

[Legal Notice No. 99]

**THE SIMBO MEGAPODE MANAGEMENT AREA
ORDINANCE 1990**

Passed by the Western Provincial Assembly this 10th day of May 1990.

This printed impression has been carefully compared by me with the Ordinance passed by the Western Provincial Assembly and found by me to be a true and correct copy of the said Ordinance.

S. SUNGA

Clerk to the Western Provincial Assembly

Assented to by the Honourable Minister for Provincial Government this twenty six day of June, 1990.

NATHANIEL WAENA

Minister for Provincial Government

Made under the Common Seal of the Western Provincial Assembly this twenty third day of May 1990.

JERRY BUARE, O.B.E.

Premier of Western Province

**PROVINCIAL GOVERNMENT ACT 1981
THE SIMBO MEGAPODE MANAGEMENT AREA
ORDINANCE 1990**

Enacted by the Western Provincial Assembly.

An Ordinance passed at the request of the people of Simbo to conserve and manage the Megapode population and the habitat of the Megapodes on Simbo and to allow for the harvesting of Megapode eggs on a sustainable basis.

ARRANGEMENT OF SECTIONS

1. Title and commencement.
2. Interpretation.
3. Rules.
4. Offences.
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6. Enforcement.
7. Permits.

SCHEDULE:

Application forms for Permits.
Forms of Permits.

SIMBO MEGAPODE MANAGEMENT AREA
ORDINANCE 1990

1. This Ordinance may be cited as the Simbo Megapode Management Area Ordinance 1990 and shall come into force upon receiving the assent of the Minister in accordance with Section 32 of the Provincial Government Act 1981 and publication in the Gazette.

Title and
commencement

2. In this Ordinance except where the context requires otherwise:
 "closed seasons" means the period from 1st August to 30th September each year;
 "customary owner" means the person or group of persons or the community or line who according to the customary usage of Simbo is or are regarded as the owners of the land
 "field" means the area in and around each of the villages as herein defined where Megapodes lay their eggs;
 "field owner" means the customary owner or owners of the field;
 "resident" means a person ordinarily resident in one of the villages as herein defined;
 "Simbo Megapode Management Area" means the area; comprising the villages as herein defined and the fields as herein defined;
 "Simbo/Ranogga Area Council" means the Area Council established by the Western Province Area Council Ordinance 1989;

Interpretation

“Villages” means the villages on Simbo of Ove, Buna, Popou-Lavata Mamanugini, Bope, Matindingi, Kerere, Vavo and Mizanga.

3.1. Subject only to Section 7, no person, whether resident, field owner or otherwise is permitted to do any of the actions listed in Section 3.2. within the Simbo Megapode Management Area.

- 3.2 (a) Take, hold, interfere with, injure or kill any Megapode;
- (b) *Work in the field or dig for, take or harvest any Megapode egg before 1000 hours (10a.m) or after 1700 (5 pm) on any day Provided However that in the Ove Field working in the field, digging for, taking or harvesting Megapode eggs may commence at 0800 (8am);*
- (c) Dig for, take or harvest any Megapode egg in the closed season;
- (d) Cut down any tree or bush in or around a field unless such tree or bush is in a dangerous state and a risk to residents;
- (e) Bury any tree or vegetation for clearance purposes.

3.3 Subject only to Section 7 no person other than a resident or field owner is permitted to dig for, take or harvest Megapode eggs.

3.4 All residents and field owners must keep dogs under control and must use their best efforts to reduce or eradicate the dog population.

4.1 Any person who contravenes the provisions of Section 3.2(a) (b), (d) or (e) or Section 3.4. is guilty of an offence and liable to a fine not exceeding \$500 or in default of payment to imprisonment not exceeding three (3) months.

4.2 Any person who contravenes the provisions of Section 3(c) or Section 3.3. is guilty of an offence and liable to a fine not exceeding \$1000 or in default of payment to imprisonment not exceeding six (6) months.

4.3 The penalties prescribed in Section 4.1. and 4.2. are applicable in respect of each and every occasion a person contravenes the provisions of the Sections.

5.1. This Ordinance does not affect customary ownership of the land within the Simbo Megapode Management Area.

Ownership &
Management

5.2 For the better management of the Simbo Management area and for the good administration of this Ordinance the residents and the field owners may meet together from time to time and may:

- (a) Record in writing the customary owners of the fields.
- (b) Without affecting the customary ownership of a field allocate to named persons, a family or line amangement of a field or part of a field which management right or duty or power may include the exclusive right to dig for, take or harvest Megapode eggs from that field or part of a field.
- (c) Appoint or elect, as they think fit, representatives of the field owners and/or residents to form a Simbo Megapode Management Committee.
- (d) Discuss any matters arising concerning the Simbo Megapode Management Area and this Ordinance.

5.3 The residents and field owners or the Simbo Megapode Management Committee must forward a detailed written report of every such meeting of residents and field owners to the Secretary of the Simbo/Ranogga Area Council.

6.1 The residents and field owners are primarily responsible for the enforcement of this Ordinance.

Enforcement

6.2.1 Without limiting the generality of Section 6.1 and subject to Section 6.3 the residents and field owners or the Simbo Megapode Management Committee may appoint a warden or wardens to be reponsible for the enforcement of this Ordinance in a particular village or villages.

6.2.2 The appointment of a warden must be in writing and a warden must produce such letter of appointment upon demand as identification and evidence of the warden's authority.

6.2.3 Unless the Simbo Megapode Management Comittee or the residents and field owners otherwise determine, the office of warden is a voluntary position and the warden is not entitled to receive any pay or allowances. The Simbo Megapode Management Comittee or the residents and field owners may determine to make a gratuity to a warden from time to time.

6.3 It is lawful for any Police Officer, Area Constable, Village Organizer, warden, member of the Simbo Megapode Management Committee or an officer of the Environment and Conservation Division of the Ministry of Natural Resources to make enquiries to ascertain whether any breach of this Ordinance is being or has been committed and to enforce this Ordinance.

7.1 A person may make written application on Form 1 of the Schedule hereto for a permit to enter a field or fields within the Simbo Megapode Management Area for scientific or educational study or research.

7.2 A tourist operator may make written application on Form 2 of the Schedule hereto for a permit to bring tourists to a field or fields within the Simbo Megapode Management Area.

7.3 Applications for permits must be forwarded to the Provincial Secretary of Western Province who must forward the applications to the Simbo Megapode Management Committee or if there is no such committee in existence, to the Secretary of the Simbo/Ranogga Area Council. The Provincial Secretary may refer such applications to the Environment and Conservation Division of the Ministry of Natural Resources for advice concerning the merits of the research.

7.4 The Simbo Megapode Management Committee is entitled to approve applications and issue permits on such terms and conditions as it think fit or to reject applications without giving reasons.

7.5 If there is no Simbo Megapode Management Committee in existence the Secretary of the Simbo/Ranogga Area Council must refer the applications to the appropriate residents and/or field owners affected by the applications for their decision. The residents and/or field owners are entitled to approve the applications on such terms and conditions as they think fit or to reject applications without giving reasons. The Secretary of the Simbo/Ranogga Area Council must issue the permit on behalf of the residents and/or field owners to the applicant or communicate the reject of the application.

7.6 Permits must be issued either in Form 3 or Form 4 of the Schedule hereto.

7.7 The Simbo Megapode Management Committee or, in the absence of such a committee, the residents and/or field owners may charge a fee for the issue of permits, for the taking of eggs by permit holders in accordance with the terms of the permit or for any services provided to permit holders. The Simbo Megapode Management Committee or, in the absence of such a committee the residents and/or field owners must arrange for the issue of receipts for all such fees collected and must decide how or for what purposes the fund accumulated from such fees is to be applied.

7.8 The issue of permits may be restricted or suspended at any time of restriction or suspension is necessary to achieve the aims of this Ordinance.

7.9 A Tourist Operator Permit does not entitle the Operator to bring tourists into a field during the closed season.

7.10 Officers of the Environment and Conservation Division of the Ministry of Natural Resources do not require a permit to enter the Simbo Megapode Management Area or to take eggs for research or monitoring purposes but such officer must obtain the prior permission of the field owners to enter the fields for research or monitoring purpose and for taking eggs.

7.11 Occasional and unscheduled visitors may be admitted to a field to view Megapodes and their habitat and take photographs at the discretion of and under the supervision of the residents and/or field owners present at the time. The provisions of this Ordinance apply to such visitors and the residents and/or field owners may charge a fee.

SCHEDULE

FORM 1
SIMBO MEGAPODE MANAGEMENT AREA
APPLICATION FOR A SCIENTIFIC OR EDUCATIONAL
RESEARCH/STUDY PERMITS

NAME:.....
 ADDRESS:.....
 NATIONALITY:.....
 DATE OF PROPOSED VISIT:.....
 DURATION OF PROPOSED VISIT:.....
 SCIENTIFIC OR EDUCATION QUALIFICATIONS OF APPLICANT
 RELEVANT
 TO THE PERMIT:.....
 SCIENTIFIC OR EDUCATIONAL PURPOSE OF VISIT:.....

 DO YOU WISH TO TAKE/HARVEST EGGS? IF SO, HOW MANY?.....
 DO YOU REQUIRE ANY SERVICES FROM FIELD OWNERS OR
 MANAGERS? IF SO, PLEASE SPECIFY:.....

 GIVE DETAILS OF TWO REFEREE FROM SCIENTIFIC OR EDUCA-
 TIONAL INSTITUTIONS

1.
 (Name) (Position held)

 Adress)

 (Telephone number)? Facsimile Number)
2.
 (Name) (Position held)

 (Address)

 (Telephone Number) (Facsimile Number)

ANY OTHER RELEVANT INFORMATION:.....

 SIGNED:..... DATE:.....

FORM 2

APPLICATION BY TOURIST OPERATOR
FOR PERMIT

SIMBO MEGAPODE MANAGEMENT AREA

NAME OF APPLICATION:.....
TOURIST BUSINESS/COMPANY/TRADE NAME:.....
ADDRESS OF TOURIST BUSINESS:.....
PERIOD FOR WHICH PERMIT IS REQUIRED: Six months One year
COMMENCEMENT DATE OF PERMIT PERIOD:.....
NUMBER OF DAYS PER WEEK OR PER MONTH.....
WHICH DAYS OF THE WEEK?.....
DURATION OF EACH VISIT.....
MAXIMUM NUMBER OF TOURISTS ON ANY VISIT.....
DO YOU REQUIRE THE SERVICES OF A GUIDE TO THE FIELD(s)?....
DO YOU REQUIRE ANY OTHER SERVICES FOR THE TOURIST?.....
.....
WHICH VILLAGES/MEGAPODE FIELDS DO YOU WISH TO VISIT?....
.....
ANY OTHER RELEVANT INFORMATION:.....
SIGNED:.....
DATED:.....

FORM 3

SIMBO MEGAPODE MANAGEMENT AREA
SCIENTIFIC OR EDUCATIONAL RESEARCH/STUDY PERMIT

THE SIMBO MEGAPODE MANAGEMENT COMMITTEE
OR THE RESIDENT AND/OR FIELD OWNERS
HEREBY PERMIT.....
OF.....
TO ENTER AND REMAIN IN THE SIMBO MEGAPODE MANAGEMENT
AREA FOR THE PURPOSES SET OUT IN THE APPLICATION OF.....
.....FROM19.....
TO.....19 AT THE FOLLOWING TIMES:.....
.....AND ON THE FOLLOWING TERMS

AND CONDITIONS:

- 1.....
- 2.....
- 3.....
- 4.....

SIGNED for and on behalf of.....
THE SIMBO MEGAPODE MANAGEMENT COMMITTEE:

OR

SIGNED for and on behalf of
the residents and/or field
owners by the Secretary, Simbo/
Ranogga Area Council.

DATE:.....

FORM 4

SIMBO MEGAPODE MANAGEMENT AREA
TOURIST OPERATOR PERMIT

THE SIMBO MEGAPODE MANAGEMENT COMMITTEE
OR
THE RESIDENTS AND/OR FIELD OWNERS

HEREBY PERMIT.....
(Name of Tourist Operator/Business etc.)

TO BRING TOURISTS INTO THE SIMBO MEGAPODE MANAGEMENT
AREA ON THE FOLLOWING TERMS AND CONDITIONS:

TERM OF PERMIT:.....
COMMENCEMENT DATE OF PERMIT:.....
PERMITTED DAYS AND TIMES FOR VISITS:.....

MAXIMUM NUMBER OF TOURISTS ON ANY VISIT:.....
VILLAGES/FIELDS THAT MAY BE VISITED:.....

NO TOURIST VISITS ARE PERMITTED DURING THE CLOSED SEASON
FROM
1ST AUGUST TO 30TH SEPTEMBER

PHOTOGRAPHY IS PERMITTED

NO PICNIKING IS PERMITTED ON ANY MEGAPODE FIELD

NO RUBBISH IS TO BE THROWN OR DEPOSITED
NO FIRES ARE TO BE LIT IN A MEGAPODE FIELD

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.....
SIGNED for and on behalf)
THE SIMBO MEGAPODE MANAGEMENT)
COMITTEE)

OR

SIGNED for and on behalf of)
the residents and/or field)
owners by the Secretary, Simbo)
Ranogga Area Council)

DATE:.....