[Legal Notice No. 74]

BETELNUT FREE ZONE ORDINANCE 2023

Table of provisions

HONIARA CITY ACT 1999
(No. 2 of 1999)

BETELNUT FREE ZONE ORDINANCE 2023

In exercise of the powers under sections 34 and 35 of the *Honiara City Act 1999,* the Honiara City Council makes the following Ordinance:

1   Citation

This Ordinance may be cited as the *Betelnut Free Zone Ordinance 2023*.

2   Commencement

This Ordinance commences on the date it is published in the Gazette.

3   Definitions

In this Ordinance:

"***Act***" means the *Honiara City Council Act 1999*;

"***betelnut***" means the nut, husk, pan, lime or associated products including the whole plant;

"***City Clerk***" means the Chief Executive appointed by the City Council under section 42 (1) of the *Honiara City Act 1999*;

"***consumption***" includes,

(a)   to consume betelnut;

(b)   to spit betelnut;

(c)   to chew betelnut;

(d)   to have in his or her possession betelnut;

"*law enforcement officer*" means an officer employed under section 55M of the Act;

"*littering*" or "*litter*" means a bottle, tin, carton, package, paper, betelnut, betelnut spit or any other matter or thing that is disposed as refuse by a person in a public place;

"*public place*" means any of the following places within or around Honiara City:

(a)   bus stop;

(b)   shop front;

(c)   easement;

(d)   street, along all public or private roads and road access, lanes or walkway, or thoroughfares;

(e)   drains or road reserves;

(f)   beaches, foreshores, water frontage, river, creek, waterway, canal, bay, lake (whether natural or artificial) or lagoon;

(g)   wharf, pier or jetty;

(h)   settlement;

(i)   sports facility or any venue used for sporting activities by the public;

(j)   sea transfer;

(k)   land transfer.

"*sale of betelnut*" means the trade or commercial activity regularly engaged in as a means of livelihood or with a view to profit;

4   Objectives

This Ordinance is enacted to achieve the following objectives:

(a)   to establish betelnut-free zones in Honiara City;

(b)   to regulate the sale and consumption of betelnut and betelnut products in Honiara City;

(c)   to provide for the enforcement of the Ordinance.

5   Betelnut Free Zones

The betelnut free zones in Honiara City are listed in the Schedule.

6   Power to declare betelnut-free zones

Despite section 5, the City Clerk may, by Order publish in the Gazette, declare a place in Honiara City to be a betelnut-free zone.

7   Offences

(a)   The Consumption of betelnut on public transport in a betelnut free zone

or anywhere in a betelnut free zone is prohibited.

(b)   The sale of betelnut in a betelnut free zone or a public place is prohibited.

(c)   Littering in a betelnut free zone or a place is prohibited.

(d)   A person who contravenes subsection (a) or (b) or (c) commits an offence.

Maximum penalty: 10, 000 penalty units or 5 months imprisonment, or both.

8   Enforcement

(a)   This Ordinance is enforced by law enforcement officers employed under section 55M of the Act.

(b)   The functions and powers of a law enforcement officer and the protection of officers from liability are as provided by the Act.

<div align="center">

SCHEDULE

BETELNUT FREE ZONES

(Section 5)

</div>

(a)   Mendana Avenue;

(b)   Hibiscus Avenue;

(c)   Kukum Highway;

(d)   Prince Phillip Highway;

(e)   Tandai Highway;

(f)   public markets established with the Authority of the Council under the Honiara (Markets) Ordinance;

(g)   any facility or venue accessed or used for sporting activities by the general public;

(h)   any school or organisation operating under the Honiara City Council; and

(i)   any other areas the Council approved pursuant to section 6.

PASSED by the Honiara City Council on thirteenth-day of November 2023.

<div align="center">

EDDIE SIAPU

Mayor of Honiara City

</div>

ASSENTED to by the Minister on thirteenth-day of November 2023.

<div align="center">

HON. CHRISTOPHER LAORE

MINISTER FOR HOME AFFAIRS

</div>