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INDEPENDENT STATE OF PAPUA NEW GUINEA

ORO PROVINCIAL GOVERNMENT

NO...../2023

A Law Entitled

NORTHERN PROVINCIAL CONSERVATION BUREAU LAW 2023

PREAMBLE

ARRANGEMENTS OF SECTIONS

PART I. PRELIMINARY

Division 1. – Compliance with National Laws

1. Compliance with National Laws
2. Application
3. Interpretation

Division 2. – General Principles

4. General Principals
5. Purpose

Northern Provincial Conservation Bureau Law 2023—*continued***PART II NORTHERN PROVINCIAL CONSERVATION BUREAU**

6. Establishment of the Bureau
7. Incorporation of the Bureau
8. Functions of the Bureau
9. Powers of the Bureau
10. Policy Directions

**PART III THE BOARD**

11. The Board.
12. Membership of the Board of the Bureau and Term of Office.
13. Chairman and Deputy Chairman
14. Leave of Absence of Members
15. Vacation of Office
16. Vacation not to Affect Powers and Functions
17. Calling of Meetings.
18. Meetings of the Board
19. Disclosure of interest by Members
20. Committees of the Board
21. Delegation
22. Corporate Plan
23. Reports.

**PART IV STAFF OF THE BUREAU**

24. Managing Director
25. Functions of the Managing Director
26. Staff of the Bureau
27. Public Service Rights
28. Consultants
29. Staff Disciplinary Provisions
30. Delegation of Functions and Powers

**PART V FINANCES OF THE BUREAU**

31. Application of the *Public Finances Management Act 1995*
32. Moneys of the Bureau Generally
33. Bureau Liable to Taxation

**PART VI NORTHERN PROVINCE CONSERVATION TRUST FUND**

34. Establishment of the Fund
35. Sources of Funds
36. Public Donations
37. Management of the Fund by Trustees
38. Deposit and Accounting Procedures
39. No conduit Funding
40. Compliance with Regulations
41. Management of the Fund
42. Winding up of the Fund

Northern Provincial Conservation Bureau Law 2023—*continued*

**PART VII MISCELLANEOUS**

- 43. Protection from Personal Liability
- 44. Proof of Certain Matters
- 45. Service of Process
- 46. Authentication of Documents
- 47. Appointment of Attorneys
- 48. Recovery of Money Due
- 49. Regulations

**PART VIII TRANSITIONAL AND SAVINGS**

- 50. Transfer of Assets Etc. to the Bureau
- 51. Transfer of Accounts
- 52. Savings of Contracts
- 53. Staff
- 54. Actions, Etc, Not to Abate
- 55. Applications of the Act

Northern Provincial Conservation Bureau Law 2023—*continued*

## INDEPENDENT STATE OF PAPUA NEW GUINEA

## ORO PROVINCIAL GOVERNMENT

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## NORTHERN PROVINCIAL CONSERVATION BUREAU 2023

## PREAMBLE

Being an Act that provides for the management of the Managalas Conservation Area gazetted in 2017 within the framework of Conservation Areas 1978 and to provide for the protection of endangered species endemic and unique to the area; protection of other species and ecological-systems that warrant provincial protection; to provide for the sustainable use of biological resources, the protection of traditional knowledge, and provide for matters connected therewith and to manage such other similar protected areas established within the Northern province in accordance with Section 42(1)(y) of the *Organic Law on Provincial and Local Level Governments*, and for other purposes.

MADE by the Oro Provincial Government to come into operation in accordance with Section 141 of the *Organic Law on Provincial and Local-Level Governments* and publication by the Chairperson of the Provincial Executive Council in the Provincial Gazette or in the absence of a Provincial Gazette in the *National Gazette*.

## PART 1. - PRELIMINARY

## DIVISION 1. – COMPLIANCE WITH NATIONAL LAWS

## 1. COMPLIANCE WITH NATIONAL LAWS

- (1) This Act is made subject to any national conservation, environmental management, climate change mitigation and the protection of cultural and traditional knowledge laws.
- (2) This Act is a law made for the purposes of protecting biodiversity, sustainable use and management of biological resources and other natural resources and the protection of traditional knowledge systems, and any benefits derived therein in the best interest of the local people and stakeholders in Northern Province.

## 2. APPLICATION.

This Act binds the Oro Provincial Government and the Local Level Governments of Northern/Oro Province.

## 3. INTERPRETATION.

In this act unless the contrary intention appears;

“Board” means the Board of the Northern Provincial Conservation Bureau established under Section 11 of this Act.

“Board Chairman” means Chairman of the Northern Provincial Conservation Bureau Board appointed under Section 13 of this Act.

“ Budgetary Support Initiative” means any measure or steps taken by the Bureau which would raise additional for the facilitation for or the funding of the functions of the Bureau under this Act;

Northern Provincial Conservation Bureau Law 2023—*continued*

“Bureau” means the Northern Provincial Conservation Bureau established under Section 6 of this Act.

“Chairman” means the Sector Chairman of Environment and Climate Change in the Oro Provincial Executive Council.

“Conservation Area” means the Managalas Conservation Area.

“Fund” means the Northern Provincial Conservation Trust Fund established under Section 34 of the Act.

“Governor” means the elected Governor of the Province who is the Chairman of both the Provincial Assembly and the Provincial Executive Council.

“Managing Director” means the Managing Director of the Northern Provincial Conservation Bureau appointed under Section 24 of this Act.

“MCA” means Managalas Conservation Area.

“Member” means a member of the Northern Provincial Conservation Bureau Board appointed under Section 12 of this Act;

“NPCB” means the Northern Provincial Conservation Bureau.

“NPCTF” means Northern Provincial Conservation Trust Fund.

“OPG” means the Oro Provincial Government,

“PEC” means the Provincial Executive Council,

“Province” means Northern/Oro Province,

“Provincial Administration” means the Oro Provincial Administration.

“Provincial Assembly” means the Oro Provincial Assembly established under Section 10 Subsection 2 of the Organic Law on Provincial and Local Level Government.

“Regulations” means the Regulations made pursuant to this Act.

“The Act” means the Northern Provincial Conservation Bureau 2023 and includes the Regulations made pursuant to the Act.

**Division. 2 – General Principles of Environmental Protection****4. GENERAL PRINCIPLES.**

The Oro Provincial Government or its agents or employees, or the Bureau or its agents shall in carrying out its functions, duties and responsibilities comply with the biodiversity conservation policy in ensuring that the management of the conservation area and establishment of such new areas in the province is done with the interests of the local communities in mind and also ensuring that it does not have any impact on the natural environment which shall be protected and preserved for the use and enjoyment of the present and future generations of the people of Oro and Papua New Guinea.

Northern Provincial Conservation Bureau Law 2023—*continued***5. PURPOSE**

The purpose of this Act is to promote measures for biodiversity conservation, environment preservation and sustainable use of biological resources and management and promotion comprehensively and effectively by establishing the basic principles concerning biodiversity conservation and sustainable use and management of biological resources, basic policies of the provincial government, and other necessary matters for promoting biodiversity conservation in the Managalas Conservation Area and other similar sites in the Province, in view of the significant importance of biodiversity conservation, sustainable use and management of biological resource and other natural and ecological features especially sustainable livelihood alternatives in promoting conservation of the natural environment, provincial promotion of biodiversity conservation and environmental education such as raising awareness on biodiversity conservation, environmental protection and thereby help ensure healthy and cultured lives for the present and future generations of the Managalas people, Oro province and Papua New Guinea.

**PART II. NORTHERN PROVINCIAL CONSERVATION BUREAU.****6. ESTABLISHMENT OF THE BUREAU.**

The Northern Provincial Conservation Bureau is hereby established and unless stated contrary to this Act, shall enjoy all powers and functions under this Act.

**7. INCORPORATION OF THE BUREAU.**

(1) The Bureau -

- (a) is a body corporate with perpetual succession; and
- (b) shall have a common seal; and
- (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue or be sued under its corporate name; and in any case, capable of doing and suffering all such acts, matters and things which body corporations may by law do or suffer; and

(2) All courts or judges and persons acting judicially shall take judicial notice of the common seal of the Bureau affixed to any document and shall presume that it was duly affixed.

**8. FUNCTIONS OF THE BUREAU**

The function of the Bureau is to plan and manage the Managalas Conservation Area established under Section 17 of the Conservation Areas Act and other similar protected areas established in the province in line with the Papua New Guinea Protected Area Policy. The other main functions of the Bureau shall be:

- (a) to provide advice to the Provincial Government on matters relating to biodiversity conservation, sustainable use and management of biological resources and access and benefit sharing from the development of these resources in the Managalas Conservation Area and other similar protected area established in the province.
- (b) to consider, formulate and review provincial policies on environmental protection, biodiversity conservation, sustainable resource use and management, biotechnology and application of biotechnology in line with relevant national policies.
- (c) to coordinate local and provincial activities relating to biodiversity conservation, research and sustainable use and management of biological resources and biodiversity.
- (d) to enhance education and awareness and promote environmental protection, biodiversity conservation, forest protection, climate change and sustainable land use and natural resource management in the Managalas Conservation Area and other protected areas established in the province; and

Northern Provincial Conservation Bureau Law 2023—*continued*

- (e) to operate in conjunction with the Department of Education or other relevant stakeholders responsible for education and curriculum development and training in environmental and climate change education and awareness including for use in local schools;
- (f) To establish and manage the Northern Provincial Conservation Trust Fund as the Trustee,
- (g) To perform any other functions as the PEC may require through the Sector Chairman for implementation and administration of the law.
- (h) to inspect or enforce relevant provisions relating to compliance with this Act or other relevant laws, and
- (i) To undertake all activities which appear to the Bureau to be necessary for, or in connection with the discharge of its duties, and

**9. POWERS OF THE BUREAU**

The Bureau has power to do all things not inconsistent with this Act, or which by this Act are required or permitted to be done or that are necessary or convenient to be done in connection with or in furtherance of the performance of its functions and, without limiting the generality of the foregoing, has power—

- (a) to liaise and work closely with representatives of Provincial Government and Oro Provincial Administration to conduct promotional activities, both within the province, at the national level and overseas, to promote biodiversity conservation and sustainable management of natural resources in the Managalas Conservation Area and in other such others areas established in the province; and,
- (b) develop Provincial Standards and Licensing Policy for the scientific research and other research activities conducted in the Managalas Conservation Area and other similar protected areas established in the province; and
- (c) to seek and accept grants, subscriptions, contributions and corporate sponsorships, and enter into co-operative arrangements with other persons and commercial entities for the promotion of the Bureau's functions, including participation in commercial joint venture activities, projects or investments, whether related to budgetary support initiatives; and
- (d) to generate revenue from services rendered and goods and information supplied by or on behalf of the Bureau; and
- (e) to undertake research and disseminate information obtained from such research; and
- (f) to produce, or arrange for the production and distribution of magazines, publications and other awareness and educational materials; and
- (g) to devolve grants, and provide operational and financial assistance to biodiversity conservation and sustainable livelihood alternative initiatives and sustainable land management projects in accordance with due process; and
- (h) to provide information and advice to tourism operators, prospective developers and government instrumentalities to assist sensitive, environmentally and socially sound, tourism developments; and
- (i) to prepare or arrange for environmental protection, biodiversity conservation and climate change mitigation and adaptation and promote establishment of green industries, and
- (j) to enter into contracts, including joint venture contracts, establish offices, appoint representatives and attorneys, and act as agent for other persons; and

Northern Provincial Conservation Bureau Law 2023—*continued*

- (k) to administer, control and/or operate, or assist in the development and operation of training and educational facilities and programs associated with environmental management, biodiversity conservation, climate change and sustainable livelihood alternatives in the Managalas Conservation Area and other protected areas established in the Province; and
- (l) to acquire, hold and dispose of real and personal property; and
- (m) to occupy, use and control any building owned or held under lease by the Provincial Government and made available for the purpose of the Bureau; and
- (n) to undertake budgetary support initiatives so as to ensure that the Bureau becomes self-funding as is lawfully and practically possible; and
- (o) to do all and such others things as can and may reasonably be done to give effect to any functions and purposes of the Bureau.

**10. POLICY DIRECTIONS.**

- (1) The Provincial Executive Council, through the Chairman of Environment and Climate Change may give directions to the Board as to the overall Biodiversity conservation plans and strategies in relation to the management of the Managalas Conservation Area and the establishment and management of other protected areas in the province and the Board shall give effect to any such directions.
- (2) Where such directions by the PEC Council cannot be implemented due to the Bureau's lack of powers under Section 6, then by virtue of this subsection, the Bureau shall be deemed to have such powers to the extent required for the I implementation of such directions.

**PART III. – THE BOARD****11. THE BOARD.**

- (1) There shall be a Board of the Northern Provincial Conservation Bureau.
- (2) The functions and powers of the Bureau are vested in the Board. These are -
  - (a) shall be responsible for the efficient and effective accomplishment of the Provincial Government's Biodiversity Conservation Policy and for the satisfactory management of the Bureau subject to the provisions of this Act and shall from time to time advise the Chairman of Environment and Climate Change in the Provincial Executive Council on any matters associated with biodiversity conservation and related matters in the province.
  - (b) Without limiting the generality of this section, the Board's primary functions shall be due and effective management of the Bureau, in accordance with this Act.
  - (c) The first order of business sitting immediately after the appointment of a Managing Director, or an acting Managing Director and the Board Secretariat, shall be the Contract of Employment of such officers, subject to approval of the terms and conditions pursuant to the Salaries, Conditions and Monitoring Committee Act, 1988 and where necessary, to call a special meeting to deal with the contract.
  - (d) In addition, the Board shall be responsible for the efficient and effective implementation of the Provincial Government's Biodiversity Conservation Policy and shall from time to time, advise the PEC Sector Chairman for Environment and Climate Change on any matters associated with biodiversity conservation and sustainable land and natural resource management in the province.

Northern Provincial Conservation Bureau Law 2023—*continued***12. MEMBERSHIP OF THE BOARD OF THE BUREAU AND TERM OF OFFICE.**

- (1) The Board shall consist of—
  - (a) A Member of the Provincial Executive Council appointed by the Governor, and
  - (b) The Provincial Administrator or his nominee, and
  - (c) The Chief Executive Officer of Ijivitari District Development Authority or his nominee; and
  - (d) The President of Afore Local Level Government Councilor his nominee, and
  - (e) The Chairman of the Board of Managalas Conservation Foundation, and
  - (f) The President of the Oro Provincial Council of Women or her nominee, and
  - (g) The Managing Director of the Bureau as Ex-Officio, and
- (2) Subject to Subsection (4), the members referred to in Subsection (1)( a), (e), (f),(g), (i) and (j), shall be appointed by the PEC and shall hold office, for a period of three (3) years, on such terms and conditions as are determined by the PEC from time to time and are eligible for re-appointment.
- (3) Before appointing a person to be a member, the PEC shall be satisfied that the member does not have other pecuniary interests as a member that may affect his duties as a member under this Act.
- (4) A person who is, or whom the PEC proposes to appoint to be a member of the Board shall whenever requested by the PEC to do so, furnish to the Council such information as the Sector Chairman considers necessary for the performance of his duties under this Act, including a request for a declaration of a conflict or pecuniary interest.

**13. CHAIRMAN AND DEPUTY CHAIRMAN.**

- (1) The board member holding office under Section 12 (1)(a) shall be the Chairman of the Board of the Bureau.
- (2) The Board shall appoint another member to be the Deputy Chairman the Board for such period as may be determined by the Board, or until he ceases to a member, whichever shall first happen.

**14. LEAVE OF ABSENCE OF MEMBERS.**

- (1) The Chairman may grant leave of absence to a member on such terms and conditions as the Chairman determines.
- (2) A member absent on approved leave of absence under subsection (1) shall not be subject to disqualification or removal from office.

**15. VACATION OF OFFICE.**

- (1) A member, other than the member referred to in Section 14(1)(a)(f), (g) (i) and (j) may resign from his or her office by writing under his hand and addressed to the Board Chairman.
- (2) The Provincial Executive Council acting on advice from the Board Chairman may remove or terminate a member under the following conditions, but not otherwise, where a member of the Board—

Northern Provincial Conservation Bureau Law 2023—*continued*

- (a) becomes permanently incapacitated or incapable of performing his or her functions; or
  - (b) resigns his or her office in accordance with Subsection (1); or
  - (c) absents himself from three board meetings, irrespective of whether or not they are consecutive meetings except with the written consent of the Chairman; or
  - (d) becomes bankrupt, or applies to take the benefit of any law for the benefit of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
  - (f) is convicted of an offence punishable under a law by a term of imprisonment for six months or longer, or by death, and as a result of the conviction is sentenced to imprisonment or death, or is under a bond to appear for sentence if called on;
  - (g) the member has acted in a way that has publicly disgraced or is likely to be public disgrace the Bureau.
- (3) Within 14 days of the receipt of a notice under Subsection (2)(a-f) the member may reply in writing to the Board Chairman who shall consider the reply, and take appropriate action.
- (4) Where the member referred to in Subsection (3) does not reply, his or her appointment is terminated.

**16. VACANCY NOT TO AFFECT POWERS AND FUNCTIONS.**

The exercise of a power or the performance of a function of the Board is not invalidated by reason of there being a vacancy in the membership of the Board.

**17. CALLING OF MEETINGS.**

- (1) The Board shall meet as often as the business of the Bureau requires, and at such times and places as the Board determines, or as the Chairman, or in his absence, the Deputy Chairman, directs, but in any event shall meet not less frequently than once in every three months.
- (2) Where the Chairman receives a request to do so by not less than three members of the Board, the Chairman, or in his absence the Deputy Chairman, shall convene a meeting of the Board after giving due notice under sub-section (3).
- (3) Subject to sub-section (4), for the purposes of Subsection (1), the Chairman or the Deputy Chairman, as the case may be, shall give to every member at least 14 days' notice of the meeting.
- (4) If the meeting is urgent, the PEC Sector Chairman for Environment and Climate Change or his delegate may in writing to the Chairman, dispense with the requirements of subsection

**18. MEETINGS OF THE BOARD.**

- (1) At a meeting of the Board—
  - (a) Five (5) members present shall form a quorum; and
  - (b) the Chairman, or in his absence the Deputy Chairman, shall preside, but, if both the Chairman and Deputy Chairman are absent, the members present shall appoint a Chairman for that meeting from amongst their numbers; and

Northern Provincial Conservation Bureau Law 2023—*continued*

(c) subject to this Act—

- (i) matters arising shall be decided by a majority of the votes of the members present and voting; and (ii) the chairman of the meeting has deliberative and, in the event of an equality of votes on any matter, also a casting vote.

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

(3) Subject to this Act, the procedures of the Board are as determined by the Board.

**19. DISCLOSURE OF INTEREST BY MEMBERS.**

(1) A member who is directly or indirectly interested in a matter being considered or about to be considered by the Board, otherwise than as a member of, and in common with the other members of, an incorporated company shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

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

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

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

(3) A Board Member shall not publicly issue statements in respect of Board Matters or the Administration of the Bureau unless the approval Bureau or the Board has first been obtained in writing and where this provision is breached, the Chairman for Environment and Climate Change may in his or her discretion, terminate his or her appointment.

(4) Nothing in sub-section (3) shall be taken to prohibit the free and candid exchange of communication between Board Members on any subject matter whatsoever relating to the Bureau.

**20. COMMITTEES OF THE BOARD.**

(1) The Board may establish such number of Committees as the Board considers necessary for the purposes of the Bureau.

(2) The Board may—

(a) appoint persons (including members of the Board) to be members of the Committees; and

(b) prescribe the powers, functions and procedures of the Committees.

(3) A member of a Committee shall be paid such fees and allowances as are determined under the *Board (Fees and Allowances) Act* (Chapter 299).

**21. DELEGATION.**

The Board may, by instrument, delegate to any member of the Board or to a senior officer of the staff of the Bureau, all or any of its powers and functions under this Act (except this power of delegation).

Northern Provincial Conservation Bureau Law 2023—*continued***22. CORPORATE PLAN.**

- (1) The Bureau shall, as and when required by the Chairman, prepare and submit to the board a corporate plan for the Bureau for a period of three (3) to five (5) years.
- (2) The Board shall, by 31 December in each year, prepare and submit to the PEC operational plan for the Bureau for the year commencing 1 January the following year.

**23. REPORTS.**

- (1) The Board shall, by 31 March in each year, furnish to the PEC a report on the progress and performance of the Bureau in relation to its functions for the year ending 31 December previously.
- (2) As soon as practicable, after the PEC receives a report under Subsection (1), the Sector Chairman for Environment and Climate Change shall forward the report to the Assembly Clerk for presentation to the Provincial Assembly.

**PART IV. – STAFF OF THE BUREAU****24. MANAGING DIRECTOR.**

The Managing Director is the Chief Executive Officer of the Bureau appointed by the Oro Provincial Executive Council.

**25. FUNCTIONS OF THE MANAGING DIRECTOR.**

The Managing Director —

- (a) is the Chief Executive Officer of the Bureau; and
- (b) is the head of the staff of the Bureau; and
- (c) shall manage the Bureau in accordance with the policy and directions of the Board; and
- (d) shall advise the Board on any matter concerning the Bureau referred to him by the Board; and
- (e) shall promptly respond to any Board inquires or requisitions made of him and;
- (f) advise, and if required, explain to the Board if the Bureau has exceeded its Annual Budget as the Chief Financial Officer of the Bureau.

The Managing Director —

- (a) shall carry out and perform the duties required of him under this Act and his contract of employment; and
- (b) shall not make any substantial capital outlays or appointment without the express approval of the Board where such capital outlays have not been budgeted for or has exceeded his approval limit; and
- (c) has such functions as the Board may, from time to time, determine.

Northern Provincial Conservation Bureau Law 2023—*continued***26. STAFF OF THE BUREAU.**

- (1) Upon the recommendations of the Managing Director, the Board may appoint or employ to be officers and employees (respectively) of the Bureau such persons as it considers necessary or appropriate for the purposes of giving effect to this Act.
- (2) The Managing Director and employees appointed under Subsection (1) constitute the staff of the Bureau.
- (3) An employee appointed under Subsection (1) shall hold office on such terms and conditions as are determined by the Board from time to time, and where appropriate, subject to the Salaries and *Conditions Monitoring Committee Act 1988*.
- (4) Employees shall be employed by the Bureau in accordance with the standard terms and conditions of employment set by it as it may consider appropriate, provided such terms and conditions are not below the government Minimum Wages Policy or below the prevalent Public Service conditions.

**27. PUBLIC SERVICE RIGHTS.**

Where an officer or employee of the Public Service is appointed to be the Managing Director or an officer or employee of the Authority, his or her service on the staff of the Bureau shall be counted as service in the Public Service for the purpose of determining rights (if any) in respect of—

- (a) leave of absence on grounds of illness; and
- (b) furlough or pay instead of furlough (including pay to dependents on the death of the officer).

**28. CONSULTANTS.**

- (1) The Board may, from time to time—
  - (a) after consultation with—
    - (i) the Provincial Executive Council; and
    - (ii) the Managing Director; and
  - (b) within the limit of funds lawfully available for the purpose; and
  - (c) on such terms and conditions as are determined by the board, employ such consultants as, in the opinion of the board, are necessary for the purposes of the Bureau.
- (2) The PEC on the recommendation of the Sector Chairman of Environment and Climate Change and may engage such consultants as necessary with the approval of the PEC to advise him independently on any of the functions of the Bureau.

**31. STAFF DISCIPLINARY PROVISIONS.**

- (1) Where no contract of employment applies in respect of a staff, the applicable disciplinary procedures shall be those of the public service under the Public Service General Orders, unless there are approved Standard Operating Procedures applicable to all staff of the Authority, in which case, those procedures shall apply, instead of the Public Service General Orders.
- (2) Where a Contract of Employment exists in respect of a staff, the Standard Operating Procedures or in its absence, the disciplinary procedures of the Public Service General Orders would nevertheless apply, if such Contract of Employment is or was silent on any disciplinary procedure, issue, matter or thing.

Northern Provincial Conservation Bureau Law 2023—*continued***32. DELEGATION OF FUNCTIONS AND POWERS.**

The Managing Director may by instrument in writing, delegate all or any of his or her functions or powers under this Act or any other Provincial Law to an officer of the Provincial Administration or any employee of the Bureau, except this power of delegation.

**PART V. – FINANCES OF THE BUREAU.****31. APPLICATION OF THE *PUBLIC FINANCES MANAGEMENT) ACT 1995.***

- (1) Part VIII of the *Public Finances (Management) Act 1995* applies to and in relation to the Bureau.
- (2) The Bureau is a trading enterprise for the purpose of Section 62 of the *Public Finances (Management) Act 1995*.

**32. MONIES OF THE BUREAU GENERALLY.**

- (1) The Bureau shall open and maintain such bank accounts, with such bank or banks as the Board approves for the purpose of the Bureau, and shall pay into them—
  - (a) all moneys appropriated under the Act for the purposes of carrying out or giving effect to this Act; and
  - (b) all monies received by the Bureau for the sale, leasing or hire of property; and
  - (c) all other monies received by the Bureau in the exercise and performances of its powers and functions.
- (2) Out of the moneys standing to the credit of the accounts of the Bureau referred to in Subsection (1), the Bureau shall pay—
  - (a) all monies payable by it in repayment of advances or loans under this or any other Act; and
  - (b) the costs, charges and expenses incurred by the Bureau in the performance of its functions under this Act; and
  - (c) the costs, charges and expenses incurred by the Bureau after consultation with the Provincial Executive Council in the management of the Managalas Conservation Area so establishment of such new protected areas in the province in giving effect to the functions of the Bureau; and
  - (d) the remuneration and allowances of the members of the Board and of the Managing Director and officers and employees of the Bureau; and
  - (e) provision for payment of creditors, agents, legal counsel and attorneys; and
  - (f) any other payments that the Bureau is authorized or required to make under this Act or any law.
- (3) In respect of monies advanced or borrowed under this or any other Act, the Bureau shall maintain a separate account –
  - (a) in respect of the monies that are related to each such purpose, and

Northern Provincial Conservation Bureau Law 2023—*continued*

- (b) shall cause proper entries of—
  - (i) all monies so advanced or borrowed for a particular purpose of the Bureau; and
  - (ii) The purpose to which the monies have been applied, to be made in the account maintained in respect of that purpose.

**33. BUREAU LIABLE TO TAXATION.**

Income, property and operations of the Bureau are subject to the provisions of the applicable tax laws.

**PART VI. – NOTHERN PROVINCIAL CONSERVATION TRUST FUND****34. ESTABLISHMENT OF THE FUND**

1. The PEC may subject to the authorisation by the Minister responsible for Finance establish either through Regulation or by Trust Deed the Northern Provincial Conservation Trust Fund to be used for:
  - (a) expenses related to biodiversity conservation, sustainable management of biological resources and the development of sustainable livelihood alternatives for local communities in the Conservation Area; and
  - (b) education, awareness and information dissemination; and
  - (c) training and capacity building for rangers and other relevant personnel for management of the Conservation Area.
  - (d) loans and grants to local communities or groups desiring to develop sustainable livelihood alternatives for income generation ;and
  - (f) any other activities directly related to the fulfilment of the purposes of this Act.
2. Income generated from the operation and management of the Managalas Conservation Area and other protected areas established in the province shall accrue to the Fund.
3. The Fund is established to receive gifts of money or property for this purpose and any money received because of such gifts or donations must be credited to its bank account. The Fund must not receive any other money or property into its account and it must comply with Section 127 of the Income Tax Act.

**35. SOURCES OF FUNDS**

The Northern Provincial Conservation Trust Fund shall comprise of:-

- (a) sums contributed to the Fund by private individuals, foundations, corporations and international organisations; and
- (b) any funds appropriated to the Fund by the District Development Authority, the Provincial and National Government; and
- (c) all or some of the amounts collected as penalties; fees including research fees, tourism levy, charges and royalties under this Act.
- (d) other sums designated in the Regulations.

Northern Provincial Conservation Bureau Law 2023—*continued***36. PUBLIC DONATIONS**

The Bureau will invite members of the public to make gifts of money or property to the fund for the purpose of management of the Managalas Conservation Area and other protected areas established in the province.

**37. MANAGEMENT OF THE FUND BY TRUSTEES**

The Board will appoint a Management Committee of no fewer than three persons, the majority of whom must be responsible persons with good standing and relevant experience in the management of such Funds to administer the Fund as Trustees.

**38. DEPOSITS AND ACCOUNTING PROCEDURES**

- (a) Money from interests on donations, income derived from donated property and money from the realization of such property is to be deposited into the Fund.
- (b) A separate bank account is to be opened to deposit money donated to the Fund, including interests accruing on such deposits, and gifts to it must be kept separate from other funds of the Bureau.
- (c) Receipts must be issued in the name of the Fund and proper accounting records and procedures must be kept and used for the Fund.

**39. NO CONDUIT FUNDING**

Any allocation of funds or property to other persons or organizations will be made in accordance with the established purposes of the Bureau and will not be influenced by the preference of the donor.

**40. COMPLIANCE WITH REGULATIONS**

The Bureau must comply with any Rules that the Minister for Treasury make to ensure that gifts made to the fund are only to be used for its principal purposes.

**41. MANAGEMENT OF THE FUND**

- (1) The Fund shall be administered by the Board in accordance with the requirements of this Act and any regulations issued by the Governor or the PEC Sector Chairman for Environment and Climate Change consultation with the Minister responsible for Finance.
- (2) The Board shall ensure proper books and other records of accounts in respect of receipts and expenditures of the Fund are kept.
- (3) At the end of each financial year, the Board shall prepare a report concerning the activities of the Fund during that financial year, which report should include: and
  - (a) an audited balance sheet; and
  - (b) an audited statement of income and expenditure; and
  - (c) such other financial information as may be required by the Minister responsible for Finance.

**42. WINDING-UP OF THE FUND**

In the case of the winding-up of the Fund, any surplus assets are to be transferred to another fund with similar objectives that is registered under the Associations Incorporations Act or under Trust arrangements.

Northern Provincial Conservation Bureau Law 2023—*continued***PART VII. – MISCELLANEOUS.****43. PROTECTION FROM PERSONAL LIABILITY.**

A member of the Board or of a Committee, or the Managing Director or an officer, employee, servant or agent of the Bureau is not personally liable for any act or default of himself or the Bureau done or omitted to be done in good faith in the course of the operations of the Bureau, or for the purposes of the Bureau.

**44. PROOF OF CERTAIN MATTERS.**

In any proceedings by or against the Bureau, proof is not required, unless evidence is given to the contrary, of—

- (a) the constitution of the Board or a Committee; or
- (b) a resolution of the Board or a Committee; or
- (c) the appointment of a member of the Board or a Committee or the agent of the Bureau; or (d) the presence of a quorum at a meeting at which a determination is made or an act done by the Board or a Committee.

**45. SERVICE OF PROCESS.**

- (1) Any notice, summons, writ or other process required to be served on the Bureau may be served by being hand delivered to the Director or unless some other law or regulation requires otherwise, by ordinary post.
- (2) Any notice, summons, writ or other process required to be served on the Board shall be served by being or unless some other law or regulation requires otherwise, hand delivered to the Chairman or in the vacancy of the chairman, by being hand delivered to the Acting chairman at the time or by ordinary post.

**46. AUTHENTICATION OF DOCUMENTS.**

Any document requiring proof of authentication by the Bureau is sufficiently authenticated without the seal of the Bureau if signed and dated by the Chairman with prior approval from the Board.

**47. APPOINTMENT OF ATTORNEYS.**

- (1) The Bureau may, by instrument under its seal, appoint a person to act as its Attorney outside Papua New Guinea, for the purpose of doing anything that the Bureau itself might lawfully do.
- (2) A person appointed under Subsection (1), may, on behalf of, and in the name of the Bureau, do any act, exercise any power and perform any function that he is authorized by the instrument to do, exercise or perform.
- (3) Such Attorney shall not have, and the appointing instrument shall prohibit such Attorney from delegating such powers and functions.

**48. RECOVERY OF MONEY DUE.**

Any money due to the Bureau under this Act may be recovered by the Bureau as a debt.

Northern Provincial Conservation Bureau Law 2023—*continued***49. REGULATIONS.**

The Governor, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters and things that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular may prescribe fees and charges payable in respect of services rendered or goods supplied by the Bureau, licensing or registration requirements of tourism, licensing inspectors, health inspectors, and standards reviews upon tourism operators.

**PART VIII. – SAVINGS AND TRANSITIONAL****50. TRANSFER OF ASSETS, ETC., TO THE BUREAU.**

- (1) All assets held by, and obligations and liabilities imposed on the Provincial Administration in relation environmental protection or sustainable natural resource management immediately before the coming into operation of this Act, are, on that date, transferred to the Bureau.
- (2) Where any property vested in the Provincial Administration to which Subsection (1) applies is land registered under the *Land Registration Act* 1981, the Registrar of Titles shall, without formal transfer, and without fee, on application in that behalf by the Bureau, enter or register the Bureau in the register kept under that Act and, on entry and registration grant a certificate of title, lease or other instrument evidencing title to the land within that Act.

**51. TRANSFER OF ACCOUNTS.**

All sums, immediately before the coming into operation of this Act, at credit of, and accounts opened by the Provincial Administration for environmental management, conservation and climate change coming into operation, transferred to equivalent accounts opened in the name of the Bureau under the provisions of this Act or the *Public Finances (Management Act)* 1996.

**52. SAVINGS OF CONTRACTS.**

All contracts and agreements than employment contracts entered into, made with or addressed to the Provincial Administration in relation environmental and sustainable natural resource management are, to the extent that they were immediately before the coming into operation of this Act, binding on and of full force against or in favour of the Provincial Administration, on that coming into operation, binding on and of full force and effect against or in favour of the Bureau as full and effectively as if the Bureau had been a party to them or entitled to the benefit of them.

**53. STAFF.**

All persons employed as officers or employees of the Provincial Administration responsible for environmental management, conservation and climate change immediately before the coming into operation of this Act, on that coming into operation, deemed to be officers or employees and staff of the Bureau, but in such offices and at such levels as are determined by the Bureau.

**54. ACTIONS, ETC., NOT TO ABATE.**

Where, immediately before the coming into operation of this Act, any action, arbitration or proceedings was pending or existing by, against or in favour of the Provincial Administration in relation to environmental management and protection it does not, on coming into operation of this Act, abate or discontinue or be in any way affected by any provision of this Act, may be prosecuted, continued and enforced by, against or in favour of the Bureau.

Northern Provincial Conservation Bureau Law 2023—*continued*

55. APPLICATIONS OF ACTS.

Where—

- (a) any Act or subordinate enactment, other than this Act; and
- (b) any document or instrument whenever made or executed, contains, a reference, express or implied, to the Bureau that reference shall, on and after the coming into operation of this Act, except where the context otherwise requires, be read and construed as reference to the Bureau.