

ENVIRONMENT PROTECTION (REGISTRATION OF ENVIRONMENTAL CONSULTANTS) RULES 2005

In exercise of the powers conferred by paragraph 60(2)(p) of the Environment Protection Enactment 2002 [*Enactment No. 12 of 2002.*], the Minister makes the following rules.

Citation and Commencement.

1. This Rules may be cited as the Environment Protection (Registration of Environmental Consultants) Rules 2005 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation.

2. In this rules –

"Department" means the Environment Protection Department;

"Director" means the Director of the Environment Protection Department;

"Enactment" means the Environment Protection Enactment 2002;

"environmental consultant" means an environmental consultant firm with at least one expert in the field of environment;

"Minister" means the Minister for the time being responsible for environmental protection;

"person" shall have the same meaning assigned to it under the Interpretation and General Clauses Enactment 1963;

"Permanent Secretary" means the Permanent Secretary of the Ministry which is for the time being responsible for environmental protection; and

"expert" means an individual with relevant academic qualification and working experience not less than two years in the field of environment.

Reports to be prepared by registered environmental consultants.

3. Any environmental impact assessment report to be submitted to the Director for his approval under subsection 12(3) of the Enactment shall be prepared by an environmental consultant registered with the Department and holds a certificate of practice issued by the Director.

Engagement of relevant experts.

4. (1) Every environmental consultant shall engage relevant experts in the preparation of any environmental impact assessment report to be submitted to the Director for his approval.

(2) Every expert involved in the preparation of any environmental impact assessment report under subrule (1) shall be an expert registered with the Department and holds a certificate of practice issued by the Director.

Regulation and administration of registration.

5. The registration of environmental consultants and experts shall be regulated and administered by a Committee established under sections 48 and 49 of the Enactment and the Committee shall consist of-

- (a) the Permanent Secretary as Chairman;
- (b) the State Attorney-General or his authorized representative; and
- (c) the Director as the Secretary of the Committee.

Conduct of meeting of the Committee.

6. (1) The Committee shall meet once every six months of the year or as and when required by the Chairman.
- (2) Subject to this Rules, the Committee shall determine its own procedure.
- (3) The Chairman may invite or request any person who is not a member of the Committee to attend any meeting of the Committee for the purpose of advising it on a matter under discussion, but the person so attending shall has no right to participate in any decision making.
- (4) The resolution of the Committee shall be final.

Mode of application for registration.

7. (1) Any application to register as an environmental consultant or expert shall be made to the Director in the format as specified in the First Schedule subject to such modifications, as the case may require.
- (2) Upon consideration of the application and having regard to all the requirements for registration, the Committee may approve or reject such application.

Issue and renewal of certificate of practice.

8. (1) Upon approval of the application for registration by the Committee and such fees as specified in the Third Schedule have been paid, the Director shall issue a certificate of practice to the applicant in the format as specified in the Second Schedule subject to such modifications, as the case may require.
- (2) Every certificate of practice shall be valid for a period not exceeding two years and may be renewed by the Director upon application for a period not exceeding two years at any one time.
- (3) Upon payment of the fees specified in the Third Schedule, a new certificate of practice shall be issued for every renewal of the certificate of practice.

Conditions of certificate of practice.

9. A certificate of practice issued to any environmental consultant or expert may be subject to such conditions as the Committee may deem fit to impose.

Mode of payment of fees.

10. (1) All payment of fees shall be made –
- (a) in cash; or
 - (b) by money order, cashier's order, postal order, banker's order, or banker's draft, and shall be payable to the Director of the Environment Protection Department and crossed with the words "Account Payee Only".
- (2) An official receipt shall be issued for every payment received.

Evaluation of performance.

11. The Committee may from time to time evaluate the performance of the environmental consultants or experts based on –
- (a) the quality of the environmental impact assessment report submitted to the Director;
 - (b) the timely submission of the report and other requirements to the Director; and
 - (c) the compliance with any other conditions as determined by the Committee.

Revocation of registration.

12. (1) The Director, with the approval of the Committee, may revoke the registration of any environmental consultant or expert if the environmental consultant or expert –
- (a) fails to apply for renewal of the certificate of practice after six months from the date of expiry of such certificate;

(b) fails to perform satisfactorily based on the evaluation of the performance under rule 11; or

(c) submits false data or information with the intention to deceive the Director.

(2) Notwithstanding the revocation under subrule (1), the Committee may consider any application for registration made by the environmental consultant or expert.

(3) The Director shall issue a notice to the environmental consultant or expert prior to the revocation of the registration.

Maintenance of register.

13. The Director shall keep and maintain a Register of Environmental Consultants and Experts.

Transitional and saving provision.

14. (1) Any environmental consultant or expert registered with the Department and holds a valid certificate of practice issued by the Director prior to the coming into force of this Rules, shall be deemed to be an environmental consultant or expert registered with the Department until the expiry of the certificate of practice.

(2) Upon expiry of the certificate of practice under subrule (1), any application for renewal of such certificate of practice shall be subject to the provisions of this Rules.

FIRST SCHEDULE

(Rule 7)

Format of Application for Registration As Environmental Consultant or Expert

To: Director
State Environment Protection Department
Sabah

APPLICATION FOR REGISTRATION AS ENVIRONMENTAL CONSULTANT /
EXPERT

1.* Particulars of Firm:

Name of Firm:

Name of Owner:

(Attach two recent passport sized photographs)

Date and Place of birth:

Nationality/Race:

Identity Card/Passport No:

Address:

Telephone/Fax/E-mail:

Business Registration No.:

(Attach copy of registration certificate)

Registration number of certificate of practice *(if any)*:

2. Particulars of Expert:

Name:

(Attach two recent passport sized photographs)

Date & Place of Birth:

Nationality/Race:

Identity Card/ Passport No:

Address:

Telephone/Fax/E-mail:

Academic qualifications:

(Attach copies of academic certificates)

Fields of expertise:

(Attach copies of testimonial(s), if any)

Reference number of certificate of practice *(if any)*:

3. Working experience of Expert:

Please provide details of present and previous employment including name(s) of employer, date of service and position held. *(Attach copies of testimonial(s), if any)*

4. Experience in environmental impact assessment(EIA) studies:

Please provide details including titles and dates of submission of EIA Reports to the relevant authorities.

5. Membership with professional/scientific organisations:

Please provide details of membership including dates and contributions:
(Attach copies of membership certificates)

DECLARATION

I hereby declare that the information provided in this application are true to the best of my knowledge.

Signature:

Designation:

Date:.....

SECOND SCHEDULE

(Rule 8)

Format of Certificate of Practice

CERTIFICATE OF PRACTICE

Registration No:.....

It is hereby certified

.....is a registered *Environmental Consultant / Expert** with the State Environment Protection Department, Sabah.

Date of Issue:.....

Date of Expiry:.....

.....

Director

State Environment Protection Department

Sabah

THIRD SCHEDULE

(Rule 8)

Fees for Registration and Issue of Certificate of Practice

<i>Registration and Certificate of Practice</i>	<i>Fees</i>
1. Registration of expert	RM 500.00
2. Registration of environmental consultant	RM 2,000.00
3. Certificate of practice for expert	RM 200.00 per year
4. Certificate of practice for environmental consultant	RM 500.00 per year

(* Delete as appropriate)

Made this 23rd day of August 2005.

TAN SRI DATUK CHONG KAH KIAT,
Minister of Tourism, Culture and Environment.