



THE PAPUA NEW GUINEA
**UNIVERSITY OF
TECHNOLOGY**

4TH YEAR BACHELOR OF SCIENCE DEGREE IN FORESTRY

SCHOOL OF FORESTRY

FACULTY OF NATURAL RESOURCES

FR414: FOREST POLICY & LEGISLATION

EXAMINATION - SEMESTER I, 2024

DATE: 28 JUNE, 2024, TIME: 12:50 PM – 03:50 AM, VENUE: PSR1

INSTRUCTIONS FOR STUDENTS

1. This is an Open-Book examination.
2. Write all answers in the answer sheet provided.
3. Answer the questions in any order.
4. You may bring into the examination room the following: lecture notes; copies of marked tests, quizzes, assignments, tutorials, and projects. Other reference materials required for the examination are provided.
5. There are a total of THREE (3) QUESTIONS on the examination paper with equal marks allocated. Select ONLY TWO (2) questions to complete.
6. Electronic equipment including mobile phones; laptops; iPads; calculators; and cameras may be allowed in the examination room.
7. Students are NOT ALLOWED to leave the examination room 10 minutes before the official time for end of the examination.

STUDENT NAME: TISAP ANDERSON ID NUMBER: 21501573

FR414 Subject Coordinator: Dr. Cossey Yosi

QUESTION 1:

SITUATION

In PNG, timber harvesting and trade are undertaken in compliance with the Forest Policy 1991 and Forestry Act 1991 and the PNGFA follows 33 steps in the acquisition and allocation of all timber concession areas in the country.

In accordance with the Forestry Act 1991, Section 64, the Forestry Board is preparing to advertise the ROTTOCK BAY CONSOLIDATED FMA project which is located in WEST NEW BRITAIN province. The board has considered all the processes and submissions made before it for this project and it is satisfied that the ROTTOCK BAY CONSOLIDATED FMA project will be developed under the FMA arrangement because the forest area is in excess of 150,000 ha of primary forest. All project proposals have been lodged with the PNGFA Managing Director and as per the Forestry Act 1991, Section 67 [2], the Managing Director has now referred the project proposals to the West New Britain Provincial Forest Management Committee (PFMC) for evaluation.

You are working as the Chief Advisor to the West New Britain PFMC. Your job is to provide advice to the PFMC and in consultation with the Area Manager of WEST NEW BRITAIN, PNGFA Area Office, you are to ensure that the PFMC evaluates the project proposals and make a report to the Board for its deliberations before the project is approved by the Minister and the eventual issuance of Timber Permit to the successful developer.

TASKS

You are required to consult the Forestry Act 1991 and the 33 steps required for the acquisition and allocation of Forest Concession areas in PNG in order to answer the following questions;

1. Describe the step-by-step procedures that the PFMC will follow in accordance with the various Sections of the Forestry Act 1991 and the 33 steps required for the acquisition and allocation of Forest Concessions in order to evaluate the project proposals and submit the evaluation report to the Board?

[50 Marks].

2. After the Board receives the evaluation report from the PFMC, it consults with the Minister and at this stage, the Board and the PFMC are required to start a negotiation process (Forestry Act 1991, Section 70 [1] (c) & (d)) in order that the PFMC submits a final draft project agreement to the Board for consideration.

Write down and explain the steps to be taken by the PFMC in order to complete the negotiation process; draft the project agreement; and submit to the Board, the final draft project agreement? [50 Marks].



QUESTION 2:

OBJECTIVES

The overall aim of this question is for students to understand the different processes involved from formulating a policy to drafting of Legislations or Acts. The specific objectives are for the students to understand how Policies are formulated into Bills by legislators and are enacted to become law at the floor of Parliament.

SITUATION

You are working as the legal adviser of the PNG Forest Authority (PNGFA). Your roles are to provide legal advice to the Managing Director of the National Forest Service (NFS) and from time to time you are required to advise PNGFA on all legal matters regarding the operations of the NFS particularly in the implementation of the Forest Policy 1991, Forestry Act (as amended) 1991 and other associated legal instruments (legislations).

TASKS

You have been given the task to draft a new piece of legislation for the NFS which will be presented to the NEC by the Minister for Forest and then the Minister will eventually table this new legislation in Parliament. This new Forestry Legislation goes into the Parliament in the form of a Bill. After three readings and debating the Bill, the Parliament will pass the Bill which will then be gazetted before it becomes a Forestry Law.

1. Describe the different processes involved in the drafting of this new Forestry Legislation? [50 Marks].
2. Describe the steps and procedures of how this Forestry Legislation will be enacted to become a Forestry Law in Parliament? [50 Marks].

QUESTION 3:

OBJECTIVES

The overall aim of this Question is for students to familiarise and acquaint themselves with the PNG Constitution. The specific objectives of the question are for the students to understand the PNG Constitution and the functions of the three (3) main arms of the Government.



BACKGROUND

It was resolved to enact a Constitution for the Independent State of Papua New Guinea on 15 August 1975 and the PNG Constitution was established, adopted and given to the people of PNG on the Independence Day 16 September, 1975.

Legislation is regarded as one of the three main functions of government, which are often distinguished under the doctrine of the separation of powers. Those who have the formal power to *create* legislation are known as legislators; a **judicial branch of government** will have the formal power to *interpret* legislation; the **executive branch of government** can act only within the powers and limits set by the law.

TASKS

You are required to consult the PNG Constitution in order to answer the following questions;

1. **Differentiate** and give details of the functions of each of the three (3) arms of the Government? [25 Marks].
2. **Which arm** of the Government makes laws of a Country and give examples of the laws that are made by this arm of Government? [25 Marks].
3. Considering the political climate and the way the Government operates in PNG, **Comment** on whether there is clear separation of power in the three (3) arms of the Government and explain your reasons and give examples? [50 Marks].

TOTAL MARKS FOR TWO (MAIN) QUESTIONS COMPLETED: _____ / 200

