



National Parliament of Solomon Islands

Bills and Legislation Committee

Committee Report

Report on the Wildlife Protection and
Management (Amendment) Bill 2016
(No. 15 of 2016)



NP-Paper No. 3 of 2017

Presented on 9th February 2017

National Parliament Office

COMMITTEE MEMBERS

The current members of the Bills and Legislation Committee (10th Parliament) are:

Hon. Connelly Sandakabatu, MP (Chairman)

Hon. Jeremiah Manele, MP

Hon. Dr Derek Sikua, MP

Hon. Rick Houenipwela, MP

Hon. Matthew C. Wale, MP

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CHAIR'S FOREWORD



Hon. Connelly Sandakabatu, MP, Chairman

REPORT OF THE BILLS AND LEGISLATION COMMITTEE

Mr. Speaker,

Pursuant to Standing Orders No. 71 (g) of the National Parliament of Solomon Islands, it is an honour and pleasure for me Sir, to present the Report of the Bills and Legislation Committee on the Inquiry into the **Wildlife Protection and Management (Amendment) Bill 2016** for laying before Parliament.

A handwritten signature in blue ink, appearing to read 'Connelly', written over a faint, illegible printed name.

Hon. Connelly Sandakabatu

Chairman

Bills and Legislation Committee

9th February, 2017

COMMITTEE FUNCTIONS

The Committee is established under *Standing Order*⁷¹; an Order made pursuant to the *Constitution*¹ and has the functions, together with the necessary powers to discharge such, to:

- (a) examine such matters as may be referred to it by Parliament or the Government;
- (b) review all draft legislation prepared for introduction into Parliament;
- (c) examine all subsidiary legislation made under any Act so as to ensure compliance with the Acts under which they are made;
- (d) monitor all motions adopted by Parliament which require legislative action;
- (e) review current or proposed legislative measures to the extent it deems necessary;
- (f) examine such other matters in relation to legislation that, in the opinion of the Committee require examination; and
- (g) make a written report to each Meeting of Parliament containing the observations and recommendations arising from the Committee's deliberations.

¹ Section 62, *Constitution of Solomon Islands* 1978.

EXECUTIVE SUMMARY

The *Wildlife Protection and Management (Amendment) Bill 2016* aims to amend the “*Wildlife Protection and Management Act 1998*” to enable Solomon Islands to fully implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Solomon Islands has been a Party to CITES since 2007.

Although the principal Act purports to bring Solomon Islands into compliance with CITES, it fails to do so. CITES regulates trade in a wide range of species. The Act is mainly concerned with regulating the export of domestic species only. CITES require Solomon Islands to also regulate the import of CITES species that are not native to Solomon Islands. Furthermore, the requirements for permitting the import and export of species, which are outlined in CITES, are not enshrined in the principal Act as it stands.

The Amendments to the Act will ensure that Solomon Islands is fully compliant with its obligations under CITES.

The Committee welcomes these reforms by the Ministry of Environment, Climate Change, Disaster Management and Meteorology that will make the Act become more consistent and relevant. However, the Committee is concerned about some proposals contained in the Bill, as follows:

- (a) the commencement of the Act;
- (b) consultation of the Bill;
- (c) intellectual property rights of local wildlife species;
- (d) amendment to the Schedule to the Act;
- (e) compliance to CITES;
- (f) permits and certificate of trade; and
- (g) management and scientific authorities;

The Committee makes 10 recommendations and urges the Ministry of Environment, Climate Change, Disaster Management and Meteorology as the sponsor of the Bill, to seriously consider the recommendations and make the necessary amendments.

The Committee commends the Bill to the House.

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1.0 INTRODUCTION

This Report contains the findings and recommendations of the Bills and Legislation Committee (the “Committee”) after having inquired into the **Wildlife Protection and Management (Amendment) Bill 2016** (the “Bill”) as required under the Standing Orders of the National Parliament of Solomon Islands (the “Standing Orders”).

The Bill was submitted on 14 November 2016 to the Speaker through the Clerk to Parliament as required under the *Standing Orders*². The Committee deliberated on 16th January 2017 and resolved to conduct an inquiry into the Bill and invited relevant stakeholders³ to appear before the Committee and make presentations on the contents, policy and administrative matters, and intentions of the Bill.

Hearings into the Bill were held on the 18th–20th of January 2017 at the National Parliament Building. The List of witnesses that appeared before the Committee and minutes of these proceedings are outlined in Appendix 1 and 2 respectively.

² *Standing Order* 44 (1)

³ See Appendix 1

2.0 BACKGROUND INFORMATION

The Bill is introduced by the Ministry of Environment, Climate Change, Disaster Management and Meteorology (the “Ministry”) and seeks to amend the ‘*Wildlife Protection and Management Act 1998*’ (the “principal Act”). The principal Act is “*An Act to provide for the protection, conservation and management of wildlife in Solomon Islands by regulating the export and imports of certain animals and plants; to comply with obligations imposed upon Solomon Islands under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and for other matters connected therewith or incidental thereto*”⁴.

The objectives⁵ of this Bill are to;

- change the title and the commencement of the Act;
- amend the principal Act by replacing a number of definitions and creating new Parts in the Act to deal with trades in CITES specimens and further amendments to re-arrange existing provisions so that the Act is now logically structured with separate Parts for CITES and non-CITES specimens;
- expand the existing provision about the powers of inspectors, to ensure they are compliant with the requirements of CITES;
- protect the Director, scientific authorities and inspectors from liability for discharging their duties;
- place the onus of proving the existence and validity of a permit used by a management authority of another country on the person who is required to hold it;
- give the Director power to delegate his or her functions;
- provide additional regulation-making powers for implementing CITES;
- replace existing penalties with penalties expressed in penalty units, and penalty levels congruent with penalties for CITES offences; and
- amend Schedules I and II to remove CITES species that are currently listed. Schedule I and II will list only non-CITES species, which are regulated by the existing provisions of the principal Act (as re-arranged by the amendments).

⁴ *Wildlife Protection and Management Act 1998*.

⁵ *Town and Country Planning (Amendment) Bill 2016: Objects and Reasons*.

Ministry of Environment, Climate Change, Disaster Management and Meteorology

Core Functions

To provide an enabling environment for the socio-economic development of the Solomon Islands through the application of necessary safeguards with regards to sustainable use of natural resources, the provision of meteorological services, reducing the risk and impact of climate change and other hazards to communities and leading and managing disaster preparedness and their consequences. The Division responsible for Wildlife Protection and Management 1998 is the Environment and Conservation Division (ECD).

Environment and Conservation Division (ECD)

The ECD currently administers three Acts of Parliament including Environment Act 1998, Wildlife Protection and Management Act 1998 and Protected Areas Act 2010, with their respective regulations. The Division's key functions and Areas of responsibility are stipulated in these three legislative frameworks.

Vision of ECD

To ensure the Environment and Natural Resources of Solomon Islands are protected, managed and sustainably used for the maximum benefit of the Government and people of Solomon Islands.

Mission of ECD

To improve and strengthen the national institutional and administrative capacity of the Division to be able to promote the protection, conservation and sustainable management of the use of the environment and natural resources of Solomon Islands.

Core Functions and Responsibilities

The overarching function of the Division is to protect, restore and enhance the quality of the environment of Solomon Islands, having regard to the need to promote sustainable development. The Division in this regard not only is concerned with meeting environmental specific objectives but also in a way that does not undermine and cost the country socio-economically.

International Obligations specific to the Bill

At the regional and international level, the Division acts as the focal point for various multilateral environmental agreements (MEAs). Thus, the Division is responsible for the Convention on International Trade in Endangered Species of Flora and Fauna – CITES (International Trade in Wildlife).

3.0 ISSUES DISCUSSED

The Committee makes the following observations regarding the Bill.

3.1 Commencement Provision of the Act

The preliminary matters of the Bill provides for the commencement of the Bill that states the date the Minister appoints by *Gazette* notice.

The Committee noted that there is no provision for the commencement of the Bill.

Committee Comment

The Committee is of the view that the commencement provision of the Bill should indicate specified date for the commencement of the Act. The Committee is concerned that delay in the commencement of the Act will impose further non-compliance to CITES.

Recommendation 1

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology commences the Act within three (3) months after the passage of the Bill in Parliament.

3.2 Consultation

The Committee inquired into the Ministry's consultation process and coverage of the Bill with relevant stakeholders. Evidence gathered during the inquiry attests that the consultation process and the issues covered during consultations were limiting and inadequate. The Committee noted that issues needed to be dealt with during consultations were raised by relevant stakeholders during the Committee's inquiry into this Bill.

Evidence given by the Permanent Secretary for the Ministry of Agriculture and Livestock Development (MAL) highlighted that they were not consulted on the Bill. The MAL was only aware of it when they were invited to the inquiry. The Committee noted from the MAL presentation that as a proposed scientific authority in the Bill, some clarification may need to be made on some matters dealt with under the principal Act which may come into conflict with the Biosecurity Act 2013.

The above view on limited consultations was also supported by the Country Director⁶ of The Nature Conservancy, a non-governmental stakeholder in the conservation and protection of ecosystems.

Committee Comment

The Committee is of the view that inadequate consultations with relevant stakeholders undermine the integrity of the consultation processes that is required for the drafting of the Bill. An effective and appropriate consultation is a key factor in good decision making, good policy, and good legislation. A lack of or inadequate consultation fails to take advantage of all available knowledge and expertise. Thus, there is potential for collusion and consequential effects with other Acts such as the Biosecurity Act 2013, Fisheries Act 2015 and the Protected Areas Act 2010.

Recommendation 2

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology conduct further legislative review with the specified scientific authorities in the Bill to iron out any deficiencies of the Act.

3.3 Intellectual Property Rights of Local Wildlife Species

The Committee inquired into whether the principal Act or the Bill has a provision for the intellectual property rights (copy rights and patents) for endemic wildlife species. References were made to flora species with medicinal properties and economic values. The Committee is concerned that certain potential wildlife species with medicinal values should be protected. Several stakeholders also supported the Committee's concern.

Ministry of Agriculture and Livestock Development (MAL)

According to the Permanent Secretary MAL bio-prospecting and bio-piracy issues are ongoing. Ingredients for new medicines against the world's deadliest diseases are being sought from our forests and seas. Similarly, food and plants with economic values have been removed by bio-pirates under the guise of scientific research. Stringent control against such practices may have to be factored prominently within the country's laws. The principal Act is one such law that should cater for ensuring the rich biodiversity is fully utilized and protected.

The Permanent Secretary also informed the Committee that Solomon Islands is a Party to the *International Treaty on Plant Genetic Resources for Food and Agriculture* which deals with the global

⁶ Mr Willie Atu, Country Director, The Nature Conservancy Solomon Islands, *Oral Evidence, 19 January 2017*.

sharing of plants for food and agriculture for which Parties under this treaty are obligated. The MAL is of the view that the country's laws must be strengthened in areas to address intellectual property rights issues in regards to bio-prospecting and bio-piracy within this context of global sharing.

The Permanent Secretary further stated that the MAL has collaborated with research centres in Japan, Korea and Taiwan (ROC) to analyse local species with medicinal properties. Several plant specimens have been sent for analysis. According to the PS, MAL only deals with regulating, sending and identifying plants with research collaborators. The Ministry does not deal with the chemical composition of the plant and its uses.

The Nature Conservancy (TNC)

The Country Director⁷ of TNC also raised that wildlife species that are unique and only endemic to Solomon Islands should also be regulated in the Bill. He further recommended that certain species should be mandatorily protected by the government.

The Legal Draftsperson

When responding to the above concern by the Committee, the Legal Draftsperson⁸ informed the Committee that intellectual property rights are not provided in the legislation. The legislation is purely on regulating trade of wildlife species. However, she explained that if the Government (SIG) would like to regulate this under CITES it can make a request for inclusion of local species in one of the CITES Appendices⁹. Furthermore, the government can also regulate non-CITES species through national legislations.

Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM)

The MECDM also supported the Legal Draftsperson's views above. The Ministry further added that some aspects of intellectual property rights are covered under the *Protected Areas Act 2010* which deals with biodiversity research and bio-prospecting research.

Committee Comment

The Committee is of the view that the protection of traditional knowledge and genetic resources of certain wildlife species is of vital importance to safeguard our wildlife species and cultural

⁷ Mr. Willie Atu, The Nature Conservancy, *Oral Evidence, 19 January 2017*.

⁸ Ms Catriona Steele, Attorney General Chambers, *Oral Evidence, 20 January 2017*.

⁹ Submission No.3. MECDM. *CITES information for the Bills & Legislation Committee*. The species covered by CITES are listed in three Appendices (I, II & III) according to the degree of protection they need.

knowledge on the use of these species. The Committee is concerned that some local flora and fauna species with pharmaceutical properties can only be identified through research. The idea that these pharmaceutical properties and their uses might be identified by foreign researchers will lead researchers to apply for intellectual property rights.

Recommendation 3

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology amend the Act to make a provision for intellectual property rights for local endemic and unique wildlife species with traditional knowledge and genetic resources.

3.4 Amendments to the Schedules to the Act

The Committee notes that Clause 26 of the Bill amends the Schedules to the principal Act. Certain species have been deleted from Schedules I & II to the principal Act. Following the amendments, Schedule I and II will list only non-CITES species, which are regulated by the existing provisions of the principal Act, while CITES species are listed under the CITES Appendices. It is important that no CITES species are listed in the Schedule, as there would then be confusion over which requirements apply to trade in those species. The Committee acknowledges these amendments.

However, the Committee expressed the following concerns;

Power to amend the Schedule to the Act

The Committee is concerned about the power of the Minister to amend Schedules to the principal Act. References were made to flora and fauna species with commercial and economic values that are either included in the Schedules or not (for example, Tubi, Beche-de-mer, Dolphin and Crocodile). The Committee understands, such as in past practices, that the Minister can amend the Schedules to allow the harvesting and exporting of species, which are protected under the principal Act. This allows for future conflict between the principal Act and other relevant Acts that deals with wildlife species.

Common names of wildlife species in the Schedules

The Committee observed that species with scientific names appearing under the Schedules to the principal Act does not incorporate their commonly known local names for ease of interpretation.

Endemic wildlife species

The Country Director of the Nature Conservancy alerts the Committee that the Bill should also protect wildlife species endemic to Solomon Islands only. The Bill only includes three endemic species and not all of the species already identified as unique and endemic and not found anywhere else in the world. These species would need to be included in the Bill to ensure protection and conservation.

Committee Comment

The Committee is of the view that the Minister of MECDM when amending the Schedules to the Act should do so in a clear and transparent manner that informs Parliament on the objects and reasons of the amendment(s) in relation to inserting, deleting and moving of species in the Schedules to the principal Act for export purposes.

The Committee is also views that the scientific names for species in the Schedules should also incorporate their commonly known local names in parenthesis for ease of interpretation.

Furthermore, the Committee views that known endemic and unique species should also be included in the list of species in the Schedules.

Recommendation 4

The Committee recommends that Ministry of Environment, Climate Change, Disaster Management and Meteorology:

- a) Amend Section 34 of the principal Act to allow the Minister to bring to Parliament any future amendments to the Schedules to the Act for trade purposes before such amendments shall have effect accordingly.
- b) Insert the common local names of species in the Schedules to the Act.
- c) Include other known endemic and unique wildlife species to the Schedules of the Act.

3.5 Compliance to CITES

The Committee understands from the object of the Bill that the Ministry has failed to meet certain requirements and obligations under CITES and therefore is concerned in knowing the requirements and Solomon Islands is obligated to do under CITES.

The Permanent Secretary¹⁰ informed the Committee that Solomon Island's current wildlife legislation is non-compliant in some of the key requirements of the CITES. The legislative status of the principal Act in regards to CITES Convention category is categorised as '*Category 3: legislation that is believed generally not to meet the requirements for the implementation of CITES*'. In this regard, Solomon Islands has recently been given a warning letter by the CITES in November 2016 for failure to comply. The Government has been instructed, several years back, by CITES to amend the current legislation. Essentially the Bill's objective is to see the full implementation of the CITES to ensure that Solomon Islands is able to trade internationally in wildlife without any legally binding issues.

The Supervising Director informed the Committee that Solomon Islands is required to submit trade reports on the number of permits given annually and the consignment number of species traded in a year.

The Committee notes that a notification to Parties to suspend trade with Solomon Islands has been issued by CITES. The Notification (2016) states "*Solomon Islands reporting obligation to CITES Convention is to submit an annual report under the provisions of Article VIII, paragraph 7 (a) of the Convention:*"¹¹

"7. Each party shall prepare periodic reports on its implementation of the present Convention and shall submit to the Secretariat:"

The Notification to Parties (Geneva, 16 March 2016) to suspend trade with Solomon Islands for non-submission of annual reports stated under Section 3:

"The Committee [Standing Committee on CITES] determined that the Solomon Islands had failed to provide its annual reports for three consecutive years without adequate justification and agreed that the Secretariat should issue a Notification to the Parties recommending a suspension of trade in specimens of CITES-listed species with the Solomon Islands, unless it submitted its missing annual reports to the Secretariat within 60 days of the present meeting (15 March 2016)."

Committee Comment

The Committee acknowledges with appreciation the work of CITES and in general recognise and accept its value and the importance of complying with it. However, the Committee notes that the process of ratifying conventions, in general, without really understanding the commitments of the government to the conventions has resulted in non-compliance to some convention(s) over the years.

¹⁰ Dr Melchior Mataka, MHCMDM, *Evidence, 18 January 2017*.

¹¹ CITES, Notification of Parties No.2016/023. '*Solomon Islands: Recommendation to suspend trade for non-submission of annual reports*'. Viewed on: <https://cites.org/sites/default/files/notif/E-Notif-2016-023.pdf>

Additionally, ratification of such conventions as CITES also has implications on our country's capacity to domesticate and implement such treaties and conventions. Partly, it has to do with international pressure that requires the government to ratify. Consequently, legislations are often developed in a piecemeal fashion, often in reaction to specific pressures on domestic legislation, whether local or international. Otherwise, as is the current practice the Cabinet decides on such matters without having to go through Parliament. Therefore, Parliament is unaware of some international conventions, our commitment to those conventions and the extent of our country's capacity to implement domestically.

Recommendation 5

The Committee alerts Parliament that ratifying of International Conventions must be brought to Parliament for debate and approval.

3.6 Permits and Certificates for Trade

The Bill proposes the following amendments;

- the Director of Environment and Conservation is the designated management authority and is responsible for issuing permits to trade in species;
- various Ministries are designated scientific authority for different categories of species;
- the Director of Environment and Conservation is both the designated scientific and management authority for species not covered under the relevant Acts of the Fisheries, Agriculture and Forestry; and
- the scientific authority advises the management authority on various matters in relation to issuing permits.

Clause 3H of the Bill provides for applicants to apply to the Director (ECD) for a permit to trade in a CITES specimen. Section 14 of the principal Act provides for applicants to also apply to the Director for a permit to trade in non-CITES specimens. Herein, the Committee understands that the Director is responsible for issuing trade permits. The Committee makes the following observations in the Bill regarding issuing of permits to trade in wildlife species.

Appeals Process

Section 37 of the principal Act provides for an appeal process and states;

“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.”

The Committee is concerned that giving such discretionary powers to the Minister tends to breed abusive practices of such power. The Bill is silent on any other guiding provisions that can give direction as to whom to give advice to the Minister in consideration of an appeal.

The Legal Draftsperson explained that Section 37 of the principal Act provides a broad discretion for the Minister to reconsider appeals without limitation and is silent on how that is done. However, for the purposes of this legislation the intention of the principal Act is to allow the Minister to carry out a review of the Director's decision. Since it is a ministerial review, the appeal would normally be based on the merits of the decision of the Director or the scientific authority, which means that the Minister would be able to reconsider the whole decision that was made. Therefore, any change in the Minister's power of review would have to be made by way of amending Section 37 of the principal Act.

Committee Comment

The Committee is of the view that an Appeals Board should be established to advise the Minister in his consideration of appeals. The Appeals Board's ministerial review must also be tied to and based on the scientific authorities' advice and scientific evidences in order to give valid and credible advice to the Minister.

Recommendation 6

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology further review and reform the Act to make a provisions for an Appeals Board to give advice to the Minister in consideration of appeals against issuing of permits.

Public Appeal against a Permit

The Committee enquired as to whether the Bill or the principal Act has a provision for members of the public to appeal against a permit issued by the Director to an applicant via judicial review. The Legal Draftsperson informed the Committee that a member of the public does not have the right to appeal via judicial review. However, any person who objects the decision of the Director can appeal to the Minister for the review of the decision. That is not the same as being able to apply for a judicial review of the permit application which may be limited to the actual applicant.

Committee Comment

The Committee views this as a deficiency that needs to be addressed in the principal Act. There must be in place a provision in the Bill that allows for the public to appeal against a permit so that the Director can also consider the objections.

Recommendation 7

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology amend the principal Act to make a provision for the public to appeal against a permit application or permit issued by the Director of Environment and Conservation.

Penalties and Offences

One of the objectives of the Bill is to amend the penalties in the principal Act by replacing the existing penalties expressed in penalty units, and penalty levels that are harmonized with penalties for CITES offences.

The Committee is concerned that the maximum penalty subscribed in the Bill (50,000 penalty units) might be inadequately lower than expected and whether comparisons were made in other relevant international jurisdictions.

The Supervising Director informed the Committee that consultations were held with the Ministry of Fisheries and Marine Resources to ensure that penalties in the Bill are consistent with their Regulations. More so, the penalties in the Bill are consistent with the CITES penalties.

The Legal Draftsperson told the Committee that the penalties in the Bill should be at the level that they are, which is consistent with similar offenses under Solomon Islands Law. Compared to other countries Solomon Islands generally have much lower penalties.

Committee Comment

The Committee is of the view that the MECDM should have carried out a comparable analysis of similar offences with their penalties so the penalty levels are set appropriately for maximum effect.

Recommendation 8

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology further review the maximum penalty units in the Act by comparable analysis with other international jurisdictions to set the appropriate levels for penalties in contravention of the Act.

3.7 Management & Scientific Authorities

Each Party to the CITES must designate one or more management authorities in charge of administering the licensing system and one or more scientific authorities to advise them on the effects of trade on the status of the species¹². The Bill designates the authorities required to regulate trade in CITES specimens, as required under CITES.

- The Director (ECD) is the designated management authority. The management authority is responsible for issuing permits to trade in CITES species.
- The Ministries (Fisheries, Agriculture, and Forestry) are the designated scientific authorities for different categories of species¹³.

The scientific authorities advise the management authority on various matters in relation to issuing of permits. With regards to other CITES species (not covered under the umbrella of the scientific authorities specified in the Bill) the scientific authority is the Division responsible for conservation in the Ministry responsible for the environment.

The Committee is concerned with the following issues.

Ministerial Scientific Capacity

The principal Act defines 'scientific organisation' as an organisation or institution engaged in scientific research. In this regard, the Committee views that the scientific authorities outlined in the Bill are more of administrative authorities than scientific authorities. The level of scientific advice that these authorities will give to the Director may not be as scientific as the advice rendered by a full time scientific research body or institution.

The Director in evidence stated before the Committee that the scientific authorities outlined in the Bill are the only available government agencies with the capacity to have under taken some

¹² Submission #1, "CITES Information for the Bills and Legislation Committee".

¹³ Clause 3D of the Bill.

researches in specific areas of fisheries, forestry and agriculture. As such, these authorities will now be responsible for giving advices and information relating to technical background of fisheries, forestry and agriculture.

For scientific research and information purposes, the Director stated that the Protected Areas Act 2010 deals with researches, permits and bio-prospecting. Thus, in terms of scientific information there is an understanding that consultation goes beyond the scope of these authorities as far as the scientific people, NGOs and other partners that work in the area of conservation and protected areas are concerned. The Advisory Committee established under the Protected Areas Act 2010 has the power to required permit holders and NGOs to provide report of their activities in the country concerning biodiversity and bio-prospecting.

The Legal Draftsperson stated that in the earlier draft of the Bill the initial instruction was to establish a body made up of representatives but later was given specific instructions to change that to consist of various Ministries, depending on the species under their legislations.

Committee Comment

The Committee is of the view that a Body specialising in scientific researches on protection and conservation of wildlife species should be established which can carry out scientific researches and provide scientific advices to the management authority. Such a Body would enhance management, consultation and collaborative efforts in research. It is within this context that the Committee views the scientific authorities specified in the Bill are lacking in capacity to render scientific advice to the Director.

Recommendation 9

That the Government through the Ministry of Home Affairs establish a national scientific body (institution or organisation) to be actively involved in research, provide information, and advise government on scientific issues.

Powers of the Director - Environment and Conservation Division (ECD)

Clause 3D (d) of the Bill enables the Director to act as both the scientific authority and management authority in issuing permits to trade in CITES species that does not fall under the jurisdiction of the Ministries responsible for Fisheries, Forestry and Agriculture. The Committee is cautious that this provision allows for the Director to become too powerful and vulnerable to political pressure and abuse.

Committee Comment

The Committee is concerned about the powers of the Director to act as both the management and scientific authority over CITES species not covered under the specified scientific authorities. The Committee views that too much power is vested in only one person who holds the Directorship. Given that the Bill seeks to make provisions for the management authority to act in accordance to the advice of the scientific authorities, Clause 3D (d) of the Bill makes a provision otherwise.

Recommendation 10

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology specify in the Act the processes the Director must follow to seek advice from other scientific organisations.

4.0 RECOMMENDATIONS SUMMARY

Outlined below are summaries of key recommendations made by the Committee.

Recommendation 1

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology commences the Act within three (3) months after the passage of the Bill in Parliament.

Recommendation 2

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology conduct further legislative review with the specified scientific authorities in the Bill to iron out any deficiencies of the Act.

Recommendation 3

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology amend the Act to make a provision for intellectual property rights for local endemic and unique wildlife species with traditional knowledge and genetic resources.

Recommendation 4

The Committee recommends that Ministry of Environment, Climate Change, Disaster Management and Meteorology:

- d) Amend Section 34 of the principal Act to allow the Minister to bring to Parliament any future amendments to the Schedules to the Act for trade purposes before such amendments shall have effect accordingly.
- e) Insert the common local names of species in the Schedules to the Act.
- f) Include other known endemic and unique wildlife species to the Schedules of the Act.

Recommendation 5

The Committee alerts Parliament that ratifying of International Conventions must be brought to Parliament for debate and approval.

Recommendation 6

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology further review and reform the Act to make a provisions for an Appeals Board to give advice to the Minister in consideration of appeals against issuing of permits.

Recommendation 7

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology amend the principal Act to make a provision for the public to appeal against a permit application or permit issued by the Director of Environment and Conservation.

Recommendation 8

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology further review the maximum penalty units in the Act by comparable analysis with other international jurisdictions to set the appropriate levels for penalties in contravention of the Act.

Recommendation 9

That the Government through the Ministry of Home Affairs establish a national scientific body (institution or organisation) to be actively involved in research, provide information, and advise government on scientific issues.

Recommendation 10

The Committee recommends that the Ministry of Environment, Climate Change, Disaster Management and Meteorology specify in the Act the processes the Director must follow to seek advice from other scientific organisations.

END OF REPORT

5.0 APPENDICES

Appendix 1: Witnesses

Date	Name	Position & Organisation
18/01/2017	Dr Melchior Mataki	Permanent Secretary – Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM)
	Mr Josef Hurutarau	Supervising Director – (MECDM- Environment and Conservation Division)
	Ms Catriona Steele	Legal Draftsperson – Attorney General Chambers
19/01/2017	Mr Vaneo Vigulu	Permanent Secretary – Ministry of Forestry and Research (MoFR)
	Mr Jacob Kinai	Legal Advisor - MoFR
	Mr Ferral Lasi	Under Secretary – Technical – Ministry of Fisheries and Marine Resources (MFMR)
	Mr Jimi Sealea	Permanent Secretary – Ministry of Agriculture and Livestock Development (MALD)
	Mr Barney Keqa	Director- Livestock - MALD
	Mr Francis Tsatsia	Director – BSI - MALD
	Mr Nathan Kama	Comptroller – Customs and Excise – Ministry of Finance and Treasury (MoFT)
	Mr Willie Atu	Country Director – The Nature and Conservancy, Solomon Islands
20/01/2017	Mr Chanel Iroi	Under-Secretary – Ministry of Environment, Climate Change, Disaster Management and Meteorology (MECDM)
	Mr Josef Hurutarau	Supervising Director – (MECDM- Environment and Conservation Division)
	Ms Catriona Steele	Legal Draftsperson – Attorney General Chambers

Appendix 2: Minutes of Proceedings



NATIONAL PARLIAMENT OF SOLOMON ISLANDS

BILLS AND LEGISLATION COMMITTEE

P.O. Box G19,
Honiara.
Tel: 28520/23424.
Fax: 24272

Minutes of Proceedings

Committee Hearing into the Wildlife Protection Management (Amendment) Bill 2016

Day 1/Wednesday 18 January 2017, CR II, Parliament House 9:54am.

1. Members Present

Hon. Connelly Sandakabatu, MP- Chairman
Hon. Jeremiah Manele, MP
Hon. Dr Culwick Togamana, MP
Hon. Rick Houenipwela, MP
Hon. Mathew Wale, MP

Secretariat

Mr. Wilson Anii
Mr. Gregory Fineanganofa
Miss Theresa Nori- Hansard Officer
Mr. Lawrence Scott, Media Officer

2. Prayer

Hon. Culwick Togamana said the opening prayer.

3. Welcome/ Opening remarks

The Chairman of the Bills and Legislation Committee Hon. Connelly Sandakabatu welcomes members of the committee, officials from the committee secretariat and witnesses and then said his opening remarks. The Chair informs witnesses of Parliamentary privileges.

4. Inquiry into Wildlife Protection and Management (Amendment) Bill 2016.

The following witnesses were examined;

Dr Melchior Mataka- Permanent Secretary, Ministry of Environment, Climate Change & Disaster Management (MECCDM)
Mr. Josef Hurutarau- Supervising Director, DECD
Ms. Catriona Steele, Legal Draftsperson

The witnesses made their introduction and opening statements before the Committee.

Tabled Papers- Text of the 'Convention on International Trade in Endangered Species of Wild Fauna and Flora' tabled by the Legal Draftsperson.

The Committee questioned the witnesses based on evidences presented. Discussion ensued. Evidence concluded and witnesses withdrew.

5. Adjournment

The hearing adjourns at 11:30 am.

Day 2/Thursday 19 January 2017, CR II, Parliament House 9:44am.

1. Members Present

Hon. Connelly Sandakabatu, MP- Chairman
 Hon. Jeremiah Manele, MP
 Hon. Derek Sikua, MP
 Hon. Dr Culwick Togamana, MP
 Hon. Rick Houenipwela, MP
 Hon. Mathew Wale, MP
 Hon. Peter Tom, MP

Secretariat

Mr. Gregory Fineanganofa
 Mr. Marlon Keni- Hansard Officer
 Mr. Lawrence Scott, Media Officer

2. Prayer

Hon. Peter Tom said the opening prayer.

3. Welcome/ Opening remarks

The Chairman of the Bills and Legislation Committee Hon. Connelly Sandakabatu welcomes members of the committee, officials from the committee secretariat and witnesses and then said his opening remarks. The Chair informs witnesses of Parliamentary privileges.

4. Inquiry into Wildlife Protection and Management (Amendment) Bill 2016.

The following witnesses were examined;

Mr. Vaeno Vigulu- Permanent Secretary, Ministry of Forestry and Research (MoFR)
 Mr. Jacob Kinai- Legal Advisor, MoFR
 Mr. Ferral Lasi- Under Secretary-Technical, Ministry of Fisheries & Marine Resources
 Mr. Jimmy Saelea- Permanent Secretary- Ministry of Agriculture & Livestock, (MAL)
 Mr. Barney Keqa- Director Livestock, MAL
 Mr. Francis Tsatsia- Director, BSI, MAL
 Mr. Nathan Kama- Comptroller –Customs, Ministry of Finance & Treasury (MoFT)

The witnesses made their introduction and opening statements before the Committee.

Tabled Papers

- 'CITES information for the Bills and Legislation Committee' tabled by MECCDM
- 'Attachment: Wildlife Species and Common Names' tabled by MECCDM
- Written submission of 'Interventions from the Ministry of Agriculture and Livestock', tabled by the Permanent Secretary of the Ministry.

The Committee questioned the witnesses based on evidences presented. Discussion ensued. Evidence concluded and witnesses withdrew.

5. Suspension

The hearing suspends at 11:00 am and resumes at 2:09 pm

The following witnesses were examined;

Mr. Willie Atu- Director, The Nature Conservancy, Solomon Islands.

The witness made his introduction and opening statement before the Committee.

The Committee questioned the witness based on evidences presented. Discussion ensued. Evidence concluded and witnesses withdrew.

6. Adjournment

The committee adjourns at 2:32pm

Day 3/Friday 20 January 2017, CR II, Parliament House 9:56am.

1. Members Present

Hon. Connelly Sandakabatu, MP- Chairman

Hon. Jeremiah Manele, M

Hon. Dr Culwick Togamana, MP

Hon. Rick Houenipwela, MP

Hon. Mathew Wale, MP

Secretariat

Miss Ivory Iruha'a

Mr. Gregory Fineanganofa

Ms. Theresa Nori- Hansard Officer

Mr. Lawrence Scott, Media Officer

2. Prayer

Hon. Culwick Togamana said the opening prayer.

3. Welcome/ Opening remarks

The Chairman of the Bills and Legislation Committee Hon. Connelly Sandakabatu welcomes members of the committee, officials from the committee secretariat and witnesses and then said his opening remarks. The Chair informs witnesses of Parliamentary privileges.

4. Inquiry into Wildlife Protection and Management (Amendment) Bill 2016.

The following witnesses were examined;

Mr. Chanel Iroi- Under Secretary, MECCDM

Ms. Catriona Steele, Legal Draftsperson

The Committee questioned the witnesses on clauses of the *Wildlife Protection and Management (Amendment) Bill 2016*

Discussion ensued. Evidence concluded and witnesses withdrew.

5. Adjournment

The committee adjourns at 11:57 am. Hearing into the Bill Concluded.

