



2007/21

PENRHYN (PROHIBITION ON EXPORTATION OF PASUA) BY-LAWS 2007

Sir F. Goodwin, KBE

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 30th day of August 2007

Present:

HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE IN EXECUTIVE COUNCIL

PURSUANT to Section 15 and 16 of the Outer Islands Local Government Act 1987, the Queen's Representative acting by and with the advice and consent of the Executive Council, hereby makes the following By-Laws:

ANALYSIS

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| 1. Title and commencement | 5. Appointment of Enforcement Officers |
| 2. Interpretation | 6. Functions and powers of Enforcement Officers |
| 3. Application | 7. Enforcement by Police and Fisheries Officers |
| 4. Taking of pasua for export prohibited | |

BY-LAWS

- Title and commencement - (1) These By-Laws may be cited as the Penrhyn (Prohibition on the Exportation of Pasua) By-Laws 2007.
(2) These By-Laws shall come into force on the 1st day of September 2007.

Price \$1.50

2. requires -

Interpretation - (1) In these By-Laws unless the context otherwise

“Council” means the Island Council of Penrhyn elected in accordance with Part II of the Outer Islands Local Government Act 1987;

“Enforcement Officer” means a person appointed pursuant to section 5 of these By-Laws;

“pasua” means the giant clam species known as *Tridacna maxima* and *Tridacna squamosa*, known in Penrhyn as pasua.

3. Application - These By-Laws apply to the island of Penrhyn (also known as “Tongareva” or “Mangarongaro”).

4. Taking of pasua for export prohibited - (1) In order to protect and conserve pasua in Penrhyn, the taking or removal of any pasua from the reef, lagoon or ocean surrounding Penrhyn for the purpose of exporting it or causing it to be exported to any place outside of Penrhyn is prohibited.

(2) Any person who contravenes subsection (1) is guilty of an offence and is liable upon conviction to a fine not exceeding \$500.00.

(3) The Council may, by notice in writing, grant exceptions to the prohibition in subsection (1) to certain persons, group or during certain times on conditions and purposes it considers appropriate.

5. Appointment of Enforcement Officers - (1) The Council may by resolution in writing from time to time, subject to such terms and conditions as the Council may consider necessary, appoint a suitable person or persons to be an Enforcement Officer to enforce the provisions of these By-Laws.

(2) Every appointment made by Council under these By-Laws may be terminated at any time by a resolution of the Council.

6. Functions and powers of Enforcement Officers - Every Enforcement Officer appointed under these By-Laws shall be responsible for enforcing these By-Laws and in the performance of those functions shall have and may exercise the following powers only namely -

(a) to carry out such investigations as may be necessary to determine whether or not any breach of these By-Laws has occurred;

(b) to open and search at any sea port or airport, without warrant, whenever he or she considers it necessary any package, box, baggage and any other container to determine whether or not any breach of these By-Laws has been committed;

- (c) to seize and confiscate, without warrant, all pasua found in the possession of any person or passenger and dispose of those pasua in a manner as directed by the Council;
- (d) to obtain the necessary photographic or other evidence of the alleged breach of these By-Laws as may be required to assist in any prosecution under these By-Laws;
- (e) to institute or cause to be instituted any prosecution against any person found in breach of these By-Laws.

7. Enforcement by Police and Fisheries Officers - Every Police, Marine, Fisheries or Customs officer shall have and may exercise all of the powers conferred upon an Enforcement officer by section 6 of these By-Laws.

G.L. Harmon

Clerk of the Executive Council

These By-Laws are administered by the Office of the Minister for Island Administration

BY AUTHORITY:
Cook Islands Government - 2007