CHAPTER No. 154.

Fauna (Protection and Control).

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Environment and Conservation 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.

TABLE OF CONTENTS.

	Page.
Fauna (Protection and Control) Act	3
Fauna (Protection and Control) Regulation	13
Fauna (Protection and Control) Bagiai Wildlife Management Area Rules	16.1
Fauna (Protection and Control) Balek Wildlife Sanctuary Rules	16.5
Fauna (Protection and Control) Crown Island Wildlife Sanctuary Rules	16.9
Fauna (Protection and Control) Garu Wildlife Management Area Rules	16.13
Fauna (Protection and Control) Maza Wildlife Management Area Rules	16.17
Fauna (Protection and Control) Mojirau Wildlife Management Area Rules	16.21
Fauna (Protection and Control) Pokili Wildlife Management Area Rules	16.25
Fauna (Protection and Control) Ranba Wildlife Management Area Rules	16.29
Fauna (Protection and Control) Ranba Wildlife Sanctuary Rules	16.33
Fauna (Protection and Control) Sawataitai Wildlife Management Area	16.37
Rules	
Fauna (Protection and Control) Siwi—Utame Wildlife Management Area Rules	16.41
Fauna (Protection and Control) Tonda Wildlife Management Area Rules	16.45
Subsidiary Legislation ¹	
Appendixes—	
1. Source of Act.	
2. Source of Regulation.	
3. Source of Rules.	

¹Subsidiary legislation has not been up-dated.

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CHAPTER No. 154.

Fauna (Protection and Control) Act.

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

- 1. Interpretation-
 - "animal"
 - "approved organization"
 - "the Conservator"
 - "tauna"
 - "land"
 - "permit"
 - "possession"

 - "protected animal"
 - "protected area"
 - "protected fauna"
 - "Ranger"
 - "sanctuary"
 - "taking or killing"
 - "this Act".

PART II.—ADMINISTRATION.

- 2. Administration of Act.
- 3. Operation.
- 4. Conservator of Fauna.
- 5. Powers, duties, etc. of Conservator.

PART III.—PROTECTED FAUNA.

- 6. Declaration of protected fauna.
- 7. Protected fauna vested in the State.
- 8. Killing, etc., protected fauna.
- 9. Possession of protected fauna.
- 10. Permit to take protected fauna.

PART IV.—SANCTUARIES.

- 11. Declaration of sanctuaries.
- 12. Fauna not to be taken or killed in a sanctuary.

PART V.—PROTECTED AREAS.

- 13. Declaration of protected areas.
- 14. Specified fauna not to be taken in a protected area.

PART VI.—WILDLIFE MANAGEMENT AREAS.

- 15. Declaration of Wildlife Management Areas.
- 16. Establishment of Wildlife Management Committees.
- 17. Rules for Wildlife Management Areas.

Ch. No. 154

Fauna (Protection and Control)

- 18. Functions of agent.
- 19. Agent not to receive remuneration, etc.

PART VII.—RANGERS.

- 20. Appointment of Rangers.
- 21. Powers and functions of Rangers.
- 22. Power of examination, etc.

PART VIII.-MISCELLANEOUS.

- 23. Exemptions.
- 24. Rules applying to sanctuaries and protected areas.
- 25. Appeal from act or decision of Ranger.
- 26. Appeal from act or decision of Conservator.
- 27. Prescribed device or equipment.
- 28. Conservator or authorized person may take fauna.
- 29. Fauna may be taken for specified purposes.
- 30. Imported fauna.
- 31. Regulations.

CHAPTER No. 154.

Fauna (Protection and Control) Act.

Being an Act to make provision for the protection, control, harvesting and destruction of fauna, and for related purposes.

PART I.—PRELIMINARY.

1. Interpretation.

In this Act, unless the contrary intention appears—

"animal" means a member of a species included in the definition of "fauna" in this section, or a part or product of any such animal;

"approved organization" means a scientific or zoological organization approved by the Minister;

"the Conservator" means the Conservator of Fauna appointed under Section 4;

"fauna" means any species included in the animal kingdom, whether native, introduced or imported, but does not include man;

"land" includes land covered by water and waters within the territorial jurisdiction of Papua New Guinea;

"permit" means a permit issued under Section 10;

"possession", in relation to a protected animal, includes having the animal in a building, lodging, apartment, field or other place whether belonging to or occupied by the person charged or not, and whether the animal is there for the use of the person charged or of another person;

"protected animal" means a member of a species that is protected fauna, or a part or product of any such animal;

"protected area" means a protected area declared under Section 13;

"protected fauna" means fauna declared to be protected fauna under Section 6;

"Ranger" means the Conservator or a person appointed under Section 20;

"sanctuary" means a sanctuary declared under Section 11;

"taking or killing" means hunting, shooting, killing, poisoning, netting, snaring, spearing, pursuing, taking, disturbing or injuring;

"this Act" includes the regulations.

PART II.—ADMINISTRATION.

2. Administration of Act.

Subject to any directions of the Minister, the Conservator is charged with the administration of this Act.

3. Operation.

Nothing in this Act affects the operation of the Animal Industry Act or the Animal Act.

4. Conservator of Fauna.

The Minister may, by notice in the National Gazette, appoint an officer to be the Conservator of Fauna.

5. Powers, duties, etc., of Conservator.

The Conservator has such powers, functions and duties as are prescribed.

PART III.—PROTECTED FAUNA.

6. Declaration of protected fauna.

The Minister may, by notice in the National Gazette, declare any fauna to be protected fauna for the purposes of this Act.

7. Protected fauna vested in the State.

Subject to the regulations, all protected animals are the property of the State.

8. Killing, etc., protected fauna.

(1) Subject to this Act, a person who takes or kills any protected fauna or uses any explosive, dog, net or instrument or other means for the purpose of taking or killing any protected fauna is guilty of an offence.

Penalty: A fine not exceeding K500.00 for each protected fauna.

(2) Subject to this Act, a person who takes or kills any protected fauna by use of a firearm within the meaning of the *Firearms Regulation Act* 1963 (Adopted) is guilty of an offence

Penalty: A fine not exceeding K1 000.00 for each protected fauna. (Replaced by No. 16 of 1976, s. 1.)

9. Possession of protected fauna.

(1) Subject to Section 29, a person who knowingly buys, sells, offers or consigns for sale, or has in his possession or control, a protected animal is guilty of an offence.

Penalty: A fine not exceeding K500.00 for each animal in respect of which the offence has been committed. (Amended by No. 16 of 1976, s. 2.)

- (2) Subsection (1) applies whether or not the animal was killed, taken or brought in or received from a place outside the country.
- (3) On the conviction of a person for an offence against this section in relation to a protected animal, the animal concerned shall be disposed of in such manner as the court that convicts him directs.
- (4) It is a defence to a charge of an offence against this section if the accused person proves that at the time when it came into his possession the animal was lawfully obtained.

10. Permit to take protected fauna.

- (1) The Conservator may, on the application of a representative of an approved organization issue to him a permit authorizing the taking of protected fauna in accordance with the permit.
 - (2) A permit under Subsection (1) may specify—
 - (a) the protected fauna that may be taken; and
 - (b) the numbers that may be taken; and
 - (c) the area within which the fauna may be taken; and
 - (d) such further or other conditions as seem necessary or desirable to the Conservator.

(3) A person who takes a protected animal in contravention of a condition of a permit under this section is guilty of an offence.

Penalty: A fine not exceeding K40.00 for each animal in respect of which the offence has been committed.

PART IV.—SANCTUARIES.

11. Declaration of sanctuaries.

- (1) The Minister may, by notice in the National Gazette, declare an area to be a sanctuary for the purposes of this Act.
- (2) In the notice referred to in Subsection (1) or in a subsequent notice in the National Gazette, the Minister may specify animals or classes of animals that may lawfully be taken or killed in the sanctuary.

12. Fauna not to be taken or killed in a sanctuary.

(1) Subject to this Act, a person who takes or kills in a sanctuary an animal other than an animal, or animal of a class, that is specified under Section 11(2) is guilty of an offence.

Penalty: A fine not exceeding K20.00 for each animal in respect of which the offence has been committed.

(2) In a prosecution for an offence against Subsection (1), the possession of an animal in a sanctuary by a person is prima facie evidence that that animal was taken or killed in the sanctuary by him.

PART V.—PROTECTED AREAS.

13. Declaration of protected areas.

The Minister may, by notice in the National Gazette, declare an area to be a protected area in relation to a species or class of animals specified in the notice.

14. Specified fauna not to be taken in a protected area.

(1) Subject to this Act, a person who takes or kills in a protected area a member of a species or class of animals specified under Section 13 in relation to the protected area is guilty of an offence.

Penalty: A fine not exceeding K20.00 for each animal in respect of which the offence has been committed.

(2) In a prosecution under Subsection (1), the possession in a protected area of a member of a species or class of animals specified under Section 13 in relation to the protected area is prima facie evidence that that prescribed animal was taken or killed in that protected area.

PART VI.—WILDLIFE MANAGEMENT AREAS.

15. Declaration of Wildlife Management Areas.

(1) Subject to Subsection (2), the Minister may, by notice in the National Gazette, declare an area to be a Wildlife Management Area for the purposes of this Act.

Ch. No. 154

Fauna (Protection and Control)

- (2) Where the Minister intends to declare an area to be a Wildlife Management Area, he shall—
 - (a) consult, as far as is practicable, with the owners of the land within the area to be declared; and
 - (b) where the area that he intends to declare is wholly or partly within the area of a Local Government Council, consult with the Council.
- (3) Failure by the Minister to consult with a Council as required by Subsection (2) does not invalidate a declaration made under this section.

16. Establishment of Wildlife Management Committees.

In the notice referred to in Section 15 or in a subsequent notice in the National Gazette, the Minister may, in his discretion—

- (a) establish a Wildlife Management Committee for the area and specify the number of members of the Committee; and
- (b) appoint persons to be members of the Committee; and
- (c) specify the manner in which other persons may become members of the Committee; and
- (d) specify a person or officer to be the agent of the Committee.

17. Rules for Wildlife Management Areas.

- (1) Subject to Subsection (2), the Minister may, after consultation with a Wildlife Management Committee, make rules for the protection, propagation, encouragement, management, control, harvesting and destruction of fauna in the Wildlife Management Area for which the Committee is appointed.
- (2) Where the Minister intends to make rules in respect of a Wildlife Management Area, he shall—
 - (a) consult, as far as practicable, with the owners of the land within the area to be declared; and
 - (b) where the area he intends to declare is wholly or partly within the area of A Local Government Council, consult with the Council.
- (3) Without limiting the matters in respect of which rules may be made under Subsection (1), the rules may provide for—
 - (a) licences to authorize persons to take or kill any animals; and
 - (b) fees for the licences; and
 - (c) a scale or scales or royalties in respect of animals taken or killed in the Wildlife Management Area; and
 - (d) the disposal of fees and royalties.
- (4) Failure by the Minister to consult with a Wildlife Management Committee as required by Subsection (1), or with a Council as required by Subsection (2), does not invalidate rules made under this section.
- (5) A person who, without reasonable excuse (proof of which is on him), contravenes or fails to comply with a rule made under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K20.00.

18. Functions of agent.

- (1) Where the rules made for a Wildlife Management Area provide for the issue of licences, the agent of the Wildlife Management Committee established for the area shall issue the licences.
- (2) The agent of a Wildlife Management Committee is responsible for receiving any licence fees or royalty payments provided for under the rules.
- (3) The agent of a Wildlife Management Committee shall account to that Committee for any moneys received by him under Subsection (2).

19. Agent not to receive remuneration, etc.

The agent of a Wildlife Management Committee is not entitled to receive any remuneration or allowance in respect of his duties as agent.

PART VII.—RANGERS.

20. Appointment of Rangers.

The Conservator may, by notice in the National Gazette, appoint a person to be a Ranger for the purposes of this Act.

21. Powers and functions of Rangers.

Subject to any directions of the Conservator, a Ranger is responsible for the enforcement of this Act, and has such other powers and functions as are prescribed.

22. Power of examination, etc.

- (1) Subject to this section, for the purposes of this Act a Ranger may, at all reasonable times and with or without assistants—
 - (a) enter on and search any land, building, aircraft, vessel or vehicle on or in which there is reasonable cause to believe that any animal taken or killed in contravention of this Act is or may be; and
 - (b) require a person to furnish information concerning, or to produce for inspection, any animal in his possession or under his control; and
 - (c) seize and detain for further examination and inspection any animal that has been, or that there is reasonable cause to believe has been, taken or killed in contravention of this Act.

(2) A person who-

- (a) hinders or obstructs a Ranger or a person lawfully assisting a Ranger in the exercise of his powers under Subsection (1); or
- (b) refuses or fails, without lawful or reasonable excuse (proof of which is on him), to furnish information or to produce any animal when required to do so under that subsection,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

Default penalty: A fine not exceeding K20.00.

(3) The power of entry and search conferred by Subsection (1)(a) shall not be exercised except under a warrant in the prescribed form, issued by a justice on being satisfied as to the matter specified in that paragraph.

Fauna (Protection and Control)

PART VIII.—MISCELLANEOUS.

23. Exemptions.

- (1) Where, in the opinion of the Minister, it is in the circumstances of the country expedient to do so, he may, by notice in the National Gazette, exempt a person or class of persons from all or any of the provisions of Part III., IV. or V.
 - (2) An exemption under Subsection (1) may be absolute or subject to conditions.

24. Rules applying to sanctuaries and protected areas.

- (1) The Minister may, in relation to-
 - (a) a sanctuary or class of sanctuaries; or
 - (b) a protected area of class of protected areas,

make rules for the protection, propagation, encouragement, management, control, harvesting and destruction of fauna in the sanctuary or class of sanctuaries, or in the protected area or class of protected areas, as the case may be.

(2) A person who, without reasonable excuse (proof of which is on him), contravenes or fails to comply with a rule made under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K20.00.

25. Appeal from act or decision of Ranger.

- (1) A person aggrieved by an act or decision of a Ranger under this Act may, within 28 days after the act or decision comes to his knowledge, appeal to the Conservator.
 - (2) On an appeal under Subsection (1), the Conservator may—
 - (a) in the case of an appeal against an act-
 - (i) uphold the action of the Ranger; or
 - (ii) direct that the Ranger take such other action as to the Conservator seems necessary or desirable; or
 - (iii) annul the act; or
 - (b) in the case of an appeal against a decision—
 - (i) uphold the decision; or
 - (ii) vary the decision by substituting another decision that the Ranger could lawfully make; or
 - (iii) annul the decision.

26. Appeal from act or decision of Conservator.

- (1) A person aggrieved by an act or decision of the Conservator under this Act (including a decision under Section 25) may, within 28 days after the act or decision comes to his knowledge, appeal to the Minister, whose decision is final¹.
 - (2) On an appeal under Subsection (1), the Minister may-
 - (a) in the case of an appeal against an act-
 - (i) uphold the action of the Conservator; or
 - (ii) direct that the Conservator take such other action as to the Minister seems necessary or desirable; or

¹ But see Constitution, Section 155.

- (iii) annul the act; or
- (b) in the case of an appeal against a decision—
 - (i) uphold the decision; or
 - (ii) vary the decision by substituting another decision that the Conservator could lawfully make; or
 - (iii) annul the decision.

27. Prescribed device or equipment.

- (1) The Minister may, by notice in the National Gazette-
 - (a) prescribe or limit the devices, equipment or method that shall be used in the taking or killing of members of a species or class of animal; or
 - (b) prohibit or restrict the devices, equipment or method that may be used in the taking or killing of members of a species or class of animal.
- (2) A person who takes or kills an animal in contravention of a notice under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K40.00 for each animal in respect of which the offence has been committed.

28. Conservator or authorized person may take fauna.

- (1) Notwithstanding this Act, the Conservator, or a person authorized in writing by the Conservator and acting in accordance with the authorization, may take an animal that is—
 - (a) a protected animal; or
 - (b) an animal in a sanctuary; or
 - (c) an animal in a protected area, being a member of a species or class in relation to which the protected area has been declared,

for any purpose directly or indirectly connected with the care, protection, promotion or propagation of particular species or classes of animals, or of fauna generally.

(2) An animal taken or killed under Subsection (1) shall be disposed of as the Conservator directs.

29. Fauna may be taken for specified purposes.

- (1) Notwithstanding this Act, an animal that is-
 - (a) a protected animal; or
 - (b) an animal in a sanctuary; or
 - (c) an animal in a protected area, being a member of a species or class in relation to which the protected area has been declared,

may be taken for a purpose specified by the Minister by notice in the National Gazette, and the Minister may, in the notice or in a subsequent notice in the National Gazette, restrict the taking of animals—

- (d) to one or more species of animals; or
- (e) to a sanctuary or class of sanctuaries; or
- (f) to a protected area or class of protected areas; or

Ch. No. 154

Fauna (Protection and Control)

- (g) to a person or class of persons.
- (2) A notice under Subsection (1) may be absolute or subject to conditions.

30. Imported fauna.

A person who, otherwise than in accordance with a direction of the Conservator, liberates an animal imported into the country, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

31. Regulations.

- (1) 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, and, in particular—
 - (a) for the protection, care, preservation and propagation of any species of fauna; and
 - (b) prescribing the circumstances in which a person may acquire ownership of protected animals; and
 - (i) prescribing the method of laying poison and safeguards in connexion with laying poison in order to prevent the destruction of animals; and
 - (d) defining the duties of the Conservator and of Rangers appointed under this Acr: and
 - (e) prescribing penalties of fines not exceeding K100.00 for offences against the regulations.
 - (2) The regulations may-
 - (a) apply to or have operation in the whole or any part of the country; or
 - (b) be of general or specially limited application according to time, place or circumstances; or
 - (c) be general or restricted to a specified class or subject matter.

INDEPENDENT STATE OF PAPUA NEW GUINEA. CHAPTER No. 154.

Fauna (Protection and Control) Regulation.

ARRANGEMENT OF SECTIONS.

1. Form of warrant.

SCHEDULE.—

FORM 1.—Warrant.

CHAPTER No. 154.

Fauna (Protection and Control) Regulation.

MADE under the Fauna (Protection and Control) Act.

1. Form of warrant.

A warrant under Section 22(3) of the Act shall be in Form 1.

SCHEDULE.

PAPUA NEW GUINEA. Fauna (Protection and Control) Act.

Act, Sec. 22(3).

Form 1.

Reg., Sec. 1.

WARRANT.

To

, a Ranger.

I, , a Justice of the Peace, being satisfied that there is reasonable cause to believe that an animal taken or killed in contravention of the Fauna (Protection and Control) Act is or may be on or in (specify the land, building, aircraft, vessel or vehicle, as the case may be, to be searched) authorize you to exercise the powers conferred on you by Section 22(1) of that Act in relation to that land (or building or aircraft or vessel or vehicle, as the case may be).

Dated

19

Justice of the Peace.

CHAPTER No. 154.

Fauna (Protection and Control) Bagiai Wildlife Management Area Rules.

ARRANGEMENT OF SECTIONS.

- 1. Interpretation—"the Area".
- 2. Restriction on taking and killing of fauna.
- 3. Restriction on methods of taking and killing fauna.
- 4. Restricted use of firearms.

CHAPTER No. 154.

Fauna (Protection and Control) Bagiai Wildlife Management Area Rules.

MADE under the Fauna (Protection and Control) Act.

1. Interpretation.

In these Rules, unless the contrary intention appears "the Area" means the Bagiai Wildlife Management Area under exception of the deep waters off the reefs and Wadau and Bulu Plantations.

2. Restriction on taking and killing of fauna.

- (1) A person, other than a person who has customary rights to take or kill fauna in the Area, shall not take or kill fauna in the Area.
- (2) A person, who has customary rights to take or kill fauna in the Area may take or kill fauna only in the parts of the Area to which his customary rights apply.

3. Restriction on methods of taking and killing fauna.

- (1) Only customary methods of taking and killing fauna shall be used in the Area.
- (2) In particular, but without in any way limiting Subsection (1), no commercially manufactured fishing nets or kerosene or hurricane lamps shall be used in connexion with the taking or killing of fauna.

4. Restricted use of firearms.

Notwithstanding Section 3, and subject to any other law, firearms may be used by any owner of land within the Area—

- (a) to kill wild pigs on his own land; and
- (b) to kill Fork Tailed Kite when it threatens or attacks domestic poultry.

¹Sic. Presumably "with the exception" was intended.

CHAPTER No. 154.

Fauna (Protection and Control) Balek Wildlife Sanctuary Rules.

ARRANGEMENT OF SECTIONS.

- 1. Interpretation—
 - "the Sanctuary".
- 2. Prohibition on taking, etc., of fauna.
- 3. Prohibition on lighting of fires.
- 4. Prohibition on disposal of refuse, etc.
- 5. Prohibition on cutting trees, etc.

SCHEDULE.—Clan Leaders.

CHAPTER No. 154.

Fauna (Protection and Control) Balek Wildlife Sanctuary Rules.

MADE under the Fauna (Protection and Control) Act.

1. Interpretation.

In these Rules, "the Sanctuary" means the Balek Wildlife Sanctuary.

2. Prohibition on taking, etc., of fauna.

A person shall not take or kill fauna in the Sanctuary.

3. Prohibition on lighting of fires.

A person shall not light a fire in the Sanctuary.

4. Prohibition on disposal of refuse, etc.

A person shall not dispose of any refuse, litter or garbage in or into the Sanctuary.

- 5. Prohibition on cutting trees, etc.
 - (1) Subject to Subsection (2), a person shall not -
 - (a) cut or damage trees or plants; or
 - (b) make a garden,

in the Sanctuary.

- (2) A person who has customary garden rights in the Sanctuary may make a garden in the Sanctuary, and may cut and damage trees or plants to the extent reasonably necessary to make a garden, only—
 - (a) with the prior approval of his clan leader; and
 - (b) on land that has been customarily used for gardens.
 - (3) For the purpose of Subsection (2), the clan leader is as specified in the Schedule.

SCHEDULE.

CLAN LEADERS.

Leader	Clan	Village
Tegil Nanek	Hep Clan	Awa Village
Wagum Tegil	Hep Clan	Awa Village
Dira Baik	Hep Clan	Awa Village
Sakel Tegil	Hep Clan	Awa Village
Bedem Bahuwai	Yaum Clan	Awa Village
Biltal Damun	Yaum Clan	Awa Village
Ulul Damun	Yaum Clan	Awa Village
Kom Baukam	Belih Clan	Awa Village
Oina Bultin	Belih Clan	Awa Village
Jabe But	Belih Clan	Awa Village

CHAPTER No. 154.

Fauna (Protection and Control) Crown Island Wildlife Sanctuary Rules.

ARRANGEMENT OF SECTIONS.

- 1. Interpretation—
 "the Sanctuary"
 "sea shells".
- 2. Prohibition on firearms.
- 3. Restriction on taking of fauna.

CHAPTER No. 154.

Fauna (Protection and Control) Crown Island Wildlife Sanctuary Rules.

MADE under the Fauna (Protection and Control) Act.

1. Interpretation.

In these Rules-

"the Sanctuary" means the Crown Island Wildlife Sanctuary;

"sea shells" includes molluscs and crustaceans.

2. Prohibition on firearms.

A person shall not be in possession of a firearm within the Sanctuary.

- 3. Restriction on taking of fauna.
- (1) Subject to Subsection (2), a person shall not take or disturb any sea shells in the Sanctuary.
- (2) A person who has traditional sea shell harvesting rights within the Sanctuary may take sea shells from that part of the Sanctuary to which his traditional sea shell harvesting rights apply.

CHAPTER No. 154.

Fauna (Protection and Control) Garu Wildlife Management Area Rules.

ARRANGEMENT OF SECTIONS.

- 1. Interpretation-
 - "the Area"
 - "egg-burrow"
 - "wild fowl".
- 2. Prohibition on hunting of wild fowl.
- 3. Restrictions on the taking of eggs.
- 4. Protection of egg-burrows.
- 5. Dogs not allowed near egg-burrows.
- 6. Restriction on use of shotguns.
- 7. Prohibition on cutting trees, etc.

CHAPTER No. 154.

Fauna (Protection and Control) Garu Wildlife Management Area Rules.

MADE under the Fauna (Protection and Control) Act.

1. Interpretation.

In these Rules, unless the contrary intention appears-

"the Area" means the Garu Wildlife Management Area;

"egg-burrow" means the nesting burrow of the wild fowl;

"wild fowl" does not include eggs of the wild fowl.

2. Prohibition on hunting of wild fowl.

A person shall not take or kill any wild fowl in the Area.

3. Restrictions on the taking of eggs.

- (1) A person, other than a person who has customary egg harvesting rights within the Area, shall not take or disturb any eggs in the Area.
- (2) A person who has customary egg harvesting rights within the Area may take eggs only on Tuesday and Thursday in each week and shall not take more than 80 eggs on any one day.
- (3) Eggs with embryos shall not be taken, and any such eggs which are removed from their egg-burrows shall be returned to their egg-burrows.

4. Protection of egg-burrows.

A person who, while taking eggs from an egg-burrow, removes any soil from that egg-burrow, shall replace the soil in such a manner so as to cause the least possible disturbance to that egg-burrow.

5. Dogs not allowed near egg-burrows.

A person, being-

- (a) the owner of a dog; or
- (b) a person who has, for the time being, exclusive control of a dog, shall not allow that dog within 500 m of an egg-burrow.

6. Restriction on use of shotguns.

Subject to any other law, shotguns may be used to take or kill fauna other than wild fowl in the Area only by persons having customary rights to take or kill fauna in the Area.

7. Prohibition on cutting trees, etc.

- (1) Subject to Subsection (2), a person shall not cut or destroy trees in the Area.
- (2) A person who has customary rights to cut or destroy trees in the Area may cut or destroy trees only in the parts of the Area to which his customary rights apply.

CHAPTER No. 154.

Fauna (Protection and Control) Maza Wildlife Management Area Rules.

ARRANGEMENT OF SECTIONS.

- 1. Interpretation—"the Area".
- 2. Traditional hand-harpoon method may be used.
- 3. Restriction on netting dugongs.
- 4. Best endeavours not to take, etc., mother or baby.
- 5. Selling of dugongs.
- 6. Penalty.

CHAPTER NO. 154.

Fauna (Protection and Control) Maza Wildlife Management Area Rules.

MADE under the Fauna (Protection and Control) Act.

1. Interpretation.

In these Rules, unless the contrary intention appears "the Area" means the Maza Wildlife Management Area.

2. Traditional hand-harpoon method may be used.

A person may at any time take or catch a dugong within the Area by the traditional hand-harpoon method from a canoe, whether powered by out-board engine or otherwise.

3. Restriction on netting dugongs.

- (1) A person must not take or catch a dugong within the Area by means of a net except—
 - (a) during the months of May, June and July; and
 - (b) in the immediate area of Daru Island.
- (2) Where a net is used to take or catch a dugong the mesh size must not exceed $25.4~\mathrm{cm}^1$

4. Best endeavours not to take, etc., mother or baby.

A person must use his best endeavour not to take, catch or kill within the Area a mother dugong or a baby dugong.

5. Selling of dugongs.

- (1) A dugong taken or caught within the Area may only be sold in the market at Daru.
- (2) Where a person intends to sell a dugong in the market at Daru he must, prior to offering it for sale, bring it to the Daru Wildlife Division Dugong Project Office for inspection by—
 - (a) a Wildlife Officer; or
 - (b) a member of the Maza Wildlife Management Committee; or
 - (c) any person authorised by a Wildlife Officer or member of the Maza Wildlife Management Committee.

6. Penalty.

A person who, without reasonable cause, (proof of which is on him), contravenes or fails to comply with a provision of these Rules is liable to the appropriate penalties set out in the Act.

¹Metricated editorially. The original measurement was 10 inches.

CHAPTER No. 154.

Fauna (Protection and Control) Mojirau Wildlife Management Area Rules.

- 1. Interpretation—
 "the Area".
- 2. Restriction on taking or killing of fauna.
- 3. Restriction on use of shotguns.
- 4. Dogs not allowed in management area.
- 5. Prohibition of camping.

CHAPTER No. 154.

Fauna (Protection and Control) Mojirau Wildlife Management Area Rules.

MADE under the Fauna (Protection and Control) Act.

1. Interpretation.

In these Rules, "the Area" means the Mojirau Wildlife Management Area.

2. Restriction on taking or killing of fauna.

A person, other than a person who has customary rights to take or kill fauna in the Area, shall not take or kill fauna in the Area.

3. Restriction on use of shotguns.

Subject to any other law, shotguns may be used to take or kill fauna, other than protected fauna, only by persons having customary rights to take or kill fauna in the Area.

4. Dogs not allowed in management area.

A person, being-

- (a) the owner; or
- (b) a person who has, for the time being, exclusive control of a dog, shall not allow that dog to enter or remain within the Area.

5. Prohibition of camping.

A person shall not camp within the Area.

CHAPTER No. 154.

Fauna (Protection and Control) Pokili Wildlife Management Area Rules.

- 1. Interpretation-
 - "the Area"
 - "egg-burrow"
 - "wild-fowl".
- 2. Prohibition on hunting of wild fowl.
- 3. Restrictions on the taking of eggs.
- 4. Protection of egg-burrows.
- 5. Taking of trees.
- 6. Dogs not allowed near egg-burrows.

CHAPTER NO. 154.

Fauna (Protection and Control) Pokili Wildlife Management Area Rules.

MADE under the Fauna (Protection and Control) Act.

1. Interpretation.

In these Rules, unless the contrary intention appears-

"the Area" means the Pokili Wildlife Management Area;

"egg-burrow" means the nesting burrow of the wild fowl;

"wild-fowl" does not include eggs of the wild fowl.

2. Prohibition on hunting of wild fowl.

A person shall not take or kill any wild fowl in the Area.

3. Restrictions on the taking of eggs.

- (1) A person, other than a person who has traditional egg harvesting rights within the Area, shall not take or disturb any eggs in the Area.
- (2) A person who has traditional egg harvesting rights within the Area may take eggs only from that part of the Area to which his traditional egg harvesting rights apply.
- (3) A person shall not take or disturb any eggs in the Area during the month of August.

4. Protection of egg burrows.

A person who, while taking eggs from an egg-burrow, removes any soil from that egg-burrow, shall replace the soil in such a manner so as to cause the least possible disturbance to that egg-burrow.

5. Taking of trees.

A person shall not take or damage any tree or plant in the Area within 1 000 m of an egg-burrow.

6. Dogs not allowed near egg-burrows.

A person, being-

- (a) the owner of a dog; or
- (b) a person who has, for the time being, exclusive control of a dog, shall not allow that dog within 500 m of an egg-burrow.

CHAPTER No. 154.

Fauna (Protection and Control) Ranba Wildlife Management Area Rules.

- 1. Interpretation—
 - "the Area"
 - "the Committee".
- 2. Restriction on taking or killing of turtles.
- 3. Sale and purchase of turtles.
- 4. Measuring of turtles.
- 5. Payments for turtles.
- 6. Restriction on taking and killing of other fauna.
- 7. Prohibition of use of shotguns.

CHAPTER No. 154.

Fauna (Protection and Control) Ranba Wildlife Management Area Rules.

MADE under the Fauna (Protection and Control) Act.

1. Interpretation.

In these Rules, unless the contrary intention appears-

"the Area" means the Ranba Wildlife Management Area;

"the Committee" means the Pono Wildlife Management Committee established for the Area.

2. Restriction on taking or killing of turtles.

- (1) Subject to Subsections (2) and (3), a person shall not take or kill turtles in the Area.
- (2) A person who has customary rights to take or kill turtles in the Area, may take or kill turtles only in the part or parts of the Area over which his customary rights apply.
- (3) A person, other than a person who has customary rights to take or kill turtles, may be authorised to take or kill turtles—
 - (a) in a part or parts of the Area over which customary rights apply—by the customary owner; and
 - (b) in a part or parts of the Area over which no customary rights apply—by the Committee.
- (4) Turtles taken or killed by a person under Subsection (3) shall be paid for as if they were being purchased in accordance with Section 3.

3. Sale and purchase of turtles.

- (1) Subject to Subsections (2) and to Section 4, a person may purchase a turtle taken or killed in the Area.
- (2) A turtle taken or killed in the Area shall not be sold during the months of May, June and July.

4. Measuring of turtles.

- (1) Before a turtle is purchased in accordance with Section 3, it shall be measured—
 - (a) in the case of a turtle taken or killed in a part or parts of the Area over which customary rights apply—by the customary owner; and
 - (b) in the case of a turtle taken or killed in a part or parts of the Area over which no customary rights apply—by the Committee.
- (2) The length of a turtle shall be determined by measuring along the back shell or carapace from the centre of the insertion of the neck to the tip above its tail.

5. Payments for turtles.

- (1) A person shall pay in respect of turtles purchased in accordance with Section 3-
 - (a) K20.00 for a turtle less than 60 cm in length; and

Ch. No. 154

Fauna (Protection and Control)

- (b) K30.00 for a turtle of 60 cm or more in length.
- (2) Payment in accordance with Subsection (1) shall be made
 - (a) in the case of a turtle taken or killed in a part of the Area over which customary rights apply—to the customary owner; and
 - (b) in the case of a turtle taken or killed in a part of the Area over which no customary rights apply—to the Committee.
- 6. Restriction on taking and killing of other fauna.
- (1) Subject to Subsection (2), a person shall not take or kill fauna, other than turtles, in the Area.
- (2) A person who has customary rights to take or kill fauna in the Area, may take or kill fauna, only in the part or parts of the Area over which his customary rights apply.
- 7. Prohibition of use of shotguns.

A person shall not have or use shotguns in the Area.

Chapter No. 154.

Fauna (Protection and Control) Ranba Wildlife Sanctuary Rules.

- 1. Interpretation—
 "the Sanctuary".
- 2. Prohibition on firearms.

CHAPTER No. 154.

Fauna (Protection and Control) Ranba Wildlife Sanctuary Rules.

MADE under the Fauna (Protection and Control) Act.

1. Interpretation.

In these Rules, "the Sanctuary" means the Ranba Wildlife Sanctuary.

2. Prohibition on firearms.

A person shall not be in possession of a firearm within the Sanctuary.

CHAPTER No. 154.

Fauna (Protection and Control) Sawataitai Wildlife Management Area Rules.

- 1. Interpretation—
 "the Area".
- 2. Restriction on use of firearms.
- 3. Restriction on taking fauna.
- 4. Restriction on lighting fires.

CHAPTER No. 154.

Fauna (Protection and Control) Sawataitai Wildlife Management Area Rules.

MADE under the Fauna (Protection and Control) Act.

1. Interpretation.

In these Rules, unless the contrary intention appears "the Area" means the Sawataitai Wildlife Management Area.

2. Restriction on use of firearms.

Firearms shall not be taken into the Area except by a person who owns land within the Area.

3. Restriction on taking fauna.

Fauna shall not be taken in the Area except dogs and pigs which may be taken by a person who owns land within the Area.

4. Restriction on lighting fires.

- (1) Fires shall not be lit within the Area except fires lit to clear gardens by persons who own land in the Area.
 - (2) Fires lit by owners of land in the Area shall be controlled by the owners.

CHAPTER No. 154.

Fauna (Protection and Control) Siwi—Utame Wildlife Management Area Rules.

- 1. Interpretation—"the Area".
- 2. Restriction on taking or killing of fauna.
- 3. Prohibition on use of weapons.
- 4. Dogs not allowed in area.
- 5. Prohibition on taking of eggs.

16.42

CHAPTER No. 154.

Fauna (Protection and Control) Siwi—Utame Wildlife Management Area Rules.

MADE under the Fauna (Protection and Control) Act.

1. Interpretation.

In these Rules, unless the contrary intention appears "the Area" means the Siwi—Utame Wildlife Management Area.

2. Restriction on taking or killing of fauna.

A person, other than a person who has customary rights to take or kill fauna in the Area, shall not take or kill fauna in the Area.

3. Prohibition on use of weapons.

Bows and arrows, shotguns, slings and metal traps shall not be used within the Area.

4. Dogs not allowed in area.

A person, being-

- (a) the owner of a dog; or
- (b) a person who has, for the time being, exclusive control of a dog, shall not allow that dog within the Area.

5. Prohibition on taking of eggs.

Eggs of any birds, including cassowaries, in the Area, are not to be disturbed or taken.

16.44

CHAPTER No. 154.

Fauna (Protection and Control) Tonda Wildlife Management Area Rules.

ARRANGEMENT OF SECTIONS.

- 1. Interpretation—
 - "the agent"
 - "the Area"
 - "the Committee"
 - "licence"
 - "licensee".
- 2. Application.
- 3. Restrictions on hunting.
- 4. Licences, etc.
- 5. Disbursement of royalty.
- 6. Royalty.

SCHEDULE.

16.46

CHAPTER NO. 154.

Fauna (Protection and Control) Tonda Wildlife Management Area Rules.

MADE under the Fauna (Protection and Control) Act.

1. Interpretation.

In these Rules, unless the contrary intention appears-

"the agent" means a person appointed to be an agent of the Committee;

"the Area" means the Tonda Wildlife Management Area;

"the Committee" means the wildlife management committee for the Area;

"licence" means a licence granted under Section 5;

"licensee" means a person to whom a licence has been granted.

2. Application.

These Rules do not apply to persons who hold customary rights to take or kill fauna within the Area.

3. Restrictions on hunting.

- (1) A person shall not take or kill any fauna in the Area unless-
 - (a) he is the holder of a licence under Section 4; and
 - (b) he is accompanied by a guide who is a person who holds customary rights to take or kill fauna within the Area; and
 - (c) the fauna is fauna in respect of which the licence was issued.
- (2) A licensee shall not-
 - (a) take or kill any fauna in that part of the Area which lies-
 - (i) east of the Bensbach River; and
 - (ii) west of the Moorehead River; or
 - (b) use nets for fishing in the Area; or
 - (c) take or kill any fauna from a vehicle or vessel.

4. Licences, etc.

- (1) A person who wishes to take or kill fauna shall apply to an agent for a licence.
- (2) An application under Subsection (1) shall state—
 - (a) the name of the applicant; and
 - (b) the type of fauna he intends to take or kill; and
 - (c) if the type of fauna specified is deer—the number of deer the applicant intends to take or kill.
- (3) The agent may grant to a person a licence or licences to take or kill-
 - (a) deer; or
 - (b) duck; or

Ch. No. 154

Fauna (Protection and Control)

- (c) fish.
- (4) The maximum number of fauna which a licensee may take or kill under the one licence is—
 - (a) in the case of a licence to take or kill deer—five deer; and
 - (b) in the case of a licence to take or kill duck—five duck.
 - (5) An application for a licence shall be accompanied—
 - (a) by a fee of K2.00; and
 - (b) by the total amount of royalty payable on fauna the licensee intends to take or
- (6) The agent shall issue a written receipt showing details of the amount of fees and royalty paid.

5. Disbursement of royalty.

- (1) Where a licensee does not take or kill the number of fauna specified on the application for a licence, the agent shall refund to the licensee the amount of royalty paid in respect of the fauna not taken or killed.
- (2) As soon as practicable after the expiry of a licence, the agent shall make payment of 50% of the royalty retained to the owner of the land where the fauna was taken or killed.
 - (3) The receipt for-
 - (a) refund of royalty shall be signed by the licensee; and
 - (b) payment of 50% of the royalty shall be endorsed with-
 - (i) the name and village of the owner of the land; and
 - (ii) the amount of the payment; and
 - (iii) the date of the payment; and
 - (iv) the signature of the agent, the owner of the land and a witness.

6. Royalty.

- (1) A licensee shall pay to the agent for each type of fauna specified in Column 1 of the Schedule the amount of royalty set out in Column 2 of the Schedule opposite that type of fauna.
- (2) After payment of the royalty prescribed in Subsection (1), the fauna in respect of which the royalty has been paid becomes the property of the licensee.

Fauna (Protection and Control)

Ch. No. 154

SCHEDULE.

	ROYALTY.
Column 1	Column 2
Type of fauna.	Royalty.
First deer	K15.00
Second deer	K20.00
Third deer	K30.00
Fourth deer	K50.00
Fifth deer	K60.00
Duck	K2.00 per head
Fish	K0.30 for each kg
	or part of a kg by weight of headed and gutted fish.

CHAPTER No. 154.

Fauna (Protection and Control).

SUBSIDIARY LEGISLATION.

- Act, Section 4—Ex officio appointment of Conservator of Fauna. Director of Agriculture, Stock and Fisheries¹.
- 2. Act, Section 6-Declaration of protected fauna.

Birds

Egrets of the following species:—

Egretta alba (Greater or White Egret)

Egretta garzetta (Little Egret)

Egretta intermedia (Lesser or Plumed Egret)

Goura Pigeons (i.e., all members of the genus Goura)

New Guinea Eagles (i.e., all members of the species Harpyopsis novaeguineae)

Ospreys (i.e., the species Pandion cristatus)

Paradisaeidae, all members of the family (Birds of Paradise, Manucodes, Rifle Birds and Trumpet Birds)

Salvadoris Teal (i.e., the species Salvadorina waigiuensis).

Butterflies.

Bird-wing butterflies—the following members of the species Ornithoptera:—

Ornithoptera alexandrae

Ornithoptera allotei

Ornithoptera chimaera

Ornithoptera goliath

Ornithoptera meridionalis

Ornithoptera paradisea

Ornithoptera victoriae.

Fish.

Brown trout (Salmo trutta), less than 203mm 2 in length

Rainbow trout (Salmo gardneri), less than 203mm 2 in length.

Mammals

Long-snouted Echidna (Zaglossus bruijnii).

¹ For some reason, in Papua New Guinea Government Gazette No. 65 of 26 July 1973, at p. 21, the Assistant Director (Animal Industry), Department of Agriculture, Stock and Fisheries, was appointed "Deputy Conservator of Fauna". There is no such statutory office.

² Metricated editorially. The original length was 8 in.

Ch. No. 154

Fauna (Protection and Control)

Reptiles.

Boelen's Python (Python boeleni).

3. Act, Section 13—Declaration of Protected Areas.

Baniara Island, Milne Bay Province, in relation to the Agile Wallaby (Wallabia agilis).

4. Act, Section 15—Declaration of Wildlife Management Areas.

Pokili Wildlife Management Area (more particularly described in *Papua New Guinea Government Gazette* No. 50 of 26 June 1975, p. 27).

Tonda Wildlife Management Area (more particularly described in Papua New Guinea Government Gazette No. 7 of 6 February 1975, p. 10).

5. Act, Section 16(a)—Establishment of Wildlife Management Committees.

Pokili Wildlife Management Committee

Tonda Wildlife Management Committee.

6. Act, Section 16(d)—Specification of agents of Wildlife Management Committees.

Tonda Wildlife Management Committee-

Assistant District Officer stationed in the Morehead Subdistrict

Manager of Bensbach Lodge, Wando, Western Province (offices as at 20 January 1975).

7. Act, Section 20-Ex officio Appointment of Rangers.

Livestock Officers, Department of Agriculture, Stock and Fisheries, Provincial Rural Development Officers, Department of Agriculture, Stock and Fisheries, for—

Bougainville Province

Gulf Province

Manus Province

New Ireland Province

Northern Province

Western Province

Veterinary Officers, Department of Agriculture, Stock and Fisheries.

8. Act, Section 23-Exemptions.

Exemption from Sections 8 and 9 of automatic citizens, subject to the conditions that—

- (a) a person shall not use any mist net, gun or explosive for the purpose of taking or killing any protected animal; and
- (b) a person shall not knowingly—
 - (i) buy, sell, offer or consign for sale; or
 - (ii) have in his possession or control,

any protected animal that has been taken or killed with the use of a mist net, gun or explosive; and

(c) a person may-

- (i) take or kill a protected animal; or
- (ii) use a dog, net or instrument or other means for the purpose of taking or killing any protected animal; or
- (iii) knowingly buy, sell, offer or consign for sale, or have in his possession or control, any protected animal,

only for or in fulfilment of one of the following purposes (proof of which lies on him):---

- (iv) use by himself or his family in traditional native ceremonies; or
- (v) sale to another automatic citizen for customary consideration, not including money, for use by him or his family in traditional native ceremonies; and

(d) a person may-

- (i) take or kill a protected animal; or
- (ii) use a dog, net or instrument or other means for the purpose of taking or killing any protected animal,

only on land-

- (iii) over which he has the right to hunt the animal; or
- (iv) of which he is the owner.

9. Act, Section 27—Restriction on Devices for Taking Animals.

Mist nets, prohibition of, for the taking of birds and bats, without prior written permission of Conservator.

20.

Chapter No. 154.

Fauna (Protection and Control).

APPENDIXES.

APPENDIX 1.

SOURCE OF THE FAUNA (PROTECTION AND CONTROL) ACT.

Part A.—Previous Legislation.

Fauna Protection Act 1966 (No. 19 of 1966)

as amended by-

Fauna (Protection and Control) (Amendment) Act 1974 (No. 42 of 1974)

Fauna (Protection and Control) (Amendment) Act 1976 (No. 16 of 1976).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .	Section, etc., in Revised Edition.	Previous Reference ¹ .
1	6, 25	17	21 C
2	8	18	21D
3	5	19	21E
4	7	20.	22
5	9	21	23
6	10	22	24
7	14	23	16, 25A
8	11	24	25B
9	12, 13	. 25	27
10	15	26	26
11	17	27	28
12	18	28	29
13	20	29	29A
14	21	30	30
15	21 A	31	31
16	21B	2-	3 -

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

Ch. No. 154

Fauna (Protection and Control)

APPENDIX 2.

SOURCE OF THE FAUNA (PROTECTION AND CONTROL) REGULATION.

Part A.—Previous Legislation.
Fauna Protection Regulations 1968 (Statutory Instrument No. 5 of 1968).

Part B.—Cross References.

Section, etc., in Revised Edition.		Previous Reference ¹ .	Previous Reference ¹ .	
1		3		
Schedule— Form 1.		3		

¹Unless otherwise indicated, references are to the regulations set out in Part A.

APPENDIX 3.

SOURCE OF THE FAUNA (PROTECTION AND CONTROL) RULES.

Part A.—Previous Legislation.

Fauna (Protection and Control) (Bagiai Wildlife Management Area) Rules 1977 (Statutory Instrument No. 25 of 1977)

Fauna (Protection and Control (Balek Wildlife Sanctuary) Rules 1977 (Statutory Instrument No. 40 of 1977)

Fauna (Protection and Control) (Crown Island Wildlife Sanctuary) Rules 1978 (Statutory Instrument No. 23 of 1978)

Fauna (Protection and Control) (Garu Wildlife Management Area) Rules 1977 (Statutory Instrument No. 27 of 1977) as amended by Fauna (Protection and Control) (Garu Wildlife Management Area) (Amendment) Rules 1977 (Statutory Instrument No. 39 of 1977)

Fauna (Protection and Control) (Maza Wildlife Management Area) Rules 1979 (Statutory Instrument No. 2 of 1979)

Fauna (Protection and Control) (Mojirau Wildlife Management Area) Rules 1978 (Statutory Instrument No. 32 of 1978)

Fauna (Protection and Control) (Pokili Wildlife Management Area) Rules 1976 (Statutory Instrument No. 1 of 1976)

Fauna (Protection and Control) (Ranba Wildlife Management Area) Rules 1979 (Statutory Instrument No. 6 of 1979)

Fauna (Protection and Control) (Ranba Wildlife Sanctuary) Rules 1978 Statutory Instrument No. 22 of 1978)

Fauna (Protection and Control) (Sawataitai Wildlife Management Area) Rules 1978 (Statutory Instrument No. 14 of 1978)

Fauna (Protection and Control) (Siwi-Utame Wildlife Management Area) Rules 1977 (Statutory Instrument No. 26 of 1977)

Fauna (Protection and Control) (Tonda Wildlife Management Area) Rules (Statutory Instrument No. 2 of 1976) as amended by Fauna (Protection and Control) (Tonda Wildlife Management Area) (Amendment) Rules 1976 (Statutory Instrument No. 41 of 1976).

Part B.—Cross References.

NOTE: With the exception of the Tonda Wildlife Management Area Rules the above Rules are included in this edition without any variation in original section numbering.

The Fauna (Protection and Control) (Tonda Wildlife Management Area) Rules (Statutory Instrument No. 2 of 1976 as amended by Statutory Instrument No. 41 of 1976) cross references are:—

Section, etc., in Revised Edition.	Previous Reference.
1	1
2	2
3	3
4	4
5	4 A
6	5
Schedule	Schedule

)