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No. 31 of 1974.

[Assented to: 23 April 1974]

Fisheries Act 1974,

being

An Act relating to fisheries,

MADE by the House of Assembly of Papua New Guinea to come into operation on a date to be fixed by the High Commissioner by notice in the *Government Gazette*.

PART 1. - PRELIMINARY.

1. - SUSPENSION OF OPERATION OF CERTAIN PROVISIONS.

To the extent any provision of this Act would, apart from this section, affect the operation of the Fisheries Act 1952-1973 of Australia, or otherwise be for the time being beyond the competence of the House of Assembly, the operation of that provision is suspended.

2. - DEFINITIONS.

In this Act, unless the contrary intention appears -

"boat" means steamer, launch, vessel, hovercraft, submersible or floating craft of any description;

"carrying", in relation to fish, includes preserving for the purpose of carriage and storing for that purpose;

"fish" includes -

(a) turtles; and

(b) dugong; and

(c) subject to paragraph (e), crustacea, molluscs, trochus and beche-de-mer,

but does not include -

(d) any species of whales; or

(e) any organism that is a sedentary organism.

for the purposes of the *Continental Shelf (Living Natural Resources) Act 1974*;

"fisherman" means a person licensed under this Act to take fish;

"fishing" means the taking of fish, and includes the processing of fish that have been taken or the carrying or storing of fish that have been taken;

"foreign boat" means a boat other than a Papua New Guinea boat;

"net" means a fabric of rope, cord, twine or other material knotted or woven into meshes and designed or fitted to catch fish;

"officer" means -

(a) an officer or employee of the Public Service or of an authority of Papua New Guinea who is authorized in writing by the High Commissioner to perform duties under this Act; or

(b) a member of the Police Force; or

(c) a member of the Defence Force;

"Papua New Guinea boat" means a boat the operations of which are based on a place in Papua New Guinea and that is wholly owned by a natural person who is a resident of, or by a company incorporated in, Papua New Guinea, being a boat that -

(a) was built in Papua New Guinea; or

(b) has been lawfully imported into Papua New Guinea, otherwise than for a limited period; or

(c) has been sold or otherwise disposed of in Papua New Guinea after having been forfeited or distrained under an Act or an Act of Australia;

"processing", in relation to fish, includes the work of cutting up, dismembering, cleaning, sorting and packing;

"take", in relation to fish, means take, catch or capture for trading or manufacturing purposes, and "taking" has a corresponding meaning;

"the declared fishing zone" means the area declared under Subsection (2);

"the Regulations" means the regulations made under this Act;

"this Act" includes the Regulations;

"traditional fishing" means fishing by natives if -

- (a) the fish are taken in a manner that, as regards the boat, the equipment and the method used, is substantially in accordance with the traditions of the indigenous inhabitants of Papua New Guinea; and
- (b) the fish are landed in Papua New Guinea by the boat from which they are taken or are trans-shipped from that boat to a boat the licence in respect of which is specially endorsed under Section 7(5)(b);

"trap" means an enclosure (not being a net) designed to catch fish, whether fixed to the shore or not.

(2) The Head of State, acting on advice, may, by notice published in the National Gazette, declare the offshore seas or a part of the offshore seas to be the declared fishing zone.

S.2(2&3) Ins. by No. 6 of 1977 S.1(b)

(3) Until a declaration is made under Sub-section (2) the area of the territorial sea shall be deemed to have been declared under that subsection.

3. - TERRITORIAL APPLICATION.

This Act applies -

- (a) in and in relation to the declared fishing^{zone} and the internal waters - to all persons (including foreigners), and to all boats (including foreign boats); and
- (b) in and in relation to any other waters - to all Papua New Guinea boats and to all persons on them or dealing with, or having any relevant relationship to, them or persons on them.

S.3(a) Amd. by No. 6 of 1977 S.2

4. - APPLICATION OF TUNA RESOURCES MANAGEMENT ACT.

This Act shall be read subject to the *Tuna Resources Management Act 1973* as in force from time to time (which makes provision, amongst other things, in relation to licences to take tuna).

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EXEMPTIONS.

) The provisions of this Act do not apply to or in connection to the taking of fish -

- (a) for consumption, and not for sale or trading or manufacturing purposes; or
- (b) for sport or pleasure; or
- (c) by traditional fishing; or
- (d) under an exemption granted under the succeeding provisions of this section.

2) The Minister may, by instrument in writing, exempt from all or any of the provisions of this Act a boat which he is satisfied is being used, or is to be used, in connection with the fishing resources of Papua New Guinea in an area where no information, or no adequate information, is available.

Am. by No. 93 of 1973
S. 5A

(2A) Where the Head of State, acting on the advice of the Minister, considers that it is expedient to do so in the interests of the Papua New Guinea fishing industry or of international co-operation he may, by instrument in writing, exempt a foreign boat or a class of foreign boats from all or any of the provisions of this Act.

S. 5(2A) Ins. by No. 6
of 1977 S. 3(a)

(3) An exemption under Subsection (2) may be for such period and for such area, and be subject to such conditions, as the Minister thinks proper and specifies in the instrument.

Am. by No. 93 of 1973
S. 5A

(3A) An exemption under Subsection (2A) may be for such period and for such area, and be subject to such conditions, as the Head of State, acting on the advice of the Minister, thinks proper and specifies in the instrument.

S. 5(3A) Ins. by No. 6
of 1977 S. 3(b)

(4) In any proceedings under this Act, the burden of proof of a matter referred to in Subsection (1) is on the defendant.

PART II. - REGULATION OF FISHING.

CONTROL OF FISHING.

(1) The Minister may, by notice in the Government Gazette -

Am. by No. 93 of 1973
S. 5A

(a) prohibit, either at all times or during a period specified in the notice, the taking, from any area of waters, of fish or of fish included in a class of fish specified in the notice; and

(b) prohibit the taking, from any area of waters, of fish included in a class of fish specified in the notice that -

(i) are less than a size so specified; or

(ii) are not greater than a size so specified; or

(iii) have a dimension less than a dimension so specified; or

- (iv) have a part with a dimension less than a dimension so specified in relation to that part; and
- (c) prohibit the taking, from any area of waters, of fish or fish included in a class of fish specified in the notice, by a method or equipment specified in the notice; and
- (d) prohibit fishing in any area of waters in respect of fish included in a class of fish specified in the notice, other than fishing that consists of taking, processing or carrying fish of that class with the use of a boat in respect of which there is a licence under Section 7 that, by virtue of an endorsement under Subsection (4) of that section, extends to authorizing that taking, processing or carrying, as the case may be; and
- (e) prohibit a person from having in his possession or in his charge in a boat in any area of waters equipment of a specified kind for taking fish unless that equipment is stowed and secured; and
- (f) prohibit a person from using, or having in his possession or in his charge in a boat, in any area of waters, a quantity of equipment of a specified kind for taking fish that is a quantity in excess of a quantity specified in, or ascertainable as provided in, the notice; and
- (g) prohibit a person from using or having in his possession or in his charge in a boat, in any area of waters to which a notice under paragraph (f) applies, equipment of a kind to which the notice applies, unless that equipment is registered, or there is a licence in respect of that equipment.

(2) A notice under this section may provide for exemptions from the prohibition contained in the notice.

(3) Without limiting the generality of the power conferred by Subsection (1) to prohibit the taking of fish included in a class of fish, that power extends to prohibiting, in the case of rock lobsters, the taking of female rock lobsters having eggs or spawn attached to them.

(4) In a notice under Subsection (1)(b), the Minister may also prohibit the cutting up or

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dismembering on a boat in any area of waters of the fish, or of the fish included in the class of fish, specified in the notice, that are taken from any specified area of waters.

6A. - MATTERS TO BE TAKEN INTO ACCOUNT BY MINISTER IN DETERMINING ALLOWABLE LEVEL OF FISHING.

In determining the allowable level of fishing in the declared fishing zone by foreign nationals or boats of foreign states the Minister shall have regard to -

S.6A Ins.by No.
6 of 1977 S.4

- (a) whether such states have co-operated with Papua New Guinea in, and made substantial contributions to, the development of the Papua New Guinea fishing industry, fishery research and the identification of fishing resources; and
- (b) any rights of a reciprocal nature granted to Papua New Guinea nationals or boats by such states; and
- (c) whether such states have co-operated with Papua New Guinea in enforcement and with respect to the conservation and management of fishing resources; and
- (d) whether, and to what extent, the fishing vessels of such states have traditionally engaged in such fishing; and
- (e) such other matters as the Minister, in consultation with the Minister responsible for foreign affairs, deems appropriate.

- LICENCES.

- (1) The Minister may grant to a person a licence to engage in fishing in any area of waters.
- (2) The Minister may grant to a person a licence in respect of a boat authorizing the use of the boat that person, or by a person acting on his behalf, in any area of waters for taking fish and for processing and carrying fish that have been taken with the use of that boat.
- (3) The Minister may grant to a person a licence in respect of a boat authorizing the use of the boat that person, or a person acting on his behalf, for carrying, or for processing and carrying, in any area of waters fish that have not been taken by the use of that boat.
- (4) Where a licence granted under this section authorizes the use of a boat for a purpose in an area of waters that includes an area of waters to which a notice under Section 1)(d) applies, the Minister may endorse the licence so as to extend it to authorize the use of the boat for that purpose in the area of waters to which the notice applies in respect of fish to which the notice applies.
- (5) A licence granted under this section -
 - (a) is subject to such conditions as are specified in the licence; and
 - (b) may be specially endorsed for the purposes of paragraph (b) of the definition of "traditional fishing" in Section 2 allowing fish taken in accordance with paragraph (a) of that definition to be trans-shipped to it; and

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- (c) comes into force on a date specified in the licence or, if no date is so specified, on the date on which it is granted; and
- (d) remains in force, subject to this section, until the expiration of the day specified in the licence, in accordance with Subsection (7), as the day until which it is to remain in force.

(6) A licence may contain a condition that an officer shall be allowed to be on board and shall be provided with reasonable board and accommodation, free of charge, at all times or at any time while the boat is operating under that licence.

(7) A licence granted under this section shall specify as the day until which the licence is to remain in force a day in the period of twelve months commencing on the day on which the licence comes into force, or in the case of a licence that comes into force during the month of December in any year a day not later than 31 December in the next succeeding year.

(8) The Minister may, on the application of the holder of a licence in respect of a boat and of another person as proposed transferee, transfer the licence to that other person. Am. by No.93 of S.5A

(9) Such fees (if any) as are prescribed are payable in respect of the grant of a licence, the endorsement of a licence or the transfer of a licence under this section.

(10) A licence under this section shall be in accordance with a form approved by the Minister. "

(11) Registers showing particulars of the licences granted under this section and in force from time to time shall be kept at such places as the Minister directs. "

8. - SPECIAL PROVISIONS FOR MAJOR OPERATIONS.

The Minister

- (a) may, in the case of any application for a licence; and
- (b) shall, in the case of an application where in his opinion the capital value of the investment in the fishing operations proposed and in any associated operations in Papua New Guinea, exceeds or may exceed \$250 000.00,

refer the matter to the Executive Council before granting or refusing the application.

9. - CANCELLATION AND SUSPENSION OF LICENCES.

(1) The Minister may cancel a licence under Section 7, or cancel such a licence in its application to an area of waters, if - "

- (a) he is satisfied that there has been a contravention of, or a failure to comply with, a condition to which the licence is subject; or
- (b) the holder of the licence has been convicted of an offence under this Act or the *Continental Shelf (Living Natural Resources) Act 1974*.

(2) The Minister may by notice in writing expressed to be given under this subsection given to the holder of a licence under Section 7 suspend the licence

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he has reasonable ground to suspect that there has been contravention of, or a failure to comply with, a condition which the licence is subject, not being a ground in relation to which he has previously exercised his powers under this subsection in relation to that person.

(3) The suspension of a licence under Subsection (2), when sooner revoked, ceases -

- (a) if proceedings for an offence in respect of the licence are instituted against its holder within one month after the suspension - on the completion of those proceedings; or
- (b) in any other case - on the expiration of one month after the suspension.

(4) The Minister may, by notice in writing expressed to be given under this subsection given to the holder of a licence under Section 7, suspend the licence for a specified period if the Minister is satisfied that a suspension for that period under this subsection is necessary for the proper management of fisheries in an area.

Am. by No. 93 of 1973
S. 5 B

(5) A suspension of a licence under Subsection (2) or (4) may be expressed to operate either generally or in so far as the licence applies in relation to a specified area of waters.

POWERS OF OFFICERS.

An officer may -

- (a) board or enter upon a boat that he has reason to believe has been used, is being used, or is intended to be used for fishing, and search the boat for fish and for equipment used or capable of being used for fishing; and
- (b) enter and search any vehicle, premises or place in or on which he has reason to suspect that evidence of an offence against this Act may be found, or which it is necessary or expedient to search in order to ascertain whether the provisions of this Act are being or have been complied with; and
- (c) examine any equipment found in or on any boat, vehicle, premises or place, being equipment that he has reason to believe has been used, is being used or is intended to be used for fishing; and
- (d) seize, take, detain, remove and secure any fish, boat, net, trap or equipment which the officer

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has reason to believe has been taken or used, is being used or is intended to be used in contravention of this Act; and

- (e) arrest, without warrant, a person whom the officer has reason to believe has committed an offence against this Act; and
- (f) require the master or other person in charge of a boat which the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to bring the boat to a place in Papua New Guinea specified by the officer, and to remain in control of the boat at that place until an officer permits him to depart from that place; and
- (g) bring a boat which the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to a place in Papua New Guinea, and may remain in control of that boat pending the taking and determination of proceedings in respect of that contravention; and
- (h) where a boat is seized under Section 17, require the master or other person who was in charge of the boat immediately before it was so seized to bring the boat to a place in Papua New Guinea specified by the officer, and to remain in control of the boat at that place until an officer permits him to depart from that place; and
- (i) bring a boat seized under Section 17 to a place in Papua New Guinea, and may remain in control of that boat pending the condemnation, recovery or release of the boat; and
- (j) require the master or other person in charge of a boat required to be licensed under this Act to produce the licence for the boat and take copies of, or extracts from, the licence; and
- (k) require the master or other person in charge of a boat required to be licensed under this Act to give information concerning the boat and her crew and any person on board the boat; and
- (l) require a person who is on board a boat required to be licensed under this Act or is engaged in fishing, or whom he has reason to believe has committed an offence against this Act, to state his name and place of abode; and

(r) require a person engaged in fishing to state whether he is the holder of a licence under Section 7(1) and, if so, to produce the licence; and

(s) sell any fish seized by him under this Act.

10A. - INTERPRETATION OF PART III.

In this Part, unless the contrary intention appears 'waters' means internal waters and the offshore seas.

S.10A Ins.by No.6 of 1977 S.5

PART III. - RESEARCH AND DEVELOPMENT

11. - EXPLORATORY OPERATIONS.

The Minister may carry out operations -

(a) for ascertaining whether fishing in any area of waters can be engaged in on a commercial basis; and

S.11(a) Amd.by No.6 of 1977 S.6(a)

(b) for the development of fisheries in any area of waters.

S.11(b) Amd.by No.6 of 1977 S.6(b)

12. - INVESTIGATIONS.

The Minister shall cause investigations to be made into economic matters relating to fisheries in any area of waters.

S.12 Amd.by No.6 of 1977 S.7

12A - MINISTER TO HAVE REGARD TO CERTAIN MATTERS IN EXERCISING HIS POWERS.

In exercising his powers under and in relation to this Part in respect of any part of the declared fishing zone, including the internal waters, archipelagic waters and territorial sea, the Minister shall have regard to -

S.12A Ins.by No.6 of 1977 S.8

- (a) the principle that fish stocks should be managed so as to ensure production from those stocks of the optimum sustainable yield; and
- (b) any relevant international obligations of Papua New Guinea, or applicable rule of international law, relating to the exercise of jurisdiction of Papua New Guinea in that part of the declared fishing zone.

PART IV. - MISCELLANEOUS.

13. - OFFENCES.

(1) A person shall not -

(a) in any area of waters, engage in fishing, whether on his own account or as the partner, agent or employee of another person, unless he is the holder of a licence under Section 7(1) authorizing him to do so; or

(b) in any area of waters -

- (i) use a boat for taking fish; or
- (ii) use a boat for processing fish that have been taken with the use of that boat; or
- (iii) use a boat, not being a foreign boat, for carrying fish that have been taken with the use of that boat; or
- (iv) have in his possession or in his charge a boat for taking fish,

unless he is, or he is acting on behalf of a person who is, the holder of a licence under Section 7(2) authorizing the use of the boat in that area for taking fish; or

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- (c) in any area of waters, use a boat for processing or carrying fish that have been taken with the use of another boat unless he is, or he is acting on behalf of a person who is, the holder of a licence under Section 7(3) authorizing the use of the first-mentioned boat for that processing or for that carrying, as the case may be, in that area; or
- (d) in any area of waters, have a fish in his possession or under his control in a boat at a time when the taking of the fish in that area is prohibited by a notice in force under Section 6; or
- (e) being the holder of a licence under this Act, contravene a condition of the licence; or
- (f) being the holder of a licence under this Act in respect of a boat, cause or permit a person acting on his behalf to contravene a condition of the licence; or
- (g) being a person acting on behalf of the holder of a licence under this Act in respect of a boat, contravene a condition of the licence; or
- (h) do an act prohibited by a notice for the time being in force under Section 6.

Penalty: \$1 000.00.

(2) Except by virtue of an endorsement under Section 7(5)(b) or with the consent of the Minister and subject to such conditions as he thinks fit, a person shall not, in any area of controlled waters, trans-ship fish to or from a boat in respect of which there is not in force a licence under Section 7(3).

Am. by No. 93
S. 5A

(3) A reference in Subsection (1)(b)(iv) to a boat shall be read as not including a reference to a foreign boat if the nets, traps and other equipment for the taking of fish belonging to the boat are stowed and secured.

(4) It is a defence to a prosecution for an offence against Subsection (1)(f) if the person charged satisfies the court -

- (a) that the fish was not taken, caught or captured or retained for trading or manufacturing purposes; or
- (b) that the fish was not taken, caught or captured in the area of waters referred to in that paragraph; or

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(c) that the taking, catching or capturing of the fish was not in contravention of this Act.

(3) For the purposes of the prosecution of a person for an offence against Subsection (1)(i), an act done by an employee or other agent of the person charged shall be deemed to have been done also by that person.

(c) Subject to Section 16, where a court convicts a person of an offence against this section the court may order the forfeiture of -

(a) a boat, net, trap or equipment used in the commission of the offence; or

(b) fish on board such a boat at the time of the offence; or

(c) the proceeds of the sale of such fish.

REMOVING FISH FROM TRAPS, ETC.

A person shall not, in any area of waters, remove a fish from a net, trap or other equipment for the taking of fish unless he is the owner of the net, trap or other equipment or is acting with the authority of the owner.

Penalty: \$200.00 or imprisonment for six months.

USING OR HAVING CHARGE OF FOREIGN BOAT FOR FISHING IN A DECLARED FISHING ZONE.

(1) A person shall not, in the declared fishing zone^{or} in the internal waters -

(a) use a foreign boat for taking fish; or

(b) use a foreign boat for processing fish that have been taken with the use of that boat; or

(c) have in his possession or in his charge a foreign boat for taking fish,

S.15(1) Amd.by No.6 of 1977 S.9(a)

where there is in force a licence under Section 7(2) authorizing the use of the boat in the area of waters concerned.

A person shall not use a foreign boat in the declared fishing zone or in the internal waters, for processing or carrying fish that have been taken with the use of another boat except as permitted in Section 13(2) or unless there is in force a licence under Section 7(3) authorizing the use of the first-mentioned boat for processing or for that carrying, as the case may be, in the area of waters concerned.

S.15(2) Amd.by No.6 of 1977 S.9(b)

A reference in Subsection (1)(c) to a foreign boat

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shall be read as not including a reference to a foreign boat if the nets, traps and other equipment for the taking of fish belonging to the boat are stowed and secured.

(4) A person who contravenes Subsection (1) or (2) is guilty of an offence punishable -

- (a) upon summary conviction - by a fine not exceeding \$1 000.00 or imprisonment for a period not exceeding six months, or both; or
- (b) upon conviction on indictment - by a fine of not less than \$1 000.00 and not exceeding \$10 000.00 or imprisonment for a period not exceeding one year, or both.

(5) Subject to Subsection (6), an offence against this section may be prosecuted either summarily or upon indictment, but an offender is not liable to be prosecuted more than once in respect of the same offence.

(6) Proceedings in respect of an offence against this section shall not be heard and determined summarily except with the consent of the defendant.

16. - FORFEITURE IN RELATION TO FOREIGN BOATS.

Where a court convicts a person of an offence against Section 13 in the commission of which a boat that was a foreign boat was used or otherwise involved, or of an offence against Section 15, the court shall order the forfeiture to the Government of -

- (a) any net, trap or other equipment, being equipment for the taking of fish, that was on the boat concerned at the time of the offence; and
- (b) any fish that was on the boat concerned at the time of the offence and has not been sold under Section 10.

S.16(a) Amc
6 of 1977 S

17. - FORFEITURE OF FOREIGN BOAT.

(1) A foreign boat used or otherwise involved in the commission of an offence against this Act is forfeited to the Government.

(2) An officer may seize any boat forfeited under this section or any boat which he has reason to believe is so forfeited.

(3) The Minister may authorize a boat seized under this section to be released to its master on the giving of security for payment of the value of the boat if it is condemned.

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(4) The Government may bring an action for the condemnation of a boat seized under this section.

(5) If -

(a) no person claiming an interest in a boat seized under this section brings an action in Papua New Guinea against the Government for the recovery of the boat within 60 days after its seizure; or

(b) all such actions, if any, brought within that time are dismissed,

the boat shall be deemed to be condemned.

(6) For the purposes of Subsection (5), an action for the recovery of a boat seized under this section shall be deemed not to have been brought within 60 days after its seizure if the writ in the action has not been served on the Government within that time.

(7) Where a boat is forfeited under this section by reason of the commission of an offence, the conviction of a person of that offence has effect as a condemnation of the boat.

(8) In an action for the condemnation or recovery of a boat seized under this section, a party to the action shall not allege that an offence against this Act has been committed by a person if a court has acquitted that person of that offence.

(9) For the purposes of this section, the equipment of a boat, other than equipment for the taking of fish, shall be deemed to form part of the boat.

FORFEITED GOODS.

A boat or goods ordered by a court to be forfeited under this Act, or a boat and equipment forfeited under Section 17 and condemned as forfeited, becomes the property of the Government and shall be dealt with or disposed of in accordance with the directions of the Minister

Am.by No.93 of
1973 S.5B

OBSTRUCTION OF OFFICERS, ETC.

A person shall not -

(a) fail to facilitate by all reasonable means the boarding of a boat by an officer; or

(b) refuse to allow a search to be made which is authorized by or under this Act; or

(c) refuse or neglect to comply with a requirement made by an officer under Section 10; or

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- (d) when lawfully required to state his name and place of abode to an officer, state a false name or place of abode to the officer; or
- (e) when lawfully required by an officer to give information, give false or misleading information to the officer; or
- (f) use abusive or threatening language to an officer; or
- (g) assault, resist or obstruct an officer in the exercise of his powers under this Act; or
- (h) impersonate an officer; or
- (i) in an application under this Act, make a statement or furnish information which is false or misleading in any particular.

Penalty. \$1 000.00 or imprisonment for six months.

20. - LIABILITY OF MASTER OR PERSON IN CHARGE OF BOAT.

(1) The master or other person in charge of a boat on which, or by the use of which, an offence against this Act (in this section referred to as "the primary offence") is committed is guilty of an offence against this section punishable upon conviction as if it were the primary offence.

(2) A person may be convicted of an offence against this section whether or not the identity of the person who committed the primary offence appears, or has appeared, from the evidence in the proceedings in respect of the offence against this section or in any other proceedings, but a person shall not be convicted both of an offence against this section and of the primary offence.

(3) The provisions of Section 13 relating to forfeiture and of Section 16 apply where a person is convicted of an offence against this section in like manner as they would apply if that person had been convicted of the primary offence.

21. - EVIDENCE.

(1) Where, in proceeding for an offence against this Act or in proceedings for the condemnation or recovery of a boat seized under this Act -

- (a) an officer gives evidence that he suspects that fish to which the charge relates were taken in a particular area of waters or were taken for trading or manufacturing purposes, together with evidence of the grounds on which he so suspects, and

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(b) the court considers that, having regard to that evidence, the suspicion is reasonable.

fish shall, in the absence of proof to the contrary, be deemed to have been so taken.

(2) The Minister or a person authorized in writing by him to give certificates under this section may give a certificate - *Amd. by No. 93 of 1973 S. 5A*

(a) that, at a time specified in the certificate, a boat specified in the certificate was, or was not, a Papua New Guinea boat; or

(b) that an area of waters specified in the certificate is or was at a time so specified, part of the declared fishing zone or part of the internal waters or

S. 21(2)(b) Amd. by No. 6 of 1977 S. 11

(c) that, at a time specified in the certificate, a person so specified was, or was not, the holder of a licence under Section 7(1) to engage in fishing in an area of waters so specified; or

(d) that, at a time specified in the certificate, a person so specified was, or was not, or no person was, the holder of a licence under Section 7 in respect of a boat so specified, authorizing the use of the boat for a purpose so specified in an area of waters so specified; or

(e) that, at a time specified in the certificate, a person so specified was, or was not, or no person was, the holder of a licence under Section 7, in respect of a boat so specified, endorsed under Subsection (4) or Subsection (5)(b), of that section so as to authorize the use of the boat in an area of waters so specified for a purpose so specified relating to fish of a kind so specified.

(3) A person giving a certificate under paragraph (d) or (e) of Subsection (2) that a person was the holder of a licence may, in the certificate, certify that conditions specified in the certificate were the conditions specified in the licence.

(4) In proceedings for an offence against this Act a certificate given under this section is *prima facie* evidence of the matters specified in the certificate.

(5) For the purposes of this section a writing purporting to be a certificate given under this section shall, unless the contrary is proved, be deemed to be such a certificate and to have been duly given.

22. - REGULATIONS.

(1) The High Commissioner in Council 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 prescribing penalties not exceeding \$200.00 for offences against the Regulations; and
- (b) for prescribing signals and rules of navigation to be observed by fishermen; and
- (c) for providing for the marking of boats licensed under this Act and of nets, traps and other equipment registered under this Act; and
- (d) for providing for service in actions for the condemnation of foreign boats seized and forfeited; and
- (e) for providing for the sale or disposal of unclaimed nets, traps or other fishing equipment found in any waters; and
- (f) for regulating the rights of priority as between fishermen and for prescribing the rules of fishing; and
- (g) for providing for the furnishing of returns containing information in relation to -
 - (i) the taking of fish in any area of waters and the sale or disposal of fish so taken; and
 - (ii) the processing of fish in Papua New Guinea or in any area of waters and the sale or disposal of fish so processed.

(2) The Minister shall cause to be compiled, from the returns furnished under the Regulations and from other sources, statistics in relation to the matters referred to in Subsection (1)(g) and shall publish or make available, in such manner as he thinks fit, such of these statistics as he thinks fit.

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(3) Information derived from returns furnished under these Regulations must not be used for purposes other than statistical purposes.

(4) A person is not excused from furnishing a return required by these Regulations, or including information in such a return, on the ground that the return or information

tend to incriminate him, but his return is not admissible in evidence against him in any proceedings, other than proceedings in respect of false information contained in the return or in respect of a refusal or failure to include information in the return.

(5) The Regulations may provide for scales of fees for licences, which may be based, amongst other things, on the cost or value of the operation in relation to which the licence is granted or its actual or potential contribution to the development of Papua New Guinea, and may provide for the levying of provisional fees.