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ENVIRONMENT (AMENDMENT) ACT 2007

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2007, Act No. 290

AN ACT to amend the Environment Act 2003

1 Short Title

This Act may be cited as the Environment (Amendment) Act 2007.

2 Interpretation

(1) In this Act, -

“principal Act” mean the Environment Act 2003

3 Functions of the Department in relation to international conventions

(1) The Principal Act is amended by inserting section 6A as follows

“6A Functions of the Department in relation to international conventions

(1) The Department shall have the following functions in relation to the implementation of Niue’s obligations, and the realisation of its rights, under international conventions relating to matters concerning the environment -

(a) liaising with relevant government departments and agencies to identify international Conventions relating to the environment that are in Niue’s interests to become a Party;

- (b) consulting with other departments and agencies and the broader community in relation to the obligations that Niue will assume under any such Convention;
- (c) ensuring Niue's effective representation at meetings of the Parties of a Convention and other relevant meetings;
- (d) liaising with relevant regional and international bodies to ensure that Niue meets its obligations under a Convention;
- (e) managing or participation in any project, or part of a project aimed at implementing any aspect of a Convention;
- (f) disseminating information in relation to the subject matter of any Convention, and creating public awareness about the provisions of any Convention;
- (g) preparing any necessary Report, and reporting on a regular basis to the Minister and Cabinet in relation to the implementation of any Convention;
- (h) sharing information and otherwise providing such cooperation as is required by a Convention;
- ~~(i) recommending that any law be amended or enacted in order to~~
effectively implement any requirement of a Convention; and
- (j) working in conjunction with relevant government departments and agencies to implement any obligation under a Convention.

(2) Subsection (1) does not affect the role of other Departments to participate in the implementation of any international convention."

4 Membership of the Council

(1) Section 15 of the principal Act is amended by deleting subsection (2) and replacing it with the following-

"(2) The members of the Council shall be -

- (a) the Minister;
- (b) the Director;
- (c) eight members appointed by Cabinet to represent each of the following Departments and agencies -
 - i. Agriculture, Forest and Fisheries;
 - ii. Health;
 - iii. Education;
 - iv. Economic & Planning Development;

- v. Police
- vi. Public Works;
- vii. Community Affairs; and
- viii. the Niue Tourist Authority;

(d) one member nominated by the Chamber of Commerce to represent private sector commercial interests;

(e) two members appointed by Cabinet to represent non-government organisations.

5 Chairperson of the Environment Council

Section 15 of the principal Act is amended by inserting the following new subsections

“(3) The Minister shall be Chairperson of the Council.”

(4) In the absence of the Minister, the Director shall act as chairperson of the Council.

(5) Council members shall receive allowances in accordance with the current determination relating to the payment of allowances to committees of the Government.

(6) The Council may delegate any of its powers, functions or duties to the Director on such conditions as it sees fit.”

6 Functions of the Council

(1) Section 16(1) of the principal Act is amended by inserting paragraph (e) as follows

“(e) perform any function and exercise any power vested in it by any law or by any regulation made under this Act.”

7 Regulations

Section 32 of the Principal Act amended

(a) In subsection (2) by adding the following new paragraph:

“(j) For biosecurity matters and the identification management control or exclusion of genetically modified organisms”

(b) By inserting the following new subsection

(l) Regulations made under this Act may prescribe penalties for any offence committed against them of fines not exceeding 1,000 penalty units or terms of imprisonment not exceeding 10 years, or both, and may provide for the taking of fees.”

8 Repeals

The Principal Act is amended by the repeal of sections 17, 28 (1) and (2), 29 (4) and the Schedule clauses 2 and 6.