

Environment (Council's Procedure) Regulation 2002

Unvalidated References:

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 2 January 2004.

.....

Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 29 of 2002.

Environment (Council's Procedure) Regulation 2002

ARRANGEMENT OF SECTIONS.

1. Interpretation.
2. Calling of meetings.
3. Meetings of the council.
4. Disclosure of interest by members of the council.
5. Delegation.
6. Report to the Minister.
7. Membership of environment consultative group.
8. Calling of meetings.
9. Meetings of the group.
10. Application for review of Director's decision.
11. Procedure for determining application.

Environment (Council's Procedure) Regulation 2002

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Environment Act 2000*.

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears –

“**Chairman**” means the Chairman of the Environment Council appointed under Section 17 of the Act, or his alternate;

“**Council**” means the Environment Council established under Section 17 of the Act;

“**Group**” means an Environment Consultative Group established under Section 26 of the Act;

“**member**” means a member of the Environment Council or Environment Consultative Group as the case may be.

2. CALLING OF MEETINGS.

(1) Subject to Section 3(3) the Council shall meet as often as the business of the Council requires and at such times and places as the Chairman determines but in any event not less frequently than once in every three months.

(2) Where he receives a request to do so by the Minister or by not less than two members, the Chairman shall convene a meeting of the Council within seven days after receiving the request.

(3) The Chairman shall give to all members at least seven days written notice of the meeting of the Council.

(4) Where the Chairman determines it expedient, the Council may meet by telephone or video conferencing so long as each participant in that meeting is able to hear and be heard by each participant taking part in that meeting.

3. MEETINGS OF THE COUNCIL.

(1) Subject to Subsection (3) at a meeting of the Council –

(a) the Chairman shall preside; and

(b) matters arising shall be decided by a majority of votes of the members present and voting; and

(c) the Chairman has a deliberative vote, and in the event of an equality of votes on any matter, also a casting vote.

(2) The Council shall cause minutes of its meeting to be recorded and kept.

(3) Where in the opinion of the Chairman it is impracticable to convene a meeting, the Chairman may dispense with the procedure of meeting as provided for under Section 2, and conduct a meeting in accordance with the following procedure –

(a) the Chairman shall give written notice to each member of the proposed resolution to be put to the Council and seek that member's written vote on the proposal; and

(b) the vote of the majority of members shall be deemed to be the decision of the Council on any matter; and

(c) the Chairman shall have a deliberative and a casting vote on any matter; and

(d) the Chairman shall keep records of such votes and cause a brief summary of the opinions of the members to be prepared and recorded as deliberations of the Council on a matter.

(4) Subject to this Regulation, the procedures of the Council are as determined by the Council.

4. DISCLOSURE OF INTEREST BY MEMBERS OF THE COUNCIL.

(1) A member of the Council who has a direct or indirect personal or pecuniary interest in a matter being considered or about to be considered by the Council shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of this interest at a meeting of the Council.

(2) A disclosure under Subsection (1), shall be recorded in the minutes of the Council, and the member –

(a) shall not take part, after the disclosure in any deliberation or decision of the Council in relation to the matter; and

(b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberation or decision.

5. DELEGATION.

The Council may, after consultation with the Minister, by instrument delegate to the Director all or any of its powers and functions (except this power of delegation or the function to carry out a review under Section 68 of the Act).

6. REPORT TO THE MINISTER.

(1) The Council shall by 31 March in each year furnish to the Minister a report on the activities of the Council in relation to the administration of the Act for the previous year.

(2) As soon as practicable after he has received the report referred to in Subsection (1), the Minister shall forward the report to the National Executive Council and a copy shall be presented to the Speaker to be tabled in the Parliament.

7. MEMBERSHIP OF ENVIRONMENT CONSULTATIVE GROUP.

The Group shall consist of the following members –

(a) the Chairman;

(b) one person nominated by the –

(i) Departmental Head of the Department of Prime Minister and National Executive Council;

(ii) Departmental Head of the Department responsible for minerals resources matters; and

(iii) Departmental Head of the Department responsible for petroleum matters; and

(iv) Departmental Head of the Department responsible for land matters; and

(v) Departmental Head of the Department responsible for health matters; and

(vi) Departmental Head of the Department responsible for agriculture and livestock matters; and

(vii) Departmental Head of the Department responsible for forestry matters; and

(viii) Departmental Head of Department responsible for transport and works matters; and

(ix) Departmental Head of Department responsible for financial matters; and

(x) Departmental Head of Department responsible for provincial governments and local – level governments matters; and

(xi) Departmental Head of Department responsible for national planning matters; and

(xii) Departmental Head of Department responsible for fisheries matters; and

(c) such other persons as the Director may appoint from time to time (for any specific or limited purpose or function or time) to represent the interests of other interested bodies and groups or to provide particular expertise.

8. CALLING OF MEETINGS.

(1) Subject to Section 9(4) the Group shall meet as often as the business of the Group requires and at such times and places as the Chairman determines.

(2) Where he receives a request to do so by the Minister or the Council, the Chairman shall convene a meeting of the Group within fourteen days after receiving the request.

(3) The Chairman shall give to all members at least seven days written notice of the meeting of the Group.

(4) Where the Chairman determines it expedient, the Group may meet by telephone or video conferencing so long as each participant in that meeting is able to hear and be heard by each participant taking part in that meeting.

9. MEETINGS OF THE GROUP.

(1) Subject to Subsection (4) at a meeting of the Group –

(a) the Chairman shall preside; and

(b) the Chairman shall provide an opportunity for each member to provide his opinion, in writing or orally, with respect to any matter being discussed at the meeting; and

(c) the Chairman shall table any written representations received prior to or at the meeting with respect to any matter being discussed at the meeting.

(2) The Group shall cause minutes of its meetings to be recorded and kept.

(3) At a meeting of the Group –

(a) convened at the request of the Council or the Minister under Section 8(2); or

(b) considering a matter referred to it by the Council or the Minister, the Chairman shall after the meeting furnish a report to the Council or the Minister as the case may be, on matters discussed under Paragraphs (a) and (b) particularly the summary of opinions and representations of the members.

(4) Where in the opinion of the Chairman it is impracticable to convene a meeting the Chairman may dispense with the procedure of meeting as provided for under Subsection (1) and Section 8 and conduct a meeting in accordance with the following procedure: –

(a) the Chairman shall give written notice to each member of the matter to be considered by the Group and seek that member's written opinions and representations on the matter; and

(b) the Chairman shall keep records of such opinions and representations on the matter; and

(c) Subsection (3) shall apply with respect to any matter referred to the Group by the Minister or the Council as the case maybe, under Section 8(2).

(5) Subject to this Regulation, the procedures of the Group are as determined by the Group.

10. APPLICATION FOR REVIEW OF DIRECTOR'S DECISION.

An application for the review of a decision of the Director under Section 68 of the Act shall be in Form 1 of the Schedule.

11. PROCEDURE FOR DETERMINING APPLICATION.

(1) The Director shall, as soon as practicable after receiving an application for the review of a decision of the Director under Section 68(2) of the Act—

(a) give a copy each of the application referred to in Subsection (1) to each member of the Council; and

(b) place a copy of the application referred to in Subsection (1) on the register.

(2) The Council shall, at its next meeting after the Director has received an application for review referred to under Subsection (1), proceed to determine the application.

(3) The Director may make representations in writing or in person to the Council as to the basis on which the Directors decision was made, but shall not otherwise take part in the determination of the application.

(4) Where the Council is of the opinion that the applicant should be given an opportunity to make representations to the Council in person, it shall adjourn the determination of the application and notify the applicant of a time and place where the applicant may make representations to the Council.

(5) A determination by the Council under Section 68 of the Act shall be in Form 2 of the Schedule and shall be registered on the register.

SCHEDULE 1 – .
INDEPENDENT STATE OF PAPUA NEW GUINEA.

Act. Sec. 68(5) Reg. Sec. 10(1) Form 1.
Environment Act 2000
APPLICATION FOR REVIEW OF DIRECTOR’S DECISION.
TO: Environment Council.
I, [name and address of application], hereby apply for a review of the decision by the Director made on [specify date].
The decision for which a review is sought relates to environment permit..... (insert permit or reference number if applicable)..... which relates to (Description of project).
The Particulars of the decision for which the application for review is sought are as follows –
[specify details of the decision to be reviewed]
The grounds of the application for review are as follows –
[specify details of the reasons the applicant fees review is required]
Signed:

Date:/...../.....
THIS APPLICATION MUST BE LODGED WITH THE DIRECTOR OF ENVIRONMENT AS REQUIRED UNDER SECTION 68 OF THE ACT. If insufficient space supply additional information on separate A4 paper attach to this Form.

Office of Legislative Counsel, PNG