

## INDEPENDENT STATE OF PAPUA NEW GUINEA.

## CHAPTER No. 224.

*Tuna Resources Management.*

## GENERAL ANNOTATION.

## ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Primary Industry at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in or in relation to this Chapter to-

"the Departmental Head"--should be read as references to the Secretary for Primary Industry;

"the Department"--should be read as references to the Department of Primary Industry.

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<sup>1</sup>Subsidiary legislation has not been updated.

## INDEPENDENT STATE OF PAPUA NEW GUINEA.

## CHAPTER No. 224.

*Tuna Resources Management Act.*

## ARRANGEMENT OF SECTIONS.

1. Interpretation-  
"the Advisory Committee"  
"tuna".
2. Tuna Resources Management Advisory Committee.
3. Constitution.
4. Deputies of members.
5. Terms and conditions of employment.
6. Vacation of office.
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9. Responsibility for licensing of tuna-fishing. (*Repealed*)
10. Regulations.

Being an Act relating to the development and management of a tuna-fishing industry.

**1. Interpretation.**

In this Act, unless the contrary intention appears.-

"the Advisory Committee" means the Tuna Resources Management Advisory Committee established by Section 2;

"tuna" means--

- (a) skipjack tuna (*Katsuwonus pelamis*); or
- (b) yellowfin tuna (*Neothunnus macroptems*); or
- (c) albacore (*Thunnus alalunga*); or
- (d) bigeye tuna (*Parathunnus mebachi*); or
- (e) mackerel tuna (*Euthynnus a. affinis*); or
- (f) northern bluefin tuna (*Kisbinoella tonggol*);

"waters adjacent to Papua New Guinea" (*Repealed by No. 9 of 1977, s. 1.*)

**2. Tuna Resources Management Advisory Committee.**

A Tuna Resources Management Advisory Committee is hereby established.

**3. Constitution.**

(1) In this section, "commercial tuna-fishing company" means a company or organization recognized by the Minister for the purposes of this section.

Prepared for inclusion as at 1/1/1980.

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- (2) The Advisory Committee shall consist of-
- (a) the Departmental Head, who shall be the Chairman; and
  - (b) an officer appointed by the Minister, who shall be the Deputy Chairman; and
  - (c) such number of other officers as the Minister thinks fit; and
  - (d) subject to Subsection (4), such number of persons appointed to represent commercial tuna-fishing companies as the Minister thinks fit; and
  - (e) such number of other persons as the Minister thinks fit.

(3) The members of the Advisory Committee, other than the Chairman, shall be appointed by the Minister by notice in the National Gazette.

(4) The number of members of the Advisory Committee referred to in Subsection (2)(d) shall be less than the number of members who are officers.

(5) A commercial tuna-fishing company may at any time submit to the Minister the name of a person for appointment to the Advisory Committee under Subsection (2)(d).

**4. Deputies of members.**

(1) The Minister shall appoint a deputy for each member referred to in Section 3(2)(C), (d) and (e).

(2) Section 3 applies to and in relation to the appointment of a deputy in the same way as it applies to and in relation to the appointment of the member of whom he is the deputy.

(3) In the absence of a member from a meeting of the Advisory Committee, for the purposes of that meeting, his deputy has all his powers and functions and shall be counted towards a quorum.

**5. Terms and conditions of employment.**

(1) Subject to this Act, the terms and conditions of employment of members of the Advisory Committee referred to in Section 3(2)(d) and (e) and of their deputies are as determined by the Minister.

(2) If at any time the number of members of the Advisory Committee referred to in Section 3(2)(d) or of their deputies ceases to be less than the number of members or deputies, as the case may be, who are officers, the Minister shall—

- (a) terminate the appointment of one or more members or deputies specified in that paragraph; or
- (b) appoint one or more additional officers to be members or deputies, so that the membership complies with the requirements of Section 3(4).

**6. Vacation of office.**

(1) If a member of the Advisory Committee referred to in Section 3(2)(d) or (e), or the deputy of such a member—

- (a) becomes permanently incapable of performing his duties; or
- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (c) resigns his office by writing under his hand to the Minister, the Minister shall terminate his appointment.

(2) If a member of the Advisory Committee referred to in Section 3(2)(d) or (e), or the deputy of such a member, is absent, except on leave granted by the Minister, from three consecutive

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meetings of the committee, the Minister may terminate his appointment.

**7. Meetings.**

(1) The Advisory Committee shall meet at such times and places as the Chairman determines, and in any event not less frequently than once in every 12 months.

(2) The Minister may direct the Chairman to convene a meeting of the Advisory Committee.

(3) At a meeting of the Advisory Committee--

(a) subject to Subsection (4) five members, one of whom is the Chairman or the Deputy Chairman, are a quorum; and

(b) the Chairman, or in his absence the Deputy Chairman, shall preside; and

(c) all matters before the meeting shall be decided by the majority of the members present and voting; and

(d) the member presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

(4) A meeting of the Advisory Committee is not properly constituted for the conduct of business unless the number of members present who are officers is greater than the number of members referred to in Section 3(2)(d) who are present.

(5) The member presiding at a meeting of the Advisory Committee shall cause minutes of the meeting to be kept, and copies of the minutes to be sent as soon as practicable to the Minister.

**8. Functions.**

(1) The Advisory Committee may at, any time, and shall when required by the Minister, report to the Minister, with its recommendations, as to-

(a) the total sustainable yield of tuna in the offshore seas; and

(b) the proposed levels of tuna catch in the offshore seas; and

(c) the licensing of vessels to take tuna in the offshore seas; and

(d) any other aspects of resources management relevant to the development and efficient operation of the Papua New Guinea tuna-fishing industry.

(2) In making its recommendations, the Advisory Committee shall take into account-

(a) the need to promote the operational efficiency of the Papua New Guinea tuna-fishing industry within the broad assessment imposed by-

(i) the assessment of total sustainable yield of tuna from the offshore seas; and

(ii) the commitments of the country under any agreements with the State as to tuna-fishing in the offshore seas; and

(b) the past performance of applicants for licences to take tuna in the offshore seas.

*(Amended by No. 9 of 1977, s. 2.)*

**9. Responsibility for licensing of tuna-fishing. (Repealed by No. 9 of 1977, s. 3.)****10. Regulations.**

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, 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.

## INDEPENDENT STATE OF PAPUA NEW GUINEA.

## CHAPTER No. 224.

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## APPENDIX.

## SOURCE OF THE TUNA RESOURCES MANAGEMENT ACT.

## Part A.—Previous legislation.

*Tuna Resources Management* 1973 (No. 28 of 1973)

as amended by-

*Tuna Resources Management (National Seas) Act* 1977 (No. 9 of 1977).

## Part B.--Cross References.

Section, etc., in Revised Edition	Previous Reference <sup>1</sup>	Section, etc., in Revised Edition	Previous Reference <sup>1</sup>
1	3	6	7
2	4(1)	7	8
3	4(2)-(6)	8	9
4	5	10	11
5	6		

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<sup>1</sup>Unless otherwise indicated, references are to the Act set out in Part A.