

Chapter 157.
National Parks Act 1982.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 157.

National Parks Act 1982.

ARRANGEMENT OF SECTIONS.

1. Compliance with Constitutional requirements.
2. Interpretation.
 - “area”
 - “the Director”
 - “reserve”
 - “this Act”
3. Application to the State.
4. Reserved land placed under control of Director.
5. Minister may accept and control bequests, etc.
6. Property not subject to succession duty.
7. Director of National Parks.
8. Functions of Director.
9. Powers of Director.
10. Delegation.
11. Regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

National Parks Act 1982,¹

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.

¹ Short title replaced by No. 3 of 1982.

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.

(4)² ³In 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

² Section 9(4) added by *Physical Planning (Consequential Amendments) Act 1989* (No. 33 of 1989), s1.

³ Section 9(4) added by *Physical Planning (Consequential Amendments) Act 1989* (No. 33 of 1989), s1.

- (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.

Office of Legislative Counsel, PNG