



STATUTORY INSTRUMENT

No. 04 of 2022.

Climate Change (Management)(Nationally Determined Contribution) Regulation 2022.

ARRANGEMENT OF SECTIONS.

PART I. - PRELIMINARY.

1. Interpretation -
 - “adaptation”;
 - “Authority”;
 - “Committee”;
 - “Enhanced Nationally Determined Contribution”;
 - “Implementation Plan”;
 - “key stakeholders”;
 - “mitigation”;
 - “Nationally Determined Contribution” or “NDC”;
 - “Paris Agreement”;
 - “regulated sector”;
 - “subnational level”;
 - “target”;
 - “the Act”.
2. Application of Regulation.

PART II. - ADMINISTRATION.

3. Designation of the Authority.
4. Functions of the Authority and powers of the Authority.
5. Powers of the Authority.
6. Powers and functions not to derogate.
7. Technical Advisory Committee.
8. Chairman and Deputy Chairman of the Committee.
9. Functions of the Technical Advisory Committee.
10. Meetings of the Committee.
11. Quorum for Committee meetings.
12. Reports of the Committee.
13. Establishment of Sub-Committees.
14. Sub-Committee meetings.

PART III. - NATIONALLY DETERMINED CONTRIBUTION.

15. Nationally Determined Contribution.
16. Targets.
17. Implementation Plan.
18. Implementation measures.
19. Measurement, reporting and verification.
20. Standards and guidelines on data collection, etc.
21. Offences.
22. Authorised systems.

PART VI. - MISCELLANEOUS.

23. Institutional cooperation.



STATUTORY INSTRUMENT

No. **04** of 2022.

Climate Change (Management)(Nationally Determined Contribution) Regulation 2022.

Being a Regulation to implement Papua New Guinea's Nationally Determined Contribution under the Paris Agreement ratified by Papua New Guinea on 21st September, 2016,

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Climate Change (Management) Act 2015*.

PART I. - PRELIMINARY.

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears:

- “adaptation” means adjustments in natural and human systems in response to actual or expected climatic stimuli or their effects which moderates harm or exploits beneficial opportunities;
- “Authority” means the Climate Change and Development Authority established under the *Climate Change (Management) Act 2015*;
- “Committee” means the Technical Advisory Committee established under Section 7;
- “Enhanced Nationally Determined Contribution” means Papua New Guinea's Enhanced Nationally Determined Contributions 2020 as submitted to United Nations Framework Convention on Climate Change Secretariat on 16 December 2020;
- “Implementation Plan” means a plan of action developed under Section 17 for the implementation of the Nationally Determined Contribution;
- “key stakeholders” means public bodies or corporate bodies within a regulated sector;
- “mitigation” means efforts that seek to prevent or slow down the increase of atmospheric greenhouse gas concentrations by limiting current or future emissions and enhancing potential sinks for greenhouse gases;
- “Nationally Determined Contribution” or “NDC” means efforts undertaken by Papua New Guinea to address climate change in accordance with Article 4 of the Paris Agreement, including the Enhanced Nationally Determined Contribution;
- “Paris Agreement” means the Paris Agreement ratified by Papua New Guinea on 21 September 2016 and which entered into force on 4 November 2016, and given the effect of law under the *UN Paris Agreement (Implementation) Act 2016*;
- “regulated sector” means a sector under Section 53 of the Act, in which targets have been set under the Nationally Determined Contribution;
- “subnational level” means the provincial and local levels of governments;
- “target” means the mitigation and adaptation targets set out in the Nationally Determined Contribution;
- “the Act” means the *Climate Change (Management) Act 2015* and includes the Regulations.

Climate Change (Management)(Nationally Determined Contribution) Regulation

2. APPLICATION OF REGULATION.

This Regulation applies in relation to the Nationally Determined Contribution.

PART II. - ADMINISTRATION.

3. DESIGNATION OF THE AUTHORITY.

The Authority shall be responsible for coordinating the implementation of this Regulation.

4. FUNCTIONS OF THE AUTHORITY.

The Authority shall have the following functions for the purposes of this Regulation:

- (a) to oversee and coordinate the implementation of the Nationally Determined Contribution;
- (b) to coordinate the implementation of the Nationally Determined Contribution at the national and sub-national levels; and
- (c) to provide secretariat support to the Technical Advisory Committee and sub-committees;
- (d) to coordinate the development of relevant standards and guidelines; and
- (e) to perform such other functions necessary for the effective implementation of this Regulation.

5. POWERS OF THE AUTHORITY.

(1) The Authority has the power to coordinate with and collect relevant information from relevant stakeholders within a regulated sector for the purposes of Section 19;

(2) The Authority shall have the power to do all things that are necessary or convenient to be done for, or in connection with, the performance of its functions.

6. POWERS AND FUNCTIONS NOT TO DEROGATE.

The functions and powers exercised by the Authority under this Regulation shall not derogate from its functions and powers under the Act.

7. TECHNICAL ADVISORY COMMITTEE.

(1) A Technical Advisory Committee is established subject to Section 14 of the Act.

(2) The Committee shall consist of the following:

- (a) the Managing Director of the Authority; and
- (b) the Managing Director of the Papua New Guinea Forest Authority or his nominee; and
- (c) the Managing Director or the Conservation and Environment Protection Authority or his nominee; and
- (d) the Managing Director of the National Energy Authority or his nominee; and
- (e) the Departmental Head of the Department responsible for agriculture and livestock or his nominee; and
- (f) the Departmental Head of the Department responsible for the of lands and physical planning; and
- (g) the Departmental Head of the Department responsible for national planning and monitoring or his nominee; and
- (h) Departmental Head of the Department responsible for provincial and local-level government affairs; and
- (i) an academic representative from any one of the national Universities, as determined by the Chairman; and

Climate Change (Management)(Nationally Determined Contribution) Regulation

- (j) any other *ad-hoc* representative as required by the Committee from time to time, including but not limited to:
 - (i) the private sector; or
 - (ii) non-government organisations; or
 - (iii) international development partners.

(3) Any Departmental Head or Managing Director who decides to designate a nominee under Subsection (2)(b), (c), (d), (e), (f), or (g), shall -

- (a) designate a senior officer of a level not less than Deputy Secretary, or the equivalent; and
- (b) advise the Managing Director of the Authority in writing of his nominee and any subsequent changes.

8. CHAIRMAN AND DEPUTY CHAIRMAN OF THE COMMITTEE.

(1) The Managing Director of the Authority shall be the Chairman of the Committee.

(2) The Committee shall appoint a Deputy Chairman from among its members.

(3) In the absence of the Chairman or Deputy Chairman from a meeting of the Committee, the members in attendance may appoint one of their numbers to be the temporary Chairman or Deputy Chairman, and the temporary Chairman or Deputy Chairman shall have all powers as the Chairman or Deputy Chairman.

9. FUNCTIONS OF THE TECHNICAL ADVISORY COMMITTEE.

The functions of the Committee are -

- (a) to monitor the implementation of the targets under the Nationally Determined Contributions, in accordance with the Implementation Plan; and
- (b) to coordinate data collection for the purposes of Paragraph (a); and
- (c) to provide technical advice to the Authority or the Board on matters pertaining to the implementation of this Regulation; and
- (d) to coordinate the activities of the sub-committee; and
- (e) to perform any other technical and advisory function as is necessary for the purposes of this Regulation.

10. MEETINGS OF THE COMMITTEE.

(1) The Committee shall meet as often as necessary -

- (a) for the implementation of this Regulation; and
- (b) at such times and places as -

- (i) the Committee determines; or
- (ii) as the Chairman or in his absence the Deputy Chairman directs.

(2) In any event, the Committee shall meet at least once in every quarter of a year.

(3) For the purposes of Subsection (1), the Chairman or in his absence the Deputy Chairman, shall give to every member, at least 14 days' written notice of the meeting.

11. QUORUM FOR COMMITTEE MEETINGS.

(1) At a meeting of the Committee -

- (a) five members, one of whom shall be the Managing Director, constitute a quorum; and
- (b) the Chairman, or in his absence or inability, the Deputy Chairman, or in the absence of both, the temporary Chairman appointed under Section 8(3) shall preside; and

Climate Change (Management)(Nationally Determined Contribution) Regulation

- (c) all matters before a meeting shall be decided by a majority of the votes of the members present and voting; and
 - (d) the Committee shall record and keep minutes of its meetings; and
 - (e) the Managing Director of the Authority may nominate a staff member of the Authority to attend any Committee meeting and present any matter or introduce any item of business, but shall not vote or be counted to constitute a quorum.
- (4) The Committee may, at any meeting of the Committee -
- (a) invite persons to attend; or
 - (b) receive or hear submissions or information from any person as necessary.

12. REPORTS OF THE COMMITTEE.

The Committee shall submit reports to the Board biannually or as and when requested by the Board.

13. ESTABLISHMENT OF SUB-COMMITTEES.

(1) The Committee may establish a sub-committee as and when necessary, under a term of reference for the effective implementation of this Regulation.

(2) The Committee shall determine the representation on the sub-committee based on the specific targets under the Nationally Determined Contributions.

14. SUB-COMMITTEE MEETINGS.

(3) The sub-committee shall meet as and when necessary to carry out its activities under the terms of reference referred to in Section 13.

(4) The sub-committee shall produce and submit to the Committee, reports on the outcomes of each meeting and its activities.

PART III. - NATIONALLY DETERMINED CONTRIBUTION.

15. NATIONALLY DETERMINED CONTRIBUTION.

(1) On the coming into operation of this Regulation, the targets are as contained in the Enhanced Nationally Determined Contribution.

(2) Any subsequent amendments or adjustments to the Enhanced Nationally Determined Contribution in accordance with Article 4 of the Paris Agreement, shall be approved by the National Executive Council and published in the National Gazette.

16. TARGETS.

- (1) The Nationally Determined Contributions shall set out -
- (a) mitigation targets, including -
 - (i) greenhouse gas targets; and
 - (ii) non-greenhouse gas targets; and
 - (b) adaptation targets.

(2) For the purposes of Subsection (1), the Nationally Determined Contribution shall list the regulated sectors.

17. IMPLEMENTATION PLAN.

- (1) An Implementation Plan shall -
- (a) list the targets set out in the Enhanced Nationally Determined Contribution and

Climate Change (Management)(Nationally Determined Contribution) Regulation

- (b) relevant Nationally Determined Contribution approved subject to Section 15; and identify the key stakeholders within the regulated sectors responsible for implementation of the targets; and
- (c) list the specific actions to be taken by each stakeholder towards the realisation of the targets; and
- (d) where appropriate, specify the timeframe for achieving the specific actions under Paragraph (c); and
- (e) set out resources required for the implementation of the Nationally Determined Contributions, including financial resources; and
- (f) specify any other details as necessary for the implementation of the Nationally Determined Contributions.

(2) The Implementation Plan shall be approved together with the Nationally Determined Contribution in accordance with Section 15.

(3) Notwithstanding Subsection (2), an amendment to the Implementation Plan shall be approved by the National Executive Council and published in the National Gazette.

18. IMPLEMENTATION MEASURES.

(1) The key stakeholders shall ensure appropriate measures are adopted and implemented for the purposes of realising the targets.

- (2) The appropriate measures under Subsection (1) shall include -
 - (a) the development of appropriate policies, strategies, standards and guidelines; and
 - (b) capacity building initiatives; and
 - (c) operational measures, including information and communication technology infrastructure; and
 - (d) any other measures necessary for the realisation of the targets.

(3) The key stakeholders shall take the appropriate steps to ensure that businesses operating within the regulated sectors comply with the implementation measures developed under this Section and relevant sectoral laws.

19. MEASUREMENT, REPORTING AND VERIFICATION.

(1) The key stakeholders shall collect and record information and data relevant to the targets.

(2) The Authority or Committee may require the key stakeholders to provide the information and data collected under Subsection (1).

(3) Information and data required under Subsection (2) shall be submitted to the Authority or Committee in the approved form.

(4) Information and data collected and submitted to the Authority or Committee must be accurate and reliable.

(5) All information and data submitted to the Authority or the Committee shall only be used for the purposes of this Regulation.

20. STANDARDS AND GUIDELINES ON DATA COLLECTION, ETC.

(1) The Authority may set standards and guidelines on data collection and verification in consultation with the Technical Advisory Committee and the relevant sub-committee.

Climate Change (Management)(Nationally Determined Contribution) Regulation

21. OFFENCES.

A person commits an offence if the person -

- (a) fails to collect and record information and data in accordance with Section 19(1); or
- (b) fails to submit information and data requested by the Authority or Committee under Section 19(4); or
- (c) knowingly provides inaccurate, false or misleading information.

Penalty: (a) in the case of a natural person, a fine not exceeding K10,000.00; and
(b) in the case of a body corporate, a fine not exceeding K100,000.

22. AUTHORIZED SYSTEMS.

The Authority may authorize for the use of an automated system or manual system for data acquisition, measurement, reporting and verification.

PART VI. - MISCELLANEOUS.

23. INSTITUTIONAL COOPERATION.

- (1) The Authority may enter into arrangements with -
 - (a) key stakeholders for the purposes of this Regulation; or
 - (b) international development partners for the effective implementation of this Regulation.

(2) An arrangement for institutional cooperation may be entered into with a key stakeholder within a regulated sector for the purposes of Sections 18 and 19, regardless of whether there are targets that have been set for that specific regulated sector in the Nationally Determined Contributions.

MADE this *Monday, 25th* day of *April*, 2022.


GOVERNOR-GENERAL.