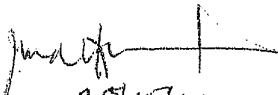



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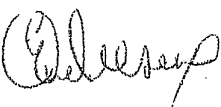
THE WILDLIFE PROTECTION AND MANAGEMENT BILL 1998
(NAME OF BILL)

CONTENTS: Bill
Objects and Reasons
Notice of Presentation
Covering letter from Minister to Clerk to Parliament
(Authorisation from Minister of Finance under s.60 of Constitution)

FROM: Attorney General's Chambers 
25/10/98


TO: Minister  28/10/98
(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)


TO: Minister of Finance
(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)

TO: Clerk to National Parliament  29/10/98
(for certificate by Speaker)

TO: Attorney General's Chambers
(for printing)

TO: Clerk to National Parliament
(for reference during 1st, 2nd and 3rd Readings)
(Date passed.....3/11/98... Act No. 10/98.)

TO: Attorney General's Chambers
(for checking before Assent) 
29/3/99.

TO: Governor-General  01/05/99
(for Assent)



**THE WILDLIFE
PROTECTION AND
MANAGEMENT
ACT 1998**

(NO. 10 OF 1998)



THE WILDLIFE PROTECTION AND MANAGEMENT ACT 1998

(NO. 10 OF 1998)

Passed by the National Parliament this third day of November 1998.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

*Elizabeth Andresen
Acting Clerk to National Parliament*

Assented to in Her Majesty's name and on Her Majesty's behalf this first day of May 1999.

*Moses Puibangara Pitakaka
Governor-General*

Date of commencement: see section 1

AN ACT TO PROVIDE FOR THE PROTECTION, CONSERVATION AND MANAGEMENT OF WILDLIFE IN SOLOMON ISLANDS BY REGULATING THE EXPORT AND IMPORT OF CERTAIN ANIMALS AND PLANTS; TO COMPLY WITH THE OBLIGATIONS IMPOSED UPON SOLOMON ISLANDS UNDER THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA AND FOR OTHER MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

ENACTED by the National Parliament of Solomon Islands.

THE WILDLIFE PROTECTION AND MANAGEMENT ACT 1998 (NO. 10 OF 1998)

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY

Section:

1. SHORT TITLE AND COMMENCEMENT.
2. INTERPRETATION.
3. OBJECT.
4. ACT NOT TO APPLY TO CERTAIN SPECIMENS.

PART II APPLICATION OF ACT

5. ACT NOT TO APPLY TO CERTAIN SPECIES USED FOR TRADITIONAL ACTIVITIES OR PURPOSES
6. APPROVED MANAGEMENT PROGRAMME.
7. MINISTER MAY MAKE REGULATIONS IN RESPECT OF REGISTERS,
8. DIRECTOR MAY DECLARE APPROVED PERSON.
9. BRED IN CAPTIVITY.
10. EXPORT OF HOUSEHOLD PETS - NATIVE SOLOMON ISLANDS ANIMALS

PART III REGULATION OF EXPORT AND IMPORT OF SPECIMENS

11. PROHIBITED OR RESTRICTED EXPORTS
12. PROHIBITED OR RESTRICTED IMPORTS.
13. ITEM OR OBJECT USED IN COMMISSION OF OFFENCE LIABLE TO CONFISCATION.
14. APPLICATION FOR PERMIT TO EXPORT OR IMPORT.
15. PERMITS NOT TO BE GRANTED IN RESPECT OF SPECIMENS UNLAWFULLY OBTAINED.
16. REQUIREMENTS FOR PERMITS TO EXPORT LIVE ANIMALS OR LIVE PLANTS.

17. REQUIREMENTS FOR PERMIT TO IMPORT LIVE ANIMAL OR PLANT.
18. PERMISSION TO EXPORT OR IMPORT IN EXCEPTIONAL CIRCUMSTANCES.
19. REGISTER OF SCIENTIFIC ORGANISATIONS.
20. PERMISSION TO EXPORT OR IMPORT PRESCRIBED SPECIMEN.
21. MINISTER MAY REGULATE IN RESPECT OF EXPORT AND IMPORT OF SPECIMENS.

PART IV PERMITS AND AUTHORISATION

22. PERMIT TO BE PRODUCED.
23. REVOCATION OF PERMITS.
24. CONDITIONS RELATING TO IMPORTED ANIMALS.
25. CONDITIONS RELATING TO IMPORTED PLANTS.
26. POSSESSION OF ILLEGALLY OBTAINED SPECIMENS.
27. SPECIMENS BROUGHT INTO SOLOMON ISLANDS WITH PERSONAL EFFECTS.

PART V ADMINISTRATION

28. APPOINTMENTS OF INSPECTORS.
29. POWERS OF INSPECTOR TO BOARD VESSELS, AIRCRAFT, ETC.
30. POWERS OF ARREST.
31. OBSTRUCTIONS ETC. OF INSPECTORS.
32. FORFEITURE OF SPECIMENS.
33. FALSE AND MISLEADING STATEMENTS.
34. POWER TO AMEND SCHEDULES.
35. REGULATIONS.
36. CONSTRUCTION AND INTERPRETATION OF THIS ACT IN RELATION TO THE AGRICULTURAL QUARANTINE ACT. CAP. 34.
37. APPEALS.
37. REPEAL OF CAP. 89.

SCHEDULE I

Prohibited or Restricted Exports

SCHEDULE II

Regulated and Controlled Species

PART I PRELIMINARY

- Short title and commencement. 1. This Act may be cited as the Wildlife Protection and Management Act, 1998, and shall come into force on such date as the Minister may appoint by notice published in the Gazette.
- Interpretation. 2. In this Act, unless the context otherwise requires -
- “animal” means any vertebrate or invertebrate animal and includes a bird, fish or reptile;
- “animal productive material” means an embryo, an egg or sperm or any other part of an animal from which another animal of the same species could be produced;
- “animal specimen” means -
- (a) a dead or live animal;
 - (b) animal productive material;
 - (c) the skin, feathers, horns, shell or any part of an animal; or
 - (d) any article wholly produced by or from, or otherwise wholly derived from, a single animal;
- “approved management programme” means a management programme declared under section 6 to be an approved management programme;
- “approved person” means any institution, organisation or individual approved under section 8;
- “bred in captivity” in relation to an animal, has the meaning assigned thereto pursuant to section 9;
- “care” in relation to an animal or a plant, includes where appropriate, the provision of suitable housing for the animal or plant;
- “commercial purposes” mean to trade or to make a profit on the disposal or receipt of an animal specimen or plant specimen;
- “convention” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed at Washington on the 3rd day of March 1973;
- Cap. 121 “customs officer” has the meaning assigned thereto under the Customs and Excise Act;

"Director" means the Director for Environment and Conservation in the Ministry of Natural Resources or such other Ministry for the time being dealing with environment and conservation in Solomon Islands;

"holder of a permit" means an approved person who has been granted a permit to export or import any animals, plants or specimens under this Act;

"infected" means a disease, parasite or pest that, for the purpose of the Agricultural Quarantine Act, is a disease in relation to animal or plant, as the case may be;

Cap. 35.

"inspector" means a person appointed to be an inspector pursuant to section 28;

"live animal" includes animal reproductive material;

"live plant" includes plant reproductive material'

"Minister" means the Minister for the time being charged with responsibility for wildlife;

"native Solomon Islands animal" means -

(a) an animal of a species that is indigenous to Solomon Islands; or

(b) a migrating animal of a species that periodically or occasionally visits Solomon Islands or any part thereof;

(c) and includes a genetically modified species;

"native Solomon Islands plant" means a plant of a species that is indigenous to Solomon Islands and includes any genetically modified species;

"permit" means a permit to export or to import specimen issued pursuant to section 14;

“plant specimen” means a live or dead member of the plant kingdom;

“plant specimen” means -

- (a) a plant or part thereof; or
- (b) a plant reproductive material;

“premises” includes land;

“progeny” includes in relation to -

- (a) a live animal, an animal reproductive material of that animal or any progeny thereof; or
- (b) a live plant, any reproductive material or progeny thereof;

“recipient” in relation to a specimen that is exported, means -

- (a) the person in the country to which the specimen is exported who is to have care and custody of the specimen after the export; or
- (b) in relation to a specimen that is imported, the person in Solomon Islands who is to have care and custody of the specimen after the import;

“relevant authority” in relation to a country other than Solomon Islands, means -

- (a) where the country is a party to the Convention, a management authority of that country; or
- (b) where the country is not a party to the Convention, the competent authority of that country within Article IX of the Convention;

“scientific organisation” means an organisation or institution engaged in scientific research;

“specimen” means an animal specimen or plant specimen;

“take” includes -

(a) in relation to an animal, catch, capture, trap or kill; and

(b) in relation to a plant specimen, pick, gather or cut;

"territorial sea" has the meaning assigned thereto under section 5 of the Delimitation of Marine Waters Act;

Cap. 95.

"traditional activities" means activities that are considered to be of local custom and are part of the normal social organisation of the local people of Solomon Islands;

"traditional inhabitants" means indigenous people of Solomon Islands;

"translocation" means the movement of species of flora or fauna from one habitat to another within Solomon Islands;

"vessel" means a ship or boat of any description, and includes -

(a) an aircraft, vehicle or other similar craft; and

(b) any floating structure;

"wildlife" means terrestrial or marine flora and fauna;

"zoological organisation" means an organisation engaged in the exhibition or breeding of wild animals.

(2) For the purposes of this Act -

(a) where a live animal (other than animal reproductive materials) that was bred in captivity dies, the dead animal and specimen derived therefrom shall be taken to be specimen derived from that live animal; and

(b) where a live plant (other than plant reproductive material) that was artificially propagated dies, the dead plant shall be taken to be specimens derived from that live plant.

(3) For the purposes of this Act, where the common name of a kind of animal or plant is set out in a Schedule next to or under a scientific classification or taxon, that common name does not affect the meaning of the scientific classification or taxon.

Object.

3. The object of this Act is to comply with obligations of Solomon Islands under the Convention or otherwise to further the protection and conservation of the wild flora and fauna of Solomon Islands by regulating -

(a) the export of specimens that are, or derived from, native Solomon Islands animals or native Solomon Islands plants;

(b) the export and import of specimens that are, or are derived from animals, or plants of a kind that are threatened with extinction;

(c) the export and import of specimens that are, or are derived from, animals, or plants, of a kind that require, or may require, special protection by regulation of international trade in such specimens;

(d) the import of animal specimen or plants specimen which could have an adverse effect on the habitats of native Solomon Islands animals or native Solomon Islands plants; and

(e) the management of flora and fauna to ensure sustainable uses of these resources for the benefit of Solomon Islands.

PART II APPLICATION OF ACT

Act not to apply to certain specimens.

4. (1) For the purposes of this Act a specimen is not deemed to have been imported or exported if the specimen is -

(a) brought into Solomon Islands as part of an aircraft or a vessel's stores or for the purpose of transshipment to another country; or

(b) sent out or brought into Solomon Islands by a prescribed organisation for the purpose of using the specimen for diagnostic tests that are carried out in an endeavour to identify a disease of humans, animals or plants.

(2) Any person or prescribed organisation who imports or exports a specimen for reasons other than for reasons prescribed under this section is guilty of an offence and is liable to a fine not

exceeding five thousand dollars or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

5. (1) The Minister on the advice of the Director may by notice published in the Gazette declare certain native Solomon Islands animals or plants used for traditional activities or purposes to be exempt from the provisions of this Act.

Act not to apply to certain specimens used for traditional activities or purposes.

(2) Where a specimen of such animal or plant referred to in subsection (1) is declared to be used for a traditional activity or purpose, such specimen may be used for a person's own purpose provided such specimen is not a part of a management control programme within that area.

6. (1) Subject to the provisions of any regulations made under subsection (3), the Minister may by order declare a management programme that is being, or is proposed to be, or has been carried out, as an approved management programme for the purposes of this Act.

Approved management programme.

(2) An order made under subsection (1) shall state -

(a) the manner of taking and collecting of animal or plant specimens for breeding, propagation, growing or exporting for scientific or commercial purposes;

(b) the measures to be taken in breeding, propagating or growing of plants or animals in captivity for scientific or commercial purposes;

(c) the areas set aside or reserved for the protection, management or conservation of animals, plants or individual species; and

(d) the measures to be adopted for the control or destruction of animals or plants deemed to be pests or deleterious to the environment or other animals or plants.

(3) The regulations referred to in subsection (1), may prescribe matters that are to be taken into account by the Minister when determining whether he shall declare a management programme to be an approved management programme.

Minister may
make regulations
in respect of reg-
isters, etc.

7. The Minister may after consultation with the Director by regulations prescribe -

(a) the manner in which registers relating to proposals for approved management programmes or proposals for controlled specimens are to be maintained;

(b) the fees and other charges that persons or organisations seeking to have their names entered on the registers are required to pay;

(c) the manner in which notice may be given to the general public to bring to their attention the requirements of having names entered in the register; and

(d) the manner in which the general public may make written submissions regarding management programmes and proposals for controlled specimens.

Director may
declare approved
person.

8. (1) Subject to any regulations made under subsection (2), the Director may, from time to time, by notice published in the Gazette, declare an institution, zoological organisation or person engaged in activities relating to animals or plants in Solomon Islands or elsewhere as an approved person for the purposes of taking and holding any specimens or for the export or import of such specimen.

(2) The Minister may by regulations prescribe matters that are to be taken into account by the Director when determining whether an institution, zoological organisation or person referred to in subsection (1) is to be declared an approved person in relation to specimens.

(3) Any institution, zoological organisation or person seeking such declaration under this section shall apply in writing to the Director.

(4) Such declaration where granted, shall specify the class or classes of specimen which the approved person may deal with.

(5) An approved person registered under subsection (1) may apply for a permit to export or import a specimen.

(6) The Director shall keep a register of approved persons registered for commercial or scientific purposes and shall include the address, the date of entering the register, the amount of fee paid any other particulars the Director sees fit.

9. For the purpose of this Act an animal shall be deemed to have been bred in captivity if it is the first generation of animal that has been taken from the wild under a permit issued under this Act and held in captivity for breeding in an approved management programme. Bred in captivity.

10. Notwithstanding the provisions of Schedules I and II to this Act, the export of live native Solomon Islands animals as pets may be permitted, subjected to the following requirements - Export of household pets-native Solomon Islands animals.

(a) the exporter has owned and kept the animal as a household pet for not less than two years immediately preceding the export;

(b) the exporter has been ordinarily in Solomon Islands for not less than three years;

(c) the exporter is leaving Solomon Islands with the intention of taking up permanent residency in another country; and

(d) the number of animals do not exceed two of the species specified in Schedule I. Schedule I.

PART III REGULATION OF EXPORT AND IMPORT OF SPECIMENS

Prohibited or
restricted export.

11. (1) No person shall export or attempt to export any plant or animal specimen specified in schedule I, unless he is an approved person and has a valid export permit issued for scientific research purposes under section 14(5);

(2) No person shall export or attempt to export any plant or animal specimen specified in Schedule II, unless he is an approved person and has a valid permit to export such specimen for commercial purposes or otherwise under section 14;

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to -

(a) in the case of a specimen specified in subsection (1), a fine not exceeding five thousand dollars or imprisonment for a term not exceeding six months; or

(b) in the case of a specimen specified in subsection (2), a fine not exceeding three thousand dollars or imprisonment for a term not exceeding three months.

Prohibited or
restricted
imports.

12. (1) No person shall import or attempt to import any plant or animal specimens declared by the Minister by Order, to be prohibited or restricted import, unless such a person is an approved person and has a valid permit issued under section 14;

Item or object
used in commis-
sion of offence
liable to confis-
cation.

13. Any item or object used in the commission of an offence under section 11 or 12 shall be forfeited to the Government and the proceeds from the sale of such item or object shall be deemed to be property of the Government.

Application for
permit to export
or import.

14. (1) An approved person may make application to the Director on the prescribed form for a permit to export or import a plant, or animal specimen.

(2) The Director shall not consider any application made under subsection (1) unless such application is accompanied by a valid business licence issued by the respective Provincial Government permitting the approved person to carry out trade in wildlife.

(3) An application to export or to import shall state whether the export or import is for scientific or commercial purposes.

(4) Where an application is for the export of a specimen for commercial purposes the application shall state the name of the intended receiver of the specimens and provide copies of the relevant permit issued by the country to which the specimens are to be sent to or imported from and clearly show the export or import value, as the case may be.

(5) Where an application is for the export or the import of a specimen for scientific research the application shall clearly state the name of the intended receiver of the specimens and attach copies of the import or export permit issued by the country to which the specimens are to be sent to or imported from, and clearly show the export or import value, as the case may be, if any, and shall contain particulars of the nature and purpose of that research.

(6) The Director may, when considering an application under this section require from the applicant any further particulars in respect of the application as he sees fit and require that the specimen be subject to such tests as may be prescribed.

(7) A permit granted pursuant to subsection (6) shall be issued in the prescribed form and the applicant shall pay the prescribed fee.

(8) The Minister in consultation with the Director may for the purpose of this section by regulations prescribe -

(a) the form of application and permit;

(b) the fees for application and permit;

(c) the manner of making application and the procedure to be followed in processing such application; and

(d) the prescribed tests and the cost of such tests.

Permits not to be granted in respect of specimens unlawfully obtained.

15. The Director shall not grant a permit to export a specimen unless he is satisfied that the specimen was not obtained in contravention of, and the export is not in contravention of any law of Solomon Islands.

Requirements for permits to export live animals or live plants.

16. The Director shall not grant a permit to export an animal specimen or plant specimen unless he is satisfied that -

(a) in the case of a live animal -

(i) the applicant is an approved person equipped to provide for the suitable care of the animal;

(ii) the live animal is to be shipped in a manner to minimise the risk of injury and conditions injurious to its health; and

(iii) and the live animal is healthy at the time of export;

(b) in the case of a plant, that the plant shall be shipped in a manner so to minimise the risk of damage or the health of the plant;

(c) the recipient has a permit to import the specimen into Solomon Islands and the Director has sighted the original copy of that document;

(d) in the case of a household pet, that the pet is a native animal and the proposed export would be an export as defined under section 10;

(e) the specimen to be exported is part of an approved management programme;

(f) the specimen is not listed in Schedule 1 to the Act, the export of which is prohibited except under special conditions;

(g) the specimen has been bred in captivity and is part of an approved management programme;

(h) the export is for either scientific or commercial purposes, and the applicant has nominated the value of the specimen or the fee the exporter is to receive for the exported specimen; and

(i) the specimen is derived from a controlled specimen.

17. The Director shall not grant a permit to import an animal specimen or plant specimen unless -

Requirements
for permit to
import animal
specimen or
plants specimen.

(a) in the case of a live animal -

(i) the recipient is an approved person equipped to provide for the suitable care of the animal;

(ii) the animal is to be shipped in a manner to minimise the risk of injury and conditions injurious to its health; and

(iii) the animal is certified as healthy at the time of export;

(b) in the case of a live plant, the plant is to be shipped in a manner to minimise the risk of damage to the health of the plant;

(c) the recipient has a permit to import the specimen from the country of origin and the Director has sighted the original copy of that document;

(d) in the case of a household pet, it is a native animal and the proposed import would not be deleterious to the environment should it escape from captivity while in Solomon Islands and the introduction would not contravene any other law of Solomon Islands;

(e) the specimen to be imported is part of an approved management programme;

(f) the specimen is not listed in Schedule I to the Act where the export is restricted except under special conditions;

(g) the specimen has been bred in captivity and is part of an approved management programme;

(h) the import is for either scientific or commercial purposes, and that the applicant has nominated the value of the specimen or the fee the importer paid for the imported specimen; and

(i) the specimen is derived from a controlled specimen.

Permission to export or import in exceptional circumstances.

18. The Director in considering an application by an approved person for a permit to export or import a specimen that is prohibited under this Act may grant such permit, if he is satisfied that -

(a) the export or import of the specimen, as the case may be, would not be contrary to the objects of this Act; and

(b) exceptional circumstances exist that justify the proposed export or import of the specimen.

Register of scientific organisations.

19. The Director shall maintain in the prescribed manner a register of all scientific organisations that are registered for the purposes of section 20.

20. A registered scientific organisation not being an approved person may make an application in writing to the Minister for permission under this section, to export or import for scientific research any specimen which is otherwise prohibited under the provisions of this Act.

Permission to export or import prescribed specimens.

21. (1) The Minister may for the purposes of sections 18, 19 and 20 prescribe by regulations -

Minister may regulate in respect of export and import of specimens.

(a) the conditions and manner for the issue of permits;

(b) the procedure and the manner of registered scientific organisations;

(c) the examinations and tests to be undertaken;

(d) the charges or fees to be paid in respect of matters specified in paragraphs (a), (b) and (c); and

(e) the penalties for breach of any conditions of the permit.

PART IV PERMITS AND AUTHORISATION

22. (1) The holder of any permit shall produce the original copy of the permit to the Customs and Quarantine officers at the designated point of export or import into Solomon Islands and pay any fees, duties or taxes that may be payable under the relevant law in respect of the import or the export of the specimens authorised under the permit.

Permit to be produced.

(2) The holder of any permit to import or export shall also produce at the designated point of entry or exit -

(a) in the case of an animal -

Cap. 34.

- (i) a certificate issued by a Government or registered veterinary surgeon certifying the origin of the specimens and that within twenty-four hours before departure such animal was apparently healthy and free from disease;
 - (ii) a certificate of any treatment that the animal has been subjected to in accordance with the procedure required for the export or import of that animal; and
 - (iii) a licence issued in accordance with the provisions of the Agricultural Quarantine Act;
- (b) in the case of a plant -
- (i) a phytosanitary certificate certifying that the specimens are apparently healthy and free from disease; and
 - (ii) a certificate of any treatment that the plant has been subjected to in accordance with the procedure required for the export or import of the specimen;
- (c) the permit to export a specimen to Solomon Islands from the country of origin; and
- (d) the permit to import the specimen from the exporting country nominated in the permit to Solomon Islands.

Revocation of permit.

23. (1) The Director may at any time, by notice in writing served on the holder of a permit, suspend or revoke the permit if he has reasonable grounds to suspect that a provision or condition of the permit has or is being contravened.

(2) The suspension of a permit may be for an indefinite period or for a period specified in the notice.

(3) During the period of suspension the permit has no force or effect but the period or currency of the permit or authority shall continue to run.

24. (1) The holder of a permit may, with the written approval of the Director -

Conditions relating to imported animals.

(a) sell or otherwise dispose of any animal or progeny of that animal to any other person; or

(b) release the animal or the progeny from captivity.

(2) Where the animal dies, the permit holder shall bury, cremate or otherwise dispose of the body in a satisfactory manner.

1 (3) For the purposes of subsection (1) an animal shall be deemed to be released from captivity, if the holder of the permit fails to take reasonable measures to prevent such animal from escaping.

(4) A holder of a permit who contravenes or fails to comply with any of the requirements of this section is guilty of an offence and liable on conviction to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

25. (1) The holder of a permit may, with the written approval of the Director -

Conditions relating to imported plants.

(a) sell or otherwise dispose of a plant or the progeny of that plant to any other person; or

in
he
or

(b) plant or sow that plant or the progeny of that plant in such manner so as to enable that plant to be in or spread to an area or a place that is not under the effective control of the holder of the permit.

(2) Where the plant dies the permit holder shall bury, burn or otherwise dispose of the plant in a satisfactory manner.

(3) For the purposes of subsection (1), the holder of the permit shall be deemed to have caused the plant to spread if he fails to take reasonable measures to prevent the plant from spreading without being sown through human intervention.

(4) A holder of a permit who contravenes or fails to comply with any of the requirements of this section is liable on conviction to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

Possession of
illegally
obtained
specimens.

26. A person who without reasonable excuse has in his possession -

(a) on board a vessel or aircraft any specimen obtained in contravention of the provisions of this Act; or

(b) any specimen that he knows or has reasonable grounds to suspect has been imported or is to be exported in contravention of the provisions of this Act,

is guilty of an offence and liable on conviction to a fine not exceeding ten thousand dollars or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

Specimens
brought in to
Solomon Islands
with personal
effects.

27. (1) Where a person who is not a permanent resident in Solomon Islands brings in household goods or personal effects to Solomon Islands and those effects include a specimen the import of which would require a permit, such person shall as soon as practicable on arrival make a declaration to an inspector in the prescribed form.

(2) On receipt of a declaration made under subsection (1), the inspector shall require the person to surrender the specimen and cause the specimen to be kept in a place approved by the Minister until such time as a permit to import such specimen is obtained from the Director.

(3) Where the Director refuses to issue a permit, the person who surrendered the specimen may have the specimen re-exported at his own cost or destroyed under the supervision of an inspector.

PART V ADMINISTRATION

28. (1) For the due administration of this Act, there may be appointed - Appointment of inspectors.

- (a) a Chief Inspector;
- (b) one or more inspectors; and

(c) such other officers as may be necessary for the proper carrying out of the purposes of this Act.

(2) Any appointment made under subsection (1) shall, if the person appointed is to be a public officer, be made pursuant to the Constitution, but shall otherwise be made by the Minister.

(3) For the purpose of this section all customs and police officers shall be deemed to be inspectors for the purpose of carrying out the duties imposed under this Act.

29. An inspector may at any time, if he has reasonable cause to believe that there is, on any vehicle, vessel, aircraft or premises any specimen the possession of which would constitute an offence, board or enter any such vehicle, vessel, aircraft or premises for the purpose of exercising the functions conferred upon an inspector under this Part.

Powers of
inspector to
board vessels,
aircraft, etc.

Powers of arrest.

30. (1) An inspector may, where he has reasonable grounds to believe that an offence has been committed or is being committed against any provisions of this Act and that the person committing the offence is likely to leave Solomon Islands, without warrant, arrest such person and if the inspector making the arrest is not a police officer, he shall without unnecessary delay hand over such person to a police officer.

(2) An inspector making an arrest pursuant to the provisions of subsection (1) may seize any vehicle, vessel, aircraft and equipment which he believes has been used in commission of such offence or in respect of which he believes such offence has been committed.

Obstructions etc.
of inspectors.

31. A person who -

(a) wilfully obstructs any inspector in the exercise of any of the powers conferred upon him under this Act; or

(b) fails to comply with any lawful order made by an inspector or to answer any question in the course of an inquiry made by any inspector under this Act,

shall be guilty of an offence and liable to a fine not exceeding two thousand dollars or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

Forfeiture of
specimens.

32. (1) Where a person is convicted of an offence under the provisions of this Act, any specimen to which the offence relates together with any equipment or material used in storing or housing such specimen shall be forfeited to the Government and any expenses or cost incurred in the upkeep or holding of such specimen up to the time of conviction shall be recovered from the person convicted of the offence.

(2) Without prejudice to the provisions of subsection (1), the Minister may at any time prior to the disposal of the matter by Court cause the specimen to be destroyed or dealt with in any manner he sees fit.

(3) Where the Minister elects to exercise the powers conferred upon him by subsection (2), he may prior to doing so require two independent witnesses to identify in writing the nature of the specimen and certify the method of disposal of the specimen.

(4) Where a specimen has been disposed of in accordance with subsection (2), and the person charged has been subsequently found not guilty of the alleged offence, he may recover the value of the specimen from the Government

33. If a person in connection with an application for a permit knowingly makes a false statement or knowingly furnishes an inspector information that is false or misleading, he shall be guilty of an offence and on conviction liable to a fine not exceeding two thousand dollars or imprisonment for a period not exceeding two years or to both such fine and imprisonment.

False and misleading statements.

34. The Minister may, by order published in the Gazette amend the Schedules and any such amendments shall have effect accordingly.

Power to amend Schedules.

35. The Minister may make regulations as may seem to him expedient for carrying into effect of any of the purposes or provisions of this Act and without prejudice to the generality of the foregoing, such regulations may prescribe or provide for all or any of the following purposes -

Regulations.

(a) the formulation and assessment of a management programme for the purposes of this Act;

(b) research relating to Solomon Islands animals and plants which are or may be threatened with extinction and the existence of species that may be threatened by trade in specimens of the species;

(c) the collection of statistics relating to the export or import of wild animals and plants or the movement of the animals and plants within Solomon Islands;

(d) the dissemination of information relating to the export and import of wild animals and plants;

(e) the collection of revenue from the issuing of permits and levies on the export and import of specimens to defray the cost of the administration of this Act;

(f) the prescribing of fees to be paid in respect of granting of permits and any application;

(g) the prescribing of forms to be used; and

(h) providing for penalties not exceeding one thousand dollars for offences against any regulation.

Construction and interpretation of this Act in relation to the Agricultural Quarantine Act. Cap. 34.

36. The provisions of this Act shall be read and construed as supplementary and not in derogation of the provisions of the Agricultural Quarantine Act but where there is conflict or inconsistency between the provisions of this Act and the Agricultural Quarantine Act, the provisions of this Act shall prevail over the provisions of the Agricultural Quarantine Act.

Appeals.

37. Any person aggrieved by a decision of the Director made under the provisions of this Act may within thirty days of such decision appeal to the Minister. The decision of the Minister shall be final.

Repeal of Cap. 45.

38. The Wild Birds Protection Act is hereby repealed.

SCHEDULE I

(Section 11)

Prohibited Exports

BIRDS

- Pterodroma becki* (Beck's petrel)
- Haliastur sanfordi* (Solomon sea eagle)
- Accipiter imitator* (Imitator sparrow hawk)
- Nesoclopeus woodfordi* (Woodford's rail)
- Gallinula sylvestris* (San Cristobal mountain rail)
- Caloenas nicobarica* (Nicobar pigeon)
- Collumba pallideiceps* (Yellow legged pigeon)
- Gallicolumba salamonis* (Thick billed ground dove)
- Gallicolumba sanctaecrucis* (Santa Cruz ground dove)
- Microgoura meki* (Solomon Islands ground pigeon)
- Halcyon bougainvillei* (Moustached ingfisher)
- Pitta anerythra* (Solomon Islands pitta)
- Phylloscopus amoenus* (Kolombangara warbler)
- Clytorhynchus hamlini* (Rennell shrinkebill)
- Rhipidura malaitae* (Malaita fantail)
- Zosterops luteirostris* (Gizo white eye)
- Zosterops sanctaecrucis* (Nendo white eye)
- Anas gibberifrons* (grey teal)
- Accipiter meyerriani* (Meyers goshawk)
- Gallicolumba beccarii* (Grey breasted ground dove)
- Gallicolumba jobiensis* (White breasted ground dove)
- Gallicolumba salamonis* (Thick billed ground dove)
- Zoothera dauma* (Scaly thrush)
- Gallus Gallus* (Santa Cruz jungle fowl)

All birds of the family Psittacidae except for the following species:

- Cacatua ducorpsi*
- Chalcopsitta cardinalis*
- Ecletus roratus*
- Lorius cholocerus*
- Trichoglossus haematodus massena*

MAMMALS**Giant rats***Solomys salamonis**Solomys sapientis**Solomys ponceleti**Uromys res**Uromys porculus**Uromys imperator***Monkey-faced flying foxes***Pteralopex atrata**Pteralopex anceps* (new species)**Flying foxes***Pteropus cognatus**Pteropus howensis**Pteropus mahaganus**Pteropus nitidenis**Pteropus rayneri**Pteropus tuberculatus**Pteropus* (new species)**Blossom bats***Melonycteris woodfordi***Insectivorous bats***Antops ornatus**Hipposiderous dinops**Hipposiderous demissus**Chaerophon Solomonis***REPTILES****Snakes***Ramphotylops affinis**Ramphotylops willeyi***Gecko***Lepidodactylus shebae***Skink***Tribolonotus ponceleti*

Frogs*Platymantis solomonis**Platymantis aculeodactylus**Platymantis solomonis**Discodeles malacuna**Crocodilus porosus***Turtles***Dermochelys coriacea* (leatherback turtle)*Coriacea* (leather back turtle)*Eretmochelys imbricata* (Hawkbill turtle)*Chelonia mydas* (Green turtle)*Lepidochelys olivacea* (Olive Ridley turtle)*Caretta carreta* (Loggerhead turtle)**INSECTS***Graphium meeki**Graphium mendana**Papilio toboroi**Paparantica gramantis**Tiradelphe schneideri**Tirumala euploemorpha***PLANTS***Xanthostemon* sp.*Bulbophyllum melanoxanthum**Corybas gemmatus**Dendrobobium capbellii**Dendrobobium rechingerorum**Dendrobobium rennelli**Dendrobobium sancristobalense**Habenaria bouganvilleae**Paphiopedilum wenthiworthianum***FISHES***Amphipnon chrysopterus* (orange-fin Anemonefish)*Amphipnon clarkii* (Clarks Anemonefish)*Amphipnon leucokranos* (White-bonnet Anemonefish)*Amphipnon melanopus* (Black and black Anemonefish)*Amphipnon percula* (Clown Anemonefish)*Amphipnon perideraion* (Pink Anemonefish)*Amphipnon polymnus* (Saddleback Anemonefish)

Amphipnon sandaracinos (orange Anemonefish)
Amphipnon biaculeatus (Spinecheek Anemonefish)

SCHEDULE II (Section 11)

Regulated and Controlled Species

BIRDS

Cacatus ducorpsi (white cacatoo)
Chalcopsitta cardinalis (Coconut lory)
Eclectus roratus (Electus parrot)
Lorius cholorocerus (Yellow bibbed lory)
Trichoglossus masena haematodus (Rainbow lorykeet)

REPTILES

Order Anura

Litoria thesaurensis
Batrachylodes vertebralis
Ceratobatrachus guentheri
Discodeles opisthodon
Platymantis papuensis
Platmantis solomonis

Order Squamata - suborder Saura Gecko

Cryptodactylus louissiadensis
Gehyra vittatus

Skinks

Corucia zebrata
Emoia cyanura
Lamprolepis smaragdina
Prasinohaena virens
Sphenomorphus cocinattus
Sphenomorphus solomonis
Varanus indicus

Suborder serpents

Snakes

Candoia bibroni
Candoia carinata
Dendrelapis calligaster

Insects*Ornithoptera victoria**Ornithoptera priamus urvillanus***MAMMALS**

(All species of flying foxes not in Schedule I)

PLANTS*Diospyros ebenum* (Ebony)*Cordia subcordata* (Kerosine wood)*Hernandia numphaeifolia**Agathis macrophylla* (Kauri)*Canarium indicum* (Big Ngali nut)*Canarium salomonense* (Small Ngali nut)*Gmelia moluccana* (Canoe tree)*Intsia bijuga* (Iron wood)*Pterocarpus indicus* (Rose wood)*Castanospermum australe* (Black bead)*Acianthus vulcanicus**Arachnis becarii**Bulbophyllum fractiflexum* subsp. *Solomonense**Coelogyne susanae**Corybas longipedunculatus**Dendrobium gnomus**Dendrobium ruginosum**Dendrobium salomonense**Dendrobium vanikorensense**Diplocaulobium magnilabre**Diplocaulobium subintegrum**Macodes cominsii**Robiquetia woodfordii**Zeusine elatoir* var. *argustata***Molluscs***Tridacna* spp.*Pinctada maxima*

Gold lip

Pinctada margaritifera

Black lip

Erchinoderms

Holothruid scabra
Tridacna gigas
Tridacna derasa
Tridacna squamosa
Tridacna crocea
Tridacna maxima
Hippopus hippopus.

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