

WESTERN PROVINCE COASTAL AND LAGOON SHIPPING ORDINANCE 1990

An Ordinance to
provide for the control of coastal and lagoon shipping
to better protect the safety of the people of Western
Province and to protect the coastal and marine
environment of Western Province

Arrangement of Sections

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Title and
commencement

1. This Ordinance is called the Western Province Coastal and Lagoon Shipping Ordinance 1990 and shall come into force upon approval by the Minister in accordance with Section 32 of the Provincial Government Act 1981 and publication in the Solomon Islands Gazette

Interpretation

2. In this Ordinance, except where the context requires otherwise:

"Authorized Officer" means any Police Officer, any Officer as defined in the Customs and Excise Act, any Fisheries Officer, any Area Constable, any Administrative Officer and any other person appointed by the Western Provincial Executive to be an authorised officer for the purposes of this Ordinance

"coastal waters" means the area seaward over which Western Province has jurisdiction as described in Section 3 of the Provincial Government Act 1981

"lagoon" includes but is not limited to the Marovo Lagoon, the Roviana Lagoon, the Vona Vona Lagoon, the navigable channels and approaches to the ports of Gizo and Oro and the ports of Gizo and Oro

"marine pollution" means the introduction by persons directly or indirectly of substances or energy into the marine environment which includes estuaries which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities

"Master of a ship" means the person having command or charge of a ship for the time being but does not include a pilot

"Owner of a ship" includes a charterer, a salvor and any agent of the owner, charterer or salvor

"person" means any person, persons, company, public body as herein defined, association, co-operative, community and any other body of persons

"public body" includes the Provincial Government, an Area Council, a Town Council, division or department of the Solomon Islands Government and any statutory body

"ship" and "shipping" means any ship, tug, lighter, barge or vessel of any kind whatsoever whether propelled by engine or not but does not include a canoe

Speed limits
in lagoons

3.1 The maximum speed permitted for all shipping proceeding in a lagoon is six (6) knots PROVIDED HOWEVER that this speed may be exceeded:

(a) in the case of an emergency

(b) if the owner of a ship obtains the prior written approval from the Western Provincial Secretary. The Western Provincial Secretary may refer the request for approval to the Western Provincial Executive for directions.

3.2 Subject always to the provision of subsection 3.1, shipping in a lagoon must at all times:

(a) proceed at a safe speed taking all the conditions and circumstances into account

(b) proceed at a speed which will not cause undue or unnecessary damage to the coastal environment and coastal property

(c) proceed at a speed which will not endanger another ship or a canoe or any person on board that ship or canoe

3.3 The Master of any ship which contravenes the provisions of subsection 3.1 or subsection 3.2 is guilty of an offence and is liable to a fine not exceeding five hundred dollars (\$500-00) or in default of payment to imprisonment not exceeding three (3) months

Marine
Pollution

4.1 No ship and no person on board a ship or canoe is permitted to drop, throw overboard or discharge in coastal waters any litter, rubbish, refuse, garbage or any useless or unwanted materials or equipment or oil or any other hazardous products or chemicals including but not limited to petrol and bilge water or any other matter or thing causing or likely to cause marine pollution

4.2 Subsection 4.1 does not apply to the dumping or discharge of bio-degradable food or substances or human waste (sewage)

4.3 The Master or owner of any ship which contravenes the provision of subsection 4.1 and/or any person on board a ship or canoe who contravenes the provision of subsection 4.1 is guilty of an offence and is liable to a fine not exceeding one thousand dollars (\$1000-00) and in default of payment to imprisonment not exceeding six (6) months

4.4 The court may order that any person found guilty of an offence under subsection 4.1 must:

- (a) take such action as the Ministry of Natural Resources deems necessary and practicable to remedy or abate the marine pollution and/or
- (b) meet the costs incurred by the Provincial or Solomon Islands Government or the costs of an independent contractor employed by the Provincial or Solomon Islands Government in the remedying or abatement of the marine pollution

tice

5.1 Notwithstanding that a holder of a Western Province Business Licence has not been charged or found guilty of an offence under this Ordinance, should the Western Provincial Secretary have reasonable grounds to suspect that a business licence holder is causing marine pollution, he or she may serve a notice on the business licence holder requiring the business licence holder to answer or explain the circumstances giving rise to the suspicion and should the Western Provincial Secretary not be satisfied with the answer or explanation given and not be satisfied that the business licence holder is taking appropriate action to ensure that no marine pollution occurs in the future he or she may refer the matter to the Western Provincial Executive who may:

- (a) impose new terms and conditions to that person's Western Province Business Licence or
- (b) suspend the business licence or
- (c) cancel the business licence

Authorized
Officers

6.1 It is lawful for any Authorized Officer to:

- (a) stop and board any ship which the Authorized Officer reasonably suspects of contravening the provisions of this Ordinance and to direct the Master of the ship to proceed direct to a stated wharf, anchorage or port
- (b) make such enquiries and take such action as appears to the Authorized Officer to be necessary to ascertain whether any offence under this Ordinance is being or has been committed or may have been committed
- (c) do all such other lawful acts to enforce the provisions of this Ordinance

6.2 Any person who obstructs or impedes an Authorized Officer

in the exercise of any of that Authorized Officer's powers under this Ordinance is guilty of an offence and is liable to a fine not exceeding two hundred dollars (\$200.00) or in default of payment to imprisonment not exceeding one (1) month

Delegation
of powers

7. The Western Provincial Secretary may delegate his or her powers and duties under this Ordinance to any Provincial Government or public officer.