant.

Enclosed with this Application is a cheque in favour of the Papua New Guinea Forest Authority in the sum prescribed in Schedule 3 of the Regulations.

Note:

- (a) Plant will not be registered as timber processing plant unless an authorized officer of the National Forest Service has first certified that the plant, and its proposed system of operation, satisfy applicable standards under the legislation, or as specified in guidelines issued by the Managing Director.
- (b) The person registered as operator shall be required to notify the Managing Director of any substantive change of the make-up of the plant or its system of operation prior to making such change.

SCHEDULE 1

(Identify plant, including system of operation and location)

SCHEDULE 2

Name of operator:

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

For the Applicant

Name of person signing

NOTE: THIS APPLICATION SHOULD BE LODGED WITH:

THE MANAGING DIRECTOR
NATIONAL FOREST SERVICE
P.O. BOX 5055
BOROKO
PAPUA NEW GUINEA

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 231 – Board notice to vary terms or conditions of registration,
permit, licence, timber rights purchase agreement,
authority or agreement.***

Act, Sec. 137 Form 231 Reg. 242

To:

TAKE NOTICE that the Board, pursuant to Section 137(2) of the Forestry Act, 1991 has determined that certain terms and/or conditions of your:—

*registration as a forest product operator granted under the Forest Industries Council Act Chapter 215) (repealed) as described hereunder; or

*permit granted under the Forestry Act (Chapter 216) (repealed) as described hereunder; or

*licence granted under the Forestry Act (Chapter 216) (repealed) as described hereunder; or;

*timber rights purchase agreement granted under the Forestry Act (Chapter 216) (repealed) as described hereunder; or

*other authority granted under the Forestry Act (Chapter 216) (repealed) as described hereunder; or

*agreement entered into under the Forestry (Private Dealings Act (Chapter 217) (repealed), as described hereunder

is at variance with the provisions of the Forestry, 1991 Act to an extent which makes it unacceptable.

· You are now advised that the terms and conditions of the document described hereunder that *is/are unacceptable is/are as set out in the attachment hereto:

(attach details of unacceptable terms and conditions)

· The Board now requires the following variation in the terms or conditions of the document described hereunder so as to ensure compliance with the Forestry Act, 1991

(specify variations required in the attachment)

Full Description of document:

(specify)

*In order to achieve the intention of the Act that the document referred to above that has been saved by Section 137 is able to be adapted to conform to the provisions of the Act the Board hereby grants in respect of the said document a grace period of during which the provisions of this Act shall not apply and the provisions of the repealed Act under which the said document was *granted/entered into shall apply.

The above variations shall apply with effect from . . . unless the Board receives notification from you that such variation is unacceptable in which case the said document shall cease to have effect from the date specified hereto.

*Delete whichever is inapplicable

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

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 232 – Application for maps, forms, studies, extracts, tenders
documentation, registration of expression of interest,
etc.***

Act, Sec. 135 Form 232 Reg. 248

To: *Managing Director/Regional Provincial Forestry Officer

I hereby apply for the following:

- *[] ... copies of Maps of (*insert detail*)
- *[] ... copies of ... publication/document (*state type*)
- *[] ... copies of Printed Form (*state type*)
- [] Copy of development options study carried out by the Authority in respect to the ... project area (*describe*)
- [] Copy of final Project Guidelines issued by the Authority in respect to the ... project area
- [] Extract of Certificate of Registration of ... a registered forest industry participant (*state Reg. No. if known*)
- [] Extract of certificate of Registration of ... as registered forest industry participant/consultant (*state Reg. No. if known*)
- [] Extract of licence of ... a licensed Log Scaler (*insert name*)
- [] Extract of certificate of registration of a Timber Processing Plant (*describe*)
- [] An extract of a Timber Permit ... (*insert name and number*)
- [] An extract of a timber authority ... (*insert name and number*)
- [] An extract of a Licence ... (*insert name and number*)
- [] An extract of a forest potential area ... (*insert area*)
- [] ... Log tags (*specify number*)
- [] Application for tender documentation/specifications (if any) in respect to any tender ... (*specify*)
- [] Other (*specify*)

Application fee of K... as prescribed in Schedule 3 is enclosed.

*Application fee is as determined from time to time by the Managing Director

Note: Application for Log Scaling Record Sheets may be lodged with a Provincial Forestry Officer

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

Name of Person/Company applying

Signed

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 233 – ⁶⁰Application for an authority to carry out a large scale agricultural or other land use development project where the amount of proposed clearance of natural forest is greater than 50 hectares in total.

Act, Sec. 90A

Form 233Reg. 254

⁶⁰ Form 233 added by No 1 of 2001.

Name and address of Applicant:

Name:
Address:
Phone: Fax:

Registration number of applicant as registered forest industry participant (if applicable):

Registration number:

Declaration of applicant status under *Investment Promotion Authority (IPA) Act*:

A company or joint venture owned 50% or more by non-citizens is a foreign enterprise. Is the applicant a foreign enterprise? YES/NO
If yes, IPA certificate number:

Location of the proposed project:

Province:
Location:

NOTE: THIS FORM IS TO BE LODGED WITH THE MANAGING DIRECTOR, NATIONAL FOREST SERVICE, P. O. BOX 5055, BOROKO, PAPUA NEW GUINEA. Applications received by other Forest Authority offices will be returned to the applicant.

Details of the proposed project:

Proposed term:
Commencement date:

Declaration by Applicant:

I declare that the following documents are included with this application and that the information contained in them is true and correct:

- (1) application fee per Schedule 3 of the *Forestry Regulation* (cheque made out to Papua New Guinea Forest Authority);
- (2) if the applicant is a foreign company within the meaning the *Investment Promotion Act* (50% or more foreign ownership), a copy of the applicant's IPA approval in respect of the activities and location to be carried out under the Authority;
- (3) 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;
- (4) a copy of the relevant State Lease or other documentation relating to other type of land tenure appropriate for the project;
- (5) an implementation schedule for the complete agricultural or other 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 matter 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;

- (6) 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;
- (7) a map and description of the project area in respect of which the application is made showing any areas of slope in excess of 30° or any other areas which are unsuitable for agricultural or other land use development and any areas important for conservation;
- (8) 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 Form 165;
- (9) supporting letters from any other relevant Department authorities or relevant industry body regarding the appropriateness of the design and implementation of the proposed project;
- (10) an approval in writing from the office or Department responsible for environment and conservation matters of the environmental impact statement submitted by the applicant to that office or Department;
- (11) details of equipment and manpower suitable for the development of the proposed project and evidence of past experience in such developments;
- (12) such other evaluation reports and certificates that have been requested by the Board and such other particulars as are prescribed.

Declared at . . . this . . . day of . . . 20...

Signed on behalf of the applicant

Name of person signing

Office held with the Applicant

IT IS AN OFFENCE UNDER THE FORESTRY ACT 1991 TO MAKE AN UNTRUE DECLARATION IN AN APPLICATION AND THE OMISSION, MISREPRESENTATION OR MIS-STATEMENT OF FACTS IN AN APPLICATION MAY BE GROUNDS FOR SUSPENSION OF THE AUTHORITY.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 234 – ⁶¹Return of an application for a large scale conversion of
forest to agriculture or other land use.***

Act, Sec. 90(B) Form 234Reg. 255

⁶¹ Form 234 added by No 1 of 2001.

Date:

TO THE APPLICANT

Application number:

The Board refers you to your application for a Large Scale conversion of forest to
*Agriculture or other land use made under Section 90(A) of the *Forestry Act 1991*,
and dated the day of 20 in respect of the
. project area.

The application has not been accepted because—

- *Application form is not completed
- Application fee of K. was not enclosed
- Applicant does not hold a valid IPA certificate
- Required information is missing*
(specify)

Your Application is returned here with for your completion and relodgement.

Yours faithfully

*delete as appropriate

Dated this day of 20

For the Board.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 235 – ⁶²Boards consultation with a Government body relating to an application to carry out a large scale agriculture or other land use development.

Act, Sec. 90(B) Form 235Reg. 256

⁶² Form 235 added by No 1 of 2001.

To:

(Name of Government Body).

TAKE NOTICE that pursuant to Section 90(B)1(a) of the *Forestry Act 1991*, the Board has determined that in its opinion you may have an interest in the grant of an application to carry out a large scale Agriculture or other land use development described below of jurisdiction in the area to which the application relates.

Pursuant to Section 90(B)1(a) of the *Forestry Act 1991*, the Board is now required to consult with you on the application and you are requested to provide to the Board within 14 days of the date of receipt by you of this Notice your views on the said application.

Agriculture or other land use Development Project Application:

(attach copy of application)

Dated this day of 20...

For the Board.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 236 – ⁶³Notice of a Public Hearing in respect to an application for an authority to carry out a large scale agriculture or other land use development.

Act, Sec. 90(B)(2) Form 236Reg. 257

⁶³ Form 236 added by No 1 of 2001.

TAKE NOTICE that the Board has received an application under Section 90(A)(1) by the applicant named hereunder for an authority to carry out a large scale *agriculture or other land use development in the area described below.

Take further notice that pursuant to Section 90(B)(3) of the *Forestry Act 1991*, a Public Hearing will be held on that date, time and place as specified hereunder.

AND TAKE Further Notice that in accordance with Section 90(B)(5) any person may, on payment of the prescribed fee, inspect and make copies of a report and summary of matters associated with the application.

Name of Applicant:

(state)

Project Development area:

(describe)

Date of Public Hearing:

Commencement time of Public Hearing:

Place where Public Hearing will be held:

* Delete whichever is inapplicable.

Dated this day of 20...

For the Board.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 237 – ⁶⁴Instrument of appointment of Chairman of a Public
Hearing.***

Act, Sec. 90(B)(4) Form 237Reg. 258

⁶⁴ Form 237 added by No 1 of 2001.

To:

The Board of the Forest Authority, by virtue of the powers conferred by Section 90(B)(4) of the *Forestry Act 1991* and all other powers it enabling doth hereby:—

Appoint you to be Chairman of a Public Hearing in respect to an application for a large scale *agriculture or other land use project described below which shall commence on the date, time and place as specified hereunder:

* Agriculture or other land use project:
(describe)

Commencement Date of Hearing:

Time of Hearing:

Place of Hearing:

* Delete whichever is inapplicable.

Dated this day of 20...

For the Board.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 238 – ⁶⁵Reference of an application for a proposed large scale agriculture or other land use project and summary of Public Hearing to Provincial Forest Management Committee.

Act, Sec. 90(B)(6) Form 238Reg. 259

⁶⁵ Form 238 added by No 1 of 2001.

To the Provincial Forest Management Committee.

Pursuant to Section 90(B)(6) of the *Forestry Act* 1991 the attached Application and Summary of a Public Hearing in respect to the undetionioned large scale Agriculture or other land use Project is referred to the Committee for consideration, evaluation and recommendation to the Board.

When carrying out an evaluation the Provincial Forest Management Committee is required under Section 90(B)(7) of the *Forestry Act* 1991 to take into account the following:—

- (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.

The Provincial Forest Management Committee under Section 90(B)(8) of the Act may request the assistance of the National Forest Service and of any relevant Department in carrying out its evaluation under Section 90(B)(6) of the *Forestry Act* 1991.

Agriculture or other land use Project:

Dated this day of 20...

Chairman of Hearing.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 239 – ⁶⁶Provincial Forest Management Committee request for assistance of National Forest Service or other relevant Department.

Act, Sec. 90(B)(8) Form 239Reg. 260

⁶⁶ Form 239 added by No 1 of 2001.

To: *The National Forest Service of Department.

Pursuant to Section 90(B)(8) of the *Forestry Act* 1991 the Provincial Forest Management Committee hereby requests you to assist it in carrying out an evaluation of an application by the undetentioned applicant for a large scale agriculture or other land use Project as described below.

Applicant:
(Name)

Agriculture or other land use Project:
(Describe)

(Attach copy of Application and Summary of the public hearing).

Dated this day of 20...

For the Provincial Forest Management Committee.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 240 – ⁶⁷Provincial Forest Management Committee report and recommendation to the Board to approve/reject an application for an authority to carry out an agricultural or other land use project.

Act, Sec. 90(B)(9) & (10) Form 240Reg. 261

⁶⁷ Form 240 added by No 1 of 2001.

To the Board.

The Provincial Forest Management Committee having evaluated an application for a large scale agriculture or other land use project in accordance with Section 90(B)(6) is of the opinion that:—

- (1) The application by the Applicant named hereunder *is/is not satisfactory and hereby submits its report of its evaluation and recommendation under *Section 90(B)(9) or Section 90(B)(10) of the Act in respect to the *agriculture or other land use project described hereunder.
- (2) Pursuant to Section 90(B)(9) or 90(B)(10) the Committee accordingly *recommends/does not recommend to the Board that the application be approved.
- (3) The Committee's reasons for the rejection are set out below.

(Attach report of the Provincial Forest Management Committee's Evaluation and Recommendation).

Name of Applicant:
(state)

Agriculture or other land use project:
(describe)

Committee's reasons for rejection:
(state or attach)

*Delete whichever is inapplicable

Dated this day of 20...

For the Provincial Forest Management Committee.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 241 – ⁶⁸Board's advice to applicant of rejection of application for an authority to carry out a large scale agriculture or other land use project.

Act, Sec. 90(B)(11) Form 241Reg. 262

⁶⁸ Form 241 added by No 1 of 2001.

To the Applicant.

The Board of the Forest Authority, pursuant to Section 90(B)(11) of the *Forestry Act* 1991, hereby notifies you that your application for an Authority to carry out a large scale agriculture or other land use project in respect to the proposed development described below has been rejected on the recommendation of the Provincial Forest Management Committee.

The reasons for the rejection of the application by the Provincial Forest Management Committee are set out below.

(Attach Provincial Forest Management Committee's reasons for rejection).

Proposed Agriculture or other land use development project:
(describe)

Reasons for rejection of Application:
(state or attach)

Dated this day of 20...

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 242 – ⁶⁹Board’s recommendation to Minister to recommend to the National Executive Council to endorse an application for a large scale conversion of forest to agriculture or other land use.

Act, Sec. 90(B)(12) Form 242Reg. 263

⁶⁹ Form 242 added by No 1 of 2001.

To the Minister for Forests.

The Board under Section 90(B)(12) of the *Forestry Act* 1991, being satisfied with the recommendation made to it by the Provincial Forest Management Committee under Section 90(B)(9) of the *Forestry Act* 1991 and with the outcome of the Public Hearing under Section 90(B)(4) of the *Forestry Act* 1991 hereby recommends that you recommend to the National Executive Council to endorse the application of the applicant named hereunder for a large scale conversion of the forest to agriculture or other land use in respect to the project described hereunder.

Copies of the application, 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 are attached.

Name of Applicant:
(state)

Agriculture or other land use Project:
(describe)

Dated this day of 20...

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 243 – ⁷⁰Rejection by Board of application for a large scale
agriculture or other land use project.***

Act, Sec. 90(B)(13) Form 243Reg. 264

⁷⁰ Form 243 added by No 1 of 2001.

TO THE APPLICANT:

Application No.:

Your application under Section 90(A)(1) to carry out a large scale agriculture or other land use project described hereunder has been rejected by the Board in accordance with Section 90(B)(13) of the *Forestry Act* 1991.

In accordance with Section 90(B)(13) of the *Forestry Act* 1991, the Board received an evaluation and recommendation from the Provincial Forest Management Committee in respect to your application.

The evaluation and recommendations by the Provincial Forest Management Committee and/or the outcome of the public hearing did not satisfy the Board that the application should be approved.

The reasons for the Board's rejection of the application are set out below: —
(State or attach)

Agriculture or other land use Project:
(describe)

Reasons for Board's rejection of application:
(state or attach)

Dated this day of 20...

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 244 – ⁷¹Minister for Forests referral to Board recommendation for approval of an application for an authority to carry out a large scale agriculture or other land use development to National Executive Council.

Act, Sec. 90(B)(14) Form 244Reg. 265

⁷¹ Form 244 added by No 1 of 2001.

To: The Secretary: National Executive Council.

TAKE NOTICE that in accordance with Section 90(B)(14) of the *Forestry Act* 1991, I have received a recommendation from the Board of the Forest Authority recommending to me that I recommend to the National Executive Council that it endorse an application by the Applicant named hereunder for a large scale conversion of forest to agriculture or other land use in respect of the project area described below.

In accordance with Section 90(B)(14) of the *Forestry Act* 1991, I now refer the Application to the National Executive Council together with the recommendations from the Provincial Forest Management Committee and the Board of the Forest Authority and all evaluations, reports, certificates of approvals from all relevant Departments and the summary of the public hearing held in respect to the application.

The National Executive Council is now required under Section 90(B)(15) of the *Forestry Act* 1991 to consider the Application and other papers referred to herein and is required to make a direction to me to endorse or reject the application and, if the application is rejected, to state the reasons for the rejection.

Name of the Applicant:

(state)

Project Area:

(describe)

Dated this day of 20...

Minister for Forests.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 245 – ⁷²Direction of National Executive Council to the Minister for Forests to endorse/reject an application for an authority to carry out a large scale agricultural or other land use project.

Act, Sec. 90(B)(15) Form 245Reg. 266

⁷² Form 245 added by No 1 of 2001.

To: The Minister for Forests.

TAKE NOTICE that the National Executive Council after having considered the application of the applicant named hereunder and other papers referred to it under Section 90(B)(14) of the *Forestry Act 1991*, made the following decisions in accordance with Section 90(B)(15) of the *Forestry Act 1991* on the day of 20

- (1) You are hereby directed to *endorse/reject the application of the applicant to carry out a large scale agriculture or other land use project described below; and
- (2) Advise the Board of Council's direction.
- * (3) The reasons for the rejection by Council of the application are set out below.

Name of Applicant:
(state)

Agriculture or other land use project:
(describe)

*Reasons for the rejection by Council:
(state or attach)

*Delete whichever is inapplicable.

Dated this day of 20...

Chairman
National Executive Council.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 246 – ⁷³Minister’s advice to the Board of National Executive Councils direction to the Minister for Forests to endorse/reject the recommendation of the Board of the Forest Authority to approve an application for an authority to carry out a large scale agriculture or other land use project.

Act, Sec. 90(B)(16) Form 246Reg. 267

⁷³ Form 246 added by No 1 of 2001.

To: The Board.

TAKE NOTICE that in accordance with Section 90(B)(16) of the *Forestry Act 1991*, I am required to advise you that the National Executive Council made a decision on the day of 20 . . . directing me to *endorse/reject the recommendations of the Board of the Forest Authority to approve an application for an authority to carry out a large scale agriculture or other land use project described below to the applicant named below.

* As the said application has been rejected the reasons for the Council's rejection are set out below.

Agriculture or other land use project:
(describe)

Name of Applicant:
(specify)

*Reasons for Council's rejection:
(state or attach)

*Delete whichever is inapplicable.

Dated this day of 20...

Minister for Forests.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 247 – ⁷⁴Board’s advice to applicant and Provincial Forest Management Committee of decision of the National Executive Council directing the Minister to reject an application for an authority to carry out a large scale agricultural or other land use development.

Act, Sec. 90(B)(17) Form 247Reg. 268

⁷⁴ Form 247 added by No 1 of 2001.

To: The Applicant.

And to: Provincial Forest Management Committee.

TAKE NOTICE that the National Executive Council after having considered the application and other papers for an authority to carry out a large scale agriculture or other land use project described below on the day of 20 . . . directed the Minister for Forests pursuant to Section 90(B)(15)(b) of the *Forestry Act* 1991 to reject the application for the reasons set out below.

Description of Agriculture or other land use project:
(describe)

Reasons for National Executive Council Decision:
(state or attach)

Dated this day of 20...

For the Board.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 248 – ⁷⁵Authority to carry out a large scale agricultural or other
land use development project.***

Act, Sec. 90(B)(21) Form 248Reg. 269

⁷⁵ Form 248 added by No 1 of 2001.

Authority No.:

Project Area Name:

Pursuant to Section 90(B)(21) of the *Forestry Act* 1991 and all other powers it enabling, the Board hereby grants an Authority to (referred to in this Authority as "the holder").

This Authority authorizes the holder to carry out a large scale agriculture or other land use development operations in the project area described, and outlined in red on the map in Schedule 1 ("the Project Area") for the term specified in Schedule 2 subject to the Act and to the following terms and conditions:—

- (a) the holder must, within 21 days, lodge a performance bond in accordance with Section 98 of the Act for the amount specified in Schedule 3; and
- (b) the holder must comply with the terms and conditions specified in the Schedules hereto.
- (c) the holder must carry out the *agricultural or other land use project in accordance with the approved development plan and the approved implementation schedule contained in the holder's application for this Authority and as agreed to and as may be varied by the Board of the Forest Authority from time to time.
- (d) Subject to Section 90(B)(19) of the *Forestry Act* the holder is prohibited from felling, cutting, removing, disposing of or damaging any trees or forest produce.
- (e) the holder must comply with the conditions of any Permit, Licence or other Authority relating to the project and with the provisions of all Environmental and other relevant laws of Papua New Guinea.
- (f) the holder must comply with such other conditions as are specified in schedule 4 hereto.

Dated this day of 20...

For the Board.

N.B. IF THE PERFORMANCE BOND IS NOT LODGED WITHIN 21 DAYS AND NO APPLICATION UNDER SECTION 98(6) OF THE *FORESTRY ACT* 1991 HAS BEEN MADE WITHIN 21 DAYS TO THE BOARD FOR AN EXTENSION OF TIME WITHIN WHICH TO LODGE THE PERFORMANCE BOND THEN THIS TIMBER AUTHORITY IS DEEMED VOID UNDER SECTION 98(5) OF THE ACT AND SHALL BE THEREBY CANCELLED.

SCHEDULE 1.—Map and description of Project Area.

The Project Area is an area of . . . hectares.

(INSERT A DESCRIPTION OF THE PROJECT AREA, DETAILING SEPARATELY, THE EXACT AREAS WHICH ARE REQUIRED TO BE CLEARFELLED BY AN INDEPENDENT TENDERER FOR AGRICULTURAL PLANTING AND REQUIRED FOR INFRASTRUCTURE AND INCLUDE A MAP SHOWING THE PRECISE AREAS OUTLINED IN RED).

SCHEDULE 2.—Term and commencement date.

The term of the Authority is for a period of commencing on the day

of 20..

SCHEDULE 3.—Performance Bond

The amount of the performance bond will be K.

The Performance Bond will be released on the authorization of the Managing Director under Seal of the Forestry Authority after the holder has submitted a completion report and has satisfied the terms and conditions of this Authority.

SCHEDULE 4—Other conditions

(specify)

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 249 – ⁷⁶Forest Clearing Authority.

Act, Sec. 90(B)(22) Form 249Reg. 270

⁷⁶ Form 249 added by No 1 of 2001.

Authority No.:

Project Area Name:

Pursuant to Section 90(B)(22) of the *Forestry Act* 1991 and all other powers it enabling, the Board hereby grants a Forest Clearing Authority to , a registered forest industry participant (Registration No.) (referred to in this Authority as "the holder").

This Authority authorizes the holder to carry out forestry operations in the project area described, and outlined in red on the map in Schedule 1 ("the Project Area") for the term specified in Schedule 2 subject to the Act and to the following terms and conditions:—

- (a) *the holder must, within 21 days, lodge a performance bond in accordance with Section 98 of the Act for the amount specified in Schedule 3; and
- (b) the holder must comply with the terms and conditions specified in the Schedules hereto.

Dated this day of 20...

For the Board.

*N.B. IF THE PERFORMANCE BOND IS NOT LODGED WITHIN 21 DAYS AND NO APPLICATION UNDER SECTION 98(6) OF THE *FORESTRY ACT* 1991 HAS BEEN MADE WITHIN 21 DAYS TO THE BOARD FOR AN EXTENSION OF TIME WITHIN WHICH TO LODGE THE PERFORMANCE BOND THEN THIS TIMBER AUTHORITY IS DEEMED VOID UNDER SECTION 98(5) OF THE ACT AND SHALL BE THEREBY CANCELLED.

SCHEDULE 1.—Map and description of Project Area.

The Project Area is an area of . . . hectares.

(INSERT A DESCRIPTION OF THE PROJECT AREA, DETAILING SEPARATELY, THE EXACT AREAS TO BE CLEARFELLED FOR AGRICULTURAL PLANTING OR OTHER LAND USE AND REQUIRED FOR INFRASTRUCTURE AND INCLUDE A MAP SHOWING THE PRECISE AREAS OUTLINED IN RED).

SCHEDULE 2.—Term and commencement date.

The term of the Authority is for a period of commencing on the day of 20...

SCHEDULE 3.—Performance Bond

The amount of the performance bond will be K.

The Performance Bond will be released on the authorization of the Managing Director under Seal of the Forestry Authority after the holder has submitted a completion report and has satisfied the terms and conditions of this Authority.

SCHEDULE 4—Other conditions

1. INTERPRETATION

1.1 In this Authority—

"Authorized Harvesting Area" means the area in respect of which harvesting is, from time to time, authorized under this Forest Clearing Authority;

"Project Area" means the area described in Schedule 1;

"resource owners" means the customary owners of the timber and other forest products in the Project Area, and includes any person named as owners in the Sales and Purchase Agreement;

"the Act" means the *Forestry Act 1991*;

"the holder" means the registered forest industry participant named in this Forest Clearing Authority.

1.2 Words and phrases have the same meanings as in the *Forestry Act 1991*.

2. TERMINATION

2.1 If at any time the holder's registration as a forest industry participant is cancelled or, where the applicant is a foreign enterprise within the meaning of the *Investment Promotion Authority Act*, the IPA approvals for the activity authorized by the Forest Clearing Authority are cancelled then this Forest Clearing Authority shall be cancelled.

3. HARVESTING

3.1 Subject to the terms and conditions of this Forest Clearing Authority, the provisions of the *Forestry Act* and *Forestry Regulations*, and the provisions of any agreement entered into by the holder with the resource owners, the holder may exercise timber rights within the Authorized Harvesting Area during the term of this Authority.

3.2 In order to ensure that the planned land use by the successful applicant referred to in Section 90(A)(1) of the *Forestry Act 1991* actually takes place, the 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 this forest clearing authority; and
- (ii) shall contain such conditions as are determined by the Board; and
- (iii) shall be subdivided into blocks for clearing of a maximum 500 hectares unless the Board considers that the maximum 500 hectares is inappropriate in the circumstances in which case the Board may increase or decrease the maximum clearance figure.

3.3 The holder shall comply with the approved implementation schedule determined by the Department responsible for agriculture and livestock matters or other relevant Department and as also approved by the Board of the Forestry Authority.

3.4 Any further phase under this Forest Clearing Authority may only be granted by the Managing Director of the National Forest Service for the same purposes of forest clearance for agriculture or other land use where all conditions relating to the agricultural development plan or other land use implementation schedule have been satisfied.

3.5 The rights under this Forest Clearing 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.

4. ASSOCIATED RIGHTS

4.1 In carrying out the terms and conditions of this Authority the holder may

exercise rights within those parts of Project Area in which harvesting is authorized to—

- (a) enter on and pass through land (but not private premises);
- (b) make fire breaks, roads, tracks, bridges, culverts and similar works;
- (c) prepare and construct loading and storage sites for forest products;
- (d) extract, remove, convert and use road-making materials for the purpose of any of the activities set out in paragraphs (a) to (c) above carried out within the Project area subject to payment of any royalty agreed with the resource owners or fixed in the Sales and Purchase Agreement;
- (e) use, keep and transport vehicles, machinery, plant and equipment;
- (f) use road and waterways;
- (g) conduct land and resource assessment surveys (including aerial surveys) and inventories.

4.2 Subject to this Forest Clearing Authority and the laws of PNG, the holder may export timber harvested under this Forest Clearing Authority.

5. ENVIRONMENTAL AND FOREST MANAGEMENT STANDARDS

5.1 The holder must at all times comply with and observe the provisions of the *Environmental Contaminants Act*, *Environmental Planning Act*, *Water Resources Act* and other environmental laws of Papua New Guinea.

5.2 The holder must at all times comply with and observe all such standards and practices as determined from time to time by the Authority and issued in the form of a P.N.G. Logging Code of Practice or any replacement document thereof.

6. RIGHTS OF RESOURCE OWNERS

6.1 In carrying out its rights under this Forest Clearing Authority, the holder must not interfere with the customary user rights of the resource owners including the right to—

- (a) hunt;
- (b) fish;
- (c) gather plant foods;
- (d) gather traditional materials for making clothing, artifacts, tools, utensils and houses;
- (e) collect firewood;
- (f) plant, maintain and harvest subsistence gardens;
- (g) enter on and pass through land.

6.2 Nothing in this Forest Clearing Authority shall be taken as authorizing the holder to make food gardens, hunt or fish within the Project Area or the areas adjacent to it.

6.3 Compensation for any breach of this Clause will be determined by agreement between the holder and the resource owners or will be fixed by the Valuer-General if no agreement can be reached.

6.4 Where the holder is in breach of the Clause, the Holder must pay the compensation which has been agreed or fixed under Clause 6.3, within the period of time specified by the Managing Director.

7. PAYMENT FOR TIMBER

7.1 The holder must pay revenue to the resource owners at the rates fixed in any

Sales and Purchase Agreements between the resource owners and the holders and such revenue shall in any event, be not less than rates required to be paid under the National Forest Service revenue requirements for Timber Permit holders existing at the time of harvest in respect of all timber felled and scaled within the Project Area.

7.2 In addition to payments made to the resource owners, the holder must pay to the Forest Authority any levies which are from time to time fixed by the Minister in respect of the Forest Clearing Authority, or in respect of Timber Authorities generally.

8. ROADS AND BRIDGES

8.1 The holder must construct all bridges and roads required for its operation within the Project Area.

8.2 The holder must maintain all bridges and roads to a standard sufficient to carry normally laden logging trucks and at all times during the term of this Forest Clearing Authority must ensure that all roads which are in use for the logging operation are in a trafficable condition.

8.3 Any roads constructed by the holder which are in trafficable condition and not otherwise closed whilst dangerous operations are being carried out will be available for use by the public without charge.

9. LAND AND BUILDINGS

9.1 The holder must not erect any buildings or fixtures within the Project Area other than roads and bridges, landings and other infrastructure mentioned in Clause 8, without the consent of the resource owners.

9.2 Any buildings or fixtures constructed in the Project Area for the purpose of this Authority are severable and may be removed by the holder within 90 days of the expiration or cancellation of the Forest Clearing Authority doing as little damage to the land as possible.

10. MEASUREMENT AND RECORDING OF FOREST PRODUCE

10.1 All forest produce harvested in the project area must be scaled and numbered in accordance with directions given from time to time by the Managing Director.

10.2 Subject to any other direction which may be given under Clause 10.1, timber harvested in the Project Area must be scaled, recorded and declared in accordance with the Forest Authority's Directions for Scaling, but the use of a Licensed Log Scales is not required, and the use of official numbered Log Scale Record Sheets and numbered log tags is not required.

10.3 Where timber harvested in the Project Area is to be exported, the holder must also comply with procedures for export of logs from time to time specified by the Managing Director.

11. MARKETING

11.1 The Holder must endeavour to obtain the best price for the timber harvested under this Forest Clearing Authority and must in all cases obtain a turn's length price. For the purposes of this clause, a price is a turn's length price if it is equal to or greater than the price which would have been obtained on an a turn's length sale on the same terms and conditions of sale other than price.

12. COMPLIANCE WITH LAWS

12.1 The holder must observe the conditions of any permit, licence approval or

other authority relating to the project, and the provisions of all relevant laws of Papua New Guinea.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 250 – ⁷⁷Application for authority to carry out a large scale roadline development project over an existing forested area where the proposed road will be greater than 12.5 kilometres in length.

Act, Sec. 90(C) Form 250Reg. 271

⁷⁷ Form 250 added by No 1 of 2001.

Name and address of Applicant:

Name:
Address:
Phone: Fax:

Registration number of applicant as registered forest industry participant (if applicable):

Registration number:

Declaration of applicant status under *Investment Promotion Authority (IPA) Act*.

A company or joint venture owned 50% or more by non-citizens is a foreign enterprise. Is the applicant a foreign enterprise? YES / NO
If yes, IPA certificate number:

Location of the proposed project:

Province:
Location:

NOTE: THIS FORM IS TO BE LODGED WITH THE MANAGING DIRECTOR, NATIONAL FOREST SERVICE, P. O. BOX 5055, BOROKO, PAPUA NEW GUINEA. Applications received by other Forest Authority offices will be returned to the applicant.

Details of the proposed project:

Area (hectares) (road length x 40m maximum width):
Proposed term:
Commencement date:

Declaration by Applicant:

I declare that the following documents are included with this application and that the contents of such forms are to the best of my knowledge and belief true and correct:

- (1) application fee per Schedule 3 of the *Forestry Regulation* (cheque made out to Papua New Guinea Forest Authority);
- (2) if the applicant is a foreign company within the meaning the *Investment Promotion Act* (50% or more foreign ownership), a copy of the applicant's IPA approval in respect of the activities and location to be carried out under the Timber Authority;
- (3) 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.
- (4) a copy of the relevant State Lease or other documentation relating to other type of land tenure appropriate for the project.
- (5) 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.
- (6) 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;

- (7) 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;
- (8) details of cost of the roadline project and a certificate from a Bank or financial institution certifying that the full cost of funding the roadline project will be available to the applicant.
- (9) a map and description of the project area in respect of which the application is made ("the project area") giving details of land tenure, and showing the route of the proposed road in numbered 5 kilometre sections;
- (10) 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 Form 165;
- (11) 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;
- (12) details of equipment and manpower suitable for the development of the proposed roadline project and evidence of past experience in such developments;
- (13) details of the design of the road including alignment and proposed standard of construction in accordance with Department of Works road design manual;
- (14) such other evaluation reports and certificates which have been requested by the Board and such other particulars as are prescribed.

Declared at ... this ... day of ... 20...

Name of person signing

Office held with the Applicant.

IT IS AN OFFENCE UNDER THE *FORESTRY ACT* 1991 TO MAKE AN UNTRUE DECLARATION IN AN APPLICATION AND THE OMISSION, MISREPRESENTATION OR MIS-STATEMENT OF FACTS IN AN APPLICATION MAY BE GROUNDS FOR SUSPENSION OF THE AUTHORITY.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 251 – ⁷⁸Return of an application for a large scale conversion of
forest to road.***

Act, Sec. 90(D) Form 251Reg. 272

⁷⁸ Form 251 added by No 1 of 2001.

Date:

TO THE APPLICANT

Application number:

The Board refers you to your application for a Large Scale conversion of forest to Road made under Section 90(C) of the *Forestry Act* 1991 and dated the day of 20 . . . in respect of the project area.

The application has not been accepted because—

- *Application form is not completed
- Application fee of K. was not enclosed
- Applicant does not hold a valid IPA certificate
- Required information is missing
(specify).

Your Application is returned here with for your completion and re- lodgement.

*delete as appropriate

Dated this day of 20 . . .

For the Board.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 252 – ⁷⁹Boards consultation with a Government body relating to an application to carry out a large scale road development project.

Act, Sec. 90(D) Form 252Reg. 273

⁷⁹ Form 252 added by No 1 of 2001.

To:

(Name of Government Body).

TAKE NOTICE that pursuant to Section 90(D)1(a) of the *Forestry Act 1991* the Board has determined that in its opinion you may have an interest in the grant of an application to carry out a large scale Road development project described below or jurisdiction in the area to which the application relates.

Pursuant to Section 90(D)1(a) of the *Forestry Act 1991*, the Board is now required to consult with you on the application and you are requested to provide to the Board within 14 days of the date of receipt by you of this Notice your views on the said application.

Road Development Project Application:

(attach copy of application)

Dated this day of 20...

For the Board.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 253 – ⁸⁰Notice of a Public Hearing in respect to an application for an authority to carry out a large scale road development project.

Act, Sec. 90(D)(2) Form 253Reg. 274

⁸⁰ Form 253 added by No 1 of 2001.

TAKE NOTICE that the Board has received an application under Section 90(C)(1) by the applicant named hereunder for an authority to carry out a large scale road development project in the area described below.

Take Further Notice that pursuant to Section 90(D)(3) of the *Forestry Act 1991*, a Public Hearing will be held on that date, time and place as specified hereunder.

AND TAKE Further Notice that in accordance with Section 90(D)(5) any person may, on payment of the prescribed fee, inspect and make copies of a report and summary of matters associated with the application.

Name of Applicant:

(state)

Project Development area:

(describe)

Date of Public Hearing:

Commencement time of Public Hearing:

Place where Public Hearing will be held:

Dated this day of 20...

For the Board.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 254 – ⁸¹Instrument of appointment of Chairman of a Public
Hearing.***

Act, Sec. 90(D)(4) Form 254Reg. 275

⁸¹ Form 254 added by No 1 of 2001.

To:

The Board of the Forest Authority, by virtue of the powers conferred by Section 90(D)(4) of the *Forestry Act* 1991 and all other powers it enabling doth hereby:—

Appoint you to be Chairman of a Public Hearing in respect to an application for a large scale road development project described below which shall commence on the date, time and place as specified hereunder:

Road Development Project:
(describe)

Commencement Date of Hearing:

Time of Hearing:

Place of Hearing:

Dated this day of 20...

For the Board.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 255 – ⁸²Reference of an application for a proposed large scale
road development project and summary of Public
Hearing to Provincial Forest Management Committee.
Act, Sec. 90(D)(6) Form 255Reg. 276***

⁸² Form 255 added by No 1 of 2001.

To the Provincial Forest Management Committee.

Pursuant to Section 90(D)(6) of the *Forestry Act* 1991 the attached Application and Summary of a Public Hearing in respect to the undetionioned large scale road development project is referred to the Committee for consideration, evaluation and recommendation to the Board.

When carrying out an evaluation the Provincial Forest Management Committee is required under Section 90(D)(7) of the *Forestry Act* 1991 to take into account the following:—

- (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 road development projects and other projects, a nalysis 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.

The Provincial Forest Management Committee under Section 90(D)(8) of the Act may request the assistance of the National Forest Service and of any relevant Department in carrying out its evaluation under Section 90(D)(6) of the *Forestry Act* 1991.

Road Development Project:

Dated this day of 20...

Chairman of Hearing.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 256 – ⁸³Provincial Forest Management Committee request for assistance of National Forest Service or other relevant Department.

Act, Sec. 90(D)(8) Form 256Reg. 277

⁸³ Form 256 added by No 1 of 2001.

To: The National Forest Service of Department.

Pursuant to Section 90(D)(8) of the *Forestry Act 1991* the Provincial Forest Management Committee hereby requests you to assist it in carrying out an evaluation of an application by the undetentioned applicant for a large scale road development project as described below.

A copy of the Application and Summary of the public hearing relating to the matter are attached.

Applicant:

(Name)

Road Development Project:

(Describe)

(Attach copy of Application and Summary of the public hearing).

Dated this day of 20...

For the Provincial Forest Management Committee.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 257 – ⁸⁴Provincial Forest Management Committee report and recommendation to the Board to approve/reject an application for an authority to carry out a large scale road development project.

Act, Sec. 90(D)(9) & (10) Form 257Reg. 278

⁸⁴ Form 257 added by No 1 of 2001.

To the Board.

The Provincial Forest Management Committee having evaluated an application for a large scale road development project in accordance with Section 90(D)(6) is of the opinion that:—

- (1) The application by the Applicant named hereunder *is/is not satisfactory and hereby submits its report of its evaluation and recommendation under *Section 90(D)(9) or Section 90(D)(10) of the Act in respect to a large scale road development project described hereunder.
- (2) Pursuant to *Section 90(D)(9) or 90(D)(10) the Committee accordingly *recommends/does not recommend to the Board that the application be approved.
- * (3) The Committee's reasons for the rejection are set out below.

(Attach report of the Provincial Forest Management Committee's Evaluation and Recommendation).

Name of Applicant:
(state)

Road Development Project:
(describe)

*Committee's reasons for rejection:
(state or attach)

*Delete whichever is inapplicable
Dated this day of 20...

For the Provincial Forest Management Committee.

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 258 – ⁸⁵Board’s advice to applicant of rejection of application for
an authority to carry out a large scale road
development project.***

Act, Sec. 90(D)(11) Form 258Reg. 279

⁸⁵ Form 258 added by No 1 of 2001.

The Board of the Forest Authority, pursuant to Section 90(D)(11) of the *Forestry Act* 1991, hereby notifies you that your application for an Authority to carry out a large scale road development project in respect to the proposed development described below has been rejected on the recommendation of the Provincial Forest Management Committee.

The reasons for the rejection of the application by the Provincial Forest Management Committee are set out below.

(Attach Provincial Forest Management Committee's reasons for rejection).

Road Development Project:

(Describe)

Reasons for rejection of Application:

(state or attach)

Dated this day of 20...

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 259 – ⁸⁶Board’s recommendation to Minister to recommend to the National Executive Council to endorse an application for a large scale conversion of forest to road.

Act, Sec. 90(D)(12) Form 259Reg. 280

⁸⁶ Form 259 added by No 1 of 2001.

To the Minister for Forests.

The Board under Section 90(D)(12) of the *Forestry Act* 1991, being satisfied with the recommendation made to it by the Provincial Forest Management Committee under Section 90(D)(9) of the *Forestry Act* 1991 and with the outcome of the Public Hearing under Section 90(D)(4) of the *Forestry Act* 1991 hereby recommends that you recommend to the National Executive Council to endorse the application of the applicant named hereunder for a large scale conversion of forest to road in respect to the project described hereunder:

Copies of the application, 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 are attached.

Name of Applicant:
(state)

Road Development Project:
(describe)

Dated this day of 20...

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

***Form 260 – ⁸⁷Rejection by Board of application for a large scale road
development project.***

Act, Sec. 90(D)(13) Form 260Reg. 281

⁸⁷ Form 260 added by No 1 of 2001.

TO THE APPLICANT:

Application No.:

Your application under Section 90(C)(1) to carry out a large scale road development project described hereunder has been rejected by the Board in accordance with Section 90(D)(13) of the *Forestry Act* 1991.

In accordance with Section 90(D)(13) of the *Forestry Act* 1991, the Board received an evaluation and recommendation from the Provincial Forest Management Committee in respect to your application.

The evaluation and recommendations by the Provincial Forest Management Committee and/or the outcome of the public hearing did not satisfy the Board that the application should be approved.

The reasons for the Board's rejection of the application are set out below: —
(State or attach)

Road Development Project:
(describe)

Reasons for Board's rejection of application:
(state or attach)

Dated this day of 20...

For the Board

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 261 – ⁸⁸Minister for Forests referral to Board recommendation for approval of an application for an authority to carry out a large scale road development project to National Executive Council.

Act, Sec. 90(D)(14) Form 261Reg. 282

⁸⁸ Form 261 added by No 1 of 2001.

To: The Secretary: National Executive Council.

TAKE NOTICE that in accordance with Section 90(D)(14) of the *Forestry Act* 1991, I have received a recommendation from the Board of the Forest Authority recommending to me that I recommend to the National Executive Council that it endorse an application by the Applicant named hereunder for a large scale conversion of forest to road in respect of the project area described below.

In accordance with Section 90(D)(14) of the *Forestry Act* 1991, I now refer the Application to the National Executive Council together with the recommendations from the Provincial Forest Management Committee and the Board of the Forest Authority and all evaluations, reports, certificates of approvals from all relevant Departments and the summary of the public hearing held in respect to the application.

The National Executive Council is now required under Section 90(D)(15) of the *Forestry Act* 1991 to consider the Application and other papers referred to herein and is required to make a direction to me to endorse or reject the application and, if the application is rejected, to state the reasons for the rejection.

Name of the Applicant:

(state)

Project Area:

(describe)

Dated this day of 20...

Minister for Forests.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 262 – ⁸⁹Direction of National Executive Council to the Minister for Forests to endorse/reject an application for an authority to carry out a large scale road development project.

Act, Sec. 90(D)(15) Form 262Reg. 283

⁸⁹ Form 262 added by No 1 of 2001.

To: The Minister for Forests.

TAKE NOTICE that the National Executive Council after having considered the application of the applicant named hereunder and other papers referred to it under Section 90(D)(14) of the *Forestry Act* 1991 made the following decisions in accordance with Section 90(D)(15) of the *Forestry Act* 1991 on the day of 20

- (1) You are hereby directed to *endorse/reject the application of the applicant to carry out a large scale road development project described below; and
- (2) Advise the Board of Council's direction.
- * (3) The reasons for the rejection by Council of the application are set out below.

Name of Applicant:
(state)

Road Development Project:
(describe)

*Reasons for the rejection by Council:
(state or attach)

*Delete whichever is inapplicable.

Dated this day of 20...

National Executive Council Chairman.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 263 – ⁹⁰Minister’s advice to the Board of National Executive Councils direction to the Minister for Forests to endorse/reject the recommendation of the Board of the Forest Authority to approve an application for an authority to carry out a large scale road development project.

Act, Sec. 90(D)(16) Form 263Reg. 284

⁹⁰ Form 263 added by No 1 of 2001.

To: The Board.

TAKE NOTICE that in accordance with Section 90(D)(16) of the *Forestry Act 1991*, I am required to advise you that the National Executive Council made a decision on the day of 20 . . . directing me to *endorse/reject the recommendations of the Board of the Forest Authority to approve an application for an authority to carry out a large scale road development project described below to the applicant named below.

* As the said application has been rejected the reasons for the Council's rejection are set out below.

Road Development Project:
(describe)

Name of Applicant:
(specify)

*Reasons for Council's rejection:
(state or attach)

*Delete whichever is inapplicable.

Dated this day of 20...

Minister for Forests.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 264 – ⁹¹Board’s advice to applicant and Provincial Forest Management Committee of decision of National Executive Council directing the Minister to reject an application for an authority to carry out a large scale road development project.

Act, Sec. 90(D)(17) Form 264Reg. 285

⁹¹ Form 264 added by No 1 of 2001.

To: The Applicant.

And to: Provincial Forest Management Committee.

TAKE NOTICE that the National Executive Council after having considered the application and other papers for an authority to carry out a large scale road development project described below on the day of 20 . . . directed the Minister for Forests pursuant to Section 90(D)(15)(b) of the *Forestry Act* 1991 to reject the application for the reasons set out below.

Description of Road Development Project:

(describe)

Reasons for National Executive Council Decision:

(state or attach)

Dated this day of 20...

For the Board.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 265 – ⁹²Authority to carry out a large road development project.

Act, Sec. 90(D)(21) Form 265Reg. 286

⁹² Form 265 added by No 1 of 2001.

Project Area Name:

Pursuant to Section 90(D)(21) of the *Forestry Act* 1991, and all other powers it enabling, the Board hereby grants an Authority to (referred to in this Authority as "the holder").

This Authority authorizes the holder to carry out a large scale road development project in the project area described, and outlined in red on the map in Schedule 1 ("the Project Area") for the term specified in Schedule 2 subject to the Act and to the following terms and conditions:—

- ** (a) the holder must, within 21 days, lodge a performance bond in accordance with Section 98 of the Act for the amount specified in Schedule 3; and
- (b) the holder must comply with the terms and conditions specified in the Schedules hereto.
- (c) the holder must carry out the road development project in accordance with the approved development plan and the approved implementation schedule contained in the holder's application for this Authority and as agreed to and as may be varied by the Board of the Forest Authority from time to time.
- (d) Subject to Section 90(D)(19) of the *Forestry Act* the holder is prohibited from felling, cutting, removing, disposing of or damaging any trees or forest produce.
- (e) the holder must comply with the conditions of any Permit, Licence or other Authority relating to the project and with the provisions of all Environmental and other relevant laws of Papua New Guinea.
- (f) the holder must comply with such other conditions as are specified in schedule 4 hereto.

Dated this day of 20...

For the Board.

****N.B. IF THE PERFORMANCE BOND IS NOT LODGED WITHIN 21 DAYS AND NO APPLICATION UNDER SECTION 98(6) OF THE FORESTRY ACT 1991 HAS BEEN MADE WITHIN 21 DAYS TO THE BOARD FOR AN EXTENSION OF TIME WITHIN WHICH TO LODGE THE PERFORMANCE BOND THEN THIS TIMBER AUTHORITY IS DEEMED VOID UNDER SECTION 98(5) OF THE ACT AND SHALL BE THEREBY CANCELLED.**

SCHEDULE 1.—Map and description of Project Area.

The Project Area is an area of . . . hectares.
(INSERT A DESCRIPTION OF THE PROJECT AREA, DETAILING SEPARATELY, THE EXACT AREAS WHICH ARE REQUIRED TO BE CLEARFELLED BY AN INDEPENDENT TENDERER FOR THE ROAD DEVELOPMENT PROJECT AND REQUIRED FOR INFRASTRUCTURE AND INCLUDE A MAP SHOWING THE PRECISE AREAS OUTLINED IN RED).

SCHEDULE 2.—Term and commencement date.

The term of the Authority is for a period of commencing on the day of 20...

SCHEDULE 3.—Performance Bond

The amount of the performance bond will be K.

The Performance Bond will be released on the authorization of the Managing Director under Seal of the Forestry Authority after the holder has submitted a completion report and has satisfied the terms and conditions of this Authority.

SCHEDULE 4—Other conditions

(specify)

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 266 – ⁹³Forest Clearing Authority.

Act, Sec. 90(D)(22) Form 266Reg. 287

⁹³ Form 266 added by No 1 of 2001.

Authority No.:**Project Area Name:**

Pursuant to Section 90(D)(22) of the *Forestry Act* 1991 and all other powers it enabling, the Board hereby grants a Forest Clearing Authority to , a registered forest industry participant (Registration No.) (referred to in this Authority as "the holder").

This Authority authorizes the holder to carry out forestry operations in the project area described, and outlined in red on the map in Schedule 1 ("the Project Area") for the term specified in Schedule 2 subject to the Act and to the following terms and conditions:—

- *(a) the holder must, within 21 days, lodge a performance bond in accordance with Section 98 of the Act for the amount specified in Schedule 3; and
- (b) the holder must comply with the terms and conditions specified in the Schedules hereto.

Dated this day of 20...

Signature of Chairman.

*N.B. IF THE PERFORMANCE BOND IS NOT LODGED WITHIN 21 DAYS AND NO APPLICATION UNDER SECTION 98(6) OF THE *FORESTRY ACT* 1991 HAS BEEN MADE WITHIN 21 DAYS TO THE BOARD FOR AN EXTENSION OF TIME WITHIN WHICH TO LODGE THE PERFORMANCE BOND THEN THIS TIMBER AUTHORITY IS DEEMED VOID UNDER SECTION 98(5) OF THE ACT AND SHALL BE THEREBY CANCELLED.

SCHEDULE 1.—Map and description of Project Area.

The Project Area is an area of . . . hectares.

(INSERT A DESCRIPTION OF THE PROJECT AREA, DETAILING SEPARATELY, THE EXACT AREAS TO BE CLEARFELLED FOR THE ROAD DEVELOPMENT PROJECT AND REQUIRED FOR INFRASTRUCTURE AND INCLUDE A MAP SHOWING THE PRECISE AREAS OUTLINED IN RED).

SCHEDULE 2.—Term and commencement date.

The term of the Authority is for a period of commencing on the day of 20...

SCHEDULE 3.—Performance Bond

The amount of the performance bond will be K.

The Performance Bond will be released on the authorization of the Managing Director under Seal of the Forestry Authority after the holder has submitted a completion report and has satisfied the terms and conditions of this Authority.

SCHEDULE 4—Other conditions

1. INTERPRETATION

1.1 In this Authority—

"Authorized Harvesting Area" means the area in respect of which harvesting is, from time to time, authorized under this Forest Clearing Authority;

"Project Area" means the area described in Schedule 1;

"resource owners" means the customary owners of the timber and other forest products in the Project Area, and includes any person named as owners in the Sales and Purchase Agreement;

"the Act" means the *Forestry Act 1991*;

"the holder" means the registered forest industry participant named in this Forest Clearing Authority.

1.2 Words and phrases have the same meanings as in the *Forestry Act 1991*.

2. TERMINATION

2.1 If at any time the holder's registration as a forest industry participant is cancelled or, where the applicant is a foreign enterprise within the meaning of the *Investment Promotion Authority Act*, the IPA approvals for the activity authorized by the Forest Clearing Authority are cancelled then this Forest Clearing Authority shall be cancelled.

3. HARVESTING

3.1 Subject to the terms and conditions of this Forest Clearing Authority, the provisions of the *Forestry Act* and *Forestry Regulations*, and the provisions of any agreement entered into by the holder with the resource owners, the holder may exercise timber rights within the Authorized Harvesting Area during the term of this Authority.

3.2 In order to ensure that the planned land use by the successful applicant referred to in Section 90(C)(1) of the *Forestry Act 1991* actually takes place, the forest clearing operation shall be authorized as follows—

- (i) the road construction shall only be authorized in stages of 20 kilometres in length in order to ensure actual construction of the road takes place; and
- (ii) the forest clearing must follow a surveyed alignment which must have been carried out by a registered surveyor; and
- (iii) 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 authorize 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
- (iv) the maximum roadline corridor which may be cleared under this forest clearance authority shall not exceed—
 - (a) in respect to the corridor length - the length of road planned to be constructed; and
 - (b) in respect to the corridor width for each and every stage of forest clearance - shall not exceed 40 metres in width.
- (v) the rights under this authority may be suspended where—
 - (a) construction of the road in the corridor cleared under this 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

- (b) the applicant referred to in Section 90(C)(1) of the *Forestry Act* 1991, has not provided to the Authority 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.

3.3 The holder shall comply with the approved implementation schedule determined by the Department responsible for Roads or other relevant Department and as also approved by the Board of the Forestry Authority.

3.4 Any further phase under this Forest Clearing Authority may only be granted by the Managing Director of the National Forest Service for the same purposes of forest clearance for the road where all conditions relating to the road development plan implementation schedule have been satisfied.

3.5 The rights under this Forest Clearing Authority may be suspended where the planned land use by the applicant referred to in Section 90(C)(1) is not meeting the set standards of the Department responsible for road matters or other relevant government agency or instrumentality's approved implementation schedule.

4. ASSOCIATED RIGHTS

4.1 In carrying out the terms and conditions of this Authority the holder may exercise rights within those parts of Project Area in which harvesting is authorized to—

- (a) enter on and pass through land (but not private premises);
- (b) make fire breaks, roads, tracks, bridges, culverts and similar works;
- (c) prepare and construct loading and storage sites for forest products;
- (d) extract, remove, convert and use road-making materials for the purpose of any of the activities set out in paragraphs (a) to (c) above carried out within the Project area subject to payment of any royalty agreed with the resource owners or fixed in the Sales and Purchase Agreement;
- (e) use, keep and transport vehicles, machinery, plant and equipment;
- (f) use road and waterways;
- (g) conduct land and resource assessment surveys (including aerial surveys) and inventories.

4.2 Subject to this Forest Clearing Authority and the laws of PNG, the holder may export timber harvested under this Forest Clearing Authority.

5. ENVIRONMENTAL AND FOREST MANAGEMENT STANDARDS

5.1 The holder must at all times comply with and observe the provisions of the *Environmental Contaminants Act*, *Environmental Planning Act*, *Water Resources Act* and other environmental laws of Papua New Guinea.

5.2 The holder must at all times comply with and observe all such standards and practices as determined from time to time by the Authority and issued in the form of a P.N.G. Logging Code of Practice or any replacement document thereof.

6. RIGHTS OF RESOURCE OWNERS

6.1 In carrying out its rights under this Forest Clearing Authority, the holder must not interfere with the customary user rights of the resource owners including the right to—

- (a) hunt;

- (b) fish;
- (c) gather plant foods;
- (d) gather traditional materials for making clothing, artifacts, tools, utensils and houses;
- (e) collect firewood;
- (f) plant, maintain and harvest subsistence gardens;
- (g) enter on and pass through land.

6.2 Nothing in this Forest Clearing Authority shall be taken as authorizing the holder to make food gardens, hunt or fish within the Project Area or the areas adjacent to it.

6.3 Compensation for any breach of this Clause will be determined by agreement between the holder and the resource owners or will be fixed by the Valuer-General if no agreement can be reached.

6.4 Where the holder is in breach of the Clause, the holder must pay the compensation which has been agreed or fixed under Clause 6.3, within the period of time specified by the Managing Director.

7. PAYMENT FOR TIMBER

7.1 The holder must pay revenue to the resource owners at the rates fixed in any Sales and Purchase Agreements between the resource owners and the holder and such revenue shall in any event be not less than rates required to be paid under the National Forest Service revenue requirements for Timber Permit holders existing at the time of harvest in respect of all timber felled and scaled within the Project Area.

7.2 In addition to payments made to the resource owners, the holder must pay to the Forest Authority any levies which are from time to time fixed by the Minister in respect of the Forest Clearing Authority, or in respect of Timber Authorities generally.

8. ROADS AND BRIDGES

8.1 The holder must construct all bridges and roads required for its operation within the Project Area.

8.2 The holder must maintain all bridges and roads to a standard sufficient to carry normally laden logging trucks and at all times during the term of this Forest Clearing Authority must ensure that all roads which are in use for the logging operation are in a trafficable condition.

8.3 Any roads constructed by the holder which are in trafficable condition and not otherwise closed whilst dangerous operations are being carried out will be available for use by the public without charge.

9. LAND AND BUILDINGS

9.1 The holder must not erect any buildings or fixtures within the Project Area other than roads and bridges, landings and other infrastructure mentioned in Clause 8, without the consent of the resource owners.

9.2 Any buildings or fixtures constructed in the Project Area for the purpose of this Authority are severable and may be removed by the holder within 90 days of the expiration or cancellation of the Forest Clearing Authority doing as little damage to the land as possible.

10. MEASUREMENT AND RECORDING OF FOREST PRODUCE

10.1 All forest produce harvested in the project area must be scaled and numbered in accordance with directions given from time to time by the Managing Director.

10.2 Subject to any other direction which may be given under Clause 10.1, timber harvested in the Project Area must be scaled, recorded and declared in accordance with the Forest Authority's Directions for Scaling, but the use of a Licensed Log Scale is not required, and the use of official numbered Log Scale Record Sheets and numbered log tags is not required.

10.3 Where timber harvested in the Project Area is to be exported, the holder must also comply with procedures for export of logs from time to time specified by the Managing Director.

11. MARKETING

11.1 The Holder must endeavour to obtain the best price for the timber harvested under this Forest Clearing Authority and must in all cases obtain an arm's length price. For the purposes of this clause, a price is an arm's length price if it is equal to or greater than the price which would have been obtained on an arm's length sale on the same terms and conditions of sale other than price.

12. COMPLIANCE WITH LAWS

12.1 The holder must observe the conditions of any permit, licence approval or other authority relating to the project, and the provisions of all relevant laws of Papua New Guinea.

PAPUA NEW GUINEA.

Forestry Act 1991.

Form 267 – ⁹⁴Verification of ownership and consent of landowners.

Act, Sec. 90(A)(3)(f) & 90(D)(3)(g) Form 267Reg. 288

⁹⁴ Form 267 added by No 1 of 2001.

(A SEPARATE COPY OF THIS FORM MUST BE COMPLETED FOR EACH CLAN AGENT, INCORPORATED LAND GROUPS OR INDIVIDUAL HAVING OWNERSHIP RIGHTS OVER TIMBER AND/OR FOREST PRODUCTS NOT TO BE TAKEN UNDER THE FOREST CLEARANCE AUTHORITY. COMPLETED FORMS SHOULD BE ATTACHED TO THE APPLICATION FOR A LARGE SCALE CONVERSION OF FOREST TO AGRICULTURE OR OTHER LAND USE OR ROADLINE DEVELOPMENT AUTHORITY).

1. Name and address of Resource Owners.

(Delete whichever are inapplicable)

Name:
Address:

* note that only a Clan Agent or an Incorporated Land Group can exercise rights over customary land. Corporations may only exercise rights over freehold or leasehold land, not over customary land.

The sales and purchase agreement as prescribed in the Regulations and this Consent Form must be signed in the village where the customary owners live, and witnessed by a Village Court Magistrate or a land mediator.

2. Basis of ownership.

Customary Freehold title Leasehold title Other

(tick the box which applies) *(Specify)*

3. Consent to the project—

I hereby certify that—

(a) I have been given a copy of the attached application for an Authority to carry out a large scale conversion of forest to:

. agriculture	
. other land use	
. roadline development	

and the project documents which go with the application;
(tick the box which applies)

(b) the resource owners named above have ownership rights over timber or other forest produce within the—

Area
(describe the area owned by the resource owners)

(c) the resource owners consent to the harvesting of—

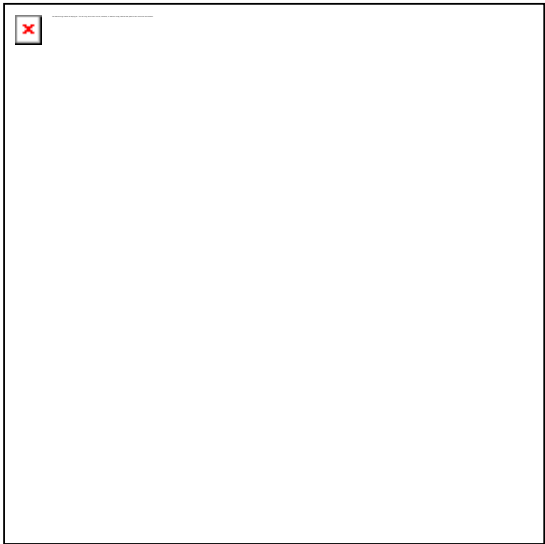
. timber		and/or
. other forest produce		

in the area above described;

(tick the box which applies)

for the purposes of a large scale conversion of forest to—

. agriculture	
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PAPUA NEW GUINEA.

Forestry Act 1991.

Form 268 – ⁹⁵Sales and purchase agreement.

Act, Sec. 90(B)(20) & 90(D)(20) Form 268Reg. 289

⁹⁵ Form 268 added by No 1 of 2001.

THIS AGREEMENT is made on the day of 20 . . .

BETWEEN

Name:
Address:

Registered Forest Industry Participant and successful tenderer for a Forest Clearing Authority (called 'the Purchaser' in this agreement).

AND

Clan name:
Village:

Customary owners of timber in the area (called 'the Resource Owners') in this Agreement.

WHEREAS:

- A. The Resource Owners comprises the persons listed in Schedule 1 who are the sole owners of customary land in the area and have the right to sell timber or other forest products growing on the land in the area marked in red on the map in Schedule 2. (use one agreement for each clan);
- B. The Resource Owners have not otherwise sold or disposed of rights over the timber or other forest produce growing on the land;
- C. The Purchaser wishes to make an agreement with the Resource Owners for the purchase of timber or other forest produce.
- D. The Resource Owners have appointed as their agent in accordance with custom—

name of Clan Agent or person appointed by Incorporated Land Group:
(State)

to execute this agreement on their behalf.

NOW IS AGREED AS FOLLOWS.

- 1. **CONDITION PRESEDENT.**
 - 1.1 This Agreement is subject to and conditional upon the grant of a Forest Clearing Authority and the terms and conditions contained therein and shall not confer any right to harvest timber or other forest produce except in accordance with that Forest Clearing Authority.
- 2. **GRANT OF RIGHTS TO TIMBER OR OTHER FOREST PRODUCE.**
 - 2.1 The Resource Owners hereby grant to the Purchaser the exclusive right to purchase timber or other forest produce from the land area described in Schedule 2 (referred to in this agreement as 'the Clan Land', with the exception of those species listed in Schedule 4).
 - 2.2 The resource Owners declare that—
 - (a) they are customary owners of the Clan land;
 - (b) they are entitled under custom to deal with the timber or other forest produce on that land; and
 - (c) no other person has any right or interest in the timber or other forest produce on the land.

- 2.3 Timber or other forest produce remains the property of the customary owners of the land in which it is growing until it has been felled, when the timber or other forest produce becomes the property of the Purchaser, subject to the payment of the monetary benefits set out in Schedule 3.
- 2.4 The Resource Owners must not interfere with the carrying out of this Agreement.
- 2.5 The Resource Owners must not allow any other person to acquire an interest in the timber or other forest produce which the Purchaser may be entitled to take under this Act.
- 3. TERM OF THIS AGREEMENT.
 - 3.1 The term of this Agreement is commencing on the day on which a Forest Clearing Authority covering all or part of the Clan land is issued.
- 4. MONETARY BENEFITS.
 - 4.1 At the end of each month during which timber or other forest produce has been taken under this Agreement, the Purchaser must pay to the Resource Owners monetary benefits in accordance with Schedule 3, calculated on the volume of timber scaled or other forest produce declared during that month.
- 5. ADDITIONAL RIGHTS OF THE PURCHASER.
 - 5.1 The Resource Owners grant to the Purchaser and all persons lawfully authorized by the Purchaser the right to—
 - (a) enter on and pass through land (but not private premises);
 - (b) make fire breaks and felled and unfelled roads, tracks, bridges, culverts and similar works;
 - (c) prepare and construct loading and storage sites for the forest produce;
 - (d) extract, remove, convert and use road-making materials for the purpose of any of the activities set out in paragraphs (a) to (c) above carried out within the land area described in Schedule 2 subject to payment of revenue benefits described in Schedule 3;
 - (e) use, keep and transport vehicles, machinery, plant and equipment;
 - (f) use roads and waterways;
 - (g) conduct land and resource assessment surveys (including aerial surveys and inventories).
- 6. RIGHTS OF THE RESOURCE OWNERS.
 - 6.1 The Clan and its members are entitled to carry out all customary rights to—
 - (a) hunt;
 - (b) fish;
 - (c) gather plant foods;
 - (d) gather traditional materials for making clothing, artifacts, tools, utensils and houses;
 - (e) collect firewood;

SCHEDULE 2 – 96.
INDEPENDENT STATE OF PAPUA NEW GUINEA

<i>Forestry Act 1991</i>	
Act. Sec. 98 Reg. Sec. 90	
NOMINATED BREACHES OF CONDITIONS OR REQUIREMENTS OF A TIMBER PERMIT, TIMBER AUTHORITY AND LICENCE	SCALE OF DEDUCTIONS
- Non-payment of Royalty or Royalty Equivalent under a Timber Permit or Timber Authority	The amount of the non-payment
- Non-payment of levies	The amount of the non-payment
- Failure to carry out any contractual obligations according to the specified schedule in the Project Agreement(s) entered into between the holder and the State or Timber Permit, authority and licence including the construction and/or maintenance of roads, bridges, wharves, berthing and loading facilities and building the development of local business opportunities, training of PNG nationals, etc.	The cost either as proposed in the holder's proposal (adjusted for inflation) or as certified by the head of the relevant government agency or an appropriate registered professional within PNG.
- Failure to implement and carry out in part or in whole an agricultural development project	The cost as certified by the Secretary of the Department of Agriculture and Livestock of carrying out in part or in whole the agricultural development project.

- Failure to observe environmental and forest management agreement standards or conditions in accordance to the Logging Code of Practice or the Environment Act 2000.	The cost of any environmental or other damage as determined by the Secretary, Department of Environment and Conservation.
- Failure to carry out the harvesting of forest produce as permitted.	The value as determined by the Authority of logs not harvested or the amount of performance bond, whichever is the lesser.
- Harvesting of more forest produce than what is permitted	The value as determined by the Managing Director.
- Failure to carry out the harvesting of forest produce up to the limit of the Minimum Annual Allowable Cut.	The value of any required royalties, levies, premiums and taxes of the forest produce as determined by the Managing Director.
- Failure to carry out marketing of forest produce and/or failure to obtain arms length prices for forest produce harvested as stipulated under Section 116 of the Act or Section 221 of this Regulation.	Twice the difference in the value between what was the market price at the time of harvest as determined by the Managing Director and what the forest produce was sold for.
- Failure to measure, scale and record forest produce as stipulated under Section 204 of this Regulation.	The market value of the forest produce as determined by the Managing Director.
- Destroying forest produce without proper authorization.	The value as determined by the Managing Director.
- Failure to register a timber processing Plant	15% of the Performance Bond.
- Failure to maintain and submit returns and records as required.	10% of the Performance Bond.
- Failure to construct and maintain any buildings on the land including sawmills as defined in the project agreement(s), timber permit, authority or licence.	The cost as certified by the Secretary, Department of Works of carrying out the construction or maintenance.

SCHEDULE 3 – 97.
INDEPENDENT STATE OF PAPUA NEW GUINEA

<i>Forestry Act 1991</i>		
Provision of the Act or Regulation	Description of application or process	Fee
Regulation 87(b)	Application for copy of a Development Options study	K5,000
Regulation 89(b)	Application for a copy of final project guidelines	K1,000
Regulation 90(c)	Lodgement of Expression of Interest and accompanied Project Proposal	K100
Regulation 94	Application to carry out feasibility studies	K500
Regulation 119	Application for a timber permit	K1,000
Regulation 123	Application for extension or renewal of term a timber permit.	K3,000
Regulation 133	Application to transfer or amend a timber permit.	K5,000
Regulation 133	Application for surrender of a timber permit	K nil
Regulation 160, 162, 164, 166, 168	Application for a timber: Where the applicant is a corporation whose shares are partly or wholly held by a company incorporated outside Papua New Guinea or a person ordinarily resident outside Papua New Guinea	
	Form 156	K500
	Form 158	K5,000
	Form 160	K10,000
	Form 162	K2,000
	Form 164	K2,000

⁹⁷ Schedule 3 Inserted by S.R. 2004, No. 2.

Forestry Act 1991		
Provision of the Act or Regulation	Description of application or process	Fee
Regulation 160, 162, 164, 166, 168	All other applications	
		K250
	Form 156	K2,500
	Form 158	K5,000
	Form 160	K1,000
	Form 162	K1,000
	Form 164	
Regulation 179	Application for a licence	K1,000
Regulation 193	Application for an extension of a licence	K500
Regulation 199	Submission of a Project Statement	K200
Regulation 200	Submission of a Five Year Working Plan	K200
Regulation 201	Submission of Annual Log Plan	K200
Regulation 205	Application for a log scaler's licence	K200
Regulation 209 and 211	Application under Regulation 199 and 201 where the applicant is a corporation whose shares are partly wholly held by a company incorporated outside PNG or a person ordinarily resident outside PNG.	K500
	All other cases.	K250
Regulation 213	Notification of change of Particulars where the person to whom the notification relates is a corporation whose shares are partly or wholly held by a company incorporated outside PNG.	K250

Forestry Act 1991		
Provision of the Act or Regulation	Description of application or process	Fee
	All other cases.	K150
	Notification of change of Particulars where the person to whom the notification relates is a corporation who comes within Regulation 213(3).	K500
Regulation 217	Appeal to Minister on Registration	K100
Regulation 240	Application to register a Timber Processing Plant	K500
Regulation 245 & 246	Maps, Forms, etc.,	As determined from time to time by the Managing Director
Regulation 247(2)	Application for any tender documentation specifications (if any) relating to any tender (other than any documentation/specification relating to a project proposal).	K100
Regulation 249	Search of public register	
	(a) summaries of decisions of the Board	K20
	(b) maps relating to forests	(as determined by the Managing Director from time to time).
	(c) details of –	
	(i) registered Forest Industry Participants and Consultants;	
	(ii) licensed Scalers; and	

Forestry Act 1991		
Provision of the Act or Regulation	Description of application or process	Fee
	(iii) registered timber processing plants.	
	Including an extract of the relevant certificate or registration of licence; and	
	(iv) Timber Permit 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 agriculture 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.	K50
	(x) forest potential areas including an extract containing their details and the unallocated areas;	K100
	(xi) Forest Management Agreements and field reports relating to the signing of the Agreement with resource owners.	K100
Regulation 254	Application for an Authority to carry out a large scale Agricultural or other land use development where the amount of proposed clearance of natural forest is greater than 50 Hectares in total.	K50,000

<i>Forestry Act 1991</i>		
Provision of the Act or Regulation	Description of application or process	Fee
Regulation 271	Application for an Authority to carry out a large scale Roadline development where the amount of proposed clearance forest is greater than 50 Hectares in total.	K50,000
Regulation 290	Application to inspect and make copies of a report and summary of matters associated with an application for a large scale agriculture or other land use project or roadline project and the Board's consultation.	K50

Forestry Regulation 1998