

No. 4 of 2010.

*Forestry (Amendment) Act 2010.*

Certified: 18-05-10



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**ARRANGEMENT OF SECTIONS.**

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



AN ACT.

Entitled

***Forestry (Amendment) Act 2010,***

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

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

**1. NATIONAL INTEREST.**

For the purposes of the *Organic Law on Provincial Government and Local-Level Government* it is hereby declared that this Act relates to a matter of national interest.

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

Section 70 of the Principal Act is amended -

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

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

(b) by repealing Subsection (2).

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

Section 71 of the Principal Act is amended -

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

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

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

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

**"72. BOARD TO CONSIDER AGREEMENT AND MAKE RECOMMENDATIONS TO THE MINISTER.**

- (1) The Board shall -
- (a) consider a draft project agreement or draft project agreements as the case may be, submitted to it under Section 71 or Subsection (2) or any predecessor to either of those provisions; and
  - (b) where satisfied that a draft project agreement makes adequate provision for all aspects of the project -
    - (i) execute the project agreement on behalf of the Authority; and
    - (ii) recommend to the Minister to grant a timber permit to the person with whom the project agreement has been entered into; and
  - (c) where not satisfied that a draft project agreement submitted to it under Section 71 or Subsection (2) or any predecessor to either of those provisions makes adequate provision for all aspects of the project - return the draft project agreement or draft project agreements as the case may be to the Provincial Forest Management Committee with details of matters requiring further negotiation."

(2) Where any draft project agreement has been returned to the Provincial Forest Management Committee under Subsection (1)(c), the Provincial Forest Management Committee shall carry out further negotiations with the proponent or proponents as previously directed by the Board under Section 70(1)(b) or any predecessor to that provision and submit a draft project agreement or draft project agreements as the case may be with each such proponent for consideration by the Board under Subsection (1)."

- (3) Notwithstanding Subsection (1)(c), where the Board is not satisfied -
- (a) that a draft project agreement submitted to it under Section 71 or Subsection (2) or any predecessor to either of those provisions make adequate provision for all aspects of the project; or

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- (b) that the Provincial Forest Management Committee is willing or able to negotiate an adequate draft project agreement with the proponent or proponents referred to in a direction under Section 70(1)(b),

then the Board may appoint a State Negotiating Team to negotiate a draft project agreement with each such proponent and may execute on behalf of the Authority a project agreement with any such proponent and recommend to the Minister to grant a timber permit to the person with whom the project agreement has been entered into.

(4) For the purposes of Subsection (3)(b), the Board may appoint members of the State Negotiating Team which shall consist of the following persons:

- (a) officers of the National Forests Service but not the Managing Director;
- (b) two (2) landowner representatives from the project area;
- (c) a representative from the provincial government;
- (d) a representative from the local level government; and
- (e) such other persons as the Board deems necessary."

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

Clerk of the National Parliament.

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

Speaker of the National Parliament.

