
(Legal Notice No. 106)

PROVINCIAL GOVERNMENT ACT 1997
SIMBO MEGAPODE AREA MANAGEMENT
(AMENDMENT) ORDINANCE 1999

AN ORDINANCE to amend the Simbo Megapode Area Management Ordinance 1990.

1. This Ordinance shall be cited as the Simbo Megapode Area Management (Amendment) Ordinance 1999 and shall come into force upon approval by the Minister pursuant to Section 30 of the Provincial Government Act 1997.

Title and
Commence-
ment

2. (a) The Simbo Megapode Area Management Ordinance 1990 (hereinafter referred to as 'the Principal Ordinance'), is hereby amended as follows:

Amendments:
to S. 2 of No.
99/90

- (i) By inserting in the appropriate alphabetical order the following new definition - "Authorised Officer" means any Police Officer, Village Organiser, Warden, Office Bearer of the Simbo Megapode Management Committee or Office Bearer of a subcommittee thereof or an officer of
-

the Environment and Conservation division of the Ministry of Natural Resources.”

- (ii) In the definition of “closed seasons” by deleting the words “1st August” and substituting therefor the words “1st July”.
- (iii) In the definition of “field” by deleting the words “area in and around each of the villages as herein defined” and replacing them with the words “areas known as Ove, Buna, Popou - Lavata, Mamanugini, Bope, Matindingi, Kerere, Vavo and Mizanga”.
- (iv) In the definition of “resident” by deleting the words “in one of the villages as here in defined” and replacing them with the words “on the islands of Simbo or Nusa - Simbo;”
- (v) In the definition of “Simbo Megapode Management Area” by deleting the words “the villages as herein defined and”
- (vi) By inserting in the appropriate alphabetical order the following new definition - “Simbo Megapode Management Committee or ‘SMMC’ means the Committee established under Section 5(2)(c) of this Ordinance.
- (vii) By deleting the definition entitled “Villages”.

3. Section 3 of the principal Ordinance is hereby amended as follows:

- (a) In subsection (1) by deleting the words “within the Simbo Megapode Management Area”.
- (b) In subsection 2
 - (i) By deleting subsection (2) paragraph (b) and replacing it with the following new paragraph - “Work in, dig for, take or harvest from a field any Megapode egg, on any day, except Thursday, and on that

day not before 10.00 hours (10.00am) or after 17.00 hours (5pm);”

- (ii) In paragraph (c) insert between the words ‘harvest’ and ‘any’ the words “from a field”.
 - (iii) In paragraph (d) insert between the words ‘bush’ and ‘in’ the following punctuation marks and words-”, except Sago Palm or Bamboo,”.
 - (iv) In paragraph (e) delete the word ‘Bury’ and replace it with the word ‘Burn’.
 - (v) Insert a new paragraph (f) as follows: “(f) Cause any damage to or interfere with a Megapode House (known locally as ‘Lape House’) which does not belong to them;”
 - (vi) Insert a new paragraph (g) as follows: “(g) Cause any damage to, deface or interfere with any property of the Simbo Megapode Management Committee.”
- (c) By inserting a new subsection (4) as follows: “(4) For the purposes of any proceedings under this Ordinance for an offence under Section 3 (2) (b) and (c) where it is proved that a person (other than an Authorised Officer) has been found with in a field outside of permitted hours or inside of the closed season, it shall be presumed, unless the contrary is proved, that the person is there to dig, take or harvest Megapode eggs.”
- (d) By deleting subsection (4) and replacing it with the new subsection (5) as follows: “(5) (a) All residents and field owners must keep dogs under control and must use their best efforts to reduce or eradicate the dog population.

Without limiting the generality of subsection (5) (a)
 (b) Where any cat or dog is found inside a field, or is found to have injured or killed any Megapode bird, whether the bird is inside a field or not then the owner of the cat or dog shall be guilty of an offence and liable to a fine in accordance with Section 4.

- (c) Where that same cat or dog is found inside a field or is found to have injured or killed any

Megapode bird, whether inside a field or not, on a second occasion, then that cat or dog may be destroyed by an Authorised Officer."

to Section 4 4. Section 4 of the Principal Ordinance is hereby deleted and replaced with the following new Section 4:

'4. Offences - (1) Any person who contravenes the provisions of Section 3(2)(a), (b), (d), (e), (f) or (g) or Section 3(5) is guilty of an offence and liable to an "on the spot fine" of \$50.00 such sum to be paid to the SMMC within 14 days of the date of the offence. The "on the spot fine" shall be reduced to \$30.00 if payment is made within 24 hours.

(2) Any person who contravenes the provisions of Section 3(2)(c) or Section 3(3) is guilty of an offence and liable to an "on the spot fine" of \$100.00 such sum to be paid to the SMMC within 14 days of the date of the offence. The "on the spot fine" shall be reduced to \$50.00 if payment is made within 24 hours.

(3) "On the spot" fines may be recovered by the SMMC as a civil debt.

(4) Where a person denies contravening the provisions of Section 3(2)(a), (b), (d), (e), (f), or (g) or Section 3(5) such person may be charged under this Ordinance and upon conviction shall be liable to (a) a fine not exceeding \$200.00 or in default of payment to imprisonment not exceeding three (3) months; and (b) an order for compensation not exceeding \$400.00 to be made to the SMMC.

(5) Where a person denies contravening the provisions of Section 3(2)(c) or Section 3(3), such person may be charged under this Ordinance and upon conviction shall be liable to (a) a fine not exceeding \$400.00 or in default of payment to imprisonment not exceeding six (6) months; and (b) an order for compensation not exceeding \$800.00 to be made to the SMMC.

(6) The penalties prescribed in Section 4(1), 4(2), 4(4) and 4(5) are applicable in respect of each and every occasion a person contravenes the provisions of the Sections.

(7) Where an offence is committed under this Ordinance by a young person between the ages of 9 and 14 years (inclusive), any penalty therefor shall be liable to be paid by the lawful guardian or person responsible for that young person.

- (8) (a) On the spot fines may only be imposed by two authorised officers. (b) The Authorised Officer concerned shall give a written receipt for any 'on the spot fine' which is paid."

5. Section 5 of the Principal Ordinance is hereby amended by (a) renumbering the existing subsection (3) as subsection (4) and by replacing the fullstop at the end of the subsection with a comma and adding the words "and/or to the Provincial Secretary." at the end thereof. to S 5

(b) inserting the following new subsection (3):- "(3) Where a Simbo Megapode Management Committee is formed in accordance with Section 5(2)(c) of this Ordinance the Committee shall adopt a Constitution which shall regulate the structure, functions and procedures of the SMMC, and the SMMC must thereafter carry out its functions, duties and procedures in accordance with the provisions of that Constitution."

6. Section of the principal Ordinance is hereby amended by (a) in subsection 2 Paragraph (1) by deleting the words "villages" and replacing them with the words "field or fields."

(b) deleting subsection (3) and replacing it with the following new subsection (3):- "(3) It is lawful for any authorised officer to make enquiries to ascertain whether any breach of this Ordinance is being or has been committed and to enforce this Ordinance."

7. Section 7, subsection (2) of the Principal Ordinance is hereby amended by inserting between the words 'to' and 'a' the punctuation and words "or take access across,". to S 7

Enacted by the Western Provincial Assembly this tenth day of March 1999.

Clerk to Western Provincial Assembly

Assented to by the Hon. Minister of Provincial Government this eighteen day of August 1999

Minister of Provincial Government