

National Parks Regulation 1984

Unvalidated References:

National Parks Act 1982

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.....

Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 157.

National Parks Regulation 1984

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National Parks Regulation 1984

MADE under the *National Parks Act 1982*.

Dated 200 .

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.

Office of Legislative Counsel, PNG

