

ENVIRONMENT (TAKUVAINE WATER CATCHMENT MANAGEMENT PLAN) REGULATIONS 2006

Sir F. Goodwin, K.B.E.

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 21st day of

December

2006

Present:

HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE IN EXECUTIVE COUNCIL

PURSUANT to Section 70 of the Environment Act 2003 the Queen's Representative, acting by and with the advice and consent of the Executive Council, makes the following regulations

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Price \$6.00

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REGULATIONS

- 1. <u>Title</u> These Regulations are the Environment (Takuvaine Water Catchment Management Plan) Regulations 2006.
- 2. <u>Commencement</u> These Regulations come into force on the 15th day after the date that the Queen's Representative signs the Order in Executive Council assenting to these Regulations.
 - 3. <u>Interpretation</u> In these Regulations, unless the context otherwise requires-
 - "Act" means the Environment Act 2003;
 - "Animal" means the same as provided in section 2 of the Act;
 - "Area" means the area bounded in purple above the Water intake as shown in Picture 1 (b) of the Management Plan, namely Te Kou;
 - "Aronga Mana" means the three paramount chiefs or Ariki of the district of Takuvaine, Makea, Karika and Vakatini, and all their Rangatira;
 - "Bath" means the act of cleaning one's body, clothing, or footwear, including with the use of soap or similar product;
 - "Chemical" means any hazardous substance which is likely to cause a harmful impact on human health or the environment;
 - "Director" means the Director of the Environment Service;

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"Environment" has the same meaning as provided in section 2 of the Act;

"Environment Service" means the National Environment Service or Tu'anga Taporoporo established under section 5 of the Act;

"Firearm" means a weapon which can fire one or more bullets, cartridges or projectiles;

"Invasive plant" means a plant which is able to invade or disrupt an existing eco-system;

"Kopu" means a recognized branch or family of landowners;

"Koura" means the Cook Islands maori word for the fresh water crayfish found in streams;

"Landowner" means a person who is registered Landowner of any land in the Area;

"Litter" has the same meaning as in Part 7 of the Act;

"Management Committee" means the Committee established pursuant to Regulation 4;

"Management Plan" means the Takuvaine Water Catchment Management Plan prepared pursuant to Part 6 of the Act;

"Occupier of land" means any person occupying a land by Deed of Lease, Occupation Right or other means who is not a Landowner in the Area;

"Officer" has the same meaning as provided in Section 2 of the Act;

"Plant" has the same meaning as provided in Section 2 of the Act;

"Planter" means any person who plants crops in the Area for human consumption;

"Planting" includes the planting crops, shrubs or trees for soil erosion control purposes, for shade, beautification, and generally for the benefit of the people;

"Public Health Department" means the division of Government charged with the responsibility of public health under the Public Health Act 2004;

"Pu Tapere" means the person elected by the people of Takuvaine and endorsed by the Ariki as the village leader for the Village of Takuvaine;

"Ra'ui" means a restriction on certain activities in a certain area for a certain time and purpose as determined by a traditional leader or leaders of a village area;

"Raising animals" means the raising of animals for the purpose of eating and this includes, pigs, goats, cows and chickens and includes also the methods by which these animals are raised such as, tethering, pens or enclosed fences but does not include wandering animals;

"Tiaki Ra'ui" means a guardian or caretaker of the Area appointed pursuant to Regulation 28;

"Time to harvest utu" means any time set aside by the Management Committee for people to harvest the food crop known as "utu";

"Ui-Ariki" means traditional chiefly title-holders of Karika Ariki, Makea Ariki and Vakatini Ariki;

"Utunga" means a monetary penalty applied pursuant to Cook Islands Maori custom that does not include a fine or imprisonment;

"Utu" means the varieties of native banana planted and harvested in the Area;

"Vaka Council" means the Konitara Vaka (or Vaka Council) of Te-Au-o-Tonga established under the Rarotonga Local Government Act 1997, and amendments:

"Village" means the village area of Takuvaine in the Vaka of Te Au o Tonga on the island of Rarotonga.

"Wandering animal" means any domestic animal that is loose and not tethered or in an enclosed fence or pen and does not cover any chickens;

"Water Intake" means the place where the public water supply is removed from any river or stream and includes the filter intake system and the area enclosed for the purpose of the water intake;

"Water Works" means the division of Government charged with the responsibility to provide safe supply of drinking water for the people under the Water Ordinance 1960.

Environment (Takuvaine Water Catchment Management Plan) Regulations 2006

PART 1 THE MANAGEMENT COMMITTEE

- 4. <u>Establishment of the Management Committee</u> (1) There is hereby established a Management Committee which shall consist of eleven persons appointed according to the Management Plan comprising persons nominated from the following groups or holding these positions -
 - (a) eight Landowners' representatives made up of one representative from each of the main groups or kopu of the Landowners in the Area,
 - (b) the Pu Tapere of the Village;
 - (c) one Member of the Te Au O Tonga Konitara Vaka who is a resident in Takuvaine; and
 - (d) one representative of Planters in the Area.
- (2) The persons nominated to be on the Management Committee shall be appointed to the Management Committee at a meeting of landowners called for that purpose.
- (3) The Management Committee shall elect its Chairperson from its members,
- (4) The Management Committee shall elect its Secretary and Treasurer from its members.
- (5) The names of the members shall be publicised as directed by the Management Committee.
- 5. <u>Functions and responsibilities</u> The Management Committee shall have the following responsibilities and functions -
 - (a) to fulfill the requirements and duties of the Management Plan;
 - (b) to establish procedures to ensure the effective implementation and enforcement of the Management Plan; and
 - (c) to act also in the best interests the Landowners of the Area to ensure that the Landowners' rights in regard to the Management Plan are maintained and protected.
- 6. <u>Tenure of members</u> (1) Members of the Management Committee shall be appointed for a term of three years, but shall be eligible for re-appointment.
- (2) A member may at any time resign by giving notice in writing to the Secretary and the Chairperson.
- (3) A member may only be suspended or removed from office by the Chairperson, on grounds of incompetence, disability, neglect of duty, or misconduct or if the member, having dissented from a majority decision of the Management Committee, publicly criticises the decision of the majority.
- (4) The Chairperson may only be suspended or removed from office by the Director, on grounds of incompetence, disability, neglect of duty, or misconduct or if the member, having dissented from a majority decision of the Management Committee, publicly criticises the decision of the majority.

- (5) The Chairperson shall by notice in writing remove a member from office if he or she is absent from 3 consecutive meetings without permission of the Chairperson.
- (6) A member ceases to hold office if that member is elected to any body which has functions inconsistent with the member's role on the Management Committee.
- (7) If a member resigns, is removed from office, or ceases to be a member, that member may be replaced pursuant to the provisions of regulation 4 (2).
- (8) Subject to the provisions of subsection (7), the powers of the Management Committee shall not be affected by any vacancies in its membership.
- 7. Meetings (1) Every meeting of the Management Committee shall be presided over by the Chairperson, and in the absence of the Chairperson or his nominee the voting members present shall appoint one of the members of the Management Committee to be the Chairperson for that meeting.
- (2) Meetings shall be held on such dates as the Management Committee shall decide, but in any event at a frequency of not less than one meeting every two months.
- (3) The Director or nominee may attend every meeting of the Management Committee.
- (4) At least three days'notice of every meeting of the Management Committee shall be given to its members and the Chairperson, except -
 - (a) if the Chairperson certifies in writing that he is of the opinion that there is good reason to hold an urgent meeting; or
 - (b) in the case of a special meeting as agreed by the Management Committee.
 - (5) The quorum shall be seven members.
- (6) Every question shall be decided by consensus, failing which it shall be determined by a majority of valid votes of the members present, and in the case of equality of votes, the Chairperson at the meeting concerned shall have a casting vote.
- (7) A member shall excuse themselves from considering any matter in which they have or may have a vested interest.
- 8. Minutes of meetings (1) The Management Committee shall cause minutes to be kept in a book maintained for the purpose of recording all resolutions and proceedings at its meetings.
- (2) The minutes shall be approved by the Management Committee at the next meeting and signed by the Chairperson.
- (3) A copy of the minutes of each meeting shall on request be furnished to every member.
- (4) All minutes and information relating to any meeting are confidential unless released to the public by the Management Committee.
- 9. <u>Secretarial and Administrative needs</u> The Management Committee shall be responsible for its secretarial and administrative needs.
- 10. <u>Complaints</u> (1) Any person may make a complaint to the Management Committee relating to an alleged breach of these Regulations.

- (2) Where a complaint has been made pursuant to subclause (1), the Management Committee -
 - (a) shall investigate the circumstances relating to the complaint;
 - (b) shall as soon as practicable make a decision on whether there has been breach or not;
 - (c) may apply the remedies and penalties prescribed under these Regulations; and
 - (d) may forward its decision and recommendations to the Environment Service for further action.
- 11. <u>Finance and Administration</u> (1) The Management Committee shall open and maintain a bank account at one of the commercial banks registered in the Cook Islands for the purpose of keeping its funds in a safe place.
 - (2) The bank book and financial records shall be held by the Treasurer.
- (3) There will be 3 signatories required for withdrawal from the bank accounts.
- (4) The nominated signatories for the bank account will be the Treasurer and two members selected as co-signatories by the Management Committee.
- (5) The Management Committee shall manage its funds honestly, prudently and in accordance with proper accounting procedures.
- (6) All funds are to be disbursed as determined by the Management Committee and may include a distribution to Landowners where the Management Committee considers appropriate.
- (7) No funds may be expended without a valid resolution passed by a meeting of the Management Committee.
 - (8) The Management Committee shall issue a receipt for all monies received.
- (9) The Management Committee shall appoint a Chartered Accountant or Auditing entity registered in the Cook Islands to undertake an Audit of its financial affairs each year.
- 12. Annual Meeting (1) The Management Committee shall call an Annual Meeting in the village with the assistance of the Pu Tapere to be held on the anniversary of the date that these Regulations come into force and every year thereafter.
- (2) The Chairperson shall also be the Chairperson of the Annual Meeting convened.
- (3) At the Annual Meeting the Chairperson shall present an Annual Report detailing the activities in relation to the Management Plan in the previous year in the village and the Area.
 - (4) The Secretary shall present the Audit Report to the Annual Meeting.
- (5) Every representative of any organisation in the Village, any leader in the village of a recognised traditional, political, church or other recognised group, the head of every household, every Planter, Occupier and Landowner in the village shall be invited to attend the Annual Meeting.
- (6) Invitations to attend the Annual Meeting shall be given as directed by the Management Committee.

- (7) Any person shall have the right to request that a motion be moved that the Management Plan and Regulations be reviewed and may submit suggested amendments to the Chairperson.
- (8) No motion made pursuant to subsection (7) shall be accepted unless a vote is carried by a majority of people attending at the Annual Meeting.

(9) The Secretary shall keep Minutes of the Annual Meeting.

- (10) The Secretary shall keep an updated list of the person and parties invited to attend the Annual Meeting for the purpose of confirming the person and parties to be invited to attend the Annual Meeting.
- (11) The Management Committee shall also provide a copy of its Annual Report and the Minutes of the Annual Meeting to the Environment Service.

PART 2 ACTIVITIES THAT DEGRADE WATER QUALITY

- 13. <u>Use of Chemicals</u> It is an offence for any person to take any chemical into the Area or use any chemical in the Area unless its use has been approved by the Management Committee.
- 14. <u>Defecting or urinating in the Area</u> (1) It is an offence for any person to defect or urinate in the Area.
- (2) Every person using the Area shall, prior to entering the Area as required, use the toilet provided at the entrance to the Area.
- 15. <u>Harvesting and Cleaning Crops</u> Every person planting, harvesting and cleaning crops shall -
 - (a) take all reasonable steps to prevent any soil, sediment and organic matter from directly entering the streams and tributaries in the Area;
 - (b) clean himself, his planting implements and his crops only in the person's own planting area; and
 - (c) not clean crops within three metres of any stream or tributaries in the Area.
 - 16. Bathing It is an offence for any person to bath in the Area.
 - 17. Littering (1) It is an offence for any person to litter in the Area.
- (2) It is an offence for any person to take into the Area anything made of steel, tin, aluminum, wood, rubber or plastic unless the object is a re-usable water container or plant collection bag or container or an item that the person intends to take out of the Area when he leaves the Area.
- (3) Notwithstanding anything in subclause (2), the utensils and tools normally used for planting in the Area shall be permitted to be carried into and stored for use in the Area by a planter.

- 18. <u>Dumping and removal of equipment</u> (1) It is an offence for any person to dump machinery, vehicles or parts of any vehicles, tools, equipment or non-organic items of any kind is allowed in the Area.
- (2) It is an offence to not remove any dumped items as ordered by the Management Committee.
- (3) If the dumped item is not removed as ordered by the Management Committee then the Management Committee may arrange its removal and levy the costs of removal against the person responsible.
- 19. Entry to the Area (1) It is an offence for any person to enter the Area unless the person is a Landowner, planter, Ti'aki Ra'ui or other approved Officer or a person or group permitted by the Management Committee.
- (2) Entry for Work purposes Subject the provisions of subclause (5), persons entering the Area to conduct activities related to their employment with a Government or statutory body or agency are required to give the Management Committee 48 hours written Notice of the details and reasons related to their entry into the Area.
- (3) Entry for Research A person intending to conduct any research in the Area shall apply in writing to the Management Committee for permission to conduct such research together with details and reasons for the research.
- (4) A copy of the raw data and the results of the research shall be provided to the Management Committee in the English language within six months after completion of the work in the Area and a copy of the final report when it becomes published

(5) Conditions and Fees- The Management Committee may -

- (a) set any conditions of entry including the entering into of a Research Agreement and the extending or reducing the time limit for notification under these Regulations;
- (b) impose a fee related to entry to the Area for persons other than those authorised under subclause (1) as stated in the Schedule;
- require that this fee can be exempted or negotiated with the option of paying a monthly or an annual lump sum payment to the Management Committee.
- (6) The employees of the Environment Service, Public Health and Water Division of the Ministry of Works, established pursuant to the Rarotonga Waterworks Ordinance (11 of 1960), shall be exempt from the requirements relating to prior notice, the payment of an entry fee and the introduction in the Area of any article prohibited under regulation 17 (2) but required for the person to use in the performance of the person's duties.
- 20. <u>Landowners permitted to walk in the Area</u> These Regulations shall not affect the right of any Landowner to walk in, or pass through the Area for the reason of getting to another part of the Area or valley.
- 21. Water Testing results Any person, government body or employee who undertakes water testing in the Area shall provide a copy of the water testing results to the Management Committee when the results become available.

22. Wandering animals - (1) It is an offence for any person who owns an animal

which is found to be loose and wandering in the Area.

(2) If a wandering animal is not removed by the owner when directed by the Management Committee, then the animal may be caught, impounded and removed from the Area by the Management Committee.

(3) If the wandering animal impounded under subclause (2) is not claimed within 7 days from the day that it was caught then the animal shall be sold by the

Management Committee.

- (4) If a wandering animal impounded under subclause (2) cannot be caught, impounded and removed then the Management Committee shall contact the Agriculture Department or Police Department to remove the animal from the Area.
- (5) Any costs related to removal of the animal shall be paid by the owner of the animal.

<u>PART 3</u> INVASIVE PLANTS

- 23. <u>Invasive plants</u> (1) It is an offence for any person to bring any invasive plant into the Area.
- (2) It is an offence for any person to enter the Area with footwear or clothing that contains plants or soils from outside the Area.
- (3) The Management Committee may permit the introduction of a new plant into the Area for the purpose of -

(a) soil improvement; or

- (b) for improving the quality of the water; or
- (c) for improving the quality of life of the people in the Cook Islands.
- (4) No plant may be introduced in the Area unless a project permit or permission is obtained from the Environment Service as required under the Act.
- (5) It is an offence for any person to bring any plant into the Area without the written approval of the Management Committee.
- (6) Any plant brought into the Area with a written approval from the Management Committee shall be confiscated and destroyed.

PART 4 MANAGEMENT OF OTHER ACTIVITIES

- 24. No catching of fish, eel or koura It is an offence for any person to fish for, collect, take or catch any fish, eel or koura in any river, stream or water way in the Area.
- 25. <u>Harvesting of Utu</u> (1) The Management Committee may allow any person or group of persons to harvest utu on such conditions as the Management Committee determines appropriate.

(2) Prior to a person or a group of persons leaving the village to go inland to

harvest utu, they must first inform the Management Committee.

(3) The Management Committee may publicise a time for the regular maintenance of utu plots by people in the Village.

Environment (Takuvaine Water Catchment Management Plan) Regulations 2006

- 26. <u>Collecting of medicinal plants</u> (1) Any person who is recognised as a traditional healer, or a person sent to collect medicinal plants by that person, shall be permitted by the Management Committee to collect plants for the making of local medicine.
- (2) Any person allowed to collect medicinal plants in the Area must collect them according to the traditional practice.
- 27. <u>Shooting</u> It is an offence for any person to discharge any firearm in the Area, except an Officer in performance of his duties.

PART 5 TIAKI RA'UI

- 28. <u>Tiaki Ra'ui</u> (1) The Management Committee can appoint and dismiss certain persons to be called "Tiaki Ra'ui", who shall act as guardians or caretakers of the Area and assist in enforcing these Regulations and carrying out the activities in the Management Plan.
- (2) The names of the Tiaki Ra'ui shall be publicised as directed by the Management Committee.
- (3) In the event that a Tiaki Ra'ui resigns, retires, passes away or moves to another village or island, the Committee shall appoint another person to replace that person.
- 29. Role and Duties (1) A Tiaki-Ra'ui may use all of the powers stated in these Regulations for the purpose of carrying out of activities necessary to give effect to the Management Plan and these Regulations in consultation with and upon the direction of the Management Committee.
- (2) Where any person is found to have committed an offence against the Management Plan or these Regulations, the Tiaki Ra'ui shall-
 - (a) be empowered to request the name, address and identification from the person;
 - (b) seize any plant or animal found in their possession and seize any article used for the commission of the offence; and
 - (c) apply an on-the-spot utunga of \$100.00; or
 - (d) refer the matter to the Environment Service for prosecution under the provisions of the Act.
- (3) Each Tiaki Ra'ui shall, where necessary, be given an identification card by the Management Committee for the purpose of identifying themselves to any person for the purpose of the enforcement of the Regulations.
- (4) The Environment Service shall issue to the Management Committee consecutively numbered on-the-spot utunga books for the Ti'aki Ra'ui to record any violations of the Regulations.
- (5) All on-the spot utunga issued pursuant to Regulation 29 (2) (b) shall be recorded in triplicate with the offender being given the original Notice of Utunga and the Management Committee being given a duplicate copy of the Notice of Utunga and the Ti'aki Ra'ui shall retain the third duplicate copy of the Notice of Utunga.

- (6) The Ti'aki Ra'ui shall forward any utunga collected pursuant to subclause (5) to the Management Committee of the Ra'ui within 7 days of the date the amount was received.
- (7) The Ti'aki Ra'ui shall on a regular basis file a report to the Management Committee and the Environment Service of any violations of the Management Plan or these Regulations.
- (8) The Management Committee shall maintain a central registry of the Notices of Utunga issued pursuant to subclause (2).
 - (9) A person who is required to pay an utunga -
 - (a) may elect to pay the utunga in which case the Management Committee shall upon payment acknowledge in writing the receipt of such sum and that person shall not be liable to further action or prosecution; or
 - (b) where the offender cannot afford to pay the utunga as imposed, such person must carry out community service activities as identified by the Management Committee for no more than 30 working days;
 - (c) may elect to have the matter referred to Alternative Dispute Resolution as provided in these Regulations;
 - (d) may elect not to pay the utunga in which case the matter shall be referred to Court and that person shall be liable upon conviction to a fine not less than \$150 plus Court costs, and any person who defaults in payment of the sum imposed by the Court pursuant to clause (c) upon such default shall be liable to a further fine not less than \$200 plus Court costs.
- (10) Where a person is issued with an on-the-spot utunga but has no money in his possession the person must pay the amount within 7 days of the date that the offence was committed as specified in a written Notice given to the person.
- (11) The Ti'aki Ra'ui shall also be responsible for ensuring nothing of archaeological significance is removed from the Area or is moved or vandalized in the Area.
- (12) Should any person remove any animal or plant from a stream or waterway such animal or plant shall be seized by and forfeited to the Ti'aki Ra'ui who shall return the animal or plant to its habitat if it is still alive and it is dead it shall be disposed of by the Ti'aki Ra'ui.
- (13) A person who commits an offence under these Regulations may have his name and offence published on a public notice in the Village or in the public newspaper.
- (14) It shall be an offence to interfere with the work of a Ti'aki Ra'ui or refuse to provide information or provide false information to a Ti'aki Ra'ui when requested.
- 30. Other Ti'aki Ra'ui Officers Any Police Constable appointed under section 25 (6)(b) of the Act, any Officer of the Environment Service, the Public Health Department, the Division of Water Works of Rarotonga and the Ministry of Marine Resources may when acting in the course of his employment exercise the powers and be considered as a Ti'aki Ra'ui under these Regulations.

<u>PART 6</u> <u>PENALTIES AND OFFENCES</u>

- 31. <u>Penalties- On the Spot Utunga</u> (1) A person who commits an offence against these Regulations shall pay an on the spot utunga to the Tiaki Ra'ui of \$100.00.
- (2) Any person who is required to pay an on the spot utunga of \$100.00 may also be required to undertake remedial actions as directed by the Tiaki Ra'ui.
- 32. <u>Alternative Dispute Resolution</u> (1) The Management Committee may establish an alternative dispute resolution process to
 - resolve any dispute concerning the Management Plan that may arise between any Landowner or resident of the village;
 - (b) as a forum for dealing with any offence under of the Management Plan or these Regulations.
 - (2) Any alternative dispute resolution process may include -
 - (a) arbitration;
 - (b) mediation;
 - (c) facilitation; or
 - (d) a combination of these processes.
- (3) Should any person refuse to participate in any alternative dispute resolution process or should the Management Committee determine that the alternative dispute resolution process is not appropriate then the matter shall be referred to the High Court by the Management Committee.
 - (4) Any alternative dispute resolution process shall -
 - (a) be undertaken in such a manner so as to ensure that all parties to the dispute have an opportunity to be heard;
 - (b) result in an award of compensation, restitution, clean-up, and remediation but not result in the imposition of a fine or a term of imprisonment; and
 - (c) be recorded in writing.
 - (d) any award of compensation or restitution made pursuant to the Alternative Dispute Resolution process shall be paid to the Management Committee.
 - (e) in addition to any other penalties that may apply, the Management Committee may order the person responsible for any dumping in the Area to remove any dumped item from the Area at his own expense.
- 33. <u>Additional Penalties</u> (1) Notwithstanding anything in clause 32, every person who commits an offence against these Regulations and is convicted in the High Court shall be liable to -
- (2) A fine not exceeding \$5,000, or to a term of imprisonment not exceeding six months, or to both.
- (3) If the offence is a continuing one to a further fine of \$1,000 or to a term of imprisonment not exceeding one month, or to both for each day or part of a day that the offence shall continue.

- (4) In addition to or instead of such fine and imprisonment, the Court may order that individual or body corporate to do all or any of the following -
 - (a) under the supervision and to the satisfaction of a person nominated by the Court, to clear up and remedy any damage caused to the environment as a consequence of the offence within such period and upon such conditions as may be specified in the order with the intent that any damaged area be restored as near as possible to a satisfactory, environmentally sound state;
 - (b) to remove any structure, fill or material placed in contravention of the Act;
 - (c) to pay such amount as the Court may assess in respect of the expenses and costs that have been or are likely to be incurred restoring the environment to its former state (its state immediately before the offence) or in removing or cleaning up or dispersing any oil or invasive liquid substance, or other harmful substance to which the offence relates.
- 34. <u>Liability of principals and agents</u> (1) If an offence against these Regulations (whether or not an offence against a provision of this Part of these Regulations) is committed by any person acting as the agent or employee of another person, that other person is, without prejudice to the liability of the first-mentioned person, liable under these Regulations in the same manner and to the same extent as if he or she had personally committed the offence if it is proved -
 - (a) that the act or omission that constituted the offence took place with his or her authority, permission, or consent; or
 - (b) that he or she -
 - (i) knew or should have known that the offence was to be or was being committed; and
 - (ii) failed to take all reasonable steps to prevent or stop it.
- (2) Where any body corporate is convicted of an offence against these Regulations, every person, being a director or a person concerned in the management of the body corporate, is guilty of the same offence if it is proved-
 - (a) that the act or omission that constituted the offence took place with his or her authority, permission, or consent; or
 - (b) that he or she -
 - (i) knew or should have known that the offence was to be or was being committed; and
 - (ii) failed to take all reasonable steps to prevent or stop
- 35. <u>Protection of Management Committee members and Tiaki Ra'ui</u> (1) No Management Committee member or Tiaki Ra'ui shall in any way be liable to be prosecuted, or be liable in damages, for the exercise or performance in good faith of the functions, duties, or powers vested in them under these Regulations.

- (2) No Management Committee member or Tiaki Ra'ui shall in any way be liable in respect of -
 - (a) anything done or omitted to be done in the exercise or performance of the functions, duties, or powers of the Management Committee members and Tiaki Ra'ui (as the case may be); or
 - (b) any words spoken or written at or for the purposes of
 - the hearing of any application, inquiry, or investigation under these Regulations; or
 - (ii) any other proceedings under these Regulations or Act, -

unless the thing was done or omitted to be done, or the words were written or spoken, in bad faith.

G. Lee Harmon

Clerk of the Executive Council

These Regulations are administered by the Environment Services

BY AUTHORITY: Cook Islands Government - 2006

SCHEDULE 1

FEES FOR ENTRY TO AREA

Regulation 19 (5)

The Fee for Entry to the Area shall be \$100 per day or part thereof.