

[Legal Notice No. 50]

PROVINCIAL GOVERNMENT ACT 1981

(No. 7 of 1981)

THE MAKIRA PROVINCE
PRESERVATION OF CULTURE AND WILDLIFE
ORDINANCE 1981

AN

ORDINANCE

TO

PROVIDE FOR THE PRESERVATION OF TRADITIONAL
ARTIFACTS, CULTURALLY SIGNIFICANT LAND AREAS,
AND CERTAIN WILDLIFE.

ENACTED BY THE PROVINCIAL ASSEMBLY

OF

MAKIRA PROVINCE

ARRANGEMENT OF SECTIONS

SECTION

PART I - PRELIMINARY

1. Short title and commencement.
2. Interpretation.

PART II - TRADITIONAL ARTIFACTS

3. Offence to sell or purchase traditional artifacts.

PART III - PROTECTED AREAS

4. Establishment of protected areas.
5. Offence to disturb protected area.
6. Offence to remove any matter from protected area.

PART IV - WILDLIFE

7. Prohibited acts.
8. Penalties.

PART V - ENFORCEMENT

9. Duties and powers of officers.
10. Offence to obstruct officer.

PART VI - MISCELLANEOUS

11. No effect on civil claims.
12. Other Ordinances not derogated.
13. Revocation of existing law.

PART I - PRELIMINARY

1. This Ordinance may be cited as the Makira Province Preservation of Culture and Wildlife Ordinance 1984 and shall come into operation on the date assented to by the Minister in accordance with section 32 of the Provincial Government Act 1981.

Short title
and commencing
date.

2. In this Ordinance, except where context requires otherwise -

Interpretation.

"Assembly" means, the Makira Provincial Assembly;

"penalty" in respect of any sentence imposed by a court upon a finding of guilt, means, the sum of money payable directly to the Province, in addition to any fine or imprisonment imposed by order of court;

"Province" means, the Makira Provincial Government and Administration;

"traditional artifacts" includes, any article of personal adornment, any household utensil, any fish hook or fishing equipment, any ornament, any musical instrument, any ritual object, any weapon or statuette fashioned from wood or stone, any local or custom money in any form, or any tool, made by a Solomon Islander for traditional purposes; but shall not include articles specifically made for export or sale as curios;

"Santa Anna" means, the area of Makira Province under the jurisdiction of Santa Ana Local Court;

"Ulawa" means, the island under the jurisdiction of the Ulawa Local Court.

PART II - TRADITIONAL ARTIFACTS

3. Any person who buys or sells any traditional artifact, shall be guilty of an offence and liable to a fine not exceeding one hundred dollars (\$100), plus a penalty of fifty dollars (\$50), and/or imprisonment for a period not exceeding ninety (90) days:

Offence to
sell or
purchase
traditional
artifacts.

Provided that this section shall not apply to any person who sells any traditional artifacts to the Solomon Islands Museum or to any person buying traditional artifacts on behalf of the Solomon Islands Museum, nor to any person buying or selling traditional artifacts in accordance with customary procedure.

PART III PROTECTED AREAS

**Establishment
of protected
areas.**

4. The Executive may by resolution, declare an area to be a protected area subject to the provisions of section 5 and 6 of this Ordinance:

Provided that any such declaration shall be made only after due consultation with landowners.

**Offence to
disturb protected
area.**

5. Any person who disturbs by any means the soil, any vegetation or other remains within a protected area, shall be guilty of an offence and liable to a fine not exceeding fifty dollars (\$50), plus a penalty of twenty-five dollars (\$25), and/or imprisonment for a term not exceeding sixty (60) days:

Provided that this section shall not apply to any person who has obtained the written permission of both the Province and the landowners.

**Offence to
remove any
matter from
protected
area.**

6. Any person who removes any soil, vegetation, remains or other matter from a protected area, shall be guilty of an offence and liable to a fine not exceeding one hundred dollars (\$100), plus a penalty of fifty dollars (\$50) and/or imprisonment for a period not exceeding ninety (90) days:

Provided that this section shall not apply to any person who has obtained the written permission of both the Province and landowners.

**Prohibited
acts.**

7. (1) No person shall import into Makira Province any toad.
(2) No person shall transport or cause to be transported into Santa Ana or Ulawa any toad.

(3) No person on Ulawa shall kill any wild duck.

(4) No person shall within a one (1) mile radius of Ulawa kill any fish by means of diving with spear or spear gun.

(5) No person shall kill any eagle within the authority of the Assembly.

Penalties.

8. Any person who contravenes the provisions of section 7 of this Ordinance, shall be guilty of an offence and liable to a fine not exceeding fifty dollars (\$50), plus a penalty of twenty-five dollars (\$25) and/or imprisonment for a period not exceeding sixty (60) days.

9. It shall be the lawful duty of any police officer, area constable, or other authorised employee of the Province to make reasonable enquiries to ascertain whether any breach of this Ordinance is being or has been committed,

Duties and powers of officers.

10. Any person who obstructs or impedes any person authorised under section 9 of this Ordinance, acting in due exercise of his powers, shall be guilty of an offence and liable to a fine not exceeding one hundred dollars (\$100), plus a penalty of fifty dollars (\$50) and/or imprisonment for a period not exceeding ninety (90) days.

Offence to obstruct officer.

PART VI - MISCELLANEOUS

11. Nothing in this Ordinance shall prejudice any damaged party's right to seek civil compensation in an appropriate forum.

No effect on civil claims.

12. The provisions of this Ordinance shall be in addition to and not in derogation of any other Ordinance.

Other Ordinances not derogate

13. The Makira and Ulawa Council (Prevention of the Sale of Traditional Artifacts) Bye-laws 1977, (Establishment of Protected Areas) Bye-laws 1977 and (Nature Conservation) Bye-laws 1977 are hereby revoked.

Revocation of existing law.

Passed by the Makira Provincial Assembly this 6th day of September 1984.

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

DANIEL NAHUSU

Clerk to the Makira Provincial Assembly

Assented to by the Honourable Minister of Home Affairs and Provincial Government this fifth day of June, 1984.

EZEKIEL ALEBUA

Minister for Home Affairs & Provincial Government