

PROVINCIAL GOVERNMENT ACT 1981
(NO.7 OF 1981)

THE TEMOTU PROVINCE
ENVIRONMENTAL PROTECTION
ORDINANCE
1989

AN
ORDINANCE
TO

PROVIDE FOR THE PROTECTION OF ENDANGERED SPECIES

ENACTED BY THE PROVINCIAL
ASSEMBLY OF TEMOTU PROVINCE

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement
2. Interpretation
3. Offence to buy or sell protected species
4. Declaration of protected species
5. Declaration of protected places
6. Offence to disturb protected places
7. Offence to disturb the nest, eggs, offspring, or habitat of protected species
8. Deregulation of protected species or places
9. Register of protected species and places
10. Penalties for offences
11. Powers of police, etc.
12. Ordinance no bar to other claims

Short title
and commencement

1. This ordinance may be cited as The Temotu Province Environmental Protection Ordinance 1989 and shall come into effect after assent by the Minister of Provincial Government and publication in the Gazette.

Interpretation

2. In this ordinance, except where the context requires otherwise -

"Executive" means the Temotu Provincial Executive as established in accordance with sections 1(3)(a), 21 and 22 of the Act;

"National Museum" means the Solomon Islands National Museum administered by the Ministry of Education and Training;

"person" means any person and includes any public body, company or association, and any body of persons corporate or unincorporate;

"police officer" means a member of the Royal Solomon Islands Police Force;

"protected place" means any area declared as protected in accordance with this ordinance;

"protected species" means any plant, fish, reptile, bird, crustacean, fungus or insect declared as protected in accordance with this Ordinance;

"provincial employee" means any person holding a paid position in the service of Temotu Province and not a public officer;

"public officer" means any person from time to time posted to Temotu Province and holding a paid position in the public service;

Offence to buy
or sell pro-
tected species

3. Any person other than -
- a) A person acting on behalf of the National Museum;
 - b) A person acting on behalf of a scientific institution approved by resolution of the Assembly and who is named in and in possession of a letter of authority signed by the Clerk to the Assembly; or,
 - c) A person acting in accordance with customary procedure;

who buys or sells or offers to buy or sell any Protected Species or any product obtained from a Protected Species shall be guilty of an offence and on conviction shall be liable to a fine not exceeding \$500.00 per offence, or in default of payment of the fine, to imprisonment for a period not exceeding 6 months.

Declaration of
protected
species.

4. The Executive may, by regulation, declare any animal, plant, fish, reptile, bird, fungus, crustacean or insect to be a Protected Species.

Declaration of
protected
places

5. (a) The Executive may, by regulation, declare any area used by a Protected Species as a habitat or breeding ground to be a Protected Place.

(b) No declaration shall be made pursuant to subsection (a) hereto without the written request or consent of the bona fide representative(s) of the owners of the land in respect of which the declaration is to be made, as determined by the area council within which the Protected Place, or the majority of the Protected Place, is located.

(c) Following the declaration of an area as a Protected Place, the owners of that area shall be responsible for marking its boundaries so as to afford reasonable notice to persons operating in the area of the Protected Place of the existence of the Protected Place and the Protected Species

nce to
turb protec-
places

6. (1) Any person who by any means undertakes any activity whether inside or outside any Protected Place, which results in adversely disturbing or damaging the Protected Species within that Protected Place is guilty of an offence and is liable to the penalties set out in section 10 of the Ordinance.

(2) It shall not be an offence under this section -

(a) for persons, exercising customary rights within any Protected Place, to use that Protected Place for its custom purpose;

(b) for persons to use any shelters, in a Protected Place as temporary shelters in an emergency; or,

(c) for the landowners of any Protected Place or for officers or employees of Temotu Province, of the National Museum, or a scientific institution approved by resolution of the Assembly and in possession of a letter of authority signed by the Clerk to the Assembly, to carry out activities necessary to preserve the status quo of that Protected Place or the Protected Species within that Protected Place.

fence to disturb
e nest, eggs,
fspring or
bitat of protected
pecies

7. It is an offence to disturb the nest, eggs, offspring or habitat of a Protected Species whether said nest, egg, offspring or habitat is located within or without a Protected Place.

regulation of
otected
pecies or
aces

8. The Executive may, by regulation, remove the protected status of any species; or, upon written application of the bona fide landowners (as determined pursuant to subsection 5(b) hereto) may remove the protected status of any area.

Register of
protected species
and places

9. The Executive or any public officer or provincial employee designated by the Executive shall as soon as practicable establish and maintain at the provincial offices a register of Protected Species and Protected Places which shall define as accurately as possible all Protected Species and the boundaries of each Protected Place and the method by which the site boundaries have been marked. Said register shall be available for inspection during regular business hours.

Penalties
for offences

10. Any offence under sections 6 or 7 is punishable by a fine not exceeding \$500 for each offence, or in default of payment, by imprisonment for a period not exceeding six (6) months.

Powers of
police etc.

11. (1) It shall be lawful for any landowners, police officer, area constable, member of the staff of the National Museum or any provincial employee or public officer, designated by the Executive, to make enquiries at all reasonable times to ascertain whether any offence under this Ordinance is being or has been committed.

(2) Any person who obstructs or impedes any landowner, police officer, area constable, provincial employee, public officer or member of the National Museum staff acting in due exercise of his powers under this Ordinance, is guilty of an offence and liable to fine not exceeding \$200.00 or, in default of payment, to imprisonment for a period not exceeding three (3) months.

Ordinance no
or to other
aims.

12. This Ordinance and the imposition of any penalties thereunder shall not operate to bar other civil claims or relieve any person from liability which may exist to answer for damages in respect of any persons or property injured.

Passed by the Temotu Provincial Assembly this
1989

day of

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



Hilda Dawea

Clerk to the Temotu Provincial Assembly

Assented to by the Honourable Minister for Home Affairs and Provincial Government, this day of 1989.

Nathaniel Waena

Minister of Provincial Government