

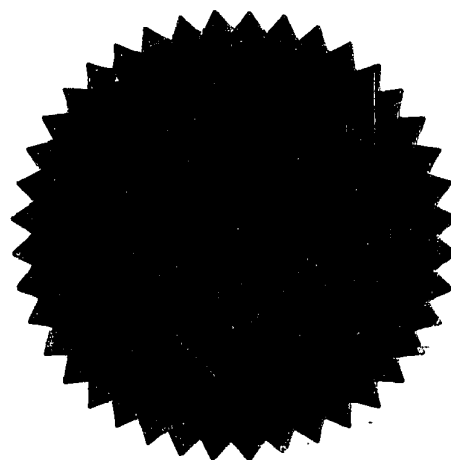
THE AGRICULTURAL QUARANTINE BILL 1982

CONTENTS: Bill  
Objects and Reasons  
Notice of Presentation  
Covering Letter from Minister to Clerk

DIRECTIONS:

- ✓ TO: Minister of Agriculture and Lands  
(for signing of Objects & Reasons, Notice of Presentation  
and covering letter) ✓
- ✓ TO: Clerk to National Parliament  
(for certification by Speaker) ✓
- ✓ TO: Parliamentary Draftsman *Enf. 22.8.*  
(for printing)
- ✓ TO: *SK* Clerk to National Parliament  
(for reference during 1st, 2nd and 3rd Readings) ✓  
*DATE PASSED: 5/8/1982 Act. No. 13*
- TO: Parliamentary Draftsman *17/8/82 Soq*  
(when passed by Parliament for checking before Assent)
- TO: Governor-General: *B. J. West 17/8/82*  
(for Assent)
- TO: Clerk to National Parliament  
(for distribution: 2 Attorney General's Chambers (1 copy to go  
to Printer when title page has been reset)  
1 Ministry of Agriculture & Lands  
1 Parliament Office)

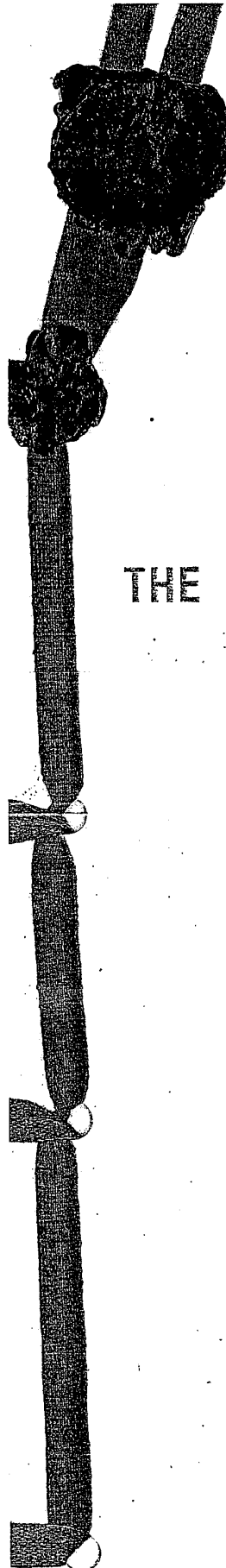
SOLOMON ISLANDS



**THE AGRICULTURAL QUARANTINE**

**ACT 1982**

NO 13 OF 1982



*The Agricultural Quarantine Act 1982*

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, commencement and interpretation.
2. Power to prevent introduction of diseases, pests, etc., by order.
3. Powers to inspect vessels, premises, etc.
4. Power to require information and search persons.
5. Offences connected with sections 2 to 4.
6. Report of arrival.
7. Procedure for making orders.
8. Application to Government.
9. Repeals and savings.

- SCHEDULES 1: Matters with which an order under section 2 may deal.
- 2: Glossary.

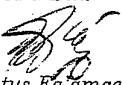
The Agricultural Quarantine Act 1982



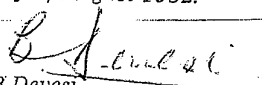
# THE AGRICULTURAL QUARANTINE ACT 1982

*Passed by the National Parliament this fifth day of August 1982.*

*This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.*

  
Festus Fa'amaea  
Clerk to the National Parliament

*Assented to in Her Majesty's name and on Her Majesty's behalf this 17th day of August 1982.*

  
B Devesi  
Governor-General

*Date of commencement: see section 1*

AN ACT to provide for preventing the introduction of disease into Solomon Islands through the importation or landing of animals, plants and other things and preventing the introduction of pests and undesirable plants; for requiring vessels and aircraft to give notice of their arrival in Solomon Islands; and for connected purposes.

ENACTED by the National Parliament of Solomon Islands.

*The Agricultural Quarantine Act 1982*

1. (1) This Act may be cited as the Agricultural Quarantine Act 1982.

(2) This Act shall come into force on such day as the Minister may by notice in the Gazette appoint.

(3) Schedule 2 contains a glossary of terms; and in this Act, unless the context otherwise requires, any expression for which there is an entry in the first column of the Schedule -

- (a) has the meaning given against it in the second column; or
- (b) is to be construed in accordance with directions given against it in the second column.

2. (1) The purposes of this Act are -

- (a) to prevent the introduction of diseases into Solomon Islands or any part of Solomon Islands through the importation or landing of any of the things referred to in subsection (2), and
- (b) to prevent the introduction into Solomon Islands or any part of Solomon Islands of pests and of any plant which, in the opinion of the Minister, is undesirable, and for those purposes the Minister may by order make such provision as he thinks fit.

(2) For those purposes, the order may make provision prohibiting or regulating the importation or landing of -

- (a) animals and carcasses of animals;
- (b) plants;
- (c) earth; and
- (d) other things (whether animate or inanimate) by or by means of which it appears to the Minister that any disease or pest might be introduced.

(3) For those purposes, the order may -

- (a) make provision not only with respect to imports (including vessels, aircraft and vehicles of other descriptions) but also with respect to persons, animals, plants, earth and other things which have been or may have been in contact with imports;
- (b) make different provision for different cases; and
- (c) make provision in relation to any of the matters specified in Schedule 1.

(4) Subsections (2) and (3) do not limit the generality of the powers conferred by subsection (1).

(5) The order may provide that, in such circumstances as may be specified in it, any of the things mentioned in subsection

Short title, commencement and interpretation.

Power to prevent introduction of diseases, pests, etc., by order.

(2) which -

- (a) are brought into Solomon Islands, but are not brought from a country outside Solomon Islands; and
- (b) while outside Solomon Islands have been or may have been in contact with any of those things,

shall be treated for the purposes of this section and Schedule 1 as being imported at the time when they are brought into Solomon Islands.

Powers to inspect vessels, premises, etc.

3. (1) For the purposes of finding out whether the provisions of any order under section 2, or the conditions of any licence issued in accordance with such an order, are being complied with an inspector may at any time -

- (a) enter any vessel, aircraft or vehicle of any other description;
- (b) open, and inspect or sample the contents of, anything if he has reasonable grounds for supposing that it has recently been brought into Solomon Islands.

(2) An inspector may at any time enter -

- (a) any land, building or other place; and
- (b) any vessel, aircraft or vehicle of any other description on or in which he has reasonable grounds for supposing that there is being or has been kept anything mentioned in section 2(2) which has been brought into Solomon Islands and the bringing in of which is for the time being prohibited or regulated by an order under section 2.

(3) Where an inspector has reasonable grounds for supposing that the provisions of any order under section 2, or the conditions of any licence issued in accordance with such an order, have not been or are not being complied with on any vessel or aircraft, he may give such instructions and take such steps as appear to him necessary to detain it and it shall be detained until the Minister otherwise directs.

(4) Where a vessel or aircraft is required to be detained under subsection (3), no clearance certificate shall be granted in respect of it under section 151 of the Customs and Excise Act.

Power to require information and search persons.

4. (1) Where an inspector has reasonable grounds for supposing that any person has recently come into Solomon Islands -

- (a) he may require that person to give to him, in such form as he may require, any information in his possession which is relevant for determining whether the provi-

*The Agricultural Quarantine Act 1982*

sions of any order under section 2, or the conditions of any licence issued in accordance with such order, are being or have been complied with; and

- (b) if he refuses to give such information, or the inspector has reasonable grounds to suspect that he has not complied with any order under section 2, or the conditions of any licence issued in accordance with such an order, the inspector may search him.

(2) No woman or girl shall be searched under this section except by or in the presence of a woman.

5. (1) A person is guilty of an offence if -

- (a) he contravenes any order under section 2 or any condition of a licence issued in accordance with such an order;
- (b) he obstructs the exercise by an inspector of any of his functions under section 3 or 4 or fails to comply with a requirement under section 4(1); or
- (c) being in charge of the vessel or aircraft concerned, he fails to comply with any instructions given under section 3(3).

Offence  
connected  
with s  
2 to 4.

(2) A person guilty of an offence under this section shall be liable on conviction -

- (a) to imprisonment for a term of three months; or
- (b) to a fine of \$3,000,

or to both.

(3) It is not a defence for a person charged with an offence under subsection (1)(a) to show that he did not know that he had contravened the order or condition concerned unless he also shows that he had no reasonable cause to believe that he had contravened the order or condition.

6. (1) The Minister may by order make provision requiring a report to be made of any vessel or aircraft which is to enter Solomon Islands.

Report on  
arrival.

(2) The procedure for making the report, the time before which it is to be made, and the particulars to be contained in it shall be such as may be specified in the order.

(3) If a person who is required to make a report in accordance with an order under this section fails to do so he shall be guilty of an offence and liable on conviction to a fine of \$1000.

Procedure for making Orders.

7. (1) Subsections (2) to (5) apply in relation to any order under section 2 or 6.

(2) A copy of the order shall be laid before Parliament.

(3) The copy shall be laid before the order comes into effect unless, in the opinion of the Minister, it is essential that it comes into effect before it can be laid.

(4) If, within the period of twenty days beginning with the day on which the copy is laid, Parliament resolves that the order be annulled, the order shall cease to have effect as from the date of the resolution, but without prejudice to the validity of anything previously done under it or to the making of a new order.

(5) In reckoning any period of twenty days for the purposes of subsection (4), no account shall be taken of any time during which Parliament is prorogued or dissolved or is adjourned for more than four days.

(6) Section 56 of the Interpretation and General Provisions Act 1978 (Parliamentary procedure) does not apply to any subsidiary legislation under this Act.

Application to Government.

8. This Act binds the Government and persons in the service of the Crown.

Repeals and savings.

9. (1) The following are repealed -

- (a) in Schedule 2 to the Customs and Excise Act, under the heading "list of prohibited imports", paragraphs 4, 9, 12 and 15 and, under the heading "list of restricted imports", paragraph 10;
- (b) Parts IV, V, VI and section 21(a) of the Agriculture and Livestock Act;
- (c) sections 3 to 10 of the Diseases of Animals Act; and
- (d) sections 2 to 4 of the Agriculture and Livestock (Amendment) Act 1979.

(2) Notwithstanding the repeal by this section of sections 16 and 21(a) of the Agriculture and Livestock Act, the Agriculture and Livestock (Handling of Containers) Rules 1978 (LN 47 of 1978) and the South American Leaf Blight of Hevea (Exclusion) Rules (p.3310 of Rev. Edn.) shall continue to have effect as if they were made under section 2 of this Act.



*The Agricultural Quarantine Act 1982*

SCHEDULE 1

Section 2

MATTERS WITH WHICH AN ORDER UNDER  
SECTION 2 MAY DEAL

1. The conditions to be observed before, during and after importation or landing.
2. Exemptions from the provisions of the order by means of licences, whether general or specific and whether conditional or unconditional, issued in accordance with the order.
3. The prohibition of the landing of animals, plants, earth or other things except at such ports, airports and other places as may be designated.
4. The giving of security, by bond or otherwise, for the observance of any order under section 2, or any condition of any licence issued in accordance with such an order.
5. Landing and quarantine of animals, plants, earth and other things.
6. Seizure, detention and treatment of animals, plants, earth and other things.
7. Slaughter of animals and destruction of plants, earth and other things.
8. Cleansing and disinfection.
9. Safe-keeping and disposal of refuse.
10. Marking, testing and use of animals, plants, earth and other things.
11. Movement of persons and of animals, plants, earth and other things.
12. Recovery of costs.
13. Inspection.
14. Entitlement to compensation and the determination of the amount of compensation payable in any case.



SCHEDULE 2

Section

GLOSSARY

*Expression*

*Meaning*

Animals .....

Includes -

- (a) any kind of mammal except man;
- (b) any kind of four-footed beast which is not a mammal;
- (c) birds;
- (d) fish, reptiles, arthropods and other cold-blooded creatures not falling within paragraphs (a) or (b) above;
- (e) eggs, blood, serum and semen; and
- (f) biological products derived from any animal.

Carcase .....

Includes any part of a dead animal.

Disease .....

Disease of any kind, whether of animals, plants or otherwise.

Earth .....

Includes rock.

Imported .....

Brought into Solomon Islands from a country outside Solomon Islands.

Inspector .....

A public officer to whom the Minister has assigned the functions conferred by this Act on inspectors.

Pests .....

Any variety of animal or plant life which, by nature, is destructive or troublesome.

Plants .....

Includes -

- (a) trees, shrubs, grass, herbs, vegetables and vegetable growths;
- (b) any portion of anything falling within paragraph (a) above, whether fresh, dried or otherwise treated;
- (c) seeds of plants; and
- (d) bacteria, fungi and viruses.

Solomon Islands .....

The area over which the sovereignty of Solomon Islands extends (that is, it includes territorial seas and the air space above the

Vessels .....

Includes boats, canoes and hovercraft.

