

National Parks Act 1982 (Consolidated to No 33 of 1989)

INDEPENDENT STATE OF PAPUA NEW GUINEA.

ⁱNational Parks Act 1982,

Being an Act—

- (a) to provide for the preservation of the environment and of the national cultural inheritance by—
 - (i) the conservation of sites and areas having particular biological, topographical, geological, historical, scientific or social importance; and
 - (ii) the management of those sites and areas, in accordance with the fourth goal of the National Goals and Directive Principles; and
- (b) to give effect to those Goals and Principles under Section 25 (*implementation of the National Goals and Directive Principles*) of the *Constitution*,

and for related purposes.

1. Compliance with Constitutional requirements.

(1) This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C. (*qualified rights*) of the *Constitution*, namely—

- (a) the freedom from arbitrary search and entry conferred by Section 44 of the *Constitution*; and
- (b) the right to privacy conferred by Section 49 of the *Constitution*,

is a law made for that purpose.

(2) For the purpose of Section 41 of the *Organic Law on Provincial Governments and Local-level Governments*, it is declared that this law relates to a matter of national interest.

2. Interpretation.

In this Act, unless the contrary intention appears—

"area" includes—

- (a) a site, place or region; and
- (b) a building, or other structure including equipment, furniture, fittings and articles associated with or connected with such building or other structure; and
- (c) in relation to the conservation of an area—the immediate surroundings of the area;

"the Director" means the Director of National Parks appointed under Section 7;

"reserve" means an area committed to the control of the Director under Section 4 or accepted by the Minister under Section 5;

"this Act" includes the regulations.

3. Application to the State.

This Act binds the State.

4. Reserved land placed under control of Director.

(1) The Head of State, acting on advice, may, by notice in the National Gazette, commit to the care, control and management of the Director an area that has been reserved or is deemed to be reserved under Section 49 of the *Land Act* 1996 for a place for—

- (a) the recreation and amusement of the public; or
- (b) a national park; or
- (c) a botanical or zoological garden; or
- (d) a reserve or sanctuary for the protection of flora or fauna,

or for related purposes.

(2) Subject to Subsection (3), the Minister may grant a lease of an area committed to the care, control and management of the Director under Subsection (1).

(3) A lease granted under Subsection (2)—

- (a) shall be for a period not exceeding 50 years; and
- (b) may be renewed.

5. Minister may accept and control bequests, etc.

(1) The Minister may on behalf of the State accept a gift, devise or bequest of property to be used as a reserve—

- (a) in accordance with conditions attached to the gift, devise or bequest; or
- (b) if there are no conditions attached—as the Minister thinks fit,

for the purposes of this Act.

(2) Where any property acquired under Subsection (1) is, in the opinion of the Minister, unsuitable or not required for the purpose of this Act, the Minister may authorize—

- (a) the sale or disposal of the property; or
- (b) subject to Subsection (3)—the leasing of the property.

(3) A lease granted under Subsection (2)(b)—

- (a) shall not exceed 50 years; and
- (b) may be renewed.

6. Property not subject to succession duty.

Succession duty is not payable on any property given, devised or bequeathed under Section 5.

7. Director of National Parks.

(1) The Minister may, by notice in the National Gazette, appoint an officer of the Public Service to be the Director of National Parks.

(2) Subject to any directions of the Minister, the Director is charged with the administration of this Act.

8. Functions of Director.

The functions of the Director are—

- (a) to control, manage and develop any area committed under Section 4 in accordance with the purpose for which it has been reserved; and
- (b) to control, manage and develop any area committed under Section 5 in accordance with conditions (if any) attached to the gift, devise or bequest or if there are no conditions, as the Director thinks fit; and
- (c) to encourage and promote public use and enjoyment of any area under his care, control and management; and
- (d) to make recommendations to the Minister concerning areas—
 - (i) that are; or
 - (ii) that could conveniently or desirably be transferred, within his care, control and management; and
- (e) to promote the concept of national parks and the conservation of natural resources; and
- (f) such other functions as are determined by the Minister.

9. Powers of Director.

(1) Subject to this Act, the Director has such powers as are necessary or convenient for, or incidental to, the carrying out of his functions.

(2) Without limiting the generality of his powers under Subsection (1) and subject to Subsection (3), the Director may, in the performance of his functions—

- (a) preserve and protect natural features of interest or beauty; and
- (b) fence in or otherwise enclose, clear, level, drain, plant and form walks and drives through and over reserves or parts of reserves; and
- (c) construct dams and reservoirs for the retention and formation of expanses of water on reserves; and
- (d) in consultation with the Conservator appointed under the *Fauna (Protection and Control) Act 1966*—
 - (i) establish and maintain zoological gardens on reserves; and
 - (ii) permit and assist zoological and botanical research on reserves; and
 - (iii) introduce to, or remove from, reserves any flora or fauna; and
- (e) in accordance, where appropriate, with the *Water Resources Act 1982*, construct banks, drains or other works, and do all other acts and things, necessary to prevent soil erosion and damage by fire on reserves; and
- (f) with the approval of the Minister, construct, maintain and manage, or authorize persons to construct, maintain or manage, camps, caravan parks, kiosks, refreshment rooms, hostels, hotels, places of entertainment and facilities for games or amusements on reserves for the use of the public and of youth groups approved by the Minister; and
- (g) with the approval of the Minister, grant a licence as prescribed or other right to use and occupy—
 - (i) a camp, caravan park, kiosk, hostel, hotel or place of entertainment; or
 - (ii) refreshment rooms or facilities for amusement, on a reserve or on land accepted by the Minister under Section 5; and

- (h) demand and receive rents, fees or charges for a licence or right granted under Paragraph (g); and
- (i) issue permits as prescribed for camping, fishing or other activities; and
- (j) do any other thing calculated to improve or ornament reserves, or to adapt reserves to the purposes of public recreation, health or enjoyment.

(3) Subsection (2) does not authorize the Director to do or permit to be done, an act or thing in relation to a reserve that is inconsistent with the purpose for which the land included in the reserve has been reserved.

ⁱⁱ(4) In the exercise of his powers under Subsection (1), the Director shall have regard to physical planning considerations.

10. Delegation.

The Director may, by instrument, delegate to a person all or any of his powers and functions under this Act (except this power of delegation).

11. Regulations.

The Head of State, acting on advice, may make regulations not inconsistent with this Act, or a law in force relating to the preservation of the environment and the national cultural inheritance, prescribing all matters 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 for—

- (a) the times at which reserves shall be open and closed; and
- (b) the conduct of persons when on reserves; and
- (c) the days on which, and the limits within which, sports and games, or training for sports and games, may be permitted on reserves and otherwise regulating or prohibiting sports and games, or training for sports and games, on reserves; and
- (d) the prevention or the regulation of the admission of vehicles to reserves, and for their removal if trespassing on reserves; and
- (e) the prevention or the regulation of shooting over or on reserves; and
- (f) the prevention or the regulation of the trapping of birds or animals on reserves; and
- (g) the prevention or the regulation of the destruction or removal of the eggs of birds on or from reserves; and
- (h) the control of fishing within reserves; and
- (i) the impounding or confiscation within reserves of firearms, traps, nets, snares, lines, hooks, lures, poisons, baits, enticements, cages and other articles capable of being used, in contravention of the regulations, for luring, holding, taking or destroying animals, birds, reptiles or fish; and
- (j) the prevention or the regulation of racing, or training for racing, with horses or dogs on reserves; and
- (k) the prohibition or the regulation of the sale or exposal for sale of goods, wares or merchandise on reserves; and
- (l) the prevention of damage or injury to, or destruction of, trees, shrubs, plants and flowers on reserves; and
- (m) the prevention of damage or injury to, or destruction or defacement of, buildings, structures or erections or natural features on reserves; and

- (n) the prevention of nuisances on reserves and of the fouling of water on reserves; and
- (o) the regulation or prohibition of the entry of animals on reserves; and
- (p) the manner of charging, and the fixing or authorization of fees by the Director for—
 - (i) admission to reserves; and
 - (ii) permits; and
 - (iii) licenses; and
- (q) the authorization of persons to demand the names and places of abode of persons who are believed on reasonable grounds to have contravened or failed to comply with the regulations and requiring persons to comply with such a demand made by a person so authorized; and
- (r) the removal from reserves of persons who are believed on reasonable grounds to have contravened or failed to comply with the regulations; and
- (s) the imposition of penalties of fines not exceeding K500.00, for offences against the regulations.

National Parks Regulation 1984

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

National Parks Regulation 1984,

MADE under the *National Parks Act 1982*.

1. Interpretation.

In this Regulation, unless the contrary intention appears, "authorized person" means a person authorized by the Director.

2. Application.

This Regulation applies to and in relation to all reserves.

3. Hours.

(1) The hours during which the public may enter or be on, a reserve or a part of a reserve are as determined by the Director from time to time by notice in the National Gazette either generally or in relation to a particular reserve or part of a reserve.

(2) The Director shall cause notices to be exhibited at or near the entrance to each reserve indicating the hours determined, under Subsection (1), for that reserve.

(3) A person must not, during hours other than the hours determined under Subsection (1), enter or be on a reserve unless—

- (a) he is an employee of the National Parks Service, a member of the Police Force or other authorized person, but this paragraph shall not be deemed to authorize an employee of the National Parks Service, a member of the Police Force or other authorized person to enter any premises on a reserve; or
- (b) subject to Subsection (4), he is the holder of a licence or an employee of a licence

- holder; or
- (c) where the licence authorizes the occupation and use of part of a reserve for the purposes of a camping or caravan park, hostel or hotel—he is a member of the licensee's family or a visitor to any of those persons; or
- (d) he is a guest at a camping or caravan park, hostel or hotel on the reserve or a visitor to that person; or
- (e) he is the holder or joint holder of a camping permit; or
- (f) in the case of a camping permit that is issued in respect of the holder and his family—he is a member of that family; or
- (g) in the case of a camping permit that is issued to an organization—he is a member of the organization and, where the permit so provides, he produces a card specified in Section 10(5)(d); or
- (h) he has the consent of the Director.

(4) A licensee of a kiosk, place of entertainment (other than a hotel), refreshment room or other facility for amusement (other than a hotel) on a reserve and his employees must not be on the reserve during hours other than the hours determined under Subsection (1) except for the purpose of opening up, closing down, maintaining, stocking or cleaning that facility each day.

4. Fees.

The Director, may, from time to time, by notice in the National Gazette, determine the fees to be paid in respect of—

- (a) the use of a reserve or part of a reserve; or
- (b) the issue of a permit or a licence.

5. Exclusion of certain vehicles.

(1) An employee of the National Parks Service shall not permit a vehicle to enter or be on a reserve if the vehicle is not fitted with an efficient exhaust-silencing system controlling the emission of excess noise or smoke.

(2) Except with the prior consent of the Director a vehicle that exceeds 2 tonnes tare shall not be permitted to enter or to be on a reserve.

- (3) A vehicle shall not be permitted to enter or to be on a reserve when—
- (a) carrying any of the items specified in Section 7(1)(i), (j) or (l), unless the appropriate consent or consents under those provisions has or have been obtained; or
 - (b) carrying an animal, unless consent has been given under Section 7(2); or
 - (c) carrying fireworks; or
 - (d) towing a caravan or trailer of any kind.

6. Entry on parts of reserve subject to licences.

Where a licence has been granted in respect of a part of a reserve a person must not—

- (a) enter that part without paying the charges (if any) fixed by the licensee in accordance with Section 13; or
- (b) act in such a way as to cause undue interference with the reasonable and proper use of that part.

7. Conduct of persons.

- (1) A person while on a reserve, must not—
- (a) deposit or leave any litter or rubbish or any noxious, offensive or polluting substance or any material which is likely to injure other persons using the reserve; or
 - (b) break any object, the fragments of which, if left on the ground, would be likely to injure other persons using the reserve; or
 - (c) light, maintain or use a fire in any place other than a fireplace or other location approved by the Director; or
 - (d) fish without a fishing permit; or
 - (e) foul the water in any river, stream, reservoir, dam or tank on or flowing through the reserve; or
 - (f) cut, fell, remove or have in his possession any tree, shrub, plant or flower, except with the consent of the Director; or
 - (g) damage, deface or interfere with—
 - (i) any rockface or other natural object or feature; or
 - (ii) any walks, drives, reservoirs, dams, tanks, banks, drains or other works, except with the consent of the Director; or
 - (h) remove, damage, destroy, deface, interfere with or have in his possession (in whole or in part) any sign, building, outdoor furniture or other man-made structure, plant or equipment forming part of, or used in connection with, the reserve except with the consent of the Director; or
 - (i) carry or use any firearm, airgun, speargun, spear, bow and arrow or other lethal weapon except with the consent of the Director; or
 - (j) carry or use any explosive except with the consent of the Director; or
 - (k) carry or use any firework; or
 - (l) carry or use any traps, nets, snares, lines, hooks, lures, poisons, baits, enticements, cages, and other articles capable of being used for luring, holding, taking or destroying animals, birds or reptiles except with the consent of the Director; or
 - (m) hunt, capture, snare, injure, kill or have in his possession any bird, animal or reptile except with the consent of the Director; or
 - (n) destroy, remove or interfere with the eggs of birds or any birds nest except with the consent of the Director; or
 - (o) dig, cut, collect, remove or interfere with any sand, soil, clay, gravel, rock, mineral, shell, fossil, timber (whether or not living), humus or other natural substances or objects whether on or under water, except with the consent of the Director; or
 - (p) subject to Section 9, erect, build or maintain any dam, fence, tent, building, or other structure except with the consent of the Director; or
 - (q) except with the prior written consent of the Director or in accordance with a licence—
 - (i) sell or hire, expose for sale or hire or solicit for sale or hire any article or service; or
 - (ii) conduct or assist the operation of an amusement, entertainment or performance; or
 - (r) throw any missile or behave in a disorderly, abusive, drunken or offensive manner; or

(s) obstruct an officer in the performance of his duties or the exercise of his powers under this Regulation.

(2) A person must not bring, release (whether or not the release is intended to be temporary), lead, drive or allow to stray onto or on a reserve any animal except with the consent of the Director.

(3) A person, group of persons or organizations must not use a reserve for the purpose of holding meetings, private or public, except with the consent of the Director.

8. Control of vehicles.

(1) The Director may cause signs to be erected in a prominent position to regulate or prevent the movement of vehicles on a reserve or on a part of a reserve or to prohibit or restrict the parking or standing of vehicles on any part of a reserve.

(2) An officer, member of the Police Force or other authorized person may give directions regulating or preventing the movement of vehicles on a reserve or on a part of a reserve.

(3) A person in control of a vehicle on a reserve must observe all signs and comply with the reasonable directions of an officer, member of the Police Force or other authorized person.

(4) Subject to any sign or direction erected or given, as the case may be, under this section or to the consent of the Director or an officer, a vehicle on a reserve must be driven only on a defined road or track.

9. Erection of tents.

(1) A tent or marquee for the purpose of camping may be erected only in an area established—

- (a) under licence as a camping or caravan park; or
- (b) by the Director for those purposes.

(2) Where a tent or marquee is erected under Subsection (1), the person in charge of the tent or marquee must comply with the provisions of a permit issued under Section 10.

10. Camping permits.

(1) Subject to this section, the Director may issue permits to—

- (a) a person or two or more persons jointly to authorize the person or persons; or
- (b) a person to authorize him and a specified number of members of his family; or
- (c) an organization to authorize a specified number of members of the organization,

to camp temporarily for a specified period on a reserve.

(2) An application for a camping permit shall be in writing and shall specify—

- (a) the name of the reserve at which it is desired to camp; and
- (b) the period for which it is desired to camp; and
- (c) the name, address and telephone number of a person to be contacted in the event of an emergency; and
- (d) in the case of a permit under Subsection (1)(a)—the name and address of the applicant or applicants; and
- (e) in the case of permit under Subsection (1)(b)—the name and address of the applicant and the number of members of his family who will accompany him; and

- (f) in the case of a permit under Subsection (1)(c)—
 - (i) the name and address of the person or persons organizing the camp and, if they are different, the name and address of the persons in charge of the camp; and
 - (ii) the name and address of the other members of the organization who will be camping.

(3) The Director shall consider each application for a camping permit and shall in his discretion approve or reject each application.

(4) In the case of an application for a camping permit by an organization the Director may issue a permit in respect of a smaller number of members or a shorter period of camping time, or both, than specified in the application.

(5) A camping permit may be issued subject to one or more of the following conditions:—

- (a) that the campers eat their meals and sleep in a specified area to be more particularly described by an officer at the reserve;
- (b) that the campers do not enter a specified area to be more particularly described by an officer at the reserve;
- (c) that the campers carry a first aid kit of a type approved by the Director;
- (d) in the case of a camping permit granted under Subsection (1)(c) where the Director considers it desirable to limit the number of members of an organization on a reserve—that at the time the campers arrive at the reserve for the commencement of the camp each camper present shall be issued with a card which identifies the permit granted to his organization and that at the end of the camp each card shall be returned to the Director.

(6) Where an officer believes on reasonable grounds—

- (a) that one or more persons being on a reserve under a camping permit has or have contravened or failed to comply with this Regulation; or
- (b) that a condition of the permit has been breached,

he may revoke that permit by notifying—

- (c) in the case of a permit granted under Subsection (1)(a)—the permit holder or one of the permit holders; or
- (d) in the case of a permit granted under Subsection (1)(b)—the permit holder; or
- (e) in the case of a permit granted under Subsection (1)(c)—the person or one of the persons in charge of the camp.

11. Fishing permits.

(1) Subject to this section, the Director may—

- (a) issue permits to authorize fishing in a reserve or a specified part of a reserve for any species or a particular species of fish; and
- (b) specify a minimum size for all or any of the fish to which the permit relates.

(2) An application for a fishing permit shall specify—

- (a) the name and address of the applicant; and
- (b) a description of the equipment he intends to use; and
- (c) the name of the reserve at which he desires to fish.

(3) Subject to Subsection (4), the Director shall consider each application for a fishing permit and shall in his discretion approve or reject each application.

(4) Where the Director considers it to be in the interests of conservation to do so he may decide on a policy that fishing permits shall not be granted in respect of—

- (a) a particular reserve for a fixed period or an indefinite period; or
- (b) any reserve for a fixed period or an indefinite period,

which may be reviewed by the Director from time to time.

(5) Where a permit authorizes fishing—

- (a) in a specified part of a reserve—the permit holder must not fish in another part of that reserve; or
- (b) for a particular species of fish—the permit holder must immediately return to the water fish of any other species that he catches; or
- (c) for a minimum size of fish—the permit holder must immediately return to the water fish which are smaller than that size.

(6) Where an officer believes that the holder of a fishing permit has contravened or failed to comply with this Regulation he may revoke the permit by notifying the permit holder.

12. Unauthorized structures may be removed.

Where a structure is erected, built or maintained contrary to Section 7(1)(p), the Director may cause that structure to be removed.

13. Director may authorize charges.

(1) A person who is licensed by the Director to use and occupy an area within a reserve must not impose charges for the admission of persons to the area without the consent of the Director.

(2) A consent under Subsection (1)—

- (a) shall indicate the maximum amount that may be charged for admission; and
- (b) may authorize the waiver or reduction of that amount in the circumstances specified by the Director.

14. Certain plants or animals may be destroyed.

The Director may, after consultation with the Conservator appointed under the *Fauna (Protection and Control) Act 1966* cause to be removed or destroyed flora or fauna on a reserve which, in the opinion of the Director, is not indigenous to the reserve.

15. Name and address to be given in certain cases.

(1) Where an officer, member of the Police Force or other authorized person believes on reasonable grounds that a person has contravened or failed to comply with this Regulation, he may require the person to give his name and address.

(2) A person must not refuse or fail to comply with a requirement under Subsection (1) or give a false name and address.

16. Removal of certain persons.

(1) Where an officer, member of the Police Force or other authorized person believes on

reasonable grounds that a person has contravened or failed to comply with this Regulation he may require the person to leave the reserve.

(2) Where a person refuses or fails to comply with a requirement under Subsection (1), an officer, member of the Police Force or other authorized person—

(a) may remove the person and his vehicle (if any) from the reserve; and

(b) shall not use more force against the person than is reasonably necessary to remove him.

17. General penalty.

A person who contravenes or fails to comply with a provision of the Regulation is guilty of an offence.

Penalty: A fine not exceeding K500.00.

ⁱReplaced by No. 3 of 1982.

ⁱⁱSection 9(4) added by *Physical Planning (Consequential Amendments) Act* 1989 (No. 33 of 1989), s1.