

WESTERN PROVINCE RESOURCE MANAGEMENT ORDINANCE 1994

[**Consolidation:** This is a consolidation of the principal Ordinance and amendments or intended amendments as at 1 August 1990. Errors in spelling or grammar or omissions of words in the Gazetted Ordinance have been corrected in this Consolidation. This is not an authorised version of the Ordinance.

The principal Ordinance came into effect on 16 June 1995 upon Gazettal under LN 61195.

The enactments consolidated are:

WP Resource Management Ordinance 1994.
WP Resource Management (Amendment)
Ordinance 1999 LN 102/99]

AN ORDINANCE TO

Provide for the Western Provincial Executive to manage the natural resources of the Province in a manner consistent with National policy and legislation, and to provide for the indigenous people of Western Province to contribute to the enactment of legislation to provide for effective management of natural resources on customary land.

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PART I PRELIMINARY

1. Short title and Commencement This Ordinance is called the Western Province Resource Management Ordinance 1994 and shall come into force upon approval of the Minister in accordance with section 32 of the Provincial Government Act 1981 and

publication in the Solomon Island Gazette.

2. Objects of the Ordinance - Under the direction of the Western Province Executive and with the assistance of Authorised Officers the Western Province Resource Management Ordinance 1994 seeks to -

- (a) Protect animal and plant species which are rare;
- (b) Prevent animal and plant species from becoming threatened, endangered, extirpated or extinct within their natural range within Western Province;
- (c) Maintain the natural biodiversity characteristic of the land and water environments of Western Province;
- (d) Ensure the sustainable use of the renewable resources of Western Province for the long term well-being of its inhabitants;
- (e) Assist in Resource Management Planning on Customary Land by the implementation of Resource Management Orders

3. Effect of Ordinance on other laws - (I) In the interests of clarity it is hereby declared that this Ordinance shall in no way be read to derogate from any Acts but seeks to act in a complementary manner especially where other laws seek to protect species or resources.

Compliance with the requirements of this Ordinance shall not absolve a person from compliance with any Act of Parliament

4. Interpretation - In this Ordinance, unless the context otherwise requires: "Appropriate Committee" means an established committee having customary respect and knowledge of traditional and customary usage of customary land, and includes a Community Leaders Committee, a Chiefs Committee, a Council of Chiefs, and a Village Committee.

"Area Council" means an Area Council established under the Western Province Area Council Ordinance 1989;

"Authorised Officer" means any Police Officer, any Fisheries Officer, Environment Officer, Forestry Officer, any Area Constable, Village Organisers, Chiefs or any other person appointed in writing by the Executive to be an Authorised Officer for the purposes of this Ordinance.

"Coastal waters" means all that area of sea which comprises part of Western Province by virtue of section 3 of the Provincial Government Act 1981.

"Current Customary Usage" means the usage of Solomon Islanders obtaining in

relation to the matter in question at the time when that question arises, regardless of whether that usage has obtained from time immemorial or any lesser period..

"Customary land" means any land (not being registered land, other than land registered as customary land) used or occupied by a person or community in accordance with current customary usage and shall for *the* purposes of Part 111 of this Ordinance include areas of reef waters or lagoon waters where according to current customary usage a persons or community's use or occupation of land extends to and includes use and occupation of such reef or lagoon waters

"Customary land owning group" means a tribe, clan, line, community or group of such persons owning or customarily recognised as entitled to own or exercise primary rights over customary land

"Endangered" means in relation to any plant or animal species, imminent danger of extinction from any cause whatsoever, including the cause that population levels have been critically reduced and }or habitat has been critically reduced or damaged.

"Executive" means the Western Province Executive.

"Export" means the selling, supplying or transporting of marine resources, forest resources or wildlife resources originating from within Western Province, outside of Western Province whether to another part of Solomon Islands or overseas.

"Extinct" means in relation to a plant or animal species, not definitely located within a period of 10 years up to the date of any enquiry.

"Extirpated" means in relation to any plant or animal species, eliminated from a part or parts of its previously known range- This may refer to loss of a species from specific islands within the Western Province.

"Fish" means any cold blooded animal living wholly in water breathing through gills with fins for swimming.

"Forest resources" means any tree, flora or fauna, alive or dead, which is of a species indigenous to Solomon Islands and is or was growing in the Western Province.

"Marine resources" means any fish and any other animal plant or thing living in or found in salt water including but not limited to the following species or categories of species: beche de mer, clam, crab, crayfish, crocodile, green snail, pearl oyster shell, prawn, seaweed, trochus and turtle.

"Qualified requesters" means all of the persons, or the persons representing all of the persons who according to the customary law and traditions of the area to be

affected by a Resource Order are the persons entitled to make rules which are binding on the people indigenous to the area, and people coming to the area with respect to the natural resources of the area, which would be affected by the Resource Order.

"Rare" means any plant or animal species with small populations either because of local occurrence within restricted geographic areas or habitats or they are thinly scattered over a more extensive range within Western Province.

"Resource Order" means a Customary Land Resource Order made by the Executive pursuant to section 12 of this Ordinance.

"Sustainable use" means using, developing or protecting renewable natural and physical resources so that their ability to yield long term benefits is not endangered.

"Take" means in relation to forest resources to cut, kill, sell, purchase or export; and in relation to marine resources to fish, catch, kill, capture, sell, purchase or export; and in relation to wildlife resources to kill, hunt, capture, sell, purchase or export.

"Threatened" in relation to any plant or animal species means having a declining population due to over-exploitation or destruction of their habitat: such species being likely to become endangered in the near future if the factors responsible for the decline continue to operate.

"Wildlife resources" means all indigenous birds, insects including butterflies, reptiles, amphibians, and mammals whether dead or alive.

"Vulnerable" means threatened.

5. Plans and Policies for Resources on Customary land (1) Every customary land owning group may make its own policy statements and plans regarding the use of resources within its land or area.

(2) Policy statements and plans prepared by customary land owning groups shall be referred to the appropriate Area Council for endorsement pursuant to Schedule II of the Western Province Area Council Ordinance 1989 or any Ordinance passed in amendment or substitution therefore.

(3) The Executive or any public officer or provincial employee designated by the Executive, shall as soon as practicable establish and maintain at the Assembly offices a Register of Policy Statements and Plans on Customary land, which shall define as accurately as possible the boundaries of each area covered by a Plan or Policy Statement and shall include maps of the area. The said Register shall be available for inspection between the hours of 9am and 12 noon and 1pm and 4pm Monday to Friday.

PART II

PROHIBITION ON TAKING AND PROTECTION OF SPECIFIED RESOURCES

6 Prohibited species or categories of resources –

- 1) No person may take any of the prohibited species, or categories of marine resources listed in Schedule I Part N
- (2) No person may take any of the prohibited species or categories of wildlife resources listed in Schedule I Part B.
- (3) No person may take any of the prohibited species or categories of forest resources listed in Schedule I Part C.

7. Limitation on taking species - (1) No person may take any of the species or categories of resources listed in Schedule 2 Part A of a size other than that prescribed in Schedule 2 Part A for such species or category.

(2) No person may take any of the species or categories of resources listed in Schedule 2 Part B in quantities in excess of the quantity prescribed in Schedule 2 Part B for such species or category during any period of time prescribed in Schedule 2 Part B as a prohibited month(s) for such species or category.

(3) No person may take any of the species or categories of resources listed in Schedule 2 Part C during any month in any year which is specified in Schedule 2 Part C in relation to such species or category as a prohibited month or year.

8. Offences - (1) Any person who breaches any of the provisions of this Part of this Ordinance commits an offence and is liable upon conviction to a fine of \$5,000.00 or to imprisonment for 3 months, or to both such fine and imprisonment.

(2) Any body corporate, association or co-operative who breaches any of the provisions of this part of the Ordinance and is liable on conviction to:

- (i) a fine not exceeding \$50,000; and
- (ii) a penalty not exceeding \$20,000 to be paid to the Provincial Special Fund in accordance with section 21 of this Ordinance.

(3) Where a body corporate, association or co-operative commits an offence under this Ordinance with the consent, participation or connivance of or because of the neglect or omission by an individual, the individual is guilty of the same offence and liable to the same penalties as the body corporate, association or co-operative if at the time of the offence.

- (a) the individual is or was a director, manager, secretary or other senior officer of the body corporate, association or co-operative; or
- (b) the individual is or was purporting to or holding out that that individual is such an officer; or
- (c) the individual is or was a member of a body corporate, association or co-operative which is managed by its members.

9. Amendment to Schedules - The Executive may by order published in the Solomon Islands Gazette add to delete from or amend the contents of Schedules 1 and 2 of this Ordinance.

10. Exemptions - The following persons are exempt from compliance with the provisions of this Part of this Ordinance subject to compliance with the conditions set out in this section in relation to such persons.

- (a) Any person who has first obtained a valid research permit under the Research Act or any Act or Ordinance passed in amendment or substitution therefore or who has otherwise obtained the written consent of the Executive and the Solomon Islands Government to carry out scientific survey or other scientific works, and if appropriate has obtained an export permit, arid/or a Western Province business Licence.
- (b) Any person carrying on the business of farming or ranching any prohibited or protected marine resources or wildlife resources with the prior written consent and approval of the Executive and the Ministry of Natural Resources and the resource is being used in that farm or ranch and if appropriate such person has a permit for export and }or a Western Province business licence.
- (c) An Authorised Officer of the Ministry of Agriculture and Fisheries, Ministry of Forestry, Environment and Conservation or of the Western Provincial Government where such officer is using the prohibited or protected species for research monitoring or survey studies.

11. Defence for Solomon Islands citizens - It shall be a defence to a person charged with an offence under this Part of this Ordinance tat if, on a balance of probabilities:

- (a) The person is a Solomon Islands citizen indigenous to or permanently residing in the Western Province; and
- (b) The person took the prohibited or protected resource (being an edible resource) for the sole purpose of consumption by himself his family or other persons where no monetary reward was received or intended to be received in return for providing the resource or for the effort expended or cost incurred in taking it Provided that this Section shall not provide a defence to any person who

purchases or exports a resource which is prohibited or protected by this Part of this Ordinance or

(c) The person took the prohibited or protected resource for use by himself or another or other Solomon Islands citizens indigenous or residing permanently in Western Province to use in or process to be used in building, personal adornment or for a customary use or purpose, or to be used in the making of souvenirs to be sold on the Solomon Islands domestic market or to be exported Provided that this section shall not provide a defence to any person who sells a prohibited or protected resource to a person not a Solomon Islands citizen, or who exports a prohibited or protected resource which has not been processed into a souvenir.

PART III

CUSTOMARY LAND RESOURCE MANAGEMENT ORDERS

12. Resource Orders - (I) The Executive may make Resource Orders by Order published in the Solomon Island Gazette.

(2) A Resource Order is an Order applying to a particular area of customary land and providing for prohibition and/or protection of marine resources, forest resources and/or wildlife resources existing on that land.

(3) A Resource Order may only be made if all of the procedural requirements of this Ordinance have been satisfied, and

- (a) The proposed Resource Order relates to customary land; and
- (b) The boundaries of the customary land are clearly defined and
- (c) The Resource Order has been requested by and the Executive is satisfied that the request has been made after agreement between all qualified requesters and
- (d) The contents of the proposed Resource Order are not contrary to the National interest; and
- (e) The proposed Resource Order is clear and unambiguous.

13. Request for Resource Order - (1) A request for a Resource Order maybe made at any time in relation to any defined area of customary land by qualified requesters; such persons hereinafter called 'the Applicants.

(2) A request for a Resource Order shall be made in the form set out in Schedule 3 of this Ordinance.

(3) Upon receiving a request for a Resource Order the Executive shall consider the

request and if satisfied that it complies in all respects with the requirements of this Ordinance shall, within one month of receipt of the request, endorse its approval on the request and deliver the request to the Secretary of the Area Council to whose area the request relates.

(4) Upon receipt of the request endorsed with the approval of the Executive the Area Council Secretary shall forthwith cause a copy of the request to be displayed in a conspicuous place in each village within the area affected by the request. The Area Council Secretary shall at the time of displaying the request sign it and affix to it the date of the first complete day that it will be displayed

(5) Within one calendar month of the first complete day that the request is displayed, any person may give written notice of objection to an Appropriate Committee that the Applicants are not all the qualified requesters.

(6) A copy of the notice of objection under subsection 13(5) shall be delivered by the Objectors to the Provincial Secretary on behalf of the Executive no later than one day after the day that the notice of objection is filed in the Appropriate Committee

(7) A copy of the notice of objection shall be served on the Applicants, and such persons shall be Respondents for the purpose of the objection and entitled to appear and be heard in the Appropriate Committee.

(8) Upon hearing an objection brought to it pursuant to subsection 13(5) the Appropriate Committee shall make and record determinations as to whether or not the Applicants are all the qualified requesters.

(9) Following the hearing of the objection, the Secretary of the Appropriate Committee shall deliver a copy of the determination to the Area Council and the Provincial Secretary on behalf of the Executive.

(10) If the Applicants are not satisfied:

(a) That the Committee nominated by the Objector is qualified to make the determination sought; or

(b) that the determination of the Committee is Correct, the Applicants may within 21 days after the date of the determination apply to the Local Court for a ruling under subsection 13(5) of this Ordinance.

(11) The Executive may by resolution make and cause to be gazetted a Resource Order in terms of the request provided that the time for lodging an objection to the Appropriate Committee has expired and no objection has been lodged, or if an objection has been lodged the determination of the Appropriate Committee has been made and delivered and the determination was to the effect that the Applicants are all of the qualified requesters, and no application to a Local Court under subsection 13(10) of this Ordinance has been

made.

(12) A Resource Order shall be in the form set out in Form P of Schedule 3 of this Ordinance and shall not differ substantially from the request endorsed by the Executive.

(13) A Resource Order may make the defence contained in section II of this Ordinance available for breaches of the Resource Order; and all Resource Orders shall state whether or not the defence contained in section II is available under the Resource Order.

(b) Where the defence contained in Section 11 is made available section 11 shall be read as if the words "this Resource Order appeared where the words "this Ordinance" appears in the section

13. A. Register of Resource Management Orders - The Executive or any public officer designated by the Provincial Secretary shall as soon as practicable establish and maintain at the Assembly Offices a Register of Resource Management Orders. It shall contain a copy of each Resource Management Order together with a map of the area covered by the Resource Management Order. The said Register shall be available for inspection between the hours of 9am and 12 noon and 1pm and 4pm Monday to Friday.

14. Variation or Revocation of Resource Orders - (1) Any Resource Order may be varied by subsequent Order of the Executive, published in the Solomon Islands Gazette, in the following circumstances:

(a) The request for the variation or revocation must be made by the same persons or substantially the same persons as were the qualified requesters in the request for the Resource Order. The Executive may reject any request where it is satisfied that there is not reasonable identity between the qualified requesters and the applicants for variation or revocation.

(b) The request for variation or revocation must be made in writing and must specify a date on which the variation or revocation is to take place, being a date not less than 6 months from the date of the request

(2) Should the Executive resolve to vary or revoke a Resource Order it may impose such reasonable terms and conditions upon the future use, occupation or management of the land or its resources as may be requested by the applicants.

15. Offences - (1) It shall be an offence under this section to breach any of the provisions of a Resource Order.

(2) (a) Any person who breaches any of the provisions of a Resource Order commits an offence and is liable upon conviction to a fine of up to \$500,000 or to imprisonment for a term of 3 months or to both such fine and imprisonment

(b) Any person convicted of an offence under this section shall be liable to

pay such sum not exceeding \$5,000.00 as the Court deems just to the Executive for payment to the customary land owners by way of restitution for the resource damage caused.

(c) Any body corporate, association or co-operative who breaches any of the provisions of a Resource Order commits an offence and is liable on conviction to a fine not exceeding \$50,000.00

(d) Any body corporate, association or co-operative who is convicted of an offence under this section shall be liable to pay such sum not exceeding \$100,000.00 as the Court deems just to the Executive for payment to the customary landowners by way of restitution for the resource damage caused

(e) Where a body corporate, association or cooperative commits an offence under this Ordinance with the consent, participation or connivance of or because of neglect or omission by an individual, the individual is guilty of the same offence and liable to the same penalties as the body corporate, association or co-operative if at the time of the offence-

(i) the individual is or was a director, manager, secretary or other senior officer of the body corporate, association or co-operative; or

(ii) the individual is or was purporting to or holding out that individual is in an officer, or

(iii) the individual is or was a member of a body corporate, association or co-operative which is managed by its members.

(f) On receipt of payment under paragraph (1,) or (d) of this subsection the Executive shall forthwith pay the restitution to the signatories to the Resource Order request or their administrators or assigns.

(3) The provisions made in this section shall not be deemed to deprive any person of civil rights and remedies otherwise available in relation to wrongful interference with resources on customary land

PART IV

PROHIBITION OF ACTIVITIES HAVING ADVERSE ENVIRONMENTAL EFFECTS

16. Prohibition on taking live coral - (1) Subject to subsection (2) of this section no person shall take, cut, collect, blast using any explosives, harvest or remove any live coral from or in coastal waters (2) Subsection (1) of this section shall not apply to:

(a) A person indigenous to the Solomon Islands who takes, cuts, collects, harvests or removes live coral for the sole purpose of producing by traditional

means lime for consumption with betel nuts,

(b) A person indigenous to the Solomon Islands who takes, cuts, collects, harvests or removes live coral to use for traditional purposes.

(c) Any person who has first obtained a valid research permit under the Research Act or any Act or Ordinance passed in amendment or substitution therefore or who has otherwise obtained the written consent of the Executive and the Solomon Islands Government to carry out scientific survey or other scientific work related to corals.

(d) Any person who holds written authority from the Executive and Solomon Islands Government to clear a passage way or blast a channel through coral reef or otherwise remove coral for the purpose of a development or access way approved by the Executive.

17. Offence to use anchor - It shall be an offence for the Captain of any ship to cause or allow his ship to be anchored within or near any coral reef where there is a mooring, bony, wharf or other method of securing the ship within a radius of 500 yards from the place where the ship is anchored.

18. Logging - (1) Subject to any right, privilege or licence granted pursuant to National laws, all logging and sawmilling activities within the Western Province must adhere to the Western Province Forest Management Policy.

(2) The Western Province Forest Management Policy shall be that Policy notified and published by the Western Province from time to time.

19. Harvesting methods for marine resources - (1) No person may use scuba gear or any other underwater breathing apparatus when harvesting any marine resource.

(2) Any person may make use of traditional methods of harvesting or gathering marine resources. Poisonous plants may only be used for harvesting marine resources for special occasions such as feasts. Poisonous plants may not be used as a harvesting technique for regular local consumption or harvesting for monetary reward.

(3) No person shall use dynamite when harvesting fish or other marine resources.

20. Offences - (I) Any person in breach of any of the provisions of this Part of the Ordinance commits an offence and shall be liable upon conviction to a fine of up to \$5,000.00 or imprisonment for a term of up to 3 months or to both such fine and imprisonment.

(2) Any body corporate, association or co-operative who breaches any of the provisions of this Part of the Ordinance commits an offence and is liable upon conviction to

- (i) a fine not exceeding \$50,000.00; and
- (ii) a penalty not exceeding \$20,000.00 to be paid to the

Provincial Special Fund established in accordance with section 21 of this Ordinance.

(3) Where a body corporate, association or co-operative commits an offence under this Ordinance with the consent, participation or connivance of or because of neglect or omission by an individual, the individual is guilty of the same offence and liable to the same penalties as the body corporate, association or co-operative if at the time of the offence -

- (i) the individual is or was a director, manager, secretary or other senior officer of the body corporate, association or co-operative; Or
- (iii) the individual is or was a member of a body corporate, association, co-operative which is managed by its members.

21. Resource Management Fund. - (I) In accordance with Part VI 'Special Funds' of the Western Province Financial Management Ordinance 1984, the Executive shall set up a Special Fund to be called the Resource Management Fund ('the Fund').

(2) Rules made in respect of the Fund in accordance with section 37 of the Western Province Financial Management Ordinance shall include provisions that the Fund must be applied:

- (i) for the administration of this Ordinance
- (ii) for any survey or other work undertaken for the purposes of managing marine, wildlife and forest resources of the Province
- (iii) for the establishment and maintenance of Public Registers of both Plans and Policy Statements, and of Resource Management Orders
- (iv) for public awareness programmes and publications relating to the management of marine, wildlife and forest resources of the Province.

PART V ENFORCEMENT

22. Powers of Authorised Officers.

For the purposes of ascertaining whether there is or has been any contravention of the provisions of this Ordinance, any authorised officer may:

- (1) at all reasonable hours enter any establishment and premises, other than a premises used exclusively as a dwelling house;
- (2) stop, board and search any foreign or local vessel or canoe within the waters of the Western Province;
- (3) stop and search any vehicle transporting or reasonably suspected of transporting any prohibited or protected species or products thereof;
- (4) make such examination and inquiry as may appear necessary to him concerning any premises, establishment, vessel or vehicle in relation to which any of the powers conferred by this section have been or may be exercised and take samples of any prohibited or protected species found therein;
- (5) require any person to produce his licence or his authority if it appears to the authorised officer that such person is doing any act for which a licence or other authority is required under this Ordinance and take copies of such licence or other authority.

23. Powers of authorised officers without a warrant - (1) Where an authorised officer has reasonable grounds for believing that an offence against the provisions of this Ordinance has been committed, he may without a warrant

- (a) stop, board, search any local or foreign vessel, canoe or vehicle which he believes has been used in the commission of that offence or in relation to which he believes such offence has been committed;
 - (b) search the packages belonging to any person, whether in their personal possession or found within any premises, vehicle, vessel or canoe;
 - (c) arrest any person whom he believes has committed such an offence, and if the authorised officer making such arrest is not a police officer, he shall without unnecessary delay, hand over such person to a police officer or in the absence of a police officer, shall take such person to the nearest police station;
 - (d) seize any equipment, *gear*, explosive, poison or other noxious substance which he believes has been used, carried, possessed or controlled in the commission of such offence;
 - (e) seize any species of Forest, Wildlife or Marine Resource, or product thereof, which he believes to have been taken in contravention of this Ordinance.
- (2) The authorised officer concerned shall give a written receipt for anything seized under subsection (1) to the person from whom the seizure is made
- (3) Anything seized under subsection (1) (d) may be detained pending the outcome of

any legal proceedings under this Ordinance.

(4) Any species of Forest, Wildlife or Marine resource, or product thereof, seized under subsection (1) (e) may be returned to its natural habitat forthwith where that is considered by the authorised officer to be necessary for its survival, or may otherwise be detained pending the outcome of any legal proceedings under this Ordinance.

24. Wilful obstruction. Any person who wilfully obstructs, assaults or threatens with violence an authorised officer in the exercise of his powers shall be guilty of an offence and liable upon conviction to a fine not exceeding \$1000.00 and/or imprisonment for up to 3 months.

25. Failure to comply with enquiry Any person who fails to comply with any lawful enquiry made by any authorised officer under this Ordinance, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$500.00

26. Identification of authorised officers Any Authorised Officer acting in the exercise of his powers under this Ordinance shall, on demand, produce such document of identification or other evidence as may be reasonably sufficient to show that he is an authorised officer for the purposes of this Ordinance.

27. No liability of authorised officers. No authorised officer shall be personally liable in respect of any act done or omitted by him in good faith in the execution or purported execution of his powers and duties under this Ordinance.

28. Destroying of evidence. Any person who destroys any species or product thereof, or any equipment, gear, explosive, poison, noxious substance or any other thing whatsoever with the intent to avoid the seizure of the said substance or thing, or the detection of any offence and liable to a fine of not exceeding one thousand (\$1,000) dollars.

29. Power of forfeiture. Where any person is convicted of an offence under this Ordinance, the court may, in addition to any other penalty it may impose, order that any species, product thereof, equipment, gear or other substance used in the commission of such offence or in respect of which such offence has been committed, or the proceeds of sale of such species or product thereof or equipment, gear or other substance used in the commission of such offence, shall be disposed of in such manner as the Court may direct.

30. Meaning of 'person' For the purposes of This Part of the Ordinance, any reference to the word 'person means person, persons, body corporate, association, co-operative and any other body of persons.

SCHEDULE 1
PROHIBITED SPECIES OR CATEGORY OF RESOURCE
Section 6

PART A (Subsection 6(1))
Prohibited Marine Resource

Any of the following live marine resource not farmed or propagated subject to permit for commercial purposes.

Thdacna gigas - giant clam
Tridactmderasa - smooth giant clam
Ttidacnasouarnosa - fluted giant clam
Ttidacna maxima - rugose giant clam
Ttidanacnicea - boring clam
Hippopus hippopus - horses hoof clam
Charonia triponis - pacific trident
Holothuria scabra - sandfish
Oyster shell of the genus Pinctada
All turtles of whatever species
Any female crayfish of whatever species which is carrying eggs externally or from which the eggs have been removed. Any coconut crab of whatever species which is carrying eggs or from which eggs have been removed.

Part B (Subsection 6(2))
Prohibited Wildlife Resource

Any of the following live wildlife resource not farmed or propagated subject to permit for commercial purposes.

Solomvs nonceleti - giant rat
Solomvs sanieus - giant rat
Hromvs rex - giant rat
Pteralooex atrata – monkey-faced flying fox
Pteralcoex ancens - monkey-faced flying fox
Dobsonia - all species, naked-hack bats
Macro dossus rninimus - dagger-toothed flower bat
Melonvctehs - fruit bat
Nvctimene - all species, tube-nosed bat
Pteralopex - all species, fruit bat
Pteropus - all species fruit bat

Part C (Subsection 6(3))
Prohibited Forest Resource

Any of the following live forest resource

Saline swamp forest (Mangroves)
Freshwater swamp forest (Terminalia spp and Metroxilon spp.)

SCHEDULE 2
PROTECTED SPECIES
Section 7

Part A (Subsection 7(1))

Protected species or category of Marine /Wildlife/Forest Resource	Prescribed Min/max size
Holothuria nobilis, black teatfish	11 cm dry (min)
Holothuria tigris, mottled elephant trunk fish	12 cm dry (min)
Thelodanotus ananias, prickly redfish	11 cm dry (min)
Actinopterygion Qaniliatis, blackfish	11 cm dry (min)
Actinopterygion ecbimtis deep water redfish	5 cm dry (min)
Panulirus, crayfish	8 cm (min) carapace length when measured along the midline from immediately behind the rostral horn to the rear edge of the carapace.
Birgus latro - coconut crab	9 cm (min) when measured along the carapace from immediately behind the rostral horn to the rear edge of the carapace in the midline.
Any trochus shell	8 cm (min) 12 cm (max) measured across the base.

Part B (Subsection 7(2))

Prescribed species or category of Quantity Prescribed Time
Marine Wildlife/Forest Resource

NIL

Part C (Subsection 7(3))

Protected species or category of Marine /Wildlife/Forest Resource	Prescribed Periods Prohibited
Turbo marmoratus green snail.	10 years, 1994-2003 (inclusive)
Turtle nests or eggs of whatever species	June, July, August and November, December, January

SCHEDULE 3
CUSTOMARY LAND RESOURCE ORDER REQUEST

AN APPLICATION affecting the land area, on the island Western Province, (*and

including the reefs/lagoons adjacent to the land specified) delete if inapplicable

The boundaries of the land are described as follows and as marked and outlined in red on the plan attached.

2. The Customary Land Resource Management Orders which we request the Executive to make part of the laws of the Western Province are as follows:

[**Note:** The following are examples only. You should clearly state here what marine resource, forest resource or wildlife resource prohibitions and protections you require. You may need to use a different form of wording from what is used here as an example.]

(a) No person is permitted within the area affected by this Order to take any of the prohibited species or categories of *marine resource/ *forest resource/*wildlife resource listed here.

* delete if inapplicable

(list species or categories)

(b) Within the area affected by the order no person is permitted to take any indigenous forest resource for the purpose of round log exporting.

(c) Within the area affected by the Order no person is permitted to take for the purpose of exporting any of the following species or category of forest resource. (Name the prohibited species of forest resource.

(d) Within the area affected by the Order no person is permitted to take for the purpose of exporting any of the following species of wildlife. (Name the prohibited species of wildlife.)

3. We do/do not [delete one] wish for the defence for persons indigenous to the Solomon Islands provided by section 11 to apply to offences against this Order

4. We the undersigned acknowledge that we are aware that if this request is approved by the Executive, and is not appealed against successfully, it will be gazetted in the Solomon Islands Gazette. It will then become part of the laws of the Western Province. There will be penalties for not obeying it. Once an Order is made than it can not be changed unless the Executive agrees to repeal it.

5. We the undersigned are all the qualified requesters.

We certify that we have discussed this Resource Order Request with the communities which will be affected by it, and that we substantially have their agreement to it.

SIGNED by and on behalf of the land owning group/tribe.

Names Signatures Title (if any)

I

The following is for official use only.

We the Western Provincial Executive have on the day of 199 considered this Resource Order Request relating to the land.

We are satisfied that the request complies in all respects with the Western Province Resource Management Ordinance 1994 and hereby ENDORSE the request under *ResMa26 - Ed2 - 303.5*

the hand of the Premier, Western Province.

Premier Signature Seal

OR 2. We are NOT satisfied that the request complies in all respects with the Western Province Resource Management Ordinance 1994 The reasons we believe it does not comply are as follows.

We therefore REJECT the request under the hand of the Prettier, Western Province.

Premier Signature Seal

Secretary to the Area Council hereby certify that I have displayed this Resource Order Request, endorsed by the Executive, in Village, and the first complete day it will be displayed is the day of 199

Secretary

Area Council