

[Legal Notice No. 334]

PRESERVATION OF PUBLIC SECURITY REGULATIONS (NO. 2) 2021

Table of provisions

PART 1	PRELIMINARY MATTERS	1069
1	Citation	1069
2	Commencement	1069
3	Definitions	1070
4	Application	1071
PART 2	RESTRICTIONS	1071
5	Restriction of movement of persons	1071
6	Exemptions from compliance with regulation 5	1072
7	Restriction of movement of vessels	1072
PART 3	MISCELLANEOUS MATTERS	1072
8	Powers of arrest and search etc.	1072
9	Offences	1072
10	Criminal liability of officers of bodies corporate	1073
11	Protection from liability	1074
12	Duration of Regulations	1074
13	Repeal	1074

PRESERVATION OF PUBLIC SECURITY ACT (CAP. 27)

PRESERVATION OF PUBLIC SECURITY (NO. 2) REGULATIONS 2021

I, Sir David Vunagi, the Governor-General, under section 3 of the *Preservation of Public Security Act* (Cap. 27), make the following Regulations:

PART 1 PRELIMINARY MATTERS

1 Citation

These Regulations may be cited as the *Preservation of Public Security (No. 2) Regulations 2021*.

2 Commencement

These Regulations commence on the day they are published in the *Gazette*.

3 Definitions

In these Regulations, unless the context otherwise requires:

“**authorised officer**” has the same meaning as in regulation 3 of the *Emergency Powers (COVID-19) (No. 3) Regulations 2021*;

“**coast of emergency zone**” means the coastline indicated by the red line from and including point 16 (near Poha Bridge) to and including point 435 (near Alligator Creek Bridge) on the map in Part C of the Schedule, the coordinates for points 16 and 435, and for the coastline between those points, being specified in Part A of the Schedule;

“**emergency zone**” means the emergency zone declared for Honiara by Legal Notice No. 34 of 2020 (as amended by Legal Notice No. 54 of 2020), being the area bounded by a line with the coordinates specified in Part A of the Schedule and indicated by the red line on the map in Part C of the Schedule;

“**essential service**”:

- (a) has the meaning of “essential service” given in section 2(7)(a) of the *Essential Services Act* (Cap. 12); or
- (b) means any other service the interruption of which could endanger human life, destroy property or cause serious injury to persons or property, including police, correctional services, biosecurity, national disaster and emergency;

“**essential worker**” means:

- (a) a person employed or engaged in carrying out functions, duties or responsibilities in an essential service; or
- (b) a person who the Prime Minister specifies in writing is an essential worker for the purposes of this Order;

“**matter of urgency**” in respect of a person, means a matter that is urgent for any of the following reasons:

- (a) to access immediate medical assistance or treatment for the person;
- (b) to assist another person to access immediate medical assistance or treatment;
- (c) to attend to or avoid an emergency or any other situation which, if not attended to or avoided, may result in serious injury or loss of life to the person or another person;

“**personnel of the visiting contingent**” means:

- (a) police force personnel, armed forces personnel and associated civilian personnel of Australia or another country who provide assistance in accordance with the Agreement made in 2017 between the Government of Solomon Islands and the Government of Australia Concerning the Basis for Deployment of Police, Armed Forces and Other Personnel to

Solomon Islands, which assistance has been notified by the Governor-General under regulation 3 of the *Facilitation of International Assistance Act 2003* (Legal Notice 324 of 2021); or

- (b) personnel of the Papua New Guinea Defence Force who provide assistance to the Government in accordance with the Government's request to the Government of Papua New Guinea for assistance for a public purpose, which assistance has been notified by the Governor-General under regulation 3 of the *Facilitation of International Assistance Act 2003* (Legal Notice 328 of 2021);

“**place of residence**” means an area or place in the emergency zone where a person resides or regularly stays, or is temporarily accommodated, and includes a building, yard, garden, habitable structure and vessel;

“**Port of Honiara**” means the Port of Honiara declared under section 5 of the *Ports Act* (Cap. 161), the limits of which are declared under that section in the *Declaration of Ports Limits* (Cap. 161) and demarcated by a line that has the coordinates specified in Part B of the Schedule and shown bounded by a blue line on the map in Part C of the Schedule;

“**vessel**” means any ship, boat or craft used for travelling by water;

“**wharf**” means a wharf that is located within the Port of Honiara or anywhere else on the coast of the emergency zone.

4 **Application**

- (1) These Regulations apply to the public generally.
- (2) These Regulations apply to:
 - (a) the emergency zone; and
 - (b) the Port of Honiara.

PART 2 RESTRICTIONS

5 **Restriction of movement of persons**

- (1) A person must not enter or leave the emergency zone between the hours of 7.00 pm and 6.00 am.
- (2) A person in the emergency zone must:
 - (a) be at the person's place of residence, and remain there, between the hours of 7.00 pm and 6.00 am; and
 - (b) not leave or be away from the person's place of residence, between the hours of 7.00 pm and 6.00 am.
- (3) Subregulation (1) or (2) does not apply if a person:
 - (a) enters or leaves the emergency zone, or leaves his or her place of residence,

because of a matter of urgency; or

- (b) is exempted from complying with this Order under regulation 6; or
- (c) is exempted in writing from complying with this Order by the Commissioner of Police.

6 Exemptions from compliance with regulation 5

- (1) An authorised officer is exempted from complying with regulation 5 while carrying out his or her functions, responsibilities or duties as an authorised officer or travelling to and from the place where he or she carries out those functions, responsibilities or duties.
- (2) An essential worker is exempted from complying with regulation 5 while carrying out his or her work functions, responsibilities or duties or travelling to and from the place where he or she carries out those functions, responsibilities or duties.

7 Restriction of movement of vessels

- (1) A vessel must not, between the hours of 7.00 pm and 6.00 am:
 - (a) enter or leave the Port of Honiara; or
 - (b) come along side or berth at a wharf; or
 - (c) go on shore anywhere on the coast of the emergency zone.
- (2) The operator of a vessel must not, between the hours of 7.00 pm and 6.00 am, permit or enable any person on board the vessel to disembark from the vessel and go ashore anywhere on the coast of the emergency zone.

PART 3 MISCELLANEOUS MATTERS

8 Powers of arrest and search etc.

A police officer or personnel of the visiting contingent may, without a warrant:

- (a) arrest a person who commits or is suspected of having committed an offence; or
- (b) enter and search premises; or
- (c) stop and search a person; or
- (d) stop and search a vehicle, vessel or aircraft; or
- (e) seize a document or thing connected with or concerned in or reasonably suspected of being connected with or concerned in any unlawful activity.

9 Offences

- (1) A person who contravenes regulation 5 commits an offence.

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

- (2) If a vessel contravenes regulation 7(1), each of the following persons commits an offence:

- (a) the owner of the vessel or aircraft;
- (b) the operator of the vessel;
- (c) the charterer of the vessel;
- (d) the owner of cargo carried on the vessel.

Maximum penalty: 50,000 penalty units or 10 years imprisonment, or both.

- (3) The operator of a vessel who contravenes regulation 7(2) commits an offence.

Maximum penalty: 50,000 penalty units or 10 years imprisonment, or both.

- (4) A person who obstructs or hinders a police officer or personnel of the visiting contingent lawfully exercising a power conferred on him or her by subregulation (1) commits an offence.

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

- (5) A person commits an offence if the person, by actions taken, by spoken or written words or by representations or otherwise, causes or intends to cause:

- (a) the commission of acts of violence or destruction; or
- (b) racial or communal disharmony; or
- (c) feelings of ill-will or hostility between different communities.

Maximum penalty: 10,000 penalty units or 10 years imprisonment, or both.

10 Criminal liability of officers of bodies corporate

- (1) In this regulation:

“officer of a body corporate” means:

- (a) a director, secretary, manager or other similar officer of a body corporate; or
- (b) if the affairs of the body corporate are managed by the members of the body corporate, a member of the body corporate who performs a function in managing the affairs of the body corporate; or
- (c) if an officer of a body corporate is another body corporate, an officer of that other body corporate; or
- (d) a person in accordance with whose directions or instructions the officers of a body corporate are accustomed to act.

- (2) If a body corporate is convicted of an offence against these Regulations or an

Order, every officer of the body corporate is also guilty of the offence (and may be convicted and sentenced) if it is proved:

- (a) that the act that constituted the offence took place with the officer's authority, permission or consent; or
 - (b) that the officer:
 - (i) knew, or could reasonably be expected to have known, that the offence was to be or was being committed; and
 - (ii) failed to take reasonable steps to prevent or stop it.
- (3) If the officer is convicted of the offence, the maximum penalty to which the officer is liable is the maximum penalty specified for committing the offence.

11 Protection from liability

A police officer or personnel of a visiting contingent is not civilly or criminally liable for an act done or omitted to be done in good faith, and without negligence, in the course of exercising or performing his or her functions or duties during the period while the declaration by the Governor-General under section 3 of the *Preservation of Public Security Act 2003* made on 25 November 2021 (Legal Notice No. 332 of 2021) is in force.

12 Duration of Regulations

These Regulations apply only while the declaration by the Governor-General under section 3 of the *Preservation of Public Security Act 2003* made on 25 November 2021 (Legal Notice No. 332 of 2021) is in force.

13 Repeal

The Preservation of Public Security Regulations 2021 are repealed.

SCHEDULE

(Regulation 3)

PART A

COORDINATES OF HONIARA EMERGENCY ZONE AND COASTLINE

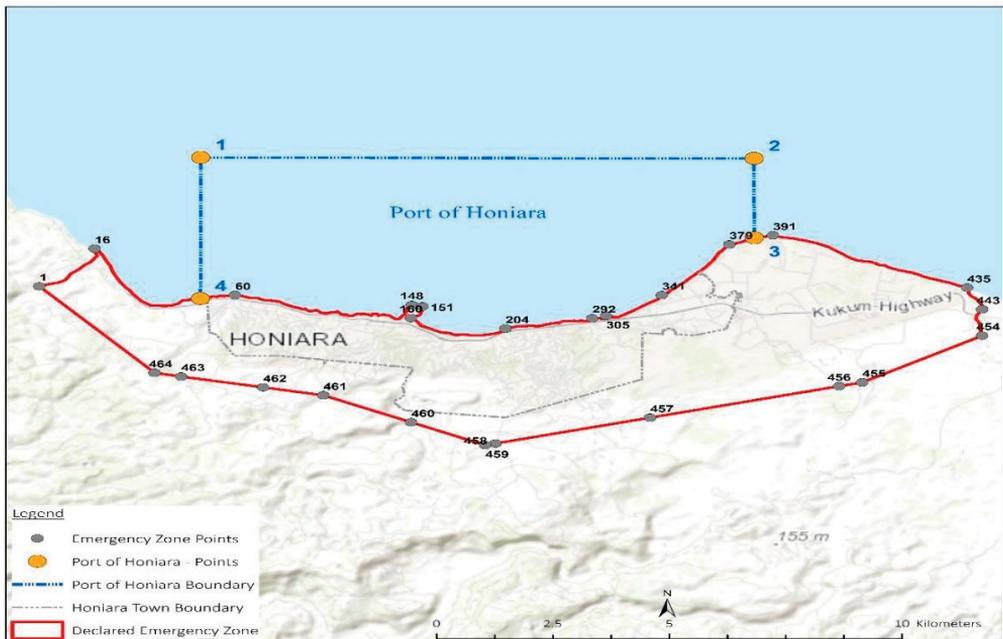
Point ID	Latitude	Longitude
1	-9.420670	159.885000
16	-9.409760	159.896000
60	-9.423090	159.924000
148	-9.425840	159.958000
151	-9.426250	159.960000
160	-9.429620	159.958000
204	-9.432660	159.976000
292	-9.429610	159.993000
305	-9.428880	159.996000
341	-9.422890	160.007000

379	-9.408190	160.020000
391	-9.405540	160.029000
435	-9.420550	160.067000
443	-9.426790	160.070000
454	-9.434410	160.070000
455	-9.447990	160.046000
456	-9.449120	160.042000
457	-9.458330	160.005000
458	-9.465870	159.975000
459	-9.466370	159.973000
460	-9.459800	159.958000
461	-9.452020	159.941000
462	-9.449760	159.929000
463	-9.446680	159.913000
464	-9.445640	159.908000

**PART B
COORDINATES OF PORT OF HONIARA**

Point ID	Latitude	Longitude
1	-9.383330	159.916700
2	-9.383330	160.025000
3	-9.406243	160.025000
4	-9.424115	159.916762

**PART C
MAP INDICATING HONIARA EMERGENCY ZONE
AND PORT OF HONIARA**



1076

Made this twenty-sixth day of November 2021.

SIR DAVID VUNAGI
GOVERNOR-GENERAL

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