

Legal Notice No. 27

TEMOTU PROVINCE AGRICULTURE ORDINANCE 2010

AN ORDINANCE TO PROVIDE FOR THE SUPPORT AND CONTROL
OF AGRICULTURE IN TEMOTU PROVINCE

1. This Ordinance may be cited as the Temotu Province Agriculture Ordinance 2010 and shall come into effect after assent by the Minister of Provincial Government and publication in the *Gazette*. Short title

2. IN this Ordinance, unless the context otherwise requires: Interpretation

“agriculture produce” means any product of agriculture for human consumption.

“authorised officer” means an agriculture officer, medical officer, health inspector, police officer, or other officer authorised by the Minister or Provincial Executive in writing to implement and enforce this Ordinance.

“Minister” means the Provincial Minister assigned responsibility for the administration of agriculture.

“Provincial Executive” means the Temotu Provincial Executive.

“tambu place” means a tambu place commonly so called and considered holy, sacred or forbidden by the people of Temotu Province.

3. (1) The Provincial Executive may establish a Provincial Agriculture Advisory Committee (hereinafter referred to as the Committee) under this Ordinance. Provincial
Agriculture
Advisory
Committee

(2) The Committee shall consist of the Chairman of the Committee, the Chief Field Officer Agriculture, who shall act as Secretary of the Committee, and such other persons, knowledgeable in agricultural matters as the Ministry may appoint.

- (3) The Committee shall advise the Provincial Executive on:
- a. promoting land management, crop and livestock husbandry practices that manage risks of natural disaster and climate change, conserve natural resources, enhance soil fertility and sustain production;
 - b. proposed agriculture research, survey and development projects;
 - c. applications from agricultural enterprises seeking support from the Temotu Development Authority;
 - d. applications for agricultural business licences;
 - e. the formation of new agricultural associations;
 - f. potential training areas for agriculture workers/farmers;
 - g. safe disposal of agricultural waste;
 - h. distribution of agricultural services across the Province;
 - i. provincial policy on agriculture;
 - j. proposals for the amendment of the present Ordinance; and
 - k. such other matters as may be referred to it

Disposal of
Agricultural
Waste

4. (1) It shall be the duty of every occupier of agricultural land to dispose of their agricultural refuse and waste in a responsible manner:

- a. by composting vegetable waste, or
- b. by burning refuse, or
- c. by placing refuse at a refuse collection point, such refuse to be secured in a bag, basket or suitable receptacle, or
- d. by contacting the Provincial Agriculture Advisory Committee or Health Department as appropriate for recommendations on disposal of chemical pesticide, petroleum products, animal carcasses or other dangerous or toxic waste.

(2) Unauthorised dumping or discharge of any wastes or other polluting matter into the air or into or near any land or body of water in the Province in such a way as to harm living resources or to destroy, endanger or alter air quality or the ecology of any land or water is strictly prohibited.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not less than five thousand dollars and not exceeding ten thousand dollars and/or imprisonment for not less than two years.

5. (1) Agriculture is restricted to the extent that it affects: Protected areas and species
- a. Protected places and species declared by the Provincial Executive in accordance with the Temotu Province Environmental Protection Ordinance 1993.
 - b. Protected places declared by the Provincial Executive in accordance with the Temotu Province Preservation of Culture Ordinance 1993.
 - c. Tambu places as defined in section 2.
 - d. Trees protected by the Temotu Town and Country Planning (Tree Preservation) Regulations 1993 and Forest Resources and Timber Utilisation Act.
 - e. Protected places and species declared by the Solomon Islands Government in accordance with any national legislation.

6. (1) Livestock are to be managed in accordance with the Temotu Province Livestock Ordinance 2008. Livestock

7. (1) Trees shall not be felled except in accordance with the Temotu Town and Country Planning (Tree Preservation) Regulations 1993 and Forest Resources and Timber Utilisation Act. Trees

- Quality Control** **8.** (1) The Provincial Executive may make Regulations for quality control of agricultural production. These regulations may include establishing processing and storage points, improving transport services, providing training and supervision in processing techniques and grading of products, setting minimum standards for animal husbandry and crop management and any other quality controls as required.
- Licensing and Protection of Agriculture Industry** **9.** (1) Persons selling agricultural products, including those participating in development projects unless expressly declared exempt by the Minister, must hold a business licence in accordance with the Temotu Province Business Licence Ordinance. Penalties for conducting business without a licence are outlined in that Ordinance.
- (2) Any person found to breach legislation regarding biosecurity, quarantine or food safety may, in addition to any penalties accorded under the Pure Food Act 1996 and other relevant legislation, have their business licence revoked and/or be denied any future business licence for the agriculture section.
- Financial support for agricultural enterprises** **10.** (1) Financial support for agricultural enterprises must be offered by the Temotu Development Authority provided the enterprise falls within its mandate to further the economic development of the Province through the identification, development, promotion and assistance to, and/or management of sound and profitable enterprises. Temotu Development Authority must ensure it has sufficient budget to assist these agricultural enterprises.
- Research and Survey Projects** **11.** (1) Before authorising agriculture research, survey or development projects the Provincial Executive and Committee will consult with landowners, residents, land users and customary rights holders of the area affected. Affected parties may negotiate for compensation from parties planning to conduct research, surveys or development.
- Customary Land** **12.** (1) Customary Rights shall be recorded in accordance with the Temotu Province Customary Land Registration Ordinance 1992.
- Conflict Law** **13.** (1) In the event that this Ordinance is inconsistent with the law of the Solomon Islands the relevant Act will prevail.
- (2) In the event that this Ordinance is inconsistent with other Temotu Province Ordinances, the decision on interpretation rests with the Provincial Executive.

Passed by the Temotu Provincial Assembly this 28th day of October 2010.

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

Emma Moiya
Clerk to the Temotu Provincial Assembly

Assented to by the Honourable Minister of Provincial Government this 3rd day of March 2011.

Hon. Braddley Tovosia
Minister of Provincial Government

[Legal Notice No. 25]

**TEMOTU PROVINCE FISHERIES AND MARINE PROTECTION
ORDINANCE 2010**

**AN ORDINANCE TO PROVIDE FOR THE DEVELOPMENT AND
REGULATION OF FISHERIES IN PROVINCIAL WATERS**

1. This Ordinance may be cited as the Temotu Province Fisheries and Marine Protection Ordinance 2010 and shall come into effect after assent by the Minister of Provincial Government and publication in the *Gazette*. Short title
