

SUPPLEMENT to the Solomon Islands Gazette

Thursday 12th February, 2015

S.I. No.9

[Legal Notice No. 12]

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

**THE MAKIRA ULAWA PROVINCE WILDLIFE
ORDINANCE 2014**

ENACTED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY

THE MAKIRA ULAWA PROVINCE WILDLIFE ORDINANCE 2014

PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY

THIS SIXTH DAY OF DECEMBER 2014

This printed impression has been carefully compared by me with the bill passed by the Assembly and found by me to be true and correct copy of the bill.

Stanley Waisi
Clerk to the Makira Ulawa Provincial Assembly

Hon. Duddley Kopu
Minister of Provincial Government & Institutional Strengthening
Solomon Islands

THE MAKIRA ULAWA PROVINCE WILDLIFE ORDINANCE 2014

ARRANGEMENT OF SECTIONS

SECTIONS: - General

1. Title
2. Commencement
3. Purpose
4. Definitions

Part 1 – Protection of wildlife

5. categories
6. Executive may declare certain habitats, areas species protected
7. Foreign wildlife prohibited
8. Provincial Executive may prohibit certain wildlife and areas
9. Delegation to Ward Council of Chiefs
10. Protected areas
11. Additional functions of Ward Council of Chiefs

Part 2 – Research on wildlife

12. Research on wildlife
13. Application for a Provincial Research permit
14. Form for application for a Provincial Research permit
15. Procedure after receipt of application
16. Division to provide report to Provincial Executive
17. Decision by the Provincial Executive
18. Provincial Executive shall issue licence upon approval of application
19. Provincial Executive may suspend, cancel or revoke licence

Part 3 – Enforcement and offences

20. Ward Council of Chiefs and Ward Development Authorities responsible for implementation of Ordinance.
21. Provincial Executive may authorise Provincial Officers to enforce Ordinance
22. Penalties

Part 4 – Miscellaneous provisions

23. Reservation for traditional practices
24. Revocation

PROVINCIAL GOVERNMENT ACT 1997

MAKIRA ULAWA PROVINCE WILDLIFE ORDINANCE 2014

1. Title

This Ordinance may be cited as the Makira Ulawa Province Wildlife Ordinance 2014.

2. Commencement

This Ordinance comes into force on the date that it is published in the Solomon Islands *Gazette*.

3. Purpose

The purpose of this Ordinance is to:

- (a) provide for the protection of indigenous wildlife and wildlife habitats;
- (b) protect the Province from foreign species of wildlife;
- (c) secure this resource for the future of the Province and its people;
- (d) prescribe requirements in relation to research of wildlife and their habitats.

4. Definitions

In this Ordinance, unless the context otherwise requires –

Act means the Provincial Government Act 1997.

Assembly means the Makira Ulawa Provincial Assembly established under Section 7 of the Provincial Government 1997.

Division means the Division within the Provincial Administration responsible for natural resources.

Executive means the Provincial Executive established under Section 19 of the Act.

Foreign species means species of wildlife that is not indigenous to, or for which there is no existing habitat in the Province.

Habitats means the homes and breeding havens of wildlife.

Havens means a safe sanctuary and breeding places of wildlife.

Protected areas means certain location in the Province identified and declared under this Ordinance to be restricted from introducing and preserving foreign wildlife species.

Protected wildlife means the particular species of wildlife declared protected under this Ordinance.

Province means Makira Ulawa Province as defined by Section 3 of the Act.

Research means any activity that involves gathering data about wildlife, including, but not limited to, wildlife watching, photographing, and sampling for scientific research.

Warden means a person or persons appointed under the Village Peace Council Ordinance 2006.

Ward Council of Chiefs means the respective Ward Council of Chiefs established under and in accordance with the Makira Ulawa Province Ward Council of Chiefs Ordinance 2006.

Wildlife means any animal living in the wild, including those hunted for sport or profit and which is not intended for domestic use or consumption.

Part 1 – Protection of wildlife

5. Categories

No person shall in any way, either directly or indirectly, cause or intend to cause destruction to:

- (a) any wildlife that is largely harmless, non-threatening and non-poisonous to human life;
- (b) all types and species of birds, reptiles and mammals that are all risk of extinction.

6. Executive may declare habitats, areas, or species protected

- (1) In addition to those protected matters contained in Section 5, the Provincial Executive may prescribe by Schedule to this Ordinance, other habitats, species, places or areas to be protected.
- (2) The Provincial Executive may amend, add to, or remove any prescribed protection at any time if it considers it appropriate.
- (3) In considering whether to protect or remove a protection, the Provincial Executive must consult with the communities or Wards (including any representatives of communities or Wards and other interested person) who may be affected by such a decision, to seek their comments in relation to the intended action.

7. Foreign wildlife prohibited

No person is permitted to bring foreign wildlife into the Province.

- 8. Provincial Executive may prohibit certain wildlife and areas**
The Provincial Executive may, from time to time, prescribe by Schedule to this Ordinance the prohibition or importation or movement of certain wildlife within the Province, regardless of whether or not they are indigenous.
- 9. Delegation to Ward Council of Chiefs**
- (1) The Provincial Executive may delegate in writing any of its powers under this Section to a Ward Council of Chiefs who may exercise that delegation within the limits of their respective Ward.
 - (2) In the exercise of any delegation under subsection (1), the WCC must keep full records and accounts of its actions.
- 10. Protected areas**
No person is permitted to transport or cause to be transported any foreign toad into the islands of Santa Ana, Ulawa, and Santa Catalina.
- 11. Additional functions and responsibilities of Ward Councils of Chiefs**
- (1) Ward Councils of Chiefs shall exercise the following additional responsibilities:
 - (a) make recommendations in accordance with Section 15 about applications for research;
 - (b) monitor research activity carried out under this Ordinance and make reports to the Provincial Executive about progress, impact, and any other matters they consider relevant;
 - (c) that may be delegated by the Provincial Executive from time to time.

Part 2 – Research on wildlife

- 12. Research on wildlife**
- (1) Any person who wishes to carry out research on wildlife in the Province must apply to the Province for a permit under Section 12 of this Ordinance.
 - (2) Persons who are normally resident of the Province are not required to obtain a research permit however must notify the division and the affected WCC of their intended activities.
 - (3) Upon completion of the research, the researcher must provide the Province with a copy of that research.

13. Applications for a Provincial Research permit

- (1) Application for a Provincial Research permit must be:
 - (a) in writing;
 - (b) sent to the Provincial Secretary;
 - (c) received at least six (6) months before the intended research.

14. Form for application for a Provincial Research permit

- (1) An application for a Provincial Research permit must be on the form prescribed by the Provincial Executive (if any) and, in any event, must include:
 - (a) the name of the applicant (the applicant must be the person intending to carry out the research);
 - (b) the type of research intended to be carried out;
 - (c) the purpose of the research;
 - (d) the centre of study or organisation where that research is being carried out;
 - (e) information about any potential impacts the research may have on the environment, including wildlife;
 - (f) the area of research.

15. Procedure after receipt of application

- (1) Upon receipt of an application for a Provincial Research permit the Provincial Secretary shall forward the application to the division to seek their comments.
- (2) Upon receipt of the application, the Division shall consult –
 - (a) the Member(s) of the Provincial Assembly (“MPA”); and
 - (b) the Ward Council(s) of chiefs (“WCC”); and the area(s) where the research is to take place.
- (3) Consultations carried out under subsection (2) –
 - (a) must be carried out in person and involve the convening of a meeting of the WCC, for which the respective MPA may also attend;
 - (b) may include comments, advice, or recommendations about:
 - (i) awareness;
 - (ii) any actual or potential land issues; and
 - (iii) any other matters that the Member(s) or Council(s) consider relevant to the Provincial Executive’s consideration of the application.

- (4) Any comments, advice or recommendations provided under subsection (3)(b) shall be sent to the Division who shall give weight to these comments when preparing its report under Section 12.
- (5) In addition to subsection (2), the Division may consult with any other person, group, or organisation who it thinks may be able to assist the Provincial Executive with its consideration of the application.

16. Division to provide report to the Provincial Executive

- (1) The Division shall provide a report to the Provincial Executive on the research application.
- (2) The report must include:
 - (a) a copy of the application;
 - (b) a summary of the comments received from the MPA(s) and WCC(s) under Section 11(3)(b);
 - (c) any additional comments received under Section 11(5);
 - (d) a recommendation from the Division.
- (3) A recommendation under (2)(d) shall be a recommendation to:
 - (a) approve the application;
 - (b) decline the application; or
 - (c) request further information from the applicant.
- (4) Any recommendation made under (3)(b) or (c) must include an explanation why the application should be declined, or detail about what further information is required and why.

17. Decision by the Provincial Executive

- (1) The Provincial Executive shall:
 - (a) approve the application; or
 - (b) decline the application;
 - (c) require further information to be provided
- (2) When approving an application under (1)(a) the Provincial Executive may also impose any terms and conditions that it considers appropriate including the payment of fees in accordance to the Makira Ulawa Province Business Licence Ordinance 2006 and may amend or remove as it considers necessary.
- (3) When declining an application, the Provincial Executive must provide reasons for its decision.

18. Provincial Executive shall issue licence upon approval of application

Upon approval of an application under Section 17(1)(a), the Provincial Secretary shall issue a licence in the form prescribed.

19. Provincial Executive may suspend, cancel, or revoke licence

- (1) The Provincial Executive may by written notice suspend, cancel, or revoke any licence issued under Section 16(1)(a).
- (2) Any action taken under subsection (1) may be made after the Provincial Executive has:
 - (a) Notified the licence holder of their intention to suspend, cancel, or revoke their licence;
 - (b) Provided reasons about why this action is being considered; and
 - (c) Given the licence holder adequate time to respond to the concerns of the Provincial Executive.
- (3) Any written notice issued under subsection (1) must include clearly and explain why such an action is being taken and provide reasons.

Part 3 – Enforcements and offences

20. Ward Council of Chiefs and Ward Development Authorities responsible for implementation of Ordinance

- (1) Ward Council of Chiefs and Ward Development Authorities are responsible for implementating this Ordinance in their respective Wards.
- (2) Ward Council of Chiefs and Ward Development Authorities together with Village Peace Wardens, are required to immediately notify the Provincial Executive of any breach, or suspected breach, in relation to any requirement under this Ordinance.

21. Provincial Executive may authorise Provincial Officers to enforce Ordinance

- (1) Ward Council of Chiefs and Ward Development Authorities are responsible for implementing this Ordinance in their respective Wards.
- (2) Ward Council of Chiefs and Ward Development Authorities together with Village Peace Wardens, are required to immediately notify the Provincial Executive of any breach, or suspected breach, in relation to any requirement under this Ordinance.

21. Provincial Executive may authorise Provincial Officers to enforce Ordinance

- (1) The Provincial Executive may authorise any Provincial Officer, including any person appointed as a Village Peace Warden or member of a WDC or WCC, to enforce this Ordinance by:
 - (a) Requiring any person carrying out or assisting in any activity relating to this Ordinance to produce a valid licence issued under Section 18;

- (b) Making such enquiries as reasonable to ascertain whether or not any person has contravened this Ordinance.

22. Penalties

- (1) Any person who provides any false or misleading information in relation to any application for any research activity commits an infringement offence and shall be liable to pay an infringement fee as provided for in category twenty (20) of the Penalty for Offences ordinance 2006.
- (2) Any person who obstructs or impedes any authorised person under Section 21 of this Ordinance commits an infringement offence and shall be liable to pay a penalty as prescribed in category 18 of the Penalty for Offences Ordinance 2006.

Part 4 – Miscellaneous provisions

23. Reservation for traditional practices

- (1) Notwithstanding Section 5 and 6 of this Ordinance, traditional practices regarding certain wildlife are maintained.
- (2) Questions, clarifications, and complaints regarding custom and traditional usage shall be referred to the respect Ward Council of Chiefs who shall determine whether the particular practice is carried out in accordance with custom or not.

24. Revocation

All existing legal provisions in relation to wildlife are revoked.

Schedule 1 – Categories of protected habitats, areas, and species

(Section 6)

1. **Protected habitats:**
 - (a) The nests of all species of bird
 - (b) The hives of all indigenous insects

2. **Protected areas:**
 - (a) The breeding grounds of all indigenous reptiles and mammals;
 - (b) All living havens of wildlife

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