

CONSERVATION LAWS IN SAMOA

GUIDEBOOK



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Cover photos. Left: Samoa's coral reefs are mostly intact and with high marine biodiversity (photo by Matt Perkins). Right: Sopoaga falls on one of many undeveloped rivers in Samoa provides clean water for villages in the south-east of Upolu (photo by Malvern Atherton).

FOREWORD

Samoa is blessed to have a rich and beautiful environment. Samoa is home to thousands of species of insects, plants, birds, reptiles and mammals that exist in many different types of ecosystems, from the forests to the coral reefs surrounding our islands. The conservation of biodiversity is important to keep ecosystems functioning, and good management of biodiversity ensures the sustainability of Samoan culture and economic development. It is therefore important that Samoa's biodiversity and environment is conserved for today and for the future.

This Guidebook has been developed by the Ministry of Natural Resources and Environment (**MNRE**) in conjunction with the Secretariat of the Pacific Regional Environment Programme (SPREP). The objective of this Guidebook is to take laws related to the conservation of biodiversity and other environmental matters and explain them in simple language so that all Samoans can understand. I recognise that legislation can be complicated, and this Guidebook provides all the relevant information in a simple 'must' and 'must not' framework.

I am pleased that this Guidebook will be translated into the Samoan language which will improve the awareness of conservation laws to all Samoans. It is also my hope that this Guidebook will be used in schools and colleges to educate students on the importance of protecting Samoa's unique and fragile environment. They are our future and the environment is in their hands.

Hon. Faamoetauloa Lealaiauloto Taito

Dr. Faale Tumaalii

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ABOUT THIS GUIDEBOOK

PURPOSE

The purpose of this Guidebook is to increase awareness and understanding by the general public, particularly resource users in Samoa, of environmental laws. Of particular importance are the laws affecting Samoa's native biodiversity and natural resources.

There are a number of environmental laws in Samoa and the general public is often unaware of them. As a general theme the laws focus on resource management and sustainability and cover the responsibilities of government and other stakeholders – including the general public – in ensuring that Samoa's natural resources are managed in a sustainable manner.

This easily accessible Guidebook attempts to demystify the major messages of our environmental laws by explaining in simple English what we are allowed and not allowed to do under the law in terms of our natural resources. This is presented as lists of what **YOU MUST** DO and what **YOU MUST NOT** DO in relation to a particular resource. Adherence to the environmental messages is encouraged through a presentation of the consequences (i.e. fines and/or terms of imprisonment) for non-compliance.

Armed with improved knowledge and understanding of environmental laws, it is hoped that the public will be encouraged to make better decisions about how to sustainably use and manage our biodiversity and natural resources.

The Guidebook is presented in a format that allows for emphasis under the environmental themes - biodiversity, forest and water resources, land use and development and threats to the environment from waste, pollution and invasive species. Under each theme the relevant environmental laws are summarised. The key element of each theme is a listing of the activities that are permitted or prohibited. A full list of the laws referenced by this Guidebook can be found at the end of the Guidebook.

This Guidebook collates and summarises the main messages of environmental laws, i.e. the environmental messages. Also important in our environmental legislation are the administrative law components, i.e. those elements of the law that cover procedure such as obtaining Ministerial approval or obtaining a licence. Where relevant, this Guidebook provides pointers for the general public, i.e. signposts to where further, for example, procedural information can be found.

AUDIENCE

This Guidebook was designed for the general public, particularly resource users in Samoa; a group with considerably diverse membership.

CROSS-REFERENCING – COLOUR CODED TEXT

Out of necessity, an inevitable element of this Guidebook is cross referencing. To minimise or avoid confusion we have intentionally adopted an effective, though less intrusive, cross referencing style. We have colour coded the text. So, for example, if you come across **purple coloured text** you will know that the definition for that text can be found in the glossary at the back of the guide book.

In relation to Glossary terms, there are many instances throughout the Guidebook where a given word that appears in the Glossary is repeated multiple times on a single page [sometimes in a single paragraph] in the main body of the Guidebook. In such situations, to minimise distraction, rather than colour code the Glossary term each time it appears on that page, only the first instance of the term appearing on a given page is colour coded. Other instances of the term on that page will not be colour coded.

In the table below you will find the colour allocations used throughout this Guidebook and their corresponding references.

ITEM	COLOUR
Minister, Ministry, Chief Executive Officer, Assistant Chief Executive Officer, Authorised Officer of the Ministry of Natural Resources and Environment	LIME GREEN
Minister, Ministry, Chief Executive Officer, Assistant Chief Executive Officer, Authorised Officer of the Ministry of Agriculture and Fisheries	BLUE
Minister, Ministry, Chief Executive Officer, Assistant Chief Executive Officer, Authorised Officer of the Ministry of Health	ORANGE
Minister, Ministry, Chief Executive Officer, Assistant Chief Executive Officer, Authorised Officer of the Ministry of Works, Transport and Infrastructure	PINK
Minister, Ministry, Chief Executive Officer, Assistant Chief Executive Officer, Authorised Officer of the Fire and Emergency Services Authority	RED
Terms for which there exist expanded definitions or explanations in the Glossary at the end of the Guidebook	PURPLE
Terms, processes or procedures for which, at the end of this Guidebook in the Further Information section, you can find out where to source more information on that term, process or procedure.	DARK GREEN

PREPARATION

This Guidebook was prepared by Schuster & Annandale consultants Jason Annandale and James Atherton.

PHOTOGRAPHS

The photographs for this guidebook were provided by various photographers who are all acknowledged next to their photographs. Copyright for the photographs remains with the photographer.

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The Guidebook was developed in consultation including with:

MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT

- Taule'ale'ausumai Tuifuisa'a La'avasa Malua, CEO
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- Gillian Shirley Malielegaoi, Legal Officer, MNRE
- Megan Lloyd, Environmental Legal Officer, MNRE

SECRETARIAT FOR THE PACIFIC REGIONAL ENVIRONMENT PROGRAMME

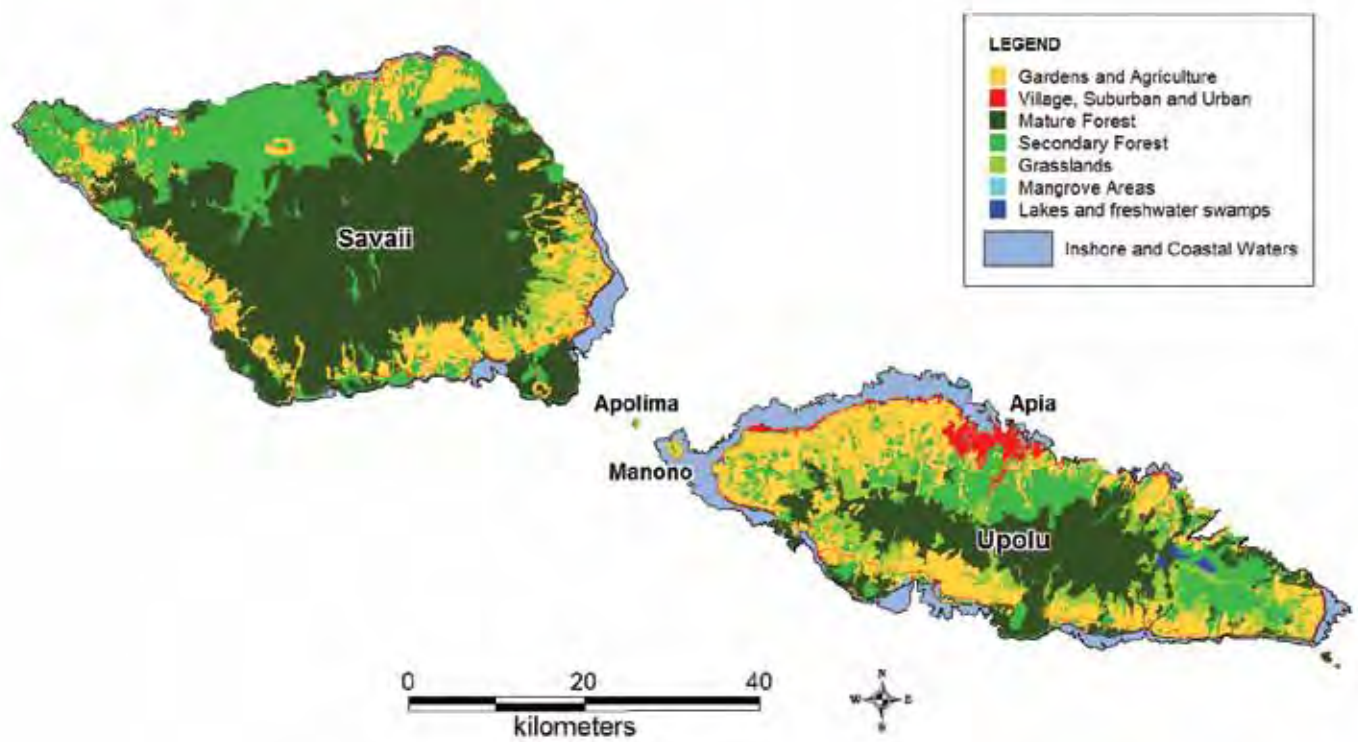
- Clark Peteru, Legal Adviser
- Andrew Kennedy, legal volunteer

DISCLAIMER

This Guidebook is intended to provide a summary of Samoa's conservation laws for the general public. All care has been taken in its preparation but the Guidebook does not serve as a substitute for legal advice. The law is current as at November 2012 at which time the value of 1 **penalty unit** corresponded to \$100 tala.

ACRONYMS

ACEO	Assistant Chief Executive Officer
CEPF	Critical Ecosystem Partnership Fund
CEO	Chief Executive Officer
CIPI	Conservation International Pacific Islands Program
EEZ	Exclusive Economic Zone
FAD	Fish Aggregating Device
FESA	Fire and Emergency Services Authority
HOS	Head of State
IMO	International Maritime Organization
MEA	Multilateral Environment Agreement
MNRE	Ministry of Natural Resources and Environment
PUMA	Planning and Urban Management Agency
SPREP	Secretariat of the Pacific Regional Environment Programme



Map of Samoa's ecosystems.

PART 1

INTRODUCTION

INTRODUCTION

1.1 THE IMPORTANCE OF BIODIVERSITY & SAMOA'S NATURAL RESOURCE SETTING

Biological diversity, or biodiversity, includes the full variability of life on earth from the entire biosphere (the living part of the world) and its component ecosystems (e.g. forests, wetlands, coral reefs) down to individual animal and plant species and the genes within those individual species. Biodiversity provides services and benefits to society of immeasurable value through food, medicine, fibres, ecosystem services and cultural values (CI Pacific, **MNRE** and SPREP 2010).

In a changing world our native species and the healthy land and marine ecosystems and habitats that are built from them are our best buffer against threats from global warming including extreme weather events such as storms, floods and droughts and natural disasters such as tsunamis.

Our natural resources of forest, soil, sand, rock, fresh water, clean air, lagoons and reefs are a necessary ingredient for the Samoan economy and culture to thrive. These natural resources will continue to provide us on-going and multiple benefits as long as we maintain the integrity of the biodiversity and the natural processes that sustain these resources. While development inevitably involves the usage or harvest of natural resources for human purposes, the concept of “sustainable development” that Samoa has adopted as its development path acknowledges the complex inter-linkages and dependencies between the so called “three pillars” of environment, society and the economy.

The conservation of biodiversity is important not only to keep Samoa's ecosystems intact and functioning but also to sustain elements of Samoa's culture and economy which are, in part, based on the utilisation of birds, plants, fish, crustaceans, reptiles, mammals and other species. Thus biodiversity conservation, as a fundamental component of a sustainable and healthy society, environment and economy, is necessary for sustainable development to be achieved.

1.2 THE LAW – WHAT IS ITS ROLE AND WHERE DOES IT FIT IN?

Samoa's legal system is derived from Samoan custom and usage as well as from the English legal system comprising of common law and a framework of statutes.

The hierarchy of laws in Samoa is such that the supreme law is the *Constitution of the Independent State of Samoa 1960* (Constitution). Every other law in Samoa (even the common law of England which Samoa has adopted) must be consistent with the Constitution otherwise it will be deemed unconstitutional and therefore invalid.

At the hierarchical level below the Constitution is legislation (also known as statutes). As an independent country for 50 years now Samoa's Parliament has enacted its own legislation. Prior to independence legislation for Samoa came from elsewhere, i.e. its then political and administrative masters.

In terms of the environment and conservation the key pieces of legislation include, amongst others, the ***Lands, Surveys and Environment Act 1989***, the ***Fisheries Act 1988***, the ***Waste Management Act 2010***, the ***Marine Pollution Prevention Act 2008***, the ***Water Resources Management Act 2008*** and the ***Forestry Management Act 2011***.

These pieces of legislation and others that make up the environment and conservation suite, aim to promote the sustainability of Samoa's natural resources through:

- their proper management;
- the proper management and disposal of waste and waste products that threaten those resources; and
- the proper prevention, management and/or control of invasive species that threaten those resources.

Additionally the legislation authorises appropriate existing Government Ministries to implement the law, and also where it is required it establishes bodies to implement the law.

Environmental and conservation legislation is informed by environmental and conservation policy adopted by the Government and typically addresses substantive issues in a relatively broad manner.

Much of the detail for the law can be found in subordinate legislation such as regulations. In the environment and conservation context examples include the *Marine Wildlife Regulations 2009*, *Environmental Impact Assessment Regulations 2007*, the *Protection of Wildlife Regulations 2004* and the *Local Fisheries Regulations 1995*. From a conservation perspective regulations might address the types and/or size of fish that can and cannot be caught, the types of fishing methods that might or might not be used, or the periods during which a particular species might be fished. From an administrative perspective regulations typically deal with processes and procedures and associated fees for, say, obtaining licences or permits. All regulations must be consistent with legislation and the Constitution.

Another tier of law is our custom and usage all of which is valid in terms of conservation and sustainable resource usage as long as it is not inconsistent with any regulations and legislation that address a given issue, and also the Constitution.

1.3 BIODIVERSITY MULTILATERAL ENVIRONMENTAL AGREEMENTS

The Earth Summit in Rio 1992, unprecedented in terms of attendance by world leaders and Heads of State, marked a vital commitment by the global community to address the planet's deteriorating environmental condition. It also marked the adoption of 3 critical environmental treaties in the areas of biodiversity, climate change and desertification. These treaties in turn generated a raft of further international environmental instruments, commonly known as Multilateral Environmental Agreements (MEAs). There are 5 major biodiversity MEAs and Samoa is a Party to them all:

- The Convention on Biological Diversity (Samoa is also a Party to its Protocol on Biosafety);
- The Ramsar Convention on Wetlands;
- The World Heritage Convention;
- The Convention on International Trade in Endangered Species (CITES) and
- The Convention on Migratory Species (CMS).

The full list of biodiversity MEAs is much longer and the list becomes longer still if MEAs that impact on biodiversity (eg, climate change, chemicals) are included. Every year the world community targets new areas of environmental intervention and consequently more MEAs are adopted.

Each MEA carries obligations which countries are obliged to implement. The huge increase in workload resulting from managing multiple MEAs is well recognised, but is offset to varying degrees by the availability of funding assistance under individual MEAs.

MEAs are often implemented through legislative measures. Sometimes a new law may be passed which gives full or selective effect to the MEA, or an existing statute may be amended or a regulation added to the statute which again gives full or partial effect to the MEA.

1.4 MINISTRIES RESPONSIBLE FOR REGULATING ENVIRONMENTAL LAWS

There are three Government Ministries that are primarily responsible for administering, raising awareness about, regulating and enforcing our environmental laws. Those Ministries and their main divisions responsible for environmental management functions are:

MINISTRY	DIVISION	RESPONSIBILITY
Ministry of Natural Resources and Environment (MNRE)		Overall, it is responsible for regulatory and technical advice, training, and support to achieve the sustainable management and conservation of Samoa's natural resources and environment.
	Division of Environment and Conservation	Is responsible for species and ecosystem conservation including research, management of government reserves, management of wastes and hazardous chemicals and coordination of the national invasive species strategy.
	Water Resources Division	Is responsible for national hydrological and hydro-geological monitoring, management and restoration of watersheds.
	Forestry Division	Is responsible for sustainable management of Samoa's forest resources including management of national parks, forest research and monitoring of logging and forest change.
Ministry of Agriculture and Fisheries (MAF)	Planning and Urban Management Agency	Is responsible for regulating, enforcing and monitoring all physical developments.
		Overall, it is responsible for regulatory and technical advice, training, and support for primary producers in agriculture and fisheries in Samoa including subsistence farmers, commercial farmers, agri-processors, and exporters.
	Fisheries Division	Conducts research, provides advice, undertakes developments, and conducts monitoring to promote in-shore fisheries, aquaculture, private sector investment in commercial fisheries, and adoption of sustainable fisheries practices.
Ministry of Works, Transport and Infrastructure (MWTI)	Quarantine Division	Conducts research, provides advice, undertake developments, and conducts monitoring to prevent the introduction and spread of unwanted agricultural pests and diseases, whilst facilitating the import and export of commodities.
		Overall, it is responsible for promoting, regulating and monitoring transport and infrastructure legislation and policies to ensure safe, secure and viable transportation modes and infrastructure assets in Samoa.
	Maritime Division	Regulates all operational activities and transportation associated with marine and shipping in Samoa including management of marine pollution and compliance with International Maritime Organization (IMO) standards and recommended practices.

PART 2

ENVIRONMENTAL THEMES & LAWS

ENVIRONMENTAL THEMES AND LAWS

2.1 BIODIVERSITY CONSERVATION

Samoa has a rich biodiversity. On land it includes many thousands of insect species, 770 species of native plants, 64 native land snails, 31 breeding birds, 14 reptiles and 3 native mammals. In the seas around Samoa there are more than 890 coral fish species, over 200 corals, several turtles, and **marine mammals** such as dolphins and whales (CI Pacific, **MNRE** and SPREP 2010). Many species, both land and sea-based, remain to be discovered.

The conservation of this biodiversity is important to keep ecosystems intact and functioning. It also makes an important contribution to the sustainability of Samoan culture and economic development, both of which are influenced by the way we use and manage many species of birds, plants, fish, crustaceans, reptiles and mammals.

This chapter is presented under the following section headings:

- Conservation of **terrestrial** species;
- Conservation of marine species; and
- Site conservation.

2.1.1 CONSERVATION OF TERRESTRIAL SPECIES

This section draws from the *Animals Ordinance 1960* and the *Protection of Wildlife Regulations 2004* which regulate the protection, conservation and utilisation of terrestrial or land dwelling species.

PROTECTION OF ANIMALS

YOU MUST NOT

- Take, keep or kill an **absolutely protected animal**.
- Take or kill a **partially protected animal** at a **time, when** or at a **place where** it is **protected**.

Non-compliance could result in a fine of up to 1 **penalty unit** if you are convicted.

YOU MUST

- **Follow** the **conditions** set down for taking or killing a partially protected animal to take or kill such animal.

Non-compliance could result in a fine of up to 1 **penalty unit** if you are convicted.

PROTECTION OF FLYING SPECIES ENDEMIC TO SAMOA

YOU MUST NOT

- Harm any **flying species endemic to Samoa**.

Non-compliance could result in a fine of up to 50 **penalty units** if you are convicted and 10 penalty units for every day that the offence continues.

YOU MUST

- Obtain written permission from the **Minister** to take or dispose of specimens of flying species endemic to Samoa for a **scientific** and/or **research purpose**.

Non-compliance could result in a fine of up to 50 penalty units if you are convicted and 10 penalty units for every day that the offence continues.



Flying species endemic to Samoa, such as the Samoan flying fox, are fully protected by law and must not be hunted (photo by TavitaTogia).

EXPORT OF BIRDS

YOU MUST NOT

- Export or attempt to export **any bird** from Samoa without the written authority of the **Minister**.

Non-compliance could result in a fine of up to 10 penalty units or imprisonment for up to 6 months if you are convicted.

2.1.2 CONSERVATION OF MARINE WILDLIFE

This section covers the *Marine Wildlife Protection Regulations 2009* which regulates the protection, conservation and utilisation of marine species.

MARINE MAMMALS

YOU MUST NOT

- Kill, injure or harm a **marine mammal** in **Samoa waters**.
- **Harass** a marine mammal which is stranded or found in distress.
- Keep a marine mammal in captivity or take or attempt to take a marine mammal from Samoa waters for the purpose of keeping it in captivity without a **relevant permit**.

Non-compliance could result in a fine of up to 50 **penalty units** if you are convicted.

YOU MUST NOT

- Take any part or make use of any part of a stranded **marine mammal** without first reporting it to the **Division of Environment and Conservation**.

Non-compliance could result in a fine of up to 10 penalty units if you are convicted.

YOU MUST

- Report the accidental injuring, capturing or killing of any marine mammal during any fishing activity in Samoa waters, to the **Fisheries Division** and **Division of Environment and Conservation** as soon as possible.
- Report, as the Pulenu'u in the village where a marine mammal is stranded or in distress, such incident to the **Fisheries Division** and **Division of Environment and Conservation** as soon as possible.
- Take, as the Pulenu'u in the village where a marine mammal is stranded or in distress, all practical steps to ensure that that marine mammal is protected while it is still alive.

Non-compliance could result in a fine of up to 20 penalty units if you are convicted.

WHALE AND DOLPHIN WATCHING AND ECOTOURISM ACTIVITIES

YOU MUST NOT

- Conduct any tourism or whale watching activity for **commercial, scientific** or **other purpose** within the vicinity of a marine mammal or a recognised marine mammal habitat unless you have obtained an appropriate licence from the **Division of Environment and Conservation**.

YOU MUST

- Observe, as a boat operator in the vicinity of a marine mammal or a recognised marine mammal habitat, any **relevant guidelines** approved by the **Minister** and published by the **Division of Environment and Conservation**.

Non-compliance could result in a fine of up to 50 penalty units if you are convicted.

TURTLES

YOU MUST NOT

- Undertake any activity related to the commercial fishing of turtles;
- Take, catch or fish for turtles in the territorial sea or **Exclusive Economic Zone (EEZ)** or beyond the barrier reefs of any part of Samoa unless the turtle taken is a green turtle or a hawksbill turtle to be used for subsistence purposes and is taken in accordance with any **fisheries legislative requirements**. Please also refer to Section 2.1.3. Restrictions on turtle harvest;
- Fish for or deliberately take any marine turtle, unless the turtle fished, is a green turtle or a hawksbill turtle to be used for subsistence purposes, and is taken in accordance with any fisheries legislative requirements;
- Fail to release any turtle which is accidentally caught or taken;
- Fail to report the accidental capture of a turtle to the **Fisheries Division** and the **Division of Environment and Conservation**;
- Keep a turtle in captivity except under the authority of a **permit** for **scientific** or **other purpose** related to the conservation, health, or welfare of that turtle;
- Take a female turtle:
 - migrating to egg laying grounds between the first day of November and the last day of February each year,
 - while laying eggs or which is in an egg laying ground,
- Disturb, take, have in your possession, sell or purchase any turtle eggs;
- Interfere with or disturb any turtle nest; or
- Export any turtle shell or any other turtle product.

Non-compliance could result in a fine of up to 50 **penalty units** if you are convicted.



All turtles in Samoa, such as these Green Turtles, are protected by law and can only be harvested for subsistence purposes (Photo by James Atherton).

YOU MUST

- Report the accidental capturing, injuring or killing of any marine turtle during any fishing activity in **Samoa waters** to the **Fisheries Division** and the **Division of Environment and Conservation** as soon as possible.
- Report, as the Pulenu'u in a village where a turtle (other than a green or hawksbill turtle taken for subsistence purposes) is killed or held in captivity or where a tagged animal is caught, stranded or found, such incident to both the **Fisheries Division** and the **Division of Environment and Conservation** as soon as possible.
- Take, as the Pulenu'u in a village where a turtle (other than a green or hawksbill turtle taken for subsistence purposes) is killed or held in captivity or where a tagged animal is caught, stranded or found, all practical steps to ensure that the turtle held in captivity is released or kept alive until the arrival of an **officer** of the **Division of Environment and Conservation** or a **Fisheries Officer**.

Non-compliance could result in a fine of up to 20 **penalty units** if you are convicted.

TURTLE WATCHING AND ECO-TOURISM ACTIVITIES

YOU MUST NOT

- Conduct any tourism or turtle watching related activity for **commercial, scientific** or **other purpose** within the vicinity of turtles and their nesting areas unless you obtain a **licence** from the **Division of Environment and Conservation**.

Non-compliance could result in a fine of up to 50 penalty units if you are convicted.

SHARKS

YOU MUST NOT

- Commercially fish for sharks.
- Fish for or take a shark without intending to consume it or use it for any **proper purpose** (e.g. use as food).
- Land any shark fin without its body.

Non-compliance could result in a fine of up to 50 penalty units if you are convicted.

YOU MUST

- Consume or use for a proper purpose a shark which you **accidentally land** and which dies before its release.
- Release any accidentally landed shark that is alive at the time it is landed if you are not licensed under the fisheries law to take sharks as by-catch.

Non-compliance could result in a fine of up to 50 penalty units if you are convicted.

SPECIES WHICH MIGRATE TO SPAWN

YOU MUST NOT

- Take or fish for any species of marine wildlife which migrate in schools to spawn (as **determined** by the **Minister** and **notified** by the **CEO**) while they are aggregating to spawn or migrating in schools to their spawning or breeding grounds.
- Interfere with or disturb any species of marine wildlife which migrate in schools to spawn (as **determined** from time to time by the **Minister** and **notified** by the **CEO**) during their spawning or breeding activities.
- Undertake any **scientific research** into the aggregating breeding populations of any species of marine wildlife which migrate in schools to spawn (as **determined** from time to time by the **Minister** and **notified** by the **CEO**), without an appropriate licence.

Non-compliance could result in a fine of up to 50 **penalty units** if you are convicted.

SPECIES OF CONSERVATION CONCERN

All endemic species of marine wildlife are species of conservation concern.

YOU MUST

- Comply with any **Management Plan for species of conservation concern approved** by the **Minister**.

Non-compliance could result in a fine of up to 50 **penalty units** if you are convicted.

NEWLY DISCOVERED MARINE SPECIES

This section relates to species or marine wildlife that have been recently discovered in **Samoan waters** which are **designated** by the **Minister** to be a newly discovered species and **notified** to the general public through appropriate means by the **CEO**.

YOU MUST NOT

- Harvest or take any newly discovered species or undertake any scientific research into a newly discovered species, unless you have an **appropriate permit**.

Non-compliance could result in a fine of up to 50 **penalty units** if you are convicted.

AUTHORISED TAGGING OPERATIONS

In relation to any activity undertaken by the **Division of Environment and Conservation** in which marine wildlife are tagged for the purpose of any scientific study.

YOU MUST NOT

- Remove any tag from tagged marine wildlife.
- Sell any marine wildlife that is or has been tagged.

- Fail to release any tagged wildlife that is caught and required to be released, if the tagged animal is alive; or
- Fail to report the taking of any tagged wildlife.

Non-compliance could result in a fine of up to 50 **penalty units**, if you are convicted.

YOU MUST

- Report, as the Pulenu'u of any village where a tagged animal is caught, stranded or found, such incident to the **Fisheries Division** and the **Division of Environment and Conservation** as soon as practicable.

Non-compliance could result in a fine of up to 20 penalty units, if you are convicted.

PERMITS AND SCIENTIFIC RESEARCH ON MARINE WILDLIFE

YOU MUST

- Obtain a **permit** from the **CEO** to undertake any **activity** involving:
 - scientific research into **marine mammals**, turtles, sharks, species which migrate to spawn, other species of conservation concern and any newly discovered species of marine wildlife;
 - keeping in captivity any marine mammal, turtle or species of conservation concern;
 - the capture and display of any marine wildlife for tourism or scientific purposes;
 - taking any part of a stranded marine mammal;
 - the taking of any marine wildlife for the marine aquarium trade;
 - commercial diving tours and other tourism operations affecting marine wildlife and the marine habitat;
 - the export of any marine wildlife, or product of marine wildlife as provided under the **Convention on International Trade in Endangered Species (CITES) 1973**;
 - the export of any sample of marine wildlife collected during any scientific research.

Non-compliance could result in a fine of up to 50 penalty units, if you are convicted.

2.1.3 FISHERIES MANAGEMENT AND FISHERIES REGULATIONS

This section summarises the **Fisheries Act 1988** and the **Local Fisheries Regulations 1995** that regulate Samoa's fisheries and harvested marine species and which are administered by the **Fisheries Division**.

LICENSING OF LOCAL COMMERCIAL FISHING VESSELS

YOU MUST

Register your local commercial fishing vessel to operate it in **fishery waters**.

Non-compliance could result in a fine of up to 500 penalty units, if you are convicted.

YOU MUST

Obtain a licence, if your fishing vessel is 8 meters or more in length and you are engaged in or you intend to engage in commercial fishing activities.

Non-compliance could result in a fine of up to 250 **penalty units**, or imprisonment for a term of 1 year or both, if you are convicted.

PROHIBITED FISHING METHODS

YOU MUST NOT

Permit, use or attempt to use, carry, have in your possession or control, any explosive, poison or other noxious substance to be used for the purpose of killing, stunning, disabling or catching fish, or in any way rendering fish more easily caught.

Non-compliance could result in a fine of up to 50 penalty units, and imprisonment for a term of up to 2 years, if you are convicted. No sentence shall be imposed for an offence committed in the **EEZ**.

YOU MUST NOT

Land, sell, receive or possess any fish taken using prohibited fishing methods which you know or have reasonable cause to believe were so taken.

Non-compliance could result in a fine of up to 50 penalty units, if you are convicted.



All commercial fishing vessels must be registered with MAF, those longer than 8m in length need to also be licensed (Photo by James Atherton).

AUTHORISATION OF MARINE SCIENTIFIC RESEARCH

YOU MUST NOT

Undertake or assist any **marine scientific research** in the **fishery waters** without the **Minister's** authorisation.

Non-compliance could result in a fine of up to 500 **penalty units**, if you are convicted.

AQUACULTURE OPERATIONS

YOU MUST

Apply in writing to the **CEO**, if you want to set up or operate any business or any experimental operation involving aquaculture.

Non-compliance could result in a fine of up to 20 penalty units, if you are convicted.

FISH PROCESSING ESTABLISHMENT

YOU MUST

Apply for a **licence** from the **Minister**, if you want to set up or operate any **fish processing establishment**.

Non-compliance could result in a fine of up to 50 penalty units, if you are convicted.

LIVE FISH EXPORTS AND IMPORTS

YOU MUST NOT

- Export or attempt to export any live fish from Samoa or import or attempt to import any live fish to Samoa without the **permission** in writing of the **Minister**.

Non-compliance could result in a fine of up to 50 penalty units, if you are convicted.

PROHIBITION ON CATCHING OR SALE OF CERTAIN FISH

YOU MUST NOT

Fish for **certain species of fish**:

- under a **specific size** in the **fishery waters**;
- during the periods when fishing for that species is prohibited by **declaration** of the **CEO**;

or sell **certain fish species**:

- that are under a **specific size**;
- for which sale is **totally prohibited**.

Non-compliance could result in a fine of up to 100 penalty units, if you are convicted.

RESTRICTIONS ON TURTLE HARVEST

YOU MUST NOT

- Fish for, possess or sell any turtle known as laumei (*Eretmochelys imbricata*, *Chelonia mydas*) whether alive or dead whose shell is less than 700 mm in length along the **longest part** of the **carapace** (or shell) as measured along the back from the part nearest the head to the tail.
- Disturb the nest of any turtle.
- Take, use, sell or destroy the egg of any turtle.

Non-compliance could result in a fine of up to 100 **penalty units**, if you are convicted.



There are minimum size limits for many fish, shellfish, crab and lobster species to allow these species to reach breeding size. Fishermen should refer to MAF to obtain more information on size limits (Photo by Schannel van Dijken).

RESTRICTIONS ON CRAB HARVEST

YOU MUST NOT

Fish for, sell or possess any crab:

- known as pa'alimago (*Scyllia serrata*) and less than 150 mm measured across the widest part of the **carapace** (or shell);
- known as kūkū (*Capilius maculatus*) and less than 120 mm when measured across the widest part or the carapace (or shell).

Non-compliance could result in a fine of up to 100 **penalty units**, if you are convicted.

RESTRICTIONS ON LOBSTER HARVEST

YOU MUST NOT

- Fish for, possess or sell any lobster known as ulasami (*Panulirus* species) with a **carapace** (or shell) **length** of less than 80 mm.
- Sell a separated tail of a lobster with a **length** of less than 140 mm.
- Fish for, possess or sell any egg bearing or soft shelled lobster.

Non-compliance could result in a fine of up to 100 **penalty units**, if you are convicted.

RESTRICTIONS ON SLIPPER LOBSTER HARVEST

YOU MUST NOT

- Fish for, possess or sell any slipper lobster known as papata (*Parribacus* species) with a **length** of less than 150 mm.

Non-compliance could result in a fine of up to 100 penalty units, if you are convicted.

RESTRICTIONS ON GIANT CLAM HARVEST

YOU MUST NOT

- Fish for in the **fishery waters**, possess, or sell giant clams known as faisua, which are less than 160 mm for *Tridacna maxima* and 200 mm for *Tridacna squamosa* measured across the shell at its widest part, unless they are **cultured clams**.

Non-compliance could result in a fine of up to 100 penalty units, if you are convicted.



Only giant clams above a certain size should be harvested (Photo by Paul Anderson).

RESTRICTIONS ON TROCHUS/TOP SHELL HARVEST

YOU MUST NOT

- Fish for in the **fishery waters**, possess or sell trochus shell known as aliao (*Trochus niloticus*) which measures less than 75 mm across the base of the shell or aliao (*Tectis* species) which measures less than 65 mm across the base of the shell.
- Fish for in the fishery waters, possess or sell pearl oyster known as tifa (*Pinctada margaritifera*) measuring less than 130 mm from the hinge to the opposite edge at its longest point.

Non-compliance could result in a fine of up to 100 **penalty units**, if you are convicted.

RESTRICTIONS ON TURBO SHELL HARVEST

YOU MUST NOT

- Fish for in the fishery waters, possess or sell green snail known as alili, which measures less than 30 mm across the **whorl** opening.

Non-compliance could result in a fine of up to 100 penalty units, if you are convicted.

PORPOISE AND DOLPHINS

YOU MUST NOT

Fish for in the fishery waters, harm, possess or sell any porpoise and dolphin known as mumua and manua (*Phocaena* or *Delphis*).

Non-compliance could result in a fine of up to 100 penalty units, if you are convicted.

PROHIBITION ON THE USE OF CERTAIN GEAR

YOU MUST NOT

- Use beach seine and cast-nets with a mesh size of less than 30 mm measured when wet and stretched.
- Use other nets that have mesh sizes of less than 50 mm measured when wet and stretched.
- Use fish fences that have a mesh size of less than 50 mm measured when wet and stretched irrespective of the material used to make them.

Non-compliance could result in a fine of up to 100 penalty units, if you are convicted.

RESTRICTIONS ON THE USE OF FISH AGGREGATING DEVICES (FAD)

YOU MUST NOT

- Place a privately owned **fish aggregating device** in the fishery waters or fish within a radius of two nautical miles from a public FAD except with the **written permission** of the **CEO**.

Non-compliance could result in a fine of up to 100 penalty units, if you are convicted.

YOU MUST

- Notify the **CEO** in writing, within 24 hours of placement, of the nature and location of any private FAD that you have placed;
- Clearly mark any FAD placed in the fishery waters with the name of the owner;
- Ensure that the FAD is equipped with a radar reflector that is clearly visible from a distance of one nautical mile and have such other **equipment** or **markings** as the **Minister** may require by notice published in the Gazette.

Non-compliance could result in a fine of up to 100 **penalty units**, if you are convicted.

2.1.4 SITE CONSERVATION

This section summarises the **National Parks and Reserves Act 1974** which **regulates the conservation of land** and in particular the management of national parks and reserves.

GENERAL PROVISIONS RELATED TO NATIONAL PARKS AND RESERVES

YOU MUST NOT

- Cause or allow any domestic animal to trespass in a national park or reserve;
- Wilfully contravene any **prohibition** or **restriction** imposed by the **Minister** in respect of any national park or reserve;
- Wilfully alter, damage, destroy, remove or interfere with any natural feature or flora, in any national park without the **authorisation** of the **Minister**;
- Wilfully damage, destroy, remove, deface or interfere with any building, erection, fence, sign, or notice in a national park or reserve without the **authorisation** of the **Minister**;
- Deposit or throw any rubbish, or any article or substance of a dangerous or offensive nature, in a national park or reserve without the **authorisation** of the **Minister** or except in a place receptacle **approved** or **provided** by the **Ministry** for the purpose.

Non-compliance could result in a fine of up to 5 penalty units, or imprisonment for a term of up to 3 months or both if you are convicted.



National Parks (such as O le PupuPue NP, right) have extra protection to conserve their special values (Photo by James Atherton).

2.2 FOREST RESOURCE MANAGEMENT

Samoa's forests cover approximately 60% of the land area of the country (FAO 2005) and are an important economic, as well as social and environmental resource for the country. Logging has slowed in Samoa in recent years due largely to the shortage of millable and accessible timber. However, Samoa's forests remain threatened by the spread of invasive plant species and from natural disasters such as cyclones and fire. Extreme weather events are expected to increase in severity as a result of changes in climate and weather patterns induced by global warming. Consequently, the sustainable management and conservation of Samoa's vulnerable forest resources remains a key priority for the country.

The **Forestry Management Act 2011** is a new Act that consolidates the law in Samoa for the effective and sustainable management and utilisation of forest resources. This Act is administered by **MNRE**.

2.2.1 MANAGEMENT OF FOREST RESOURCES

YOU MUST

- Obtain a **forestry harvesting licence** or **permit** for the commercial logging or harvesting of native forestry resources on any forest lands, including any customary land under a lease or licence.
- Obtain a **forestry harvesting permit** for:
 - harvesting:
 - forestry resources from any registered farm agro-forestry development;
 - mature coconut trees for processing;
 - forestry resources from plantations;
 - clearing forestry resources for the development of lands for agricultural, commercial development or public purposes.

Non-compliance in terms of forestry operations that:

- Do not involve the logging or harvesting of native forestry resources could result in a fine of up to 100 **penalty units**, if you are convicted,
- Involve the logging or harvesting of native forestry resources could result in a fine of up to 1,000 penalty units, or imprisonment for a term of up to 6 months, or both, if you are convicted.

If you provide any false or misleading information:

- in any application for a licence or permit under the **Forestry Management Act 2011**; or
- in relation to any registration that is required under the **Forestry Management Act 2011**; or
- in any return or information required to be provided;

you could pay a fine of up to 1,000 penalty units, or imprisonment for a term of up to 1 month or both, if you are convicted.

YOU MUST

- Comply, as a licence or permit holder, with:
 - all relevant requirements provided for in any approved **Codes of Practice** relating to logging and harvesting;
 - requirements provided for in any **forestry harvesting plan** applying to the relevant forestry operation;
 - all laws relating to national parks and reserves, and all provisions of management plans for any national park or reserve;
 - any **restricting** or **prohibiting** order notified by the **Minister** in relation to:
 - the logging of any specific species of tree;
 - the harvesting of any other specific forestry resource; or
 - the application or use of any logging practice or any specific equipment, either generally or in relation to the logging or harvesting of any specific species of tree or other specific forestry resource;
 - all **requirements** to pay, as appropriate, the natural resource fee, the forestry application fee and/or forestry levies;
 - all laws relating to the protection of water catchments and **water resources**; and
 - all requirements relating to **protected areas**.
- Comply with all requirements of any approved **Codes of Practice** relating to logging and harvesting if you are the owner of timber or other forestry resource allowed to harvest that timber or other forestry resource for personal non-commercial use without a licence or permit.
- Sign a forestry harvesting contract with selected forestry operators for the logging, sawmilling or resource reselling of forestry resources, if you are a forestry resource owner.

Non-compliance with any:

- requirement applying to the forestry operations undertaken under the licence or permit under:
 - any **Code of Practice** applying to the forestry operations; or
 - any **forestry harvesting plan** applying to the forestry operations; or
 - any other condition applying to the licence or permit; or
- payment requirements for, as appropriate, the natural resource fees or forestry application fee or forestry levy; or
- **requirement** applying to a national park or reserve; or
- **condition** relating to protected areas imposed in relation to the licence or permit.

could result in a fine of up to 500 **penalty units**, or imprisonment for a term of up to 1 month or both, if you are convicted.

Non-compliance with any **Ministerial determinations**, for the protection of forestry resources or any law relating to national parks and reserves or the provisions of any management plan applying to any national park or reserves, or any area proclaimed to be a protected area, could result in a fine of up to 1,000 penalty units, or imprisonment for a term of up to 1 year or both, if you are convicted.

YOU MUST NOT

- Undertake any forestry operations if the relevant licence or permit applying to those operations has been suspended for:
 - Breach of any condition of the licence or permit; or
 - Any offence committed which has had a detrimental impact on the forestry resources or the environment; or
 - Failure to comply with the requirements of any notice:
 - relating to any requirement applying to the forestry operation;
 - relating to any environmental or development control affecting the forestry operation;
 - addressing activities adversely impacting upon **water resources** or any other aspect of the environment;
 - addressing disaffection amongst land owners or any village or community being affected by the operation or activity;
 - addressing fire risk or other threat to the forest resource in the vicinity of the forest operation;
- Failure to comply with any **Ministerial** notice:
 - directed to the licence or permit holder, or a person believed to be carrying out the operation or activity, or apparently has some control over it; and
 - require that the act or activity cease, or not be done, until the **Minister** is satisfied that the breach, the risk of disaffection or threat to the resource no longer exists.

Non-compliance could result in a fine of up to 1,000 **penalty units**, or imprisonment for a term of up to 2 years, or both, if you are convicted.

YOU MUST NOT

- Clear or break up **protected land** that you own for cultivation, or any other purpose without the prior **written consent** of the **Minister**; or
- Fell or lop any tree growing in **protected land** that you own without the prior **written consent** of the **Minister**; or
- Remove any forest produce from that **protected land** that you own without the prior **written consent** of the **Minister**, except for the construction or repair of:
 - a dwelling or supplementary building on land lawfully occupied by that person for the permanent abode or use of that person and his or her family; or
 - fences on or around that land; or
 - any fishing stakes; or
 - canoes or landing places; or
 - for firewood to be consumed by that person or his or her family for domestic purposes.
- Conduct any forestry operation on a protected reserve that is inconsistent with an approved management plan applying to that reserve; or
- Undertake any other activity in breach of an approved management plan applying to that reserve.

Non-compliance by:

- Individual could result in a fine of up to 20 **penalty units**, or imprisonment for a term of 1 year or both, if convicted. A fine of up to 10 penalty units is added for every day during which the offence continues.
- Body Corporate could result in a fine of up to 100 penalty units, or imprisonment for a term of up to 1 year or both, if convicted. A fine of up to 50 penalty units is added for every day during which the offence continues.

2.2.2 PROTECTION OF FORESTS AGAINST FIRE

YOU MUST NOT

- Cause or permit any fire to spread to any forest land.
- Light or kindle (or assist in lighting or kindling) any fire in the open air which could spread or cause injury to forest land and then leave the fire without having taken care against the fire spreading or causing injury to forest land.
- Throw, leave or drop any **burning** or **smouldering substance** on any land while an **order 'to control the use of fire during an extreme fire hazard'** exists, nor must you leave the area before completely extinguishing the fire or the burning or **smouldering** substance.

Non-compliance by:

- Individual could result in a fine of up to 20 penalty units, or imprisonment for a term of 1 year or both, if convicted. A fine of up to 10 penalty units is added for every day during which the offence continues.
- Body Corporate could result in a fine of up to 100 penalty units, or imprisonment for a term of up to 1 year or both, if convicted. A fine of up to 50 penalty units is added for every day during which the offence continues.

YOU MUST

- Attempt to extinguish, if you hold a licence or permit under the **Forestry Management Act 2011**, unattended fires burning on or within 1 mile of forest land, and inform the nearest available **officer** or **forest officer** if you are unable to extinguish the fire.
- Comply with any **order** published by **FESA** prohibiting the lighting of fires in the open air or any operation which might cause an outbreak of fire or an on-going operation without prior written authority or with any condition imposed by an **officer**.
- Take **preventative measures** and also be ready to respond with the **appropriate fire fighting equipment**, if you hold or operate under a licence or permit granted under the **Forestry Management Act 2011** and you light any fire in the open air, or conduct any operation on forest land (or on any other land in the vicinity of forest land) which is likely to present a fire hazard.
- Do everything reasonably within your power, if you hold or operate under a licence or permit granted under the **Forestry Management Act 2011**, to extinguish any fire you become aware of burning unattended in the open air or on any other land while an **order** published by **FESA** is in force and whether or not there is an immediate danger of it causing damage.
- Assist an **officer** or a **forest officer** to extinguish any fire that has occurred on or within 1 mile of any forest land **when you are requested** to do so.

Non-compliance by:

- Individual could result in a fine of up to 20 **penalty units**, or imprisonment for a term of 1 year or both, if convicted. A fine of up to 10 penalty units is added for every day during which the offence continues.
- Body Corporate could result in a fine of up to 100 penalty units or imprisonment for a term of up to 1 year or both, if convicted. A fine of up to 50 penalty units is added for every day during which the offence continues.



Samoa is still covered in dense forest in places such as here in central Savaii. However, laws regulating logging activities, land development, and the management of threats such as fire and invasive species must be followed to ensure such forests remain for future generations of Samoans to enjoy and in order to safeguard native biodiversity (Photo by James Atherton).

2.3 WATER RESOURCE MANAGEMENT

Samoa's **water resources** are a key natural resource for the country providing water for human consumption, industry, farms and forests as well as 40% of the country's power needs. Samoa's major river systems on each of the main islands originate in the centre of those islands and drain to the sea via watersheds which are critical areas for forest, water and soil resources and native biodiversity. The sustainable management and conservation of Samoa's limited water resources therefore remain a key priority for the country.

The **Water Resources Management Act 2008** is a recent Act which brings together all the relevant laws in Samoa for the effective and sustainable management and utilisation of Samoa's water resources. This Act is administered by **MNRE**.

2.3.1 REGULATIONS FOR THE TAKING OF WATER AND POLLUTION OF WATER SUPPLIES

YOU MUST NOT

- Take water from the water resource of Samoa without a **licence** or **permit** except if you are entitled to a right of access to the particular water resource in accordance with the **Water Resources Management Act 2008** or you intend to **abstract** a quantity of water less than that set by the **Samoa Water Resource Management Plan** as being the maximum amount of water which may be abstracted without a licence.
- Fail to comply with conditions imposed in relation to a licence given or a requirement of the **Samoa Water Resource Management Plan** applying to the taking of water from a **water source** or to a **water source protection zone**.
- Discharge or allow any pollutant to be discharged into the water resource of Samoa.

Non-compliance by:

- Individual could result in a fine of up to 250 **penalty units**, or imprisonment for a term of 1 year or both, if convicted.
- Company could result in a fine of up to 500 penalty units, or imprisonment for a term of up to 1 year or both, if convicted.

YOU MUST

- Comply with any **Ministerial environmental standards prescribed** in relation to the taking of water, and any activity that may affect water quality or the integrity of a water source, including waste management operations and any commercial enterprise.

Non-compliance could result in a fine of up to 20 **penalty units**, if you are convicted and possibly also the suspension or revocation of an applicable registration, licence or permit as well as possible refusal in relation to an application for subsequent registration, licence or permit.

YOU MUST

- Obtain a **licence** or **permit** from the **Ministry** to:
 - drill or dig for water or construct a well;
 - make or use a bore for the purpose of taking water from the **water resource**;
 - otherwise take water from the water resource of Samoa;
 - investigate the water resource for the purpose of identifying a commercial source of water or for scientific research; or
 - undertake any activity in or affecting the water resource.

Non-compliance by:

- Individual could result in a fine of up to 250 **penalty units**, or imprisonment for a term of 1 year or both, if convicted.
- Body Corporate could result in a fine of up to 500 **penalty units**, or imprisonment for a term of up to 1 year or both, if convicted.

2.3.2 WATERSHED MANAGEMENT

YOU MUST NOT

- Act in breach of a restriction of a **watershed management plan** that is in force; or
- Disturb any soil or vegetation contrary to any **order** made in relation to:
 - any land to be protected land and to be closed for the purpose of protecting the water resource in the watershed area; or
 - the **conditions** applying to a **permission** under the application of the *Taking of Lands Act 1964* to any protected lands.

Non-compliance could result in a fine of up to 20 **penalty units**, if you are convicted.



Lakes (such as Lake Lanoto'o above), rivers and watershed areas must be managed carefully to ensure the sustainability of water resources for a growing human population and to meet development demands (Photo by James Atherton).

2.4 LAND USE AND DEVELOPMENT

With a relatively small land area and a growing and modernising population, the sustainable management of land is a key issue for Samoa. As experienced elsewhere around the world there are increasing pressures on land for development such as from industry, housing, tourism, transport, recreation and extraction of aggregates. Samoa's high vulnerability to natural disasters such as tsunamis and cyclones and extreme weather events such as floods and droughts only further highlight the need for careful management of Samoa's scarce land resources.

The two main pieces of legislation regulating land use and development are the *Planning and Urban Management Act 2004* and the *Lands, Surveys and Environment Act 1989*. Both laws are administered by **MNRE**.

2.4.1 DEVELOPMENTS NEEDING CONSENT

The *Planning and Urban Management Act 2004* is the primary piece of legislation addressing **development**, which is defined as the use of land (whether for a long term or temporary purpose), the erection of a building or other structure, the carrying out of a work, subdivision, and any other activity regulated under the *Planning and Urban Management Act 2004*.

Some examples of development needing consent include:

- Manufacturing and storage - abattoir, food processing plants, storage facilities;
- Tourism and recreation - tourism operations, resorts, gyms, tennis courts;
- Health - clinics, health centres;
- Transport, communications, energy and water – plantation roads, water extraction plants, telecommunication towers, bus depots, power plants, petrol stations;
- Residential, commercial and retail operations or activities - land subdivisions, residential dwellings, markets, factories, shops, lumber mills, reclamations;
- Aggregate extraction - sand mining, concrete block making enterprises.

Developments considered by PUMA to potentially have significant environmental impacts will require the preparation of a Preliminary **Environmental Assessment** Report (PEAR), or a Comprehensive Environmental Assessment Report (CEAR) depending on the scale of impacts, as required under the *Environmental Impact Assessment Regulations 2007*.

YOU MUST NOT

- Construct or demolish any building unless **consent** has been issued by **PUMA**.
- Make or cause change of material to be made to a plan, specification, document of which the consent was issued without filing details of such change and obtaining permission from **PUMA**.
- Develop land, construct or demolish a building except in accordance with the plans, specifications, documents and any information the basis of which the consent was issued.

Non-compliance could result in a fine of up to 50 **penalty units**, if you are convicted. An additional fine of up to 1 penalty unit is added for every day during which the offence continues.

YOU MUST

- Apply for **development consent** from **PUMA** for all proposed developments unless a **sustainable management plan** or **regulations** provide otherwise.

Non-compliance could result into a fine of up to 50 penalty units, if you are convicted. A fine of up to 1 penalty unit is added for every day during which the offence continues.

2.4.2 PROTECTION OF THE FORESHORE

The **foreshore** includes land between the mean low water mark and landward a distance of 50 metres and also 5 metres from the bank of any stream, river and lake.

YOU MUST NOT

- Remove any silt, sand, gravel, cobble, boulders or coral from the foreshore;

- Carry out any **activity** within the foreshore which may result in the alteration of the natural configuration of the foreshore;
- Place any fill or material of any type within the foreshore;
- Carry out the construction or erection of any structure within the foreshore.

Unless, you have the **prior written consent** of the Minister.

Non-compliance could result in a fine of up to 50 **penalty units**, if you are convicted.

2.4.3 PROTECTION OF COASTAL WATERS

Coastal waters stretch from the mean low water mark to seaward as far as the **territorial sea**, 12 nautical miles (22 km) out from the coast, and include lagoons, reefs and sea beds within that zone.

YOU MUST NOT

- Remove any silt, sand, gravel, cobble, boulders or coral from coastal waters.
- Carry out any **damaging activity** within the coastal waters.
- Place any fill or material of any type within the coastal waters.
- Carry out any construction or erection of any structure in, on, across or under the coastal waters.

Non-compliance could result in a fine of up to 50 **penalty units**, if you are convicted.



Most developments, unless they have minimal impacts, need development consent from **PUMA**. Coastal reclamations such as the one shown at Fasito'o, need special investigation if they: are constructed in areas prone to flooding from storm or tsunami waves; may cause siltation of the nearby reef when being constructed or involve activities such as petrol stations that might pollute the lagoon (Photo by James Atherton).

2.4.4 TRESPASS ON OR DAMAGE TO GOVERNMENT LAND

YOU MUST NOT

- Trespass on, or use, or occupy **Government land** without the consent of the Land Board;
- Cause or allow any cattle, sheep, horses, or other animals to trespass on Government lands;
- Fell, remove, damage, destroy or otherwise interfere with any forest, wood, or timber growing or being on Government lands;
- Take or remove from Government lands any bark, mineral, or other substances whatever;
- Light a fire on or near Government lands, or cause or permit a fire lighted elsewhere to spread onto Government lands such that any forest, wood, timber, scrub, or grass growing or being on the Government lands is destroyed or injuriously affected, or the fertility of the soil is injuriously affected; or
- Use, sell, or otherwise dispose of any wood, timber, bark, mineral, or other substance knowing it to have been removed unlawfully from Government lands.

Non-compliance could result in a fine of up to 5 **penalty units**, or imprisonment for a term of up to 1 year if you are convicted. A fine of up to 1 penalty unit is added for every day during which the offence continues.

2.5 WASTE MANAGEMENT AND POLLUTION

The management of waste and pollution is a major environmental challenge for small and environmentally vulnerable island states such as Samoa. With population growth across the island and increasing population density in urban areas, together with increasing commercialisation and modernisation of the economy, more and more waste is being generated that requires efficient and effective disposal with minimal negative impact on the environment. In addition, increasing volumes of harmful pollutants are being imported and need to be disposed of safely from both an environmental and health perspective.

There are four pieces of legislation that regulate waste and pollution:

- The **Waste Management Act 2010** is a recent Act that covers the collection and disposal of solid wastes and the management of all wastes in Samoa, especially hazardous wastes;
- The **Marine Pollution Prevention Act 2008** covers **pollution of the marine environment** including disposal or incineration of wastes at sea, and discharging of ballast water;
- The **Water Resources Management Act 2008** covers pollution of water supplies such as rivers, lakes and boreholes; and
- The **Lands, Surveys and Environment Act 1989** covers littering on land as well as pollution of marine environments.

All the laws listed above are either administered by **MNRE** in their entirety or, administered by **MNRE** in so far as the waste management and pollution components of the legislation are concerned.

2.5.1 WASTE MANAGEMENT

GENERAL WASTE MANAGEMENT

YOU MUST NOT

- Dispose of wastes from residential or commercial premises in a public waste receptacle that is not **designated** as being for the disposal of such wastes.

Non-compliance by:

- Individual could result in a fine of up to 5 **penalty units**, if convicted.
- Corporation or an individual, who has previously not complied, could result in a fine of up to 20 penalty units, if convicted.

YOU MUST NOT

- Throw, deposit or discharge any waste in the vicinity of a roadway, vacant land or **foreshore**, or into any river, stream, creek, pool, well, lake, mangrove or the sea.

Non-compliance by:

- Individual could result in a fine of up to 50 penalty units, if convicted.
- Corporation or an individual, who has previously not complied, could result in a fine of up to 100 penalty units, if convicted.

YOU MUST NOT

- Deposit or dump wastes at a place other than an **approved landfill** or **waste dump** so as to cause pollution to a public area or to land belonging to the Government or to another person.

Non-compliance by:

- Individual could result in a fine of up to 50 penalty units, or imprisonment for a term of up to 3 months or both, if convicted.
- Corporation or an individual, who has previously not complied, could result in a fine of up to 100 **penalty units**, or imprisonment for a term of up to 6 months or both, if convicted.

YOU MUST NOT

- Operate a landfill site, a waste dump or any waste facility or operation requiring **licensing** without a licence or in breach of the licence.

Non-compliance could result in a fine of up to 100 penalty units, or imprisonment for a term of up to 1 year or both, if you are convicted.

HAZARDOUS WASTE MANAGEMENT

Hazardous wastes include wastes and substances prohibited in Samoa in accordance with applicable international conventions or which have been imported or used in Samoa in a manner which breaches the relevant conventions, and any:

- wastes which are, or which have the potential to be, toxic or poisonous, or which may cause injury or damage to human health or the environment;



Hazardous waste, such as used truck batteries must be disposed of properly at designated places within licensed land fill sites (Photo by James Atherton).

- **specific substance, object or thing determined** to be a hazardous waste; and
- other matter or thing deemed under international conventions to be hazardous wastes or to have the characteristics of hazardous wastes.

YOU MUST NOT

- Burn waste:
 - which contains plastics or any hazardous waste or substance;
 - in a manner or place which causes a nuisance to any person;
 - which causes the spread of fire in any manner so as to burn any area of land, any structure or any living vegetation; and
 - which creates an unintentional **Persistent Organic Pollutant**.

Non-compliance by:

- Individual could result in a fine of up to 5 **penalty units**, if convicted.
- Corporation or individual, who has previously not complied, could result in a fine of up to 10 penalty units, if convicted.

YOU MUST NOT

- Dump any **prescribed substance** at a landfill without disclosing its nature to the relevant approved waste management operator.
- Use electrical or computer goods or electrical fittings of any nature, any white goods in the form of refrigerators of any type, ovens and stoves or washing machines and dryers, for land reclamation or to fill land.

Non-compliance by:

- Individual could result in a fine of up to 50 **penalty units**, if convicted.
- Corporation or an individual, who has previously not complied, could result in a fine of up to 100 penalty units, if convicted.

YOU MUST NOT

- Import into Samoa any toxic or **hazardous wastes**, except in compliance with international obligations applying to Samoa.
- Move or cause the movement of toxic or hazardous wastes into, out of or within Samoa, or for their storage or disposal so as to cause a breach of an international obligation applying to Samoa.

Non-compliance could result in a fine of up to 1,000 penalty units, or imprisonment for a term of up to 5 years, or both, if you are convicted.

YOU MUST

- Store, transport or safely dispose of any **prescribed substance** in a manner required by law or in a manner which is consistent with any international waste related convention applying in Samoa.

Non-compliance by:

- Individual could result in a fine of up to 50 penalty units, if convicted.
- Corporation or an individual, who has previously not complied, could result in a fine of up to 100 penalty units, if convicted.

2.5.2 POLLUTION OF LAND ENVIRONMENTS

LITTERING

YOU MUST NOT

- **Litter** in or on any public place or private land (without the consent of the private land occupier); or
- Leave any litter that you have deposited (intentionally or not) in or on any public place or private land (without the consent of the private land occupier).

Non-compliance by:

- Individual could result in a fine of up to 5 penalty units, if convicted.
- Body Corporate could result in a fine of up to 50 penalty units, if convicted.



Litter must only be deposited at licensed land fill sites, not on public or private land without the consent of the landowner. Here is an unofficial dumpsite at Lalomanu, Upolu (Photo by James Atherton).

YOU MUST NOT

- Deposit any litter that is likely to endanger a person or to cause physical injury, disease or infection to a person coming into contact with it in or on any public place or, in the case of any private land, in or on that private land (without the consent of its occupier).

Non-compliance by:

- Individual could result in a fine of up to 5 **penalty units**, or imprisonment for a term of up to 1 month or both, if convicted.
- Body Corporate could result in a fine of up to 50 **penalty units**, if convicted.

YOU MUST

- Remove any litter that you have deposited (intentionally or not) in or on any public place or private land (without the consent of the private land occupier).

Non-compliance could result in a fine of up to 5 **penalty units**, if you are convicted.

2.5.3 POLLUTION OF MARINE ENVIRONMENTS

POLLUTION OF SAMOAN WATERS

YOU MUST NOT

- Throw, discharge, or deposit, or allow to be thrown, discharged, or deposited into any **Samoan waters**, any refuse matter of any description whatever.
- Deposit, or allow to be deposited, material of any kind in any place where that material may be washed into Samoan waters and navigation may be impeded or obstructed or the level of pollution of such waters increases.
- Discharge or allow to be discharged any harmful substances into or upon any Samoan waters, except in case of emergency imperilling life or property, or unavoidable accident, collision or stranding, or as otherwise permitted by **regulation** made under the *Lands, Surveys and Environment Act 1989*.

Non-compliance could result in a fine of up to 100 **penalty units**, or imprisonment for a term of up to 5 years or to both, if you are convicted. You will also be required to pay some or all of the expenses and costs incurred or that will be incurred in removing or cleaning up or dispersing any oil or noxious liquid substance, or other harmful substance to which the offence relates.

DUMPING AND INCINERATION OF WASTES AT SEA

YOU MUST NOT

- Dump or incinerate wastes at sea:
 - unless you have an **appropriate permit** to do so;
 - in breach of:
 - the **appropriate permit**, and
 - any requirements of the **London Convention** or the **Waigani Convention**.

Non-compliance could result in a fine of up to 1,500 penalty units, or imprisonment for a term of up to 2 years or both, if you are convicted.

DISCHARGE OF POLLUTANTS OR HARMFUL SUBSTANCES

YOU MUST

- Inform the **CEO/CEO**, if you are the owner, master or person-in-charge of a vessel or platform or an occupier of land, and a pollutant, harmful substance, non-indigenous harmful aquatic organism or pathogen is discharged into Samoan waters from your vessel, platform or place on land.
- Immediately report any incident (providing full details of the vessel and damage sustained, the types, quantity and condition of the cargo carried; and a complete list of all pollutants carried), to the **CEO/CEO** if you are the owner, master or person-in-charge of a vessel that becomes stranded, wrecked or is abandoned in **Samoan waters** or if you are the owner, master or person-in-charge of a Samoan vessel that becomes stranded, wrecked or is abandoned in any waters.

Non-compliance could result in a fine of up to 1, 500 penalty units, imprisonment for a term of up to 6 months or both, if you are convicted.

YOU MUST NOT

- Discharge any pollutant or **harmful substance** from a vessel, platform or place on land into Samoan waters, or from a Samoan vessel into any waters, except in **certain situations**.

Non-compliance could result in a fine of up to 10,000 **penalty units**, or imprisonment for a term of up to 10 years or to both, if you are convicted.

To the extent allowed under the **Marine Pollution Prevention Act 2008** you will also be liable to pay for the total costs of any clean up operations and all necessary action to restore the environment to its original condition.

YOU MUST NOT

- Discharge garbage into **Samoan waters** if the discharge occurs within:
 - 25 nautical miles (46 km) from the nearest land for dunnage, lining and packing materials which will float; or
 - 12 nautical miles (22 km) from the nearest land for food wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse.
- Discharge any plastics at any time from any vessel at any location.

Non-compliance could result in a fine of up to 300 penalty units if you are convicted. A fine of up to 300 penalty units is added for every day during which the offence continues.

DISCHARGE OF BALLAST WATER

YOU MUST NOT

- Discharge **ballast water** containing **non-indigenous harmful aquatic organisms or pathogens** from a vessel into Samoan waters.

Non-compliance could result in a fine of up to 7,500 penalty units, or imprisonment for a term of up to 5 years, or both, if you are convicted.

YOU MUST

- Obtain all necessary approvals under the **Quarantine (Biosecurity) Act 2005** prior to any discharges into Samoan waters; and
- Comply with all voluntary or mandatory **ballast water management requirements** issued by the International Maritime Organisation; and
- Complete and give to the **CEO** a notice of the discharge, prior to any discharge, if you are the master of a vessel that intends to discharge ballast water in Samoan waters.

Non-compliance could result in a fine of up to 7,500 penalty units, or imprisonment for a term of up to 5 years, or both, if you are convicted.

HULL SCRAPING AND CLEANING AND USE OF ANTI-FOULING AGENTS ON HULLS

YOU MUST NOT

- Use anti-fouling systems containing **organotin** compounds and any other prescribed harmful substance on vessels in Samoan waters or any man-made structure.

Non-compliance could result in a fine of up to 2,000 penalty units, if you are convicted.

YOU MUST NOT

- Scrape or clean any hull or other external surface of a vessel, in a manner which is inconsistent with any **requirements** applying to the scraping and cleaning of hulls published by the **Ministry** or the International Maritime Organisation or which contravenes a direction given to the person by an **authorised officer** of the **Ministry** in relation to the scraping or cleaning of the hull.

Non-compliance could result in a fine of up to 4,500 **penalty units**, or imprisonment for a term of up to 2 years, or both, if you are convicted.

YOU MUST

- Ensure that scraping and cleaning of the hulls and other external surfaces of vessels, is undertaken in a manner that prevents the introduction of **non-indigenous harmful aquatic organisms or pathogens** into **Samoa waters**.

Non-compliance could result in a fine of up to 4,500 penalty units, or imprisonment for a term of up to 2 years, or both, if you are convicted.

MANAGEMENT OF WASTE FROM SHIP REPAIR FACILITIES

YOU MUST NOT

- Discharge or dispose of hull scrapings, paints and paint residues, abrasive blasting mediums or any other pollutant or harmful substance or any effluent containing such pollutants or harmful substances into Samoa waters from ship repair facilities.

Non-compliance could result in a fine of up to 1,750 penalty units, or imprisonment for a term of up to 6 months, or both, if you are convicted.

YOU MUST

- Put in place systems, for the effective containment and recovery of all hull scrapings, paints and paint residues, abrasive blasting mediums or any other pollutant or harmful substance or any effluent containing such pollutants or harmful substances via the re-use, recycling, treatment or disposal in a waste management facility on-shore, that has been approved under any law.

Non-compliance could result in a fine of up to 1,750 penalty units, or imprisonment for a term of up to 6 months or both, if you are convicted.

2.5.4 OZONE PROTECTION

YOU MUST NOT

- Import, export, sell, offer for sale or distribute a **controlled substance** unless you are an **authorised supplier** and importing, exporting, selling, offering for sale or distributing to an **authorised purchaser**.
- Purchase a controlled substance unless you are an authorised purchaser.
- Handle a controlled substance unless you are a licensed handler.

- Dispose of a controlled substance except to:
 - deliver it to an authorised supplier or authorised purchaser or to an approved storage facility; or
 - destroy it in a **manner approved by the CEO** or in accordance with the **relevant code of practice**.
- Deliver a controlled substance to an authorised supplier unless the container is clearly marked with the name and colour code of the controlled substance and where the controlled substance has been reclaimed, a warning label that the controlled substance is suspected of being adulterated.
- Import, manufacture, sell or offer for sale:
 - a dry-cleaning machine that contains or is designed to use a **controlled substance as a solvent without an appropriate** licence from the **CEO**;
 - any aerosol spray that contains a controlled substance other than methyl bromide without an appropriate licence from the **CEO**;
 - any plastic foam, or any goods that contain plastic foam that contains a controlled substance without an appropriate licence from the **CEO**;
 - any dehumidifier, refrigerator, freezer, air-conditioner, supermarket display case, heat pump and water cooler that contains a controlled substance without an appropriate licence from the **CEO**.
- Sell, offer for sale or distribute any aerosol product that contains methyl bromide unless the product is:
 - purchased by an **authorised purchaser**;
 - to be sold or distributed for medical or quarantine purposes;
 - exempt for use under the **Montreal Protocol**.

Non-compliance could result in a fine of up to 50 **penalty units**, if you are convicted. Additional fine of up to 1 penalty unit is added for every day on which the offence continues. In some circumstances, any controlled substance, goods or equipment used in relation to the non-compliance may have to be forfeited.

YOU MUST

- Import, export, sell, offer for sale or distribute controlled substances, as an **authorised supplier**, in accordance with the **relevant code of practice**.
- Ensure, as an authorised supplier, that any controlled substance is, in the course of importation, exportation, sale or offer for sale or distribution, **handled** in a manner that prevents or minimizes its release into the atmosphere.
- Ensure that the equipment you sell, manufacture, offer for sale or distribute containing any controlled substance bears a label showing the name of the controlled substance contained in or by the equipment.
- Attach a label on a prominent part of any equipment you service or replace showing the name of the serviceman, the date of service, the identity of the authorised purchaser and the type of substance (whether a controlled substance or not) used in the service and any other substance used to charge the equipment.

- Ensure that any motor vehicle air-conditioning unit (that uses or contains a controlled substance) that you dismantle is de-commissioned in accordance with the applicable code of practice.
- Have and use a **recovery and recycling unit approved by the CEO** and it must only be operated by an authorised handler if you are a motor-vehicle garage that undertakes the refilling of automotive air-conditioners.
- Keep any **controlled** substance in your possession or control in a **container which is approved by the CEO**.

Non-compliance could result in a fine of up to 50 **penalty units**, and in the case of continuing penalties to a fine of up to 1 penalty unit for every day on which the offence has continued, if you are convicted. In some circumstances, any controlled substance, goods or equipment used in relation to the non-compliance may have to be forfeited.



Wherever possible waste should be recycled. Currently recycling facilities are available for metal cans, plastic bottles, waste oil and automotive air-conditioning units in Samoa (Photo by James Atherton).

2.6 BIOSECURITY AND MANAGEMENT OF INVASIVE SPECIES

Invasive species are one of the biggest threats to the integrity of Samoa's native biodiversity and ecosystems and also have a huge economic and social impact. With increasing international trade and movement of people into and out of Samoa, invasive species may become an even bigger threat in future, unless strong and robust systems to prevent introductions of invasive species and to manage new and existing invasions are put in place.

In recent years, the impact of invasive species on Samoa's environment, forest and agriculture production systems, and social values has become increasingly obvious through invasions of species

such as taro leaf blight (*Phytophthora*), the Giant African Snail (*Achatina fulica*), Myna species (*Acridotheres tristis*, *A. fuscus*) and Merremia vine (*Merremia peltata*) (Government of Samoa 2008).

Biosecurity is the term used to describe the actions needed to stop invasive species from entering a country and the surveillance and emergency responses procedures if they arrive. The **Quarantine (Biosecurity) Act 2005** forms part of the system to combat the introduction of invasive species and manage existing invasions. It is the main legal instrument to manage the importation deliberately or accidentally of invasive species, pests and pathogens and also to deal with such species should they be found in Samoa. This Act is administered by the **Ministry of Agriculture and Fisheries**.

2.6.1 IMPORT BIOSECURITY REGULATIONS

In this section a **regulated article** means garbage, soil, pests, packing material, fittings, litter, manure or fodder and other materials, goods, substances, articles or equipment and includes one or more animals, animal products, plants or plant material the importation or movement of which may have potential to introduce or spread a pest or disease to or within Samoa.

YOU MUST NOT

- Knowingly have any regulated articles in your possession.
- Take any regulated articles from quarantine control before an **authorised officer** has approved their release.

Non-compliance could result in a fine of up to 3 **penalty units**, and/or imprisonment up to 3 months, if you are convicted.

YOU MUST NOT

- Perform a **relevant act** in relation to goods held under quarantine control without the permission of an **authorised officer** or **CEO**.

Non-compliance could result in a fine of up to 6 penalty units, and/or imprisonment up to 6 months, if you are convicted.



Giant African snails were accidentally introduced to Samoa due to a biosecurity breach and now cause millions of tala of damage to the agriculture sector every year. (Photo by James Atherton).

YOU MUST NOT

- Import any plant, animal, agent or culture into Samoa without a **permit**.
- Import regulated articles without the written **permission** of an **authorised officer** or **CEO**.
- Import any living culture or organism without the written permission of the CEO and in accordance with permit conditions.
- Discharge any garbage or ballast water into Samoa or its territorial sea or cause it to be discharged or landed from a conveyance without the permission of an **authorised officer** and subject to such terms and conditions as imposed.

Non-compliance could result in a fine of up to 12 **penalty units**, and/or imprisonment up to 12 months, if you are convicted.

NB: Any articles imported which are in breach of the regulations may be seized and treated or destroyed.

YOU MUST

- Notify an **authorised officer** if you receive a **regulated article** from beyond Samoa, without your consent, and carry out to the satisfaction of that **authorised officer** any directions given as to the destruction, disposal or treatment of the regulated article.
- Land all or any part of a regulated article at your first port of entry into Samoa, as directed by an **authorised officer**, for inspection and treatment as required, if your **conveyance** (e.g. vessel) is carrying a regulated article from outside Samoa.
- Only remove, tranship or divert a regulated article for inspection, treatment or discharge from your conveyance's first port of entry into Samoa to a second port in the manner or subject to the conditions imposed by an **authorised officer**.
- Only import regulated articles through the **ports** or **airports prescribed** for the entry of such articles if you are **authorised** by the **CEO** or an **authorised officer** to **import a regulated article**.
- Clearly identify boxes, cases, crates, packages, bales or other containers in which regulated articles are imported including the nature of the contents, country and locality of origin, name and address of the shipper and the consignee.
- Declare in writing on the declaration form used for arrival clearance purposes, your possession of or intention to import any regulated article when arriving in Samoa.

Non-compliance could result in a fine of up to 3 **penalty units**, and/or imprisonment up to 3 months, if you are convicted.

YOU MUST

- Comply with any **conditions**, intended to address an insanitary state, imposed upon your conveyance or installation by an **authorised officer**.
- Notify the **CEO** of the expected arrival date of your regulated article, whether it contains a genetically modified organism and any further information requested by the **CEO**, if you propose to import a regulated article.
- Prevent any animal from being landed from your conveyance when your conveyance arrives in Samoa, unless an **authorised officer** has permitted you to do so.

- Take reasonable measures to prevent the deliberate or accidental landing or release of any animals from your conveyance when your conveyance arrives in Samoa.
- Comply with such conditions as the **authorised officer** determines when your conveyance arrives in Samoa,
- Enter into a relevant bond, as may be required by an **authorised officer**, when your conveyance arrives in Samoa.

Non-compliance could result in a fine of up to 6 **penalty units**, and/or imprisonment up to 6 months if you are convicted.

YOU MUST

- Obtain a permit from the **CEO** to import or introduce any regulated article into Samoa.

Non-compliance could result in a fine of up to 12 **penalty units**, and/or imprisonment up to 12 months if you are convicted.

2.6.2 PEST AND DISEASE MANAGEMENT

If it suspected that any animal or plant which is on or in any land or water is suffering from or is affected by or infected with any pest or disease and is likely to be of quarantine concern to Samoa the **CEO** shall by public notice declare that land or water and such other land or water (if any) in the neighbourhood as may be specified, to be an **infected area**.

YOU MUST NOT

- Resist or wilfully obstruct or wilfully not comply with any direction of the **CEO** or any **authorised officer** if an infected area is **declared** by the **CEO**.
- Enter or leave an infected area if an infected area is **declared** by the **CEO**.
- Move any goods from or within an infected area (**declared** as such by the **CEO**) without the written permission of the **CEO** or an **authorised officer** and in accordance with such conditions as may be specified by the **CEO** or **authorised officer**.

Non-compliance could result in a fine of up to 3 **penalty units**, and/or imprisonment up to 3 months, if you are convicted.

YOU MUST

- Comply with any controls or conditions imposed on the movement of humans, animals, plants, goods or **regulated articles** within, to or from any specific part of land or water or sea belonging to Samoa **declared** by the **Minister** to be free from specific pests or diseases, or an area of low pest and disease prevalence.
- Comply with any requirement, prohibition, determination or restrictions issued by the **CEO** with a view to preventing, eradicating or limiting the spread of the pest or disease if a **state of pest or disease emergency**, as **declared** by the **Minister**, exists in any part or parts of Samoa.

Non-compliance could result in a fine of up to 6 **penalty units**, and/or imprisonment up to 6 months, if you are convicted.

YOU MUST

- Assist the **CEO** by providing any information that the CEO may reasonably require if the CEO conducts or has conducted pest and disease surveys in Samoa.

Non-compliance could result in a fine of up to 3 **penalty units**, and/or imprisonment up to 3 months, if you are convicted.



For a small island nation like Samoa, keeping out invasive species is a key national priority and requires the cooperation of the whole population to implement biosecurity measures (Photo by James Atherton).

FURTHER INFORMATION

Item of Interest	How to find out more?
Absolutely Protected Animal	Contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what Regulations (under Part VI of the Animals Ordinance 1960) have been put in place to identify what animals are absolutely protected.
Approved landfill or waste dump	See s18(2), s20(1), s20(4) Waste Management Act 2010 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the approved landfills and waste dumps across Samoa.
Aquaculture operations	See s10A Fisheries Act 1988 .
Authorisation of Marine Scientific Research	See s10 Fisheries Act 1988 .
Controlled Substance	In terms of ozone protection, controlled substance means any substance defined as such under the Montreal Protocol and includes all recycled, reclaimed or recovered substances. See Schedule 1 Ozone Layer Protection Regulations 2006 for a copy of the Montreal Protocol. Contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to find out if there have been any amendments to the Montreal Protocol in relation to controlled substances defined as such under the Montreal Protocol.
Development consent	See s34, s37 Planning and Urban Management Act 2004 for requirements for information on development consent applications (e.g. content) and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the prescribed form and fee as well as any other application requirements of PUMA , a sustainable management plan or the regulations.
Development not needing consent	See s35 Planning and Urban Management Act 2004 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify which developments (based on applicable sustainable management plans and regulations) do not require consent.
Discharge of ballast water - International Maritime Organisation ballast water management requirements	See s10 Marine Pollution Prevention Act 2008 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify any relevant or applicable International Maritime Organisation ballast water management requirements.
Discharge of pollutants or harmful substances – exceptions in certain situations	See s9(2), s9(4), s9(5), s13 Marine Pollution Prevention Act 2008 .
Disposal of Waste – appropriately designated waste receptacles	See s20(3) Waste Management Act 2010 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify designations of public waste receptacles.

Item of Interest	How to find out more?
Dumping and incineration of wastes at sea - permit	See s38 Waste Management Act 2010 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the process and form to apply for an appropriate permit.
Environmental Assessment	See s4 and s5 Environmental Impact Assessment Regulations 2007 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what form of environmental assessment may be required for your development.
Fish processing establishment	See s10C, 11, 12 Fisheries Act 1988 and contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what, if any, conditions might apply.
Flying species endemic to Samoa	See s3(2) Protection of Wildlife Regulations 2004 . The Minister must be satisfied that the taking and disposal of such specimens does not endanger the existence of such species in Samoa.
General Provisions related to National Parks and Reserves	See s10 National Parks and Reserves Act 1974 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to, as relevant, identify the process for obtaining an appropriate authorisation from the Minister or to identify what, if any, prohibitions or restrictions have been imposed in relation to national parks and reserves or to identify receptacles approved or provided by the Ministry for the disposal of, for example, dangerous rubbish in a national park or reserve. Even though the National Parks and Reserves Act 1974 is noted as being administered by MAF , in practice it is currently administered by MNRE . Therefore address all enquiries to MNRE . A Bill is currently under consideration to address this change in responsibility.
Hazardous Waste – Prescribed substance	See s19, Schedule 2 Waste Management Act 2010 .
Hazardous Waste Management - specific substance, object or thing determined to be hazardous waste	See s6 Waste Management Act 2010 contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what, if any, specific substance, object or thing has determined Act, regulation or written determination of the CEO to be hazardous waste.
Hull scraping and cleaning and use of anti-fouling agents on hulls – published requirements	See s11 Marine Pollution Prevention Act 2008 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify any relevant or applicable requirements applying to the scraping and cleaning of hulls published by the Ministry or the International Maritime Organisation.
Import Biosecurity Regulations – conditions	See s10 Quarantine (Biosecurity) Act 2005 and contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the conditions imposed to address the insanitary state of the conveyance.
Import Biosecurity Regulations – discharge of garbage or ballast water	See s29 Quarantine (Biosecurity) Act 2005 and contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the substantive and procedural requirements to secure permission to discharge of garbage or ballast water.
Import Biosecurity Regulations – import permit (plant matter etc)	See s14 Quarantine (Biosecurity) Act 2005 and contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the substantive and procedural requirements to secure a permit to import any living culture or organism, including but not limited to parasites, predators, arachnids, insects, nematodes, fungi, bacteria, viruses, mycoplasma, plant parasitic organisms, germplasm or other invertebrate animals.

Item of Interest	How to find out more?
Import Biosecurity Regulations – import permit (regulated articles) authorisation	See s15, s12, s14, s16 Quarantine (Biosecurity) Act 2005 and contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the substantive and procedural requirements to secure a permit to import regulated articles.
Import Biosecurity Regulations – prescribed ports and airports	See s29 Quarantine (Biosecurity) Act 2005 and contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the appropriate port or airport to land your regulated article.
Landfill site, waste dump, waste facility - licensing	See s9 Waste Management Act 2010 for information about licensing requirements.
Laumei harvest	See r7(1) Local Fisheries Regulations 1995 – the carapace is measured along the curve of the carapace from that part of the carapace nearest the head to that part nearest the tail.
Licensing of local commercial fishing vessels	See s5 Fisheries Act 1988 and contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi for information on the approved registration form and the prescribed registration fee.
Live fish exports and imports	See s10B Fisheries Act 1988 .
Management of Forest Resources – Codes of Practice	See s45 Forestry Management Act 2011 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what, if any, Codes of Practice have been approved by the Minister and are available for purchase from the Ministry or via the internet.
Management of Forest Resources – forestry application fee	See s53 Forestry Management Act 2011 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the applicable fee set by written order of the Minister . Also see s55 Forestry Management Act 2011 and ask MNRE if your forestry operation qualifies for a fee exemption.
Management of Forest Resources – forestry harvesting licence	See s37, 39, 41, 42 Forestry Management Act 2011 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to confirm licence application requirements and licence conditions.
Management of Forest Resources – forestry harvesting permit	See s37, s40-42 Forestry Management Act 2011 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to confirm permit application requirements and permit conditions.
Management of Forest Resources – forestry levies	See s54 Forestry Management Act 2011 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the appropriate regulation setting levies that might apply to your forestry operation. Also see s55 Forestry Management Act 2011 and ask MNRE if your forestry operation qualifies for a levy exemption.
Management of Forest Resources – natural resource fee	See s52 Forestry Management Act 2011 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the applicable natural resource fee for your forestry operation and species. Also see s55 Forestry Management Act 2011 and ask MNRE if your forestry operation qualifies for a fee exemption.

Item of Interest	How to find out more?
Management of Forest Resources – protection of forestry resources	See s47 Forestry Management Act 2011 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what, if any, relevant or applicable Ministerial determinations have been published and are notified.
Management of Forest Resources –forestry resource plan	See s46 Forestry Management Act 2011 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify whether a forestry resource plan is required and, if so, confirm the content requirements of the forestry resource plan.
Management of Forestry Resources - Protected Land and Minister's consent	See s58 Forestry Management Act 2011 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what, if any, land has been proclaimed protected. See s60 Forestry Management Act 2011 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the process for obtaining the Minister's written consent.
Marine Mammal	See r16 Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for information on how to apply for a permit or licence relevant for the activity you would like to undertake.
Newly discovered Marine species	See r17 Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for any Ministerial designations and CEO notifications relating to newly discovered marine species. See r16 Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for information on how to apply for a permit or licence relevant for the activity you would like to undertake.
Ozone Protection – Applicable Code of Practice	See r14 Ozone Layer Protection Regulations 2006 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for a copy of the current Applicable Code of Practice.
Ozone Protection – approved storage facility	See r15(1)(a) Ozone Layer Protection Regulations 2006 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the location of an approved storage facility.
Ozone Protection – authorised supplier, authorised purchaser, authorised handler licensing	See r8-11 Ozone Layer Protection Regulations 2006 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for more information on additional, if any, licensing conditions.
Ozone Protection – CEO-approved container	See r15(2) Ozone Layer Protection Regulations 2006 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what forms of container are CEO-approved in relation to the controlled substance in your control or possession.
Ozone Protection – CEO-approved manner for destroying controlled substance	See r15(1)(b) and r20 Ozone Layer Protection Regulations 2006 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the CEO-approved manner for destroying controlled substances.

Item of Interest	How to find out more?
Ozone Protection – CEO-approved recovery and recycling unit	See r18 Ozone Layer Protection Regulations 2006 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what recovery and recycling units are CEO-approved in relation to the refilling of automotive air-conditioners.
Ozone Protection – handle, handling, handled	In respect of a controlled substance, refers to the recovery, recycling, refilling, recharging, capturing or transporting of a controlled substance, and includes- (a) the installation, transportation, servicing, or de-commissioning of (i) any air-conditioning equipment (including motor vehicle air conditioning equipment); (ii) any aerosol product; (iii) any fire protection system; (iv) any portable fire extinguisher; (v) any other equipment or apparatus that uses or contains a controlled substance; (b) the use of controlled substances for dry-cleaning; and (c) the repossessing and reclaiming of controlled substances.
Ozone Protection – Relevant Code of Practice	See, as appropriate, r3(3) or r15(1)(b) and r20 Ozone Layer Protection Regulations 2006 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for a copy of the current Relevant Code of Practice.
Papata harvest	See r9 Local Fisheries Regulations 1995 – measured from the front edge of the carapace to the rear of the telsons .
Partially Protected Animal	Contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what Regulations (under Part VI of the Animals Ordinance 1960) have been put in place to identify what animals are partially protected, when they are protected and where they are protected.
Permits and scientific research on marine wildlife	See r16 Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for information on how to apply for a permit or licence relevant for the activity you would like to undertake.
Persistent Organic Pollutant	See Schedule 2 Hazardous Wastes to be Regulated in Accordance with International Conventions Waste Management Act 2010 .
Pest and disease management – infected area	See s31 Quarantine (Biosecurity) Act 2005 and contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what areas, if any, have been declared an infected area.
Pest and disease management – Ministerial declarations, CEO requirement, prohibition, determination or restrictions	See s35, s36 Quarantine (Biosecurity) Act 2005 and contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what, if any, Ministerial declarations have been published and their content so as to identify any conditions imposed and also to identify what, if any, requirement, prohibition, determination or restrictions have been issued by the CEO with a view to preventing, eradicating or limiting the spread of the pest or disease if a state of pest or disease emergency.

Item of Interest	How to find out more?
Pollution of Samoan Waters – exception to prohibition on discharge of oil, noxious liquid or solid substances or other harmful substances, by any method, means, or manner, into or upon any Samoan waters	See s123(2) Lands, Surveys and Environment Act 1989 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify the applicable regulations.
Prohibition on catching or sale of certain fish during prohibited periods	See r3(3)-(4) and Schedule II Local Fisheries Regulations 1995 and contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what, if any, declarations have been made.
Prohibition on catching or sale of certain fish under a specific size of which there is a total prohibition	See r3(1)-(2) and Schedule I Local Fisheries Regulations 1995 .
Protected Areas	See Part 8, s56-62, Forestry Management Act 2011 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for information on whether any land is protected, the status of such land and restrictions applying to such land.
Protection of forests against fire – FESA orders	See s64 Forestry Management Act 2011 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi and/or FESA on 20404 or at Apia Fire Station Office to identify what, if any, orders are in force prohibiting the lighting of fires in the open air or any operation which may cause an outbreak of fire or the entry of persons into an affected area other than persons who normally reside or work at that place or directing that any operation be carried on or continued only with the prior written authority of an officer of the FESA or a forest officer (and subject to such conditions as any such officer/officer may impose).
Protection of forests against fire – preventative measures + appropriate fire fighting equipment	See s64 Forestry Management Act 2011 to note your ‘preventative measure’ obligations in terms fire fighting equipment (i.e. suitability, placement, protection and maintenance).
Protection of forests against fire – request to assist an officer extinguish a fire	See s69 Forestry Management Act 2011 – relates to requests made to any fit male person over the age of 18 years residing or working on any forest land or within 5 miles of the boundary of any forest land on which the fire is burning or to which it is likely to spread.
Protection of the Foreshore – written consent	See s119 Lands, Surveys and Environment Act 1989 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to seek clarification on the procedural and substantive requirements for obtaining the Minister’s prior written consent for your proposed activity within the foreshore .
Regulations for the taking of water – environmental standards	See s14 Water Resources Management Act 2008 contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what environmental standards relating to the taking of water or any activity that may affect water quality or the integrity of a water source, including waste management operations and any commercial enterprise have been prescribed by the Minister .

Item of Interest	How to find out more?
Regulations for the taking of water – licence of permit	See s12 Water Resources Management Act 2008 .
Regulations for the taking of water and pollution of water supplies – environmental standards	See s14 Water Resources Management Act 2008 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what, if any, applicable environmental standards have been prescribed by the Minister and are being monitored and enforced by the Ministry . Public health standards might also apply to taking of water and water quality. Those standards will be prescribed by the Minister and monitored and enforced by the Ministry .
Regulations for the taking of water and pollution of water supplies – licence or permit	See s14 Water Resources Management Act 2008 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to confirm the necessary requirements for obtaining a licence or permit applicable for your proposed activity.
Restrictions on giant clam harvest	See r10 Local Fisheries Regulations 1995 and contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what cultured clams are.
Restrictions on the use of Fish Aggregating Devices (FAD)	See r15-17 Local Fisheries Regulations 1995 and contact MAF on 22561 or at Tui Atua Tupua Tamasese Efi Building, Sogi to, as appropriate, identify what, if any, conditions apply or what if any markings are required on a private FAD.
Samoa Water Resource Management Plan	See Part 7, s18-19 Water Resources Management Act 2008 for more detailed information on Samoa's Water Resource Management Plan including its objectives, the principles that guide it and its composition and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for information on how to access a copy.
Site Conservation – regulation of the conservation of land	Even though the National Parks and Reserves Act 1974 is noted as being administered by MAF , in practice it is currently administered by MNRE . A Bill is currently under consideration to address this change in responsibility.
Species of conservation concern	See r15 Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for information on the approved Ministerial Management plans for species of conservation concern.
Species which migrate to spawn	See r12 Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for any Ministerial determinations and CEO notifications relating to species of marine wildlife which migrate in schools to spawn. See r16 Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for information on how to apply for a permit or licence relevant for the activity you would like to undertake.
Turtle watching and eco-tourism activities – licence or permit for commercial, scientific or other purpose	See r16 Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for information on how to apply for a permit or licence relevant for the activity you would like to undertake. See r6(1)(b) Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what relevant guidelines have been approved and published.

Item of Interest	How to find out more?
Turtles	See r16 Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for information on how to apply for a permit or licence relevant for the activity you would like to undertake.
Turtles – take, catch or fish for turtles – fisheries legislative requirements	See r8(3) Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for an indication of the requirements, if any, applying under the fisheries legislation applying to the taking, catching or fishing for turtles with regard to size, closed seasons or any other matter.
Ulasami harvest	See r8(1) Local Fisheries Regulations 1995 – the carapace is measured from the base of the horns to the rear edge of the carapace.
Ulasami harvest (tail)	See r8(1) Local Fisheries Regulations 1995 – the tail is measured from the first tail segment to the tip of the tail.
Waste Management and pollution – pollution of the marine environment	See s61(3) Marine Pollution Prevention Act 2008 - Even though MWTI administers this Act the primary responsibility for enforcing the provisions of this Act, or any other law which regulates the dumping and incineration of wastes at sea shall lie with MNRE .
Water source protection zone	See s10(1)(f), s17(1)(f)-(g) Water Resources Management Act 2008 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for information on which, if any, water sources have been declared by the Minister to be Water source protection zones and also how to access a copy of the applicable management plan formulated and endorsed by the Samoa Water Resources Board.
Watershed management - orders	See s29-s30 Water Resources Management Act 2008 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what, if any, relevant orders, conditions or permission apply.
Watershed management plan	See Part 8, s20-s32, Water Resources Management Act 2008 for detailed information on watershed management plans including, for example, preparation, content and publication and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to access the current watershed management plan.
Whale and dolphin watching and eco-tourism activities	See r16 Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi for information on how to apply for a permit or licence relevant for the activity you would like to undertake. See r6(1)(b) Marine Wildlife Protection Regulations 2009 and contact MNRE on 23800 or at Tui Atua Tupua Tamasese Efi Building, Sogi to identify what relevant guidelines have been approved and published.

GLOSSARY

Term	Definition
Absolutely Protected Animal	Any animal that is designated by HOS as an absolutely protected animal under s41 Animals Ordinance 1960 .
Abstract	In terms of water resource management, “abstract” and “abstraction” mean the taking of water from a water source.
Accidentally Land	In relation to sharks “accidentally land” means the act of taking a shark whilst fishing for any other species of fish.
Activity	In terms of the protection of the foreshore, ‘activity’ includes, without being limited to, excavation, dredging, clearing, paving, grading, ploughing.
Animal	Means a member, alive or dead of the animal kingdom (other than man); and includes: (a) fish of any kind, including, but without limiting the generality of the term, shellfish, crustaceans and turtles; and (b) eggs or parts of eggs; and (c) the skin, feathers, horns, shell, or any other part of an animal.
Any bird	For the purposes of the exportation of birds, ‘any bird’ includes any bird whether native, introduced, or imported, or that has migrated to Samoa or has arrived in Samoa and become established there (but not including any domestic bird), or any feathers, egg or other part of any such bird.
Aquaculture	Any activity involving or designed to involve the cultivation or farming of fish or marine plants.
Ballast water	Fresh or salt water, sometimes containing sediments, held in tanks and cargo holds of ships to increase stability and manoeuvrability during transit.
Biosecurity	The actions needed to stop invasive species from entering a country and the surveillance and emergency response procedures if they arrive.
Body corporate	An entity (such as an association, company, person, government, government agency, or institution) recognised by law as having legal personality and as such, for example, rights and obligations as well as the capacity to sue or be sued.
Building	(a) a structure and part of a building or a structure; and (b) fences, walls, out-buildings, service installations and other appurtenances of a building; and (c) a boat or a pontoon which is permanently moored or fixed to land.
Burning or smouldering substance	Includes, but is not limited to, a lighted match, pipe ashes, lighted cigarette, lighted cigar, ashes from a gas producer.
Carapace	The upper section of the exoskeleton or shell in a number of animal groups, including arthropods such as crustaceans (e.g. crabs) and arachnids (e.g. spiders), as well as vertebrates such as turtles and tortoises.

Term	Definition
Coastal waters	All that area having as its inner boundary the mean low water mark, and as its outer boundary, the outer limit of the territorial sea, and include every lagoon and the bed of such sea or Lagoon.
Colour code	In terms of ozone protection means a colour code approved by the CEO and used by the Ministry to indicate a controlled substance.
Controlled Substance	In terms of ozone protection, controlled substance means any substance defined as such under the Montreal Protocol and includes all recycled, reclaimed or recovered substances.
Convention on International Trade in Endangered Species (CITES) 1973	The Convention on International Trade in Endangered Species is a multilateral treaty that aims to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species in the wild. It accords varying degrees of protection to more than 33, 000 species of animals and plants.
Conveyance (quarantine)	Means any vessel, vehicle, or other means of transport, or any container that is used to move people or goods from one location to another.
Damaging Activity	In terms of the protection of coastal waters, 'damaging activity' includes, without being limited to, excavation, dredging, clearing, paving, grading, ploughing.
Development	Includes the use of land (whether for a long term or temporary purpose), the erection of a building or other structure, the carrying out of a work, subdivision, and any other activity regulated under the Planning and Urban Management Act 2004 .
Endemic species	Species that is native to and restricted to a particular place. For example species endemic to Samoa are only found in Samoa and nowhere else.
Exclusive Economic Zone (EEZ)	A zone that is seaward of the outer limits of the territorial sea, to an outer limit of 370 kilometres (200 nautical miles) from the baseline of a country (usually the low water mark). The breadth of the EEZ is normally 348 kilometres (188 nautical miles).
Fish aggregating device (FAD)	Any man-made or partly man-made floating device, whether anchored or not, intended for the purpose of aggregating fish, and includes any natural floating object on which a device has been placed to facilitate its location.
Fish Processing Establishment	Any land, premises or other place on or in which fish are canned, dried, gutted, salted, iced, chilled, frozen or otherwise processed for sale in or outside Samoa.
Fishery waters	The internal waters, including lagoons, the territorial sea and exclusive economic zone, and any other waters over which the Government of Samoa claims jurisdiction.
Flying species endemic to Samoa	Means any of the following: (a) flying fox; (b) pigeon; (c) crimson crown fruit dove; (d) wattled honey eater; and (e) cardinal honey eater.

Term	Definition
Foreshore	(a) all that area between the mean low water mark and a line connecting those dot-points landward and measured at right angles to a distance of 50 metres from the mean low water mark; and (b) a stream, river and lake together with the bed of a stream, river and lake and includes that area extending landward and measured at right angles to a distance of 5 metres from the bank of any such stream, river and lake.
Government land	Means public land which is not for the time being set aside for a public purpose; and includes land which has become the property of the Government.
Harass	In terms of marine wildlife protection, 'harass' includes the doing of any act which: (a) causes or is likely to cause injury or distress to any marine wildlife; or (b) disrupts significantly or is likely to disrupt significantly the normal behavioural patterns or movements of any marine wildlife.
Harm	In relation to flying species endemic to Samoa, 'harm' means any action by any person to trap, shoot, kill or otherwise destroy.
Harmful substance	Means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and without affecting the general application of this definition, includes any substance deemed by the <i>Marine Pollution Prevention Act 2008</i> and any other law, and by regulations made under the <i>Marine Pollution Prevention Act 2008</i> , to be a harmful substance in the context of the marine environment.
Hazardous waste	Includes the wastes and substances specified in Schedule 2 <i>Waste Management Act 2010</i> if they are prohibited in Samoa in accordance with the applicable international conventions, or have been imported or used in Samoa in a manner which breaches the relevant conventions, and: (a) any wastes which are, or which have the potential to be, toxic or poisonous, or which may cause injury or damage to human health or the environment; (b) any specific substance, object or thing determined under section 6 to be a hazardous waste; and (c) any other matter or thing deemed under international conventions to be hazardous wastes or to have the characteristics of hazardous wastes.
Infected area	In terms of pest and disease management 'infected area' means any area of land or water which the Minister by public notice has declared to be an infected area and an infected area can include part of the territorial waters of Samoa.
Installation (quarantine)	In terms of quarantine means: (a) a resources installation; or (b) a sea installation.
Litter	In the general sense – includes a bottle, tin, carton, package, paper, glass, or other refuse, rubbish or unwanted thing or an abandoned vehicle or part. In terms of endangering a person via contact, 'litter' includes, without being limited to, a bottle whether broken or not, glass, article containing glass, sharp or jagged material, or any substance of toxic or poisonous nature.

Term	Definition
Local Commercial Fishing Vessel	A fishing vessel which is not used solely for pleasure or recreation and the use of which is made, allowed or authorised in the course of any business or in connection with any commercial transaction.
London Convention	The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972, commonly called the “London Convention” or “LC ‘72” and also abbreviated as Marine Dumping, is an agreement to control pollution of the sea by dumping and to encourage regional agreements supplementary to the Convention. It covers the deliberate disposal at sea of wastes or other matter from vessels, aircraft, and platforms. It does not cover discharges from land-based sources such as pipes and outfalls, wastes generated incidental to normal operation of vessels, or placement of materials for purposes other than mere disposal, providing such disposal is not contrary to aims of the Convention. It entered into force in 1975. (Wikipedia).
Management Plans for species of conservation concern	Includes restrictions or prohibitions on fishing for or taking any wildlife of the designated species, either generally or in particular locations; restrictions or prohibitions on the use of any particular device or means of fishing for or taking the designated species; restrictions or prohibitions on any development adversely affecting individuals or populations of the designated species, or habitat critical to the survival of the designated species; restrictions or prohibitions on any operation adversely affecting individuals or populations of the designated species, or habitat critical to the survival of the designated species; the introduction of measures deemed essential to the recovery of populations of the designated species, where that species is identified as being of conservation concern on the grounds of declined or declining population numbers; the introduction of measures deemed essential to the restoration of habitat critical to the designated species where that species is identified as being of conservation concern on the grounds of habitat loss or degradation; the designation of protected areas or reserves for the designated species; any reporting requirement in relation to the designated species; and any other matter necessary for or incidental to the protection and conservation of a designated species.
Man-made structure	For the purposes of s12 <i>Marine Pollution Prevention Act 2008</i> man-made structure includes any buoy, markers or any object specifically created for use or placement in water.
Marine mammal	Means any member of the species of the class mammalia at any stage of its lifecycle, including: (a) all baleen whales (<i>mysticetes</i>); (b) all toothed whales (<i>odontocetes</i>); and (c) all dolphins, in Samoan waters, including marine mammals which are migrating through Samoan waters.
Montreal Protocol	Means the Montreal Protocol on Substances that Deplete the Ozone Layer 1987 and includes any amendments to, or substitutions of that Protocol that are, or will become, binding on Samoa from time to time.

Term	Definition
Non-indigenous harmful aquatic organisms or pathogens	Means any species of aquatic microbe, plant or animal whose natural biogeographical range does not include Samoan waters and which, if introduced into Samoan waters, has the potential to create hazards to human health, to harm living resources and marine life, to damage or impair facilities and amenities or to interfere with other legitimate uses of the sea, and includes exotic invasive species.
Organotin	Chemical compounds based on tin with hydrocarbon substituents.
Partially protected animal	An animal that is protected during such time or times and in such part or parts of Samoa as are specified.
penalty unit	In all Acts and Regulations a reference to a "penalty unit" is the amount of "\$100" for each penalty unit prescribed as a pecuniary penalty. For example, at the time that this guidebook was published, 1 penalty unit was equivalent to \$100.00 tala. At this equivalency rate a fine of 100 penalty units, is a fine of \$10,000.00 tala.
Persistent Organic Pollutants	Organic compounds that are resistant to environmental degradation through chemical, biological, and other processes. As a result POPs persist in the environment, are capable of long-range transport, can accumulate in human and animal tissue and have potentially significant impacts on human health and the environment.
Pollutant	Includes oil and oily mixtures, noxious liquid substances, harmful packaged substances, sewage and garbage as defined by MARPOL 73/78 and any water contaminated by any such substance, and any other substance which added to any waters has the effect of contaminating those waters so as to make them unclean, noxious or impure or detrimental to the health, safety or welfare of any person, or poisonous or harmful to marine life.
Prescribed substance	In terms of storage, transportation and safe disposal, "prescribed wastes" includes: (a) all ozone depleting substances; (b) any waste referred to in Schedule 2, or which contains any chemical or substance referred to in Schedule 2; and (c) any other type of waste determined by any Act or by regulations under Waste Management Act 2010 to be prescribed wastes.
Proper purpose	In relation to sharks 'proper purpose' means the use of a shark as food for humans or animals, as bait for fishing or the production of any saleable or usable product.
Regulated article	For quarantine purposes 'regulated article' means garbage, soil, pests, packing material, fittings, litter, manure or fodder and other materials, goods, substances, articles or equipment and includes one or more animals, animal products, plants or plant material the importation or movement of which may have potential to introduce or spread a pest or disease to or within Samoa.
Relevant act	In relation to goods and quarantine control 'relevant act' includes: (a) moving the goods: (i) from where they were landed to a place outside the precincts of the port or airport or installation, as the case may be; or (ii) from a place to which they have been moved with the consent of an Authorised Officer; (b) dealing with the goods; or (c) interfering with the goods.

Term	Definition
Samoaan waters	All areas of Samoa's internal waters, territorial sea, contiguous zone and exclusive economic zone as defined by the <i>Maritime Zones Act 1999</i> , and include the seabed and subsoil of the territorial sea.
Telson	The last division of the body of a crustacean. It forms part of the tail fan of lobsters, shrimps and other decapods (10 legged crustaceans).
Terrestrial	Land based or land dwelling.
Territorial sea	As defined by the 1982 United Nations Convention on the Law of the Sea it is a belt of coastal waters extending at most 22 km (12 nautical miles) from the baseline (usually the mean low-water mark) of a coastal country.
Waigani Convention	The 1995 Waigani Convention is a treaty that bans the exporting of hazardous or radioactive waste to Pacific Islands Forum countries, and prohibits Forum island countries from importing such waste. The convention has been ratified by Britain, France, Japan, Australia, New Zealand, Cook Islands, FSM, Fiji, Kiribati, Niue, PNG, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu (Wikipedia).
Water resource	In terms of water resource management, means the surface and ground waters in aquifers, lakes, falls, rivers, streams, springs and watershed or water catchment areas under the control of the Ministry in accordance with the <i>Water Resources Management Act 2008</i> , and includes water in coastal areas where freshwater accumulates or discharges and is mixed with seawater.
Water source	In terms of water resource management, includes all sources of water from lakes, rivers, streams, wells, aquifers, streams, springs and any other source of freshwater within Samoa which is or may be used for water supply purposes.
Whorl (Zoology)	A single turn or volution of a spiral shell.
Wildlife	(a) animals and plants that are indigenous to Samoa or to Samoaan waters; and (b) migratory animals that periodically or occasionally visit Samoa or Samoaan waters; and (c) any animals and plants described by regulation under the Protection of Wildlife Regulations.

LIST OF LAWS COVERED

1. *Animals Ordinance 1960*
2. *Environmental Impact Assessment Regulations 2007*
3. *Fisheries Act 1988*
4. *Forestry Management Act 2011*
5. *Lands, Surveys and Environment Act 1989*
6. *Local Fisheries Regulations 1995*
7. *Marine Pollution Prevention Act 2008*
8. *Marine Wildlife Protection Regulations 2009*
9. *National Parks and Reserves Act 1974*
10. *Ozone Layer Protection Regulations 2006*
11. *Planning and Urban Management Act 2004*
12. *Protection of Wildlife Regulations 2004*
13. *Quarantine (Biosecurity) Act 2005*
14. *Taking of Lands Act 1964*
15. *Waste Management Act 2010*
16. *Water Resources Management Act 2008*

REFERENCES

Conservation International – Pacific Islands Programme, Ministry of Natural Resources and Environment, Secretariat of the Pacific Regional Environment Programme 2010, *Priority Sites for Conservation in Samoa: Key Biodiversity Areas*, Apia, Samoa.

Food and Agriculture Organization, 2005, *Strengthening the Institutional Capacity of the Samoan Forestry Division to Effectively Plan and Manage Forest Resources, Final Project Report*, TCP/SAM/2901(A), Apia, Samoa.

Government of Samoa, 2008, *Samoa's National Invasive Species Action Plan*, Apia, Samoa.

