

***SUPPLEMENT*** to the Solomon Islands GazetteThursday 15<sup>th</sup> December, 2011

S.I. No.54

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[Legal Notice No. 165]

**THE SOLOMON ISLANDS INDEPENDENCE ORDER 1978**  
**(LN 43 of 1978)**

**NOTIFICATION OF THE ELECTION OF THE PRIME MINISTER**

**IN EXERCISE** of the powers conferred upon me by paragraph 9(b) of Schedule 2 to the Constitution, I, **SIR FRANK UTU OFAGIORO KABUI**, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Cross of the Order of Solomon Islands, Officer of the Most Excellent Order of the British Empire, Governor-General and Commander-in-Chief of Solomon Islands, do hereby declare –

**HONOURABLE GORDON DARCY LILO**

was declared by me under paragraph 8 of Schedule 2 as Prime Minister of Solomon Islands after having being duly elected as such by the Members of Parliament pursuant to section 33(1) of the Constitution at the meeting of the Members of Parliament for the election of Prime Minister held on the 16th day of November, 2011.

Dated at Honiara this sixteenth day of November, 2011.

**SIR FRANK UTU OFAGIORO KABUI**  
**GOVERNOR–GENERAL**

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[Legal Notice No. 166]

**PROVINCIAL GOVERNMENT ACT 1997  
(No. 7 of 1997)**

**THE CHOISEUL PROVINCE FISHERIES AND MARINE  
ENVIRONMENT ORDINANCE 2011**

**THE CHOISEUL PROVINCE FISHERIES AND MARINE  
ENVIRONMENT (FORMS) REGULATIONS 2011**

**REGULATIONS TO PROVIDE FORMS FOR VARIOUS MATTERS UNDER  
THE CHOISEUL PROVINCE FISHERIES AND MARINE ENVIRONMENT  
ORDINANCE**

MADE by the Minister for Fisheries of Choiseul Province

**ARRANGEMENT OF SECTIONS**

**PART 1 GENERAL**

1. Short title
2. Interpretation
3. Failure to comply with regulations

**PART II FORMS**

4. Notice for Fishing Exclusion Area
5. Notice for Regulated Marine Area
6. Permits
7. Honorary Fisheries Officer's warrant
8. Record of warning
9. Infringement Notices
10. Certificate to the Court where Infringement Notice unsatisfied
11. Notice on seizure
12. Certificate of completion of Community Work
13. Certificate of Evidence

**SCHEDULE**

**CHOISEUL PROVINCE FISHERIES AND MARINE  
ENVIRONMENT (FORMS) REGULATIONS 2011**

**PART 1 GENERAL**

Short title

**1.** These regulations may be cited as the Choiseul Province Fisheries and Marine Environment (Forms) Regulations 2011 and shall come into effect on the date the Choiseul Province Fisheries and Marine Environment Ordinance 2011 comes into force.

Interpretation

**2.** (1) In these regulations, except where the context otherwise requires “the Ordinance” means the Choiseul Province Fisheries and Marine Environment Ordinance 2011.

(2) Where a word is defined under the Ordinance it shall have that meaning in these regulations.

Failure to  
comply with  
regulations

**3.** The failure of any person to comply strictly with these forms shall not affect any obligations of any person under the Ordinance, or provide a defence to any proceedings under the Ordinance unless the person who seeks to raise the failure demonstrates that the failure has caused them material prejudice.

**PART II FORMS**

Notice for  
Fishing  
Exclusion Zone

**4.** A notice of the designation of an area as a Fishing Exclusion Area under section 11 of the Ordinance shall be in the form set out in schedule 1 to these regulations.

Notice for  
Regulated  
Marine Zone

**5.** A notice of the designation of an area as a Regulated Marine Area under section 11 of the Ordinance shall be in the form set out in schedule 2 to these regulations.

Permit

**6.** (1) A Permit issued to a specific person under section 38 of the Ordinance shall be in the form set out in schedule 3 to these regulations.

(2) A Community Permit issued under section 41 of the Ordinance shall be in the form set out in schedule 4 to these regulations.

Honorary  
Fisheries  
Officer's warrant

**7.** A warrant for an Honorary Fisheries Officer under section 46 of the Ordinance shall be in the form set out in schedule 5 to these regulations.

Record of warn-  
ing

**8.** A record of warning provided to the Department under section 68 of the Ordinance shall be in the form set out in schedule 6 to these regulations.

Infringement  
Notices

**9.** An Infringement Notice issued under section 69 of the Ordinance shall be in the form set out in schedule 7 to these regulations.

Certificate to  
the Court  
where  
Infringement  
Notice unsatis-  
fied

**10.** The certificate to accompany an unsatisfied Infringement Notice under section 76 of the Ordinance shall be in the form set out in schedule 8 to these regulations.

Notice on  
seizure

**11.** The notice provided under section 77 where items are seized shall be in the form set out in schedule 9 to these regulations.

Certificate of  
completion of  
Community  
Work

**12.** The certificate of completion of Community Work under section 89 of the Ordinance shall be in the form set out in schedule 10 to these regulations.

Certificate of  
Evidence

**13.** A certificate of evidence under section 99 of the Ordinance shall be in the form set out in schedule 11 to these regulations.

Made by the Minister of Fisheries for Choiseul Province this thirteenth day of  
October, 2011.

Andrew Malasa  
Minister of Fisheries  
Choiseul Province

SCHEDULE 1  
*Section 4*

Notice of Fishing Exclusion Zone under section 11 Choiseul Province  
Fisheries and Marine Environment Ordinance 2011  
Choiseul Province

**NO FISHING MARINE PROTECTED AREA**

*The area is (description of area)*

If you do fish in the area, take anything from the area, damage anything in the area, or dispose of anything in the area you can be arrested, fined, and lose your fishing gear.

Dis fala ples olketa makim long map hemi “Marine Exclusion Area” adanit long Choiseul Province Fisheries and Marine Environment Ordinance 2011. Disvan hemi minim olsem iu no save fising an tekem eni laef samting, or eni kaen samting long disfala ples, an iu no spoelem eni samting long disfala ples an iu no save torowe eni samting long disfala ples, an iu no save tekem eni bot or kanu hem long ovam 8 mita (metres) insaet long disfala ples.

*Ples is hemi (abautem ples ia)*

Sapos iu fising, tekem eni samting, spoelem eni samting, or torowe eni samting long that fala area, bae save arestim iu, bae iu pem fine, and bae takem aot evri samting wetem iu long dat fala taem.

Ta vatore ka lala ta map iati ne sa tavina ma kuo ta vararitoki ta tamana ta Choiseul Province ka koloni “Fisheries and Marine Environment Ordinance 2011.

Kizao ka bose ma pepeko, kujulu ba vanana, ba ma pale kapeta nita loka sa kuo ta noni nagone ba ka peta se. Kizao ka bose ma varoka, ma vanunikiri ba ma tatakui ka peta sa pale ta noni ka kupini. Kizao ka bose ma qisu la ba ma gae la botu ba mola sa nava koe 8 mita (mitres) ta noni nagone.

Gati noni sa tavina ma kokopana: (Iala vanoe noni sa kokopana).

Sada ka bose sa pepeko, kujulu, vanana no sa pale kuate, sa vavaroka, sa vanukiri ba sa tatakui kapeta sa pale ta noni ka lala iati ne, mara pale goi, ma paini (fine) no mara pale kisini nae peta papala ta loka.

Minister for Fisheries  
Choiseul Province

## SCHEDULE 1

*Section 4*

Notice of Fishing Exclusion Zone under section 11 Choiseul Province  
Fisheries and Marine Environment Ordinance 2011  
Choiseul Province

**RESTRICTED FISHING MARINE  
PROTECTED AREA**

The area on the attached map has been designated a Marine Managed Area under the Choiseul Province Fisheries and Marine Environment Ordinance 2011. This means that you cannot fish in the area, take any marine life, or anything else from the area, damage anything in the area, or dispose of anything in the area, or take boats longer than 8 metres into the area, unless you have permission from the Regulating Authority.

*The area is (description of area)*

The Regulating Authority is (description of Regulating Authority)

If you do fish in the area, take anything from the area, damage anything in the area, or dispose of anything in the area without the permission of the Regulating Authority you can be arrested, fined, and lose your fishing gear.

Dis fala ples olketa makim long map hemi “Marine Managed Area” adanit long Choiseul Province Fisheries and Marine Environment Ordinance 2011. Dis van hemi minim olsem iu no fising, no tekem any laef samting or eni kaen samting lo that fala ples, no spoelem eni samting or torowem any samting lo that fala ples, an no tekem go bot or kanu wea hemi ovam 8 mita (mitres) sapos iu no garem pemison from olketa man kipim Lo long that fala ples.

Ples ia hemi (abaotem ples ia)

Olketa pipol garem paoa fo lukautim ples is (abaotem oketa wea garem paoa)

Sapos iu no garem pemison but iu fising, tekem eni samting, spoelem eni samting, or torowe eni samting long that fala area, bae save arestim iu, bae iu pem fine, and bae tekem aot evri samting wetem iu long dat fala taem.

Ta zira noni ka lala ta map iati ne kava kizao mara papalae bati noni nagone sa tavina ma kuo ta vararitoki ta tamana ta Choiseul Province ka koloni “Fisheries and Marine Environment Ordinance 2011.

Sase toni goi si, kizao ka bose ma pale tuate, zira peta ni ta loka ba kapeta vile ta noni nagone. Kizao ka bose ma varoka kapeta saa pale ta noni kava kizao papalae ta vatore ka lala ta map iati.

Kizao ka bose ma qisu la ba ma gae la botu ba mola sa koe 8 mita (mitres) navae sada goi kama paleo mao takui zira bose ka ritoki tamanae noni nagone.

- Pijo va tavate vanoe noni ba vatore sa kokopana
- Gati zira bose ka ritoki tamana ta noni nagone (pijo vanoe zira bose toni).

Sada re ko pale kuate ba kapeta vile ta noni nagone ba ko varoka, ko pale kisini ba ko tatakui kapeta ta noni nagone sada kama palemua mao ne, re mara pale namu, mo paini (fine) no mara pale kisini zira namu peta papala ta loka.

Minister for Fisheries  
Choiseul Province

SCHEDULE 3

*Section 6(1)*

Permit issued in the name of a specific person under section 38  
Choiseul Province Fisheries and Marine Environment Ordinance 2011

**FISHING PERMIT**

Name of Permit Holder

Contact details for Permit Holder

Date of issue of Permit

Date of expiry of Permit

Types of Marine Life covered by Permit

Quantities of Marine Life covered by Permit

Area covered by Permit

Other limits on Permit

Issuing Officer



SCHEDULE 4

*Section 6(2)*

Transferable Permit issued under section 41 Choiseul Province  
Fisheries and Marine Environment Ordinance 2011  
Choiseul Province

**COMMUNITY FISHING PERMIT**

Section 41, Choiseul Province Fisheries and Marine  
Environment Ordinance 2011

Date of issue of Permit

Date of expiry of Permit

Name of Community

Types of Marine Life covered by Permit

Quantities of Marine Life covered by Permit

Area covered by Permit

Other limits on Permit

Issuing Officer

SCHEDULE 4

*Section 7*

Warrant for Honorary Fisheries Officer under section 46  
Choiseul Province Fisheries and Marine Environment Ordinance 2011

**CHOISEUL PROVINCE**

**HONORARY FISHERIES OFFICER'S WARRANT**

Section 46, Choiseul Province Fisheries and Marine  
Environment Ordinance 2011

This document certifies that \_\_\_\_\_ of Photo of Warrant  
holder \_\_\_\_\_ is entitled to act as an Honorary  
Fisheries Officer under the Choiseul Province Fisheries and Marine Environment  
Ordinance 2011 for the duration of this warrant.

Date of issue of Warrant

Date of expiry of Warrant

Area covered by Warrant

Other limits on Warrant

Minister of Fisheries

SCHEDULE 6

*Section 8*

Record of Warning Under Section 68 Choiseul Province Fisheries and  
Marine Environment Ordinance 2011

**RECORD OF WARNING**

Section 68 Choiseul Province Fisheries and Marine  
Environment Ordinance 2011

Name of person Warning issued to

Address/Phone number for person Warning issued to

Date and time Warning issued

Place warning issued

Offence warning issued for

Issuing Officer

SCHEDULE 7

*Section 9*

Infringement Notice issued under section 69 Choiseul Province  
Fisheries and Marine Environment Ordinance 2011

**INFRINGEMENT NOTICE**

Section 69, Choiseul Province Fisheries and Marine  
Environment Ordinance 2011

Notice Number

Name of person Notice issued to:

You have been accused of:  
(details of offending)

On:  
(date and time of offending)

You must pay \$

Or do \_\_\_\_\_ hours community work within 60 days.

If you do not believe that you are guilty contact the Choiseul Province Fisheries  
Department by phone, radio or in person.

If you do nothing, in 60 days a conviction may be entered against you in the  
Court, and a further \$50 will be added to the fine.

Issuing Officer

You have been given this infringement notice because a Fisheries Officer believes that you have committed an offence against fisheries law.

If you accept that you are guilty of this you can either:

1. Pay the fine listed
2. Do the amount of community work listed
3. Wait for the Province to sell any fishing gear taken off you

If you want to do the community work you need someone to supervise you. They will need to contact the Choiseul Province Fisheries Department before you start work to make sure that the work is acceptable.

If you do not accept that you are guilty please contact the Choiseul Province Fisheries Department as soon as possible, either in writing, by radio, or in person. If you do this the Fisheries Department might take you to Court to prove that you are guilty.

If you do nothing the Choiseul Province Fisheries Department will sell any fishing gear taken off you up to the value of the fine, and may enter a conviction against you in Court. If the fishing gear is not worth as much as the fine you will still need to pay the fine or do the community work.

Iu tekem this fala notis (*infringement notice*) bicos wokman blong fisari hemi se iu brekem Lo bilong fisari.

Sapos iu gilty long diswan iu bae save:

1. Pem faen
2. Duim samfala waka long komiuniti
3. Province bae sa ve selem evri samting iu iusim fo fising

Sapos iu laek for duim waka long komiuniti, bae vanfala man mas stap for lukautim iu. An bifoia iu stat duim waka, bae olketa mas letem fisari department long Choiseul Province save fo mek sua waka iu duim hem mas fitim Lo iu brekem.

Sapos iu ting olsem iu no gilty, iu save raetim letter, tok go long radio or go lukim an tok wetem oketa long Fisari ofis long province quiktaem. An sapos iu duim datvan, fisari ofis bae save tekem iu go long kot for iu pruvim that iu no gilty.

But sapos iu no duim eniting abotem disvan, fisari ofis long Choiseul Provins bae selem olketa samting iu iusim fo fising wea olketa tekem aot from iu for pem faen bilong iu an bae bilong iu an bae iu stap olsem gilty long Lo. Sapos olketa selem samting iu using fo fising but selen olketa tekem hem no fitim faen blongiu, den bae iu nid fo pem sam fala selen moa or duim samfala waka long komiuniti.

Re ka make namu notis ka kuluni “infringement notice” giati bati koke bose jaju ta fisari sa vutini no vatuna se ne, re ko junini peta sa va kizao tamana ta fishery.

Sada re ko vutini no ko toqeni se sa tuna mana to ko vui tamana ne giati kavia lipulipu re ko majala pale:

1. Mo tuku dungae kesa (fine) ka kudoni mo jujini
2. Mo jujini kavia jaju mara make nam ta komala/komiuniti
3. Mo pirini zira ta Provins mara va tatakui zira nam peta ko vajaju ta papala

Sada re ko toqeni mo jujini jaju ta komala ne koke bose ma tavina mana to mae rivale no rituki nam ta jaju nagune. Koroveta re mo kuti jaju tuni ne zira ta Choiseul Province Fisheries Department mara vutini no mara toqeni se jaju mo jujini re tini se gui mara pada vagae ni namu lipulipusa gae peta re mo jujini.

Sada re kama toqenim o kama kulanim zaqala ka va pale ni namu tini ne, ko majala karo me leta, lilio me ta radio, ba ko majala zo me to tanam ta ofis ta fisari ta provins mo pijo vatole saa se namu nanana ta zaqala nagune. Sada ka rivutini namu qiqisu ne, ofis ta fisari sa majala pale nam ta koti se gui mo la vatavate vanoe nam ta zozoe peta nagune se.

Be sada re kama jujini mu to ka peta ne, Choiseul Province Fisheries Department ma majala va tatakui zira peta ka pale kisini ta kui re se ma pale dungae kesa sa gae nam lipulipu (fine), no ma nokoro la ta Koti sa majala va vinatao nam zagala ta tamana se. Sada dungae kesa ka pale sada ka va tatakui zira peta ka pale kisinni ta kui re sa siba no kama gae vo lipulipui peta re ko jujini ne, re ne mo jujini mana to somae kesa tini ba sada kizao ne ko majala jujini kavia jaju mara make nam ta komala se gui bae gae tutunginia lipulipu ta re tini se.

SCHEDULE 8

Section 10

Notice that Infringement Notice unsatisfied issued under section 76  
Choiseil Province Fisheries and Marine Environment Ordinance 2011

**CHOISEUL PROVINCE**

**CERTIFICATE THAT INFRINGEMENT NOTICE  
UNSATISFIED**

Section 76, Choiseul Province Fisheries and Marine  
Environment Ordinance 2011

The attached Infringement Notice number \_\_\_\_\_ issued  
under the Choiseul Province Fisheries and Marine Environment Ordinance was  
issued on \_\_\_\_\_  
*(date Infringement Notice issued)*

*Either (delete one)*

A reminder was sent to the the alleged offender on \_\_\_\_\_  
by \_\_\_\_\_ *(date of reminder)*  
*(method reminder sent by)*

Or

A reminder was not sent to the alleged offender because *(reason no reminder  
sent):*

The alleged offender has not:

- (a) paid the penalty under the Infringement Notice;
- (b) satisfied the Infringement Notice through the completion of  
Community Work; or
- (c) objected to the Infringement Notice under section 70 of the  
Ordinance

Please record a conviction against \_\_\_\_\_ *(name of offender)*  
for \_\_\_\_\_ *(description of offence and section and legislation offence under)* with a  
fine of \$ \_\_\_\_\_ *(amount of fine)*.

(name of Principal Fisheries Officer)  
Principal Fisheries Officer  
Choiseul Province

SCHEDULE 9

*Section 11*

Seizure Notice issued under section 77 Choiseul Province  
Fisheries and Marine Environment Ordinance 2011

**CHOISEUL PROVINCE**

**SEIZURE NOTICE**

Section 77, Choiseul Province Fisheries and Marine  
Environment Ordinance 2011

Notice Number

Name of person items seized from:

Contact details for person from whom items are seized

Time and date of seizure

Place of Seizure

Reason for Seizure

List of items seized:

Issuing Officer



These items have been seized under the Choiseul Province Fisheries and Marine Environment Ordinance because of a breach of fisheries law.

If the items are Marine Life or Aquatic Life which can survive if returned to the wild they will be returned to the wild.

If the items are perishable they will be sold.

If you have been given an infringement notice, and you do nothing for 60 days, items up to the value of the fine will be sold, and the rest returned to you. If you pay the fine or do the community work within 60 days all the items that are not already sold or returned to the wild will be given back to you.

If you are being charged with an offence under fisheries law the items will be held until the trial for that offence.

If you do not believe that you have done anything wrong talk to the Choiseul Province Fisheries Department, and if they agree that you have done nothing wrong they may give the items back to you.

If you want the items back at any time you can pay the value of the items to the Choiseul Province Fisheries Department and they will give you back the items.

Olketa samting ia mi fala tekem aot becos Lo bilong Choiseul provins olketa kolek long “Fisheries and Marine Environment Ordinance” hem no letem wat iu duim.

Sapos olketa samfala samting wea olketa tekem aot from iu hemi save laef taem iumi putim go baek long solwata, den bae olketa putim go baek moa long solwata.

Bata olketa givim iu vanfala notis oketa kolek long “infringement Notice” an iu no duim eni samting insaet long 60 des, den olketa samting wea olketa tekem out from iu bae seleni fitim faen blong iu, an givim baek oketa naravan hem stap go baek long iu.

Sapos iu brekem Lo blong fisari and iu wetem Kot, evri samting ia bae olketa holem kasem taem bae iu go long Kot.

Sapos iu ting se iu no duim eni ting rong, iu save go tok wetem wakaman long ofis blong fisari long Choiseul provins, an sapos olketa save dat iu no duim eni ting rong olketa bae save givim baek olketa samting ia long iu.

Sapos iu laekem tumas fo tekem baek olketa samting bilong iu quiktaem, iu save go pem seleni fitim oketa samting ia long ofis blong fisari long provins.

Zira pisipeta iati ka pale kisini bati tamana ta Choiseul Province ka koloni “Fisheries and Marine Environment Ordinance” sa koreni. Sase toni goi sire ko zaqala ta Tamana iati.

Sada zira peta reko pale ka tuit a loka no kaba majala to tu sada ka vavule ta loka ne, mara vavule ta loka. Sada sa taka mara la tu ne, mara tatakui se.

Sada re ka make namu Notice (Infringement Notice) ba kama jojinimu ka peta ta loboroe 60 tava ne, zira peta reko pale mara tatakui se mara tokoni namu paini no zira peta ka kuo tia mara make vavule namu.

Sada reko toko namu paini ba ko jojini jaju ta komala ta loboroe 60 tava ne, zira peta reko pale ba kama tatakui dira no kama toro vavule dira ta loka sene, mara make vavule namu.

Sada ka pale namu ta koti bati re ko vui tamana ta Fishery ne, zira peta reko pale mara pale toto no ma doka sada reko koti.

Sada re ko vatuna kama jojinimu ka peta sa zaqala ne, mo la no mo la pujoni ba mola va turituri zira ta “Choiseul Province Fisheries Department, no sada zira ka vatuna re kama zaqalamu ne, zira mara kia vavule zira peta zira ka pale mana takui re.

Mana sada reko soko mo pale vavule pisipeta zira ka pale mana takui re ne, reko majala toko vavule zira peta ka pale kisini ni namu ta taku sa tavina takui zira ta “Choiseul Province Fisheries Department” no zira mara make vavule namu zira peta zira ka pale mana takui re.

SCHEDULE 10

*Section 12*

Certificate of Completion of Community Work under Section 89  
Choiseul Province Fisheries and Marine Environment Ordinance 2011

CERTIFICATE OF COMPLETION OF COMMUNITY WORK

Section 89, Choiseul Province Fisheries and Marine  
Environment Ordinance 2011

I, \_\_\_\_\_ confirm that \_\_\_\_\_ has  
*(name of supervisor)* *(name of offender)*

Completed \_\_\_\_\_ hours community work.  
*(number of hours)*

The work he/she completed was:  
*(description of work)*

SCHEDULE 11  
Section 13

Certificate of Evidence under Section 99 Choiseul Province  
Fisheries and Marine Environment Ordinance 2011

**CERTIFICATE OF EVIDENCE**

Section 99, Choiseul Province Fisheries and Marine  
Environment Ordinance 2011

I, \_\_\_\_\_ hereby certify that:  
*(name and position of person completing certificate)*

*Choose one*

(a) \_\_\_\_\_ was/was not *(delete one)*  
*(name of person)*

on/from \_\_\_\_\_ the holder  
*(date or dates)*

of \_\_\_\_\_  
*(description of Permit or authorisation)*

(b) The appended document is a true copy of the permit, or  
authorisation for a specified person;

(c) The are marked on the attached map was on/from \_\_\_\_\_  
*(date or dates)*

within a Marine Managed Area/Marine Exclusion Area  
*(delete one)*;

(d) The appended document is a true copy of the Marine Managed  
Area Rules for the Marine Managed Area marked on the attached  
map.

*(name of person completing certificate)*

*(title of person completing certificate)*

**PROVINCIAL GOVERNMENT ACT 1997  
(No. 7 of 1997)**

**THE CHOISEUL PROVINCE  
CHOISEUL PROVINCIAL ASSEMBLY STANDING ORDERS 2011**

**AN ORDER TO PROVIDE RULES IN RESPECT OF PROCEEDINGS  
OF THE CHOISEUL PROVINCIAL ASSEMBLY**

**MADE** by the Choiseul Provincial Assembly

**ARRANGEMENT OF SECTIONS**

**PART 1 GENERAL**

1. Short title and commencement
2. Interpretation
3. Application of these Orders

**PART II THE SPEAKER**

4. The Speaker
5. Eligibility for election as Speaker
6. Speaker after election
7. Clerk to manage election of Speaker where Speaker is nominated
8. Nomination of Speaker
9. Process for election of Speaker
10. Vacating the office of Speaker
11. Oath of Speaker
12. Payment of Speaker

### **PART III THE DEPUTY SPEAKER**

13. Deputy Speaker
14. Eligibility for election as Deputy Speaker
15. Process for election as Deputy Speaker
16. Oath of Deputy Speaker
17. Vacating the Office of Deputy Speaker
18. Where Speaker and Deputy Speaker vacant

### **PART IV THE PREMIER**

19. Nomination of Premier
20. Process for election of Premier

### **PART V MEMBERS**

21. Oath of Members
22. Oath of members of the Executive
23. Conduct in office

### **PART VI MEMBERS INTERESTS**

24. Statements of Members Interests
25. Members with an interest in issues of debate

### **PART VII MEETINGS**

26. Meetings
27. First Assembly meeting following election

#### **Calling Meetings**

28. Notice of meetings
29. Location of meetings
30. Method of Notice
31. Public notice of Sessions

**Arrangement of Business**

- 32. Agenda for Sessions
- 33. Order Paper

**Adjournment and End of Meetings**

- 34. Adjournment of Sessions prior to start of the Session
- 35. Adjournment of Sessions during the Session
- 36. End of Sessions

**Quorum**

- 37. Quorum
- 38. Procedure where no quorum at start of meeting
- 39. Procedure where no quorum during meeting

**Miscellaneous**

- 40. Minutes
- 41. Leave/Attendance

**PART VIII CONDUCT OF MEETINGS**

- 42. Proceedings public
- 43. Sittings
- 44. Language
- 45. Dress Code
- 46. No use of names
- 47. No reading
- 48. No eating and drinking
- 49. No sleeping
- 50. Mobile phones
- 51. No use of alcohol or betelnut or smoking

**PART IX ORDER IN MEETINGS**

52. Order
53. Speaking in Assembly meetings
54. Rules for Speaking
55. Employees and advisers
56. Motions to close issue
57. Exclusion of Members
58. Penalties
59. Points of order

**PART X SPEECHES**

60. Premier's speech
61. Statements by Ministers
62. Time for Members speeches

**PART XI PAPERS AND PETITIONS**

63. Papers
64. Presentation of Papers to the Speaker
65. Petitions

**PART XII QUESTIONS TO GOVERNMENT**

66. Question time
67. Disallowing questions
68. Answering questions
69. Supplementary questions
70. Priority of questions
71. Urgent questions



**PART XIII MOTIONS**

- 72. Motions
- 73. Moving and seconding Motions
- 74. Amendment of inappropriate Motions

**PART XIV VOTING**

- 75. Voting
- 76. Votes of person presiding
- 77. Method of voting
- 78. Ties in voting
- 79. Ballots open

**PART XV ORDINANCES**

- 80. Draft Ordinances
- 81. Distribution of Draft Ordinances
- 82. Priority of Draft Ordinances in the Assembly
- 83. Presentation of Ordinances to the Assembly
- 84. Debate on general principals
- 85. Further consideration
- 86. Consideration of details
- 87. Passing of Ordinances
- 88. Assent by Minister
- 89. Procedure where assent refused
- 90. Procedure after Court decision
- 91. Procedure where Ordinance not dealt with

**PART XVI FINANCIAL CONTROL**

- 92. Financial control
- 93. Motions relating to Provincial Fund
- 94. Explanatory memoranda

**PART XVII VOTES OF NO CONFIDENCE**

- 95. Procedure for vote of no confidence
- 96. Procedure following vote of no confidence

**PART XVIII COMMITTEES****Accounts Committee**

- 97. Accounts Committee
- 98. Functions of the Accounts Committee
- 99. Powers of the Accounts Committee

**Committee of the Whole Assembly**

- 100. Committee of the Whole Assembly

**Other Committees**

- 101. Other Committees
- 102. Powers of committees

**PART XIX NATIONAL GOVERNMENT**

- 103. Admission of Members of National Parliament
- 104. Provincial and Central Government Co-ordinating Council

**PART XX DISSOLUTION**

- 105. Motion for dissolution of the Assembly
- 106. Caretaking governments

**PART XXI MISCELLANEOUS**

- 107. Urgency
- 108. Suspension of Standing Orders
- 109. Technical defects in process
- 110. Repeal

**THE CHOISEUL PROVINCE**  
**CHOISEUL PROVINCIAL ASSEMBLY STANDING ORDERS 2011**

**PART 1 GENERAL**

1. These orders may be cited as the Choiseul Provincial Assembly Standing Orders 2011 and shall come into effect on the date that they are approved by the Choiseul Provincial Assembly.

Short title  
and  
commencement

2. In these orders, except where the context otherwise requires:

Interpretation

“Absolute Majority” means half plus one or more of the total number of Members of the Assembly

“Accounts Committee” means the committee appointed under section 97.

“The Act” means the Provincial Government Act 1997.

“Committee of the Whole Assembly” means the committee under section 100.

“The Assembly” means the Choiseul Provincial Assembly.

“The Clerk” means the Clerk of the Choiseul Provincial Assembly.

“The Deputy Speaker” means the deputy speaker elected under section 15 of these Orders.

“Draft Ordinance” means a proposed Ordinance that has not yet been passed by the Assembly.

“The Executive” means the Executive of Choiseul Province.

“Majority” means more than half of the Members voting on the matter.

“Member” means an elected member of the Choiseul Provincial Assembly.

“Minister” means a member of the Executive responsible for a specific portfolio.

“Motion” means any question put for a vote by the Assembly.

“Order Paper” means the paper prepared under section 33.

“Ordinance” means a law passed by the Assembly for the Province under section 30 of the Act, and includes an amendment to an Ordinance.

“Paper” means any document or other record put before the Assembly.

“Petition” means is a formal request to the Assembly to take action that is within its power to take.

“Point of Order” means an issue as to the appropriate procedure to follow in the Assembly.

“Session” means the period from when an Assembly first meets after being called under section 28 to the time when it is adjourned under section 36.

“Sitting” means one day of a Session.

“The Speaker” means the speaker for the Choiseul Provincial Assembly elected under section 9.

“Term” means the period between one general election of Members and the next general election of Members.

3. Subject to the Provincial Government Act, and any other National Legislation binding on the Assembly, the Assembly shall conduct its business in accordance with these Orders.

Application of these Orders

## **PART II THE SPEAKER**

4. (1) The Speaker shall be responsible for:

The Speaker

- (a) calling meetings of the Assembly;
- (b) enforcing compliance with these Orders,
- (c) determining when these Orders have been breached;
- (d) presiding over and regulating meetings of the Assembly;
- (e) maintaining order at meetings of the Assembly;

(2) At the first Assembly meeting upon the position of a new Assembly, or as soon as practicable upon the position of Speaker become vacant, the Assembly shall elect a person to act as Speaker for the Assembly.

5. To be eligible to be elected as Speaker a person must:

Eligibility for election as Speaker

- (a) be ordinarily resident within Choiseul Province, and be registered to vote within Choiseul Province; and
- (b) not be a Member, or a member of the National Parliament, or disqualified from being a registered voter under section 55(3) of the Constitution of the Solomon Islands.

6. Following a general election of Members of the Speaker shall remain in office if he is still eligible to be the Speaker until a new Speaker is elected.

Speaker after election

Clerk to manage election of Speaker where Speaker is nominated

7. Where there is to be an election for a new Speaker and the Speaker is nominated in that election or is not available, the election shall be conducted by the Clerk, or where no-one holds that position or the person holding that position is unavailable, the Provincial Secretary.

Nomination of Speaker

8. (1) A candidate for the role of Speaker must be nominated by two Members, and must accept the nomination in writing.

(2) No Member may nominate more than one candidate in any election for Speaker.

(3) Nominations shall be delivered personally to the office of the Clerk within normal working hours.

(4) No nomination shall be accepted less than 24 hours before the election is due to be held, excluding weekends and public holidays.

(5) A list of candidates and the Members who nominated them shall be made available to all Members attending the Assembly meeting not less than one hour before the election.

Process for election of Speaker

9. (1) The election of the Speaker shall be by open ballot.

(2) If any candidate receives a majority of votes that candidate shall be the Speaker.

(3) If no candidate receives a majority of votes, there shall immediately be a second round of voting with the candidate who received the least number of votes being eliminated.

(4) Where more than one candidate receives the lowest number of votes, each of those candidates shall be eliminated, unless there are only three candidates remaining in which case the Assembly shall vote on which candidate is to be eliminated.

(5) The process in subsections (3) and (4) shall be repeated until one candidate achieves a majority, or only two candidates remain and upon holding two votes neither has a majority.

(6) Where two candidates remain and neither has a majority a new election for Speaker shall be held the following day, excluding weekends and public holidays, and new nominations may be accepted up to an hour before the new election.

(7) Where a new election has been held under subsection (6) and no candidate has a majority the process shall be repeated again however the election will be by secret ballot.

10. The office of the Speaker becomes vacant if:

Vacating the  
office of Speaker

- (a) The Speaker resigns in writing to the Premier
- (b) The Speaker ceases to be eligible for election as Speaker under section 5 of these Orders.
- (c) The Assembly passes a motion of no confidence in the Speaker by an absolute majority

11. (1) Before commencing his duties as the Speaker the Speaker shall take an oath as follows:

Oath of Speaker

I, ....., do swear [or solemnly affirm] that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors, in the office of the Speaker of the Chaiseul Provincial Assembly. [So help me God].

(2) The oath under subsection (1) of this section shall be administered by a Commissioner or Oaths in the presence of the Clerk.

Payment of Speaker

12. The Speaker shall receive the same salary and benefits as granted to an ordinary member of the Executive, without those benefits that relate to the members Ward.

**PART III THE DEPUTY SPEAKER**

Deputy Speaker

13. (1) The Deputy Speaker shall carry out the responsibilities of the Speaker when the Speaker is unable to carry out those responsibilities.

(2) Where neither the Speaker nor the Deputy Speaker are able to carry out their duties, the Clerk shall carry out those duties, except where otherwise specified in these Orders.

Eligibility for election as Deputy Speaker

14. The Deputy Speaker must be a Member, but must not be a member of the Executive.

Process for election as Deputy Speaker

15. The process for the election of the Deputy Speaker shall be the same as that for the Speaker.

Oath of Deputy Speaker

16. (1) Before commencing their duties as the Deputy Speaker the Deputy Speaker shall take an oath as follows:  
I, ....., do swear [or solemnly affirm] that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors, in the office of the Deputy Speaker of the Chaiseul Provincial Assembly. [So help me God].

(2) The oath under subsection (1) of this section shall be administered by a Commissioner or Oaths in the presence of the Clerk.

Vacating the Office of Deputy Speaker

17. The office of the Deputy Speaker becomes vacant if:  
(a) The Deputy Speaker resigns in writing to the Premier  
(b) The Deputy Speaker ceases to be eligible for election as Deputy Speaker under section 14.  
(c) The Assembly passes a motion of no confidence in the Deputy Speaker by an absolute majority.



18. (1) Where the offices of both Speaker and Deputy Speaker are vacant the Assembly shall not conduct any business until those offices are filled, other than the election of the Speaker and Deputy Speaker. Where Speaker and Deputy Speaker vacant

(2) Until the office of Speaker and Deputy Speaker are filled the role of Speaker will be filled by the Clerk, or where there is no Clerk, the Provincial Secretary.

#### **PART IV THE PREMIER**

19. (1) A candidate for the role of Premier must be nominated by two Members, and must accept the nomination in writing. Nomination of Premier

(2) No Member may nominate more than one candidate in any election for Premier.

(3) Nominations shall be delivered personally to the Speaker.

(4) No nomination shall be accepted less than 24 hours before the election is due to be held, excluding weekends and public holidays.

(5) A list of candidates and the Members who nominated them shall be made available to all Members attending the Assembly meeting not less than twelve hours before the election.

20. (1) The election of the Premier shall be by open ballot. Process of election of Premier

(2) If any candidate receives a majority of votes that shall be the Premier.

(3) If no candidate receives a majority of votes, there shall immediately be a second round of voting with the candidate who received the least number of votes being eliminated.

(4) Where more than one candidate receives the lowest number of votes, each of those candidates shall be eliminated, unless there are only three candidates remaining in which case the Assembly shall vote on which candidate is to be eliminated.

(5) The process in subsection (3) and (4) shall be repeated until one candidate achieves a majority, or only two candidates remain and upon holding a vote two times, neither has a majority.

(6) Where two candidates remain and neither has a majority a new election for Premier shall be held the following day, excluding weekends and public holidays, and new nominations may be accepted up to an hour before the new election.

(7) Where the process under subsection (6) has been repeated three times and each time there is a tie, the Assembly shall dissolve and new elections shall be held.

**PART V MEMBERS**

Oath of Members

21. (1) Each Member shall take an oath or affirmation as follows prior to acting as a Member.

I,....., do swear [or solemnly affirm] that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to law. [So help me God.]

(2) The oaths under subsection (1) of this section shall be administered by a Commissioner or Oaths in the presence of the Clerk.

Oath of members of the Executive

22. (1) Each member of the Executive shall take an oath or affirmation as follows prior to acting as a member of the Executive:

I,....., being a member of the Executive of Choiseul Province, do swear [or solemnly affirm] that I will to the best of my judgment, at all times when so required, freely give my counsel and advice to the government of Choiseul Province (or any person or persons for the time being lawfully performing the role of head of that government) for the good management of the public affairs of Choiseul Province, and I do further swear [or solemnly affirm] that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular member of the Executive of Choiseul Province, and that I will not, except with the authority of the Executive of Choiseul Province and to such extent as may be required for the good management of the affairs of Choiseul Province, directly or indirectly reveal the

business or proceedings of the Executive of Choiseul Province or any matter coming to my knowledge in my capacity as a member of the Executive of Choiseul Province and that in all things I will be a true and faithful member of the Executive of Choiseul Province. [So help me God.]

(2) The oaths under subsection (1) of this section shall be administered by a Commissioner or Oaths in the presence of the Clerk.

23. A Member shall conduct themselves, both in public and private life so as not to:

Conduct in office

- (a) be in a position where their public duties conflict with their private interests;
- (b) be in a position where the fair exercise of their public or official duties are compromised;
- (c) demean the office of being a Member of the Choiseul Provincial Assembly;
- (d) have their integrity reasonably called into question; or
- (e) endanger or diminish respect for or confidence in the Choiseul Provincial Government.

In particular, no member may:

- (a) use his office for personal gain;
- (b) or enter into any transaction or engage in any enterprise or activity which might be expected to give rise to doubt in the public mind as to his compliance with the duties and responsibilities of a Member of the Choiseul Provincial Assembly.

## PART VI MEMBERS INTERESTS

24. (1) Prior to taking the oath under section 21 of these Orders a Member must deliver to the Speaker a copy of the statement of their financial affairs prepared in accordance with section 5 of the Leadership Code (Further Provisions) Act.

(2) Each Member must provide an up to date statement of their financial affairs to the Speaker at least every two years, and the Speaker may exclude a Member who fails to do so from proceedings of the Assembly.

(3) The Speaker shall table all statement provided under this section in the Assembly and they shall be available for public inspection at any reasonable time through the office of the Clerk.

25. Where a matter is to be discussed by the Assembly or any committee of the Assembly, any Member who has a financial or personal interest in the matter, or a member of whose immediate family has a financial or personal interest in the matter, shall declare that interest to the Speaker.

## PART VII MEETINGS

26. (1) The Assembly shall meet as often as required to effectively carry out any Provincial business.

(2) Sessions of the Assembly shall be held on dates determined by the Speaker after consultation with the Premier.

(3) The Assembly shall hold Sessions at least two times within any twelve month period.

(4) The Assembly shall meet within one month of the defeat of any Appropriation Ordinance.

Statements of  
Members  
Interests

Members with an  
interest in issues  
of debate

Meetings

27. (1) A Session shall be called as soon as practicable after a general election of the Members of the Assembly. First Assembly meeting following election

(2) The Speaker shall give all Members at least one weeks notice of the date and location of the meeting under subsection (1).

(3) The first matter at the Session under subsection (1) shall be the election of a new Speaker.

(4) The second matter at the Session under subsection (1) shall be the election of a new Premier.

(5) The third matter at the Session under subsection (1) shall be the election of a new Deputy Speaker.

### Calling Meetings

28. (1) The Speaker shall give all Members notice of any Assembly meeting as far in advance as reasonably possible.

(2) In normal circumstances the Speaker shall give all Members at least 14 days notice of the start of a Session. Notice of meetings

(3) In exceptional circumstances the Speaker may give all Members 7 days notice of the start of a Session.

29. Meetings of the Assembly shall be held at locations determined by the Speaker after consultation with the Premier. Notification of the location of the meeting shall accompany all notifications of the date of meetings. Location of meetings

30. (1) Notice of meetings may be given in any effective manner. Method of Notice

(2) Effective manners for the notice of the start of a Session shall include:

(a) Notice in writing handed to the Member, or posted to the Member where the Member has a reliable postal address;

(b) Radio or telephone message to the Member, or to a person nominated by the Member.

Public notice of Sessions

31. At least 7 days before the start of a Session, the Speaker shall ensure that notice is displayed in public of the date time and location of the Session.

Agenda for Sessions

32. At least 7 days before the start of a Session the Speaker shall send to all Members an agenda for the Session prepared in consultation with the Premier, however that agenda is for information only, and may be changed at any time without notice.

Order Paper

33. For each Sitting of the Assembly the Speaker shall prepare an Order Paper setting out what will take place on that day and in what order.

#### Adjournment and End of Meetings

Adjournment of Sessions prior to start of the Session

34. (1) The start of a Session may be adjourned prior to the start of that Session by the Speaker after consultation with the Premier where unforeseen circumstances make it impracticable or impossible to proceed as scheduled.

(2) Where a Session is adjourned under subsection (1) the Speaker will ensure that all Members are made aware of the time and place to which the Session has been adjourned.

Adjournment of Sessions during the Session

35. (1) At any time during a Session the Speaker may adjourn the meeting for up to one full day, or to the next working day.

(2) At any time during a Session the Assembly may be resolution adjourn the meeting for any period it sees fit.

End of Sessions

36. (1) A Session shall end when when the Assembly resolves to adjourn without setting a new date.

(2) A resolution under subsection (1) may only be moved with the consent of the Speaker.

Quorum

37. (1) The quorum for any meeting of the Assembly shall be half the Members of the Assembly.

(2) The quorum for any committee of the Assembly shall be half the members of that committee.

38. (1) Where there is not a quorum present at the time scheduled for the start of an Assembly meeting the Speaker shall wait for one hour. Procedure where noquorum at start of meeting

(2) If at any time during that hour a quorum become present, the meeting may commence immediately.

(3) Where there is no quorum present at the end of the hour the Speaker shall adjourn the meeting until 9am on the following working day.

(4) Where there is no quorum is present at 9am the following working day, the Speaker shall wait for two hours.

(5) Where no quorum is present within those two hours, the Session shall lapse, and a new Session must be called as soon as practicable.

39. (1) Where at any stage during a meeting of the Assembly there is not a quorum present the Speaker shall not proceed with the meeting until such time as a quorum is present. Procedure where no quorum during meeting

(2) Where there is not a quorum present the Speaker may adjourn the meeting to a specific time.

(3) Where there is still not a quorum at the time specified the Speaker shall follow the process under section 38.

#### Miscellaneous

40. (1) The Clerk shall keep detailed minutes of all proceedings of the Assembly. Minutes

(2) Upon the completion of a Session of the Assembly the Clerk shall promptly send a copy of the minutes to the Speaker for approval or correction.

(3) The approved minutes shall be distributed to all Members within 30 days of the close of that Session.

(4) Each committee of the Assembly shall arrange for appropriate minutes to be kept for that committee.

Leave  
Attendance

41. (1) Any Member who is unable to attend any Session, or any part of a Session, must give notice in writing to the Speaker in accordance with section 15(1)(j) of the Act, prior to the start of the Session where the reason is apparent before the Session.

(2) All Members are expected to attend the whole of all Sessions unless they have a reasonable excuse for not attending.

(3) Reasonable excuse for not attending a Session or any part of a Session shall include:

- (a) health reasons;
- (b) family emergency;
- (c) necessary government business;

but Members are required to give priority to Assembly meetings over any non-urgent personal matters, or any business matters.

## **PART VIII CONDUCT OF MEETINGS**

Proceedings  
public

42. (1) All proceedings of the Assembly and committees of the Assembly shall be open to the public, including the elections for the Speaker, Deputy Speaker, and Premier.

(2) A person may be excluded from any meeting by the Speaker because of inappropriate dress or disruptive behaviour.



(3) The public and the press may be excluded from a meeting of the Assembly or a Committee of the Assembly where required in the public interest, by a vote supported by a two thirds majority of all Members of the Assembly or that committee.

43. The normal Sitting hours of the Assembly and of any committee of the Assembly shall be from 8:30am to 12 noon, and from 1:30pm to 4pm, Monday to Friday, however the Speaker may allow the Assembly to sit outside those times, and the chair of any committee may allow the committee to sit outside those times. Sittings

44. (1) All oral proceedings of the Assembly and committees of the Assembly shall be conducted in English or Solomon Islands Pijin, or shall be translated into English or Solomon Islands Pijin. Language

(2) All minutes, records, and documents tabled in the Assembly shall be in English or shall be accompanied by a translation into English.

45. (1) All Members attending Assembly meetings shall be appropriately dressed. Dress Code

(2) Appropriate dress shall include:

- (a) For men, a button shirt, tie, and trousers or a sulu.
- (b) For women, either a dress, skirt or trousers, and an appropriate top.

46. A Member shall not refer to another Member by name in a meeting of the Assembly. No use of names

47. A Member shall not read any material not connected with the Assembly meeting during an Assembly meeting. No reading

No eating and drinking 48. No person may eat or drink anything other than water during an Assembly meeting, other than during breaks.

No sleeping 49. Member shall not sleep during an Assembly meeting.

Mobile phones 50. Any Member who brings a mobile phone into a meeting of the Assembly shall ensure that that phone is switched off at all times that the Assembly is sitting.

No use of alcohol or betelnut or smoking 51. (1) No Member shall use alcohol on the day of an Assembly meeting unless the meeting has concluded for the day.

(2) No Member may smoke or use betelnut during an Assembly meeting.

#### PART IX ORDER IN MEETINGS

Order 52. (1) It shall be the duty of the Speaker to maintain order at an Assembly meeting.

(2) In any committee of the Assembly it shall be the duty of the chair of that committee to maintain order.

Speaking in Assembly meetings 53. (1) Members shall stand to speak in an Assembly meeting and shall address the Speaker.

(2) Where two Members stand together the Speaker shall choose which Member is to speak first.

(3) The Speaker shall speak sitting down.

Rules for Speaking 54. (1) No Member may interrupt another Member who is speaking except:

- (a) by rising to call attention to a point of order, in which case the Member wishing to raise the point of order shall stand, and the Member speaking shall sit and allow the Member who wishes to raise a point of order to concisely state that point, and such point will be ruled upon by the Speaker.
- (b) to explain a point raised by the Member speaking, provided that the Member wishing to explain shall stand and only speak if allowed to by the Member speaking.

(2) No Member may use offensive, indecent or insulting language in an Assembly meeting.

(3) No Member may make offensive remarks about the private affairs of any other Member or the staff of the Province.

55. With the consent of the Speaker, a Provincial Employee or other adviser may attend a meeting and assist a Minister to deal with technical matters.

Employees and advisers

56. (1) Where any issue has been debated to a point where any Member considers that further debate would unduly waste the time of the Assembly that Member may move to close the issue for a period of up to 12 months.

Motions to close issue

(2) A Motion under subsection (1) must be supported by a two thirds majority of all Members to pass.

(3) Where a Motion under subsection (1) is passed the Speaker shall not allow any Member to speak on that issue until the time in the Motion has elapsed.

Exclusion of  
Members

57. (1) The Speaker may exclude a Member or any other person from an Assembly meeting where that person behaves in a disorderly or offensive manner.

(2) A person excluded under subsection (1) may not return to any meeting of the Assembly until he has apologised in writing to the Speaker, and upon return to the Assembly he shall apologise verbally to the Assembly.

(3) The Chair of a Committee of the Assembly may exclude a Member or other person from that committee where that person behaves in a disorderly or offensive manner.

(4) The committee shall determine the terms of the return of any person excluded under subsection (3).

Penalties

58. (1) Where any Member breaches these Orders the Speaker may fine the Member up to \$5,000.

(2) Where any Member breaches these Orders in a serious manner the Assembly may by vote suspend that Member from attending Assembly meetings for up to two weeks, provided that only one Member may be suspended under this section at any one time.

Points of order

59. (1) The Speaker shall rule on any Point of Order and the Speaker's decision shall be final.

(2) A Member may refer a Point of Order to the Speaker at any time.

(3) The Speaker may rule on a Point of Order on his own motion.

(4) The Speaker may call for debate before determining any Point of Order.

- (5) The Speaker may decide any Point of Order not specifically dealt with these Orders, and may do so by reference to the Standing Orders of the National Parliament of the Solomon Islands.

## PART X SPEECHES

60. On the first day of each Session the Premier shall be allocated one hour to make a speech regarding the present circumstances of the Province. Premier's speech

61. (1) A Minister who wishes to make a statement on some public matter in relation to his portfolio shall inform the Speaker of his wish before the beginning of the sitting at which he wishes to make the statement and the Speaker shall allocate up to 30 minutes for each speech by a Minister. Statements by Ministers

(2) No debate may arise on such statement but the Speaker may in his discretion allow short questions to be put to the Minister making the statement for the purpose of elucidating it.

62. (1) Time will be set aside in each Session of the Assembly for Members who wish to make a statement to the Assembly to make those statements. Time for Members speeches

(2) Any Member wishing to make a statement under subsection (1) shall notify the Speaker prior to the start of the Session and where there is insufficient time for all Members who wish to give a speech to give a speech priority shall be given to those who have not been able to make a speech in previous Sessions.

(3) The statement of an individual member under subsection (1) shall not exceed 30 minutes.

(4) No debate may arise on such statement but the Speaker may in his discretion allow short questions to be put to the Member making the statement for the purpose of elucidating it.

## PART XI PAPERS AND PETITIONS

Papers

63. (1) At any time when a Member is entitled to address the Assembly, that Member may table a Paper either in addition to or instead of speaking, and that Paper will be deemed to be part of the record of the Assembly.

(2) Where a Paper is tabled under subsection (1) any Member may move that the Assembly move into the Committee of the Whole Assembly to debate the Paper in detail.

(3) Where a Paper is tabled under subsection (1) the Member may move a Motion that:

- (a) The Assembly take note of the Paper;
- (b) The Assembly express approval of the Paper;
- (c) The Assembly expresses disapproval of the paper;
- or
- (d) The Assembly adopt the Paper or any part of it as policy for the Province.

Presentation of  
Papers to the  
Speaker

64. (1) Where any Member intends to table a Paper in the Assembly they shall provide a copy of that Paper to the Speaker as far in advance as possible before they intend to present that Paper.

(2) The Speaker shall arrange for copies of any Papers received under subsection (1) to be provided to all Members as soon as practicable after they are received.

Petitions

65. (1) Any Member may present a Petition to the Assembly.

(2) Where any Member wishes to present a Petition to the assembly they shall notify the Speaker as far in advance as practicable and the Speaker shall enter the Petition in the agenda.

(3) Where there is insufficient time for all Members who wish to present petitions, priority shall be given to those who have not been able to present petitions in previous Sessions.

(4) When a Member presents a Petition to the Assembly any Member may move that the Assembly accept or reject the Petition, and that Motion shall be debated immediately.

## PART XII QUESTIONS TO GOVERNMENT

66. (1) 60 minutes in each Sitting day of a meeting of the Assembly shall be available for Members who are not part of the Executive to ask questions of the Executive relating to a public matter for which the Province is responsible, either seeking information on such matter or asking for official action with regard to it, and the members of the Executive may be required to answer those questions. Question time

(2) All questions to be asked under this section shall be delivered in writing to the Speaker by 4pm on the day before the sitting.

67. The Speaker may disallow any question which contains arguments, inferences, opinion, or offensive words, or any question which the Speaker considers that the predominant purpose is not to obtain information from the Member which the Member is obliged to give.

68. (1) Where the Speaker believes that a question should have been addressed to a different member of the Executive the Speaker may direct the question to be put to that member.

(2) Where the member of the Executive to whom a question is directed is not present, another Minister may answer that question.

(3) The Speaker may allow a Minister time to obtain information to answer a question under section 66.

Supplementary  
questions

69. (1) The Member who asked the question may ask supplementary questions without notice for the purposes of clarifying the original answer.

(2) The Speaker may disallow such questions if they seek to introduce or obtain new material not related to the original question.

Priority of ques-  
tions

70. Where more questions come than can be dealt with in that day those that arrived first shall be given priority and the remainder shall be scheduled for the next sitting day if there are further Sittings in that Session.

Urgent questions

71. If a Member asks the permission of the Speaker to ask a question without notice on the ground that it is of an urgent character and relates to a matter of public importance or to the arrangement of business, the Speaker may permit the question to be asked without notice, if he is satisfied that it is of that nature and that sufficient private notice of the question has been or is to be given by the Member concerned to the Executive to enable the question to be answered.

### **PART XIII MOTIONS**

Motions

72. (1) Where no procedure is set out for any particular type of Motion under these Orders the rules under this section shall apply.

(2) Where a Member has a matter that they wish the Assembly to consider, where reasonably possible they shall notify the Speaker at least 48 hours, excluding weekends and public holidays, before they intend to raise the matter, and shall provide the Speaker with the wording of any Motion that they intend to put to the Assembly on the matter.

(3) Each Member shall be entitled to speak for up to 30 minutes on any Motion, and no Member shall be entitled to speak twice, except:

(a) the mover of the Motion who shall have a right of reply at the end of the debate, provided that such reply may only be in answer to matters raised by other speakers; and



(b) any Member where a material part of their own speech has been misquoted or misunderstood.

(4) Amendments to Motions may be moved at any time, and any amendment shall be dealt with before debate on the Motion itself proceeds.

(5) A Motion may be withdrawn at any time by the mover of the motion.

73. (1) No Motion may be debated or voted upon by the Assembly unless it has been moved by one Member and seconded by at least one other Member.

Moving and seconding Motions

(2) No Motion may be debated if its subject matter is beyond the competence of the Assembly.

74. (1) Where any Motion is offensive or otherwise inappropriate the Speaker may request the Member moving the Motion to amend the Motion.

Amendment of inappropriate Motions

(2) Where a Member refuses a request under subsection (1) the Speaker may amend the Motion.

#### **PART XIV VOTING**

75. (1) Only Members may vote on any matter at Assembly meetings or at meetings of any committees of the Assembly.

Voting

(2) Except where otherwise stated, all votes of the Assembly shall be determined by a simple majority of those present and voting on the matter.

76. (1) The Speaker shall not have a vote in the Assembly.

Votes of person presiding

(2) Where the Deputy Speaker is presiding he shall continue to have a vote.



(3) Where the Speaker receives a Draft Ordinance under subsection (2) they shall arrange for the delivery of copies of that draft Ordinance to all Members as soon as practicable.

82. (1) Where there is sufficient time within a Session all draft Ordinance presented to the Speaker under section 81 shall be dealt with at that Session in order determined by the Speaker.

Priority of Draft Ordinances in the Assembly

(2) Where there is insufficient time in a Session to deal with all Draft Ordinances which have been presented any Appropriation Ordinance shall be dealt with first.

(3) The priority of Draft Ordinances following any appropriation Ordinance shall be as follows:

(a) Two thirds of the number of Draft Ordinances dealt with shall be government Draft Ordinances, these shall be dealt with first and the choice of Ordinances shall be made by the Premier.

(b) One third of the number of Draft Ordinances dealt with shall be non government Draft Ordinances, and the selection and order of these shall be determined by lottery.

83. (1) Each Draft Ordinance which is to be dealt with at a Meeting of the Assembly shall first be presented to the Assembly by the Clerk reading the short title of the draft Ordinance. This shall then be entered into the minutes, and a copy of the Draft Ordinance shall be entered into the record of the Assembly.

Presentation of Ordinances to the Assembly

(2) No debate or discussion of the Draft Ordinance shall take place at the time of the procedure under subsection (1).

Debate on  
general principals

84. (1) At any time after the presentation of the Draft Ordinance to the Assembly under section 83, the Assembly shall debate the purpose and general principals of the Draft Ordinance.

(2) The debate under subsection (1) will commence with a speech by the Member introducing the Draft Ordinance.

(3) The speech under subsection (2) shall be followed by an opportunity for each Member to speak for up to half an hour on the purpose and general principals of the Draft Ordinance, however in that speech no Member shall address the details of the Draft Ordinance.

Further considera-  
tion

85. (1) Following the debate under section 84 any Member may move that the Draft Ordinance be accepted for further consideration, and that Motion shall not require a seconder, and will be voted upon immediately.

(2) If the Motion under subsection (1) is passed, the Draft Ordinance shall be put to the Committee of the whole Assembly for consideration.

Consideration  
of details

86. (1) Not less than one day, excluding weekends and public holidays, after a vote under section 85 is passed, the Committee of the Whole Assembly shall debate the Draft Ordinance.

(2) The chair of the Committee shall determine whether the draft Ordinance should be considered page by page or section by section.

(3) Each Member shall have the opportunity to speak on each section, or each page of the draft Ordinance, as is determined under subsection (2), and shall have the opportunity to propose amendments on that section or page.

(4) Once all parts of the draft Ordinance have been debated, and all amendments have been voted upon, any Member may move that the draft Ordinance be sent back to the Assembly with any amendments, and that Motion shall not require a seconder and will be voted upon immediately.

87. (1) Not less than one day excluding weekends and public holidays after a vote under section 86 is passed, the Assembly shall debate whether the draft Ordinance should be passed. Passing of Ordinances

(2) Each Member shall be given the opportunity to speak in a debate under subsection (1), but no amendments to the draft Ordinance may be considered.

(3) Once all Members who wish to speak at the debate under subsection (1) have done so, any Member may move that the draft Ordinance be passed into law, or not be passed into law, and such Motion shall not require a seconder and will be voted upon immediately.

88. As soon as practicable following the passing of an Ordinance under section 87 the Speaker shall arrange for a copy of the Ordinance to be sent to the Minister of Provincial Government and Institutional Strengthening to be assented to by the Minister under section 30(2) of the Act. Assent by Minister

89. (1) Where the Minister refuses assent to an Ordinance under section 30(2) of the Act, the Ordinance shall be brought before the Assembly at the first reasonable opportunity to debate the appropriate course forward.

(2) At the debate under subsection (1), each Member shall be given the opportunity to speak on the appropriate course forward.

(3) Once each Member has been given the opportunity to speak under subsection (2) any Member may move:

- (a) that the Ordinance be abandoned;
- (b) that the Assembly return to the stage on consideration of details of the Ordinance under section 86; or
- (c) that the Province refer the decision of the Minister to the High Court under section 32(3) of the Act.

Procedure after  
Court decision

90. (1) Where a Court determines that the Assembly does not have the power to make any Ordinance or any part of any Ordinance which has been passed by the Assembly the Ordinance shall be brought before the Assembly at the first reasonable opportunity to debate the appropriate course forward.

(2) At the debate under subsection (1), each Member shall be given the opportunity to speak on the appropriate course forward.

(3) Once each Member has been given the opportunity to speak under subsection (2) any Member may move:

- (a) that the Ordinance be abandoned; or
- (b) that the Assembly return to the stage on consideration of details of the Ordinance under section 86.

Procedure where  
Ordinance not  
dealt with

91. (1) Where a Draft Ordinance has reached the stage under section 83 to 87 but has not been passed or defeated at a Session it shall be given priority at the next Session.

(2) Where two years have elapsed since the a Draft Ordinance was presented under section 83 and it has not finally been passed or defeated, it shall lapse and if the Draft Ordinance is to pass, the process must begin again from the presentation of the Draft Ordinance to the Speaker under section 80.

(3) Where a Draft Ordinance has been introduced under section 83 but has not been passed or defeated at the end of a Term that draft Ordinance shall lapse, and any Member wishing to reintroduce the Ordinance must begin again from the presentation of the Draft Ordinance to the Speaker under section 80.

## **PART XVI FINANCIAL CONTROL**

92. (1) The Assembly shall not proceed to debate or pass any Draft Ordinance appropriating any sum out of the Provincial Fund unless: Financial control

- (a) estimates of expenditure on which the Draft Ordinance is based have been laid before the Assembly; or
- (b) the proposed Ordinance is only for the first 4 months of the financial year and intended solely to maintain existing services.

(2) The Assembly shall not pass any Draft Ordinance appropriating any sum out of the Provincial Fund except with the consent of the Executive.

(3) No amendments may be moved to any such Draft Ordinance without the consent of the Executive.

Motions relating  
to Provincial  
Fund

93. Where the Speaker receives a Motion or amendment to a Motion, the effect of which, in the opinion of the Speaker, is that money should be appropriated from the Provincial Fund, the Speaker shall first transmit the Motion or amendment to the Executive with a request that the Executive signify whether or not they will give consent in accordance with section 92(2), and unless the Executive signifies that they will give consent, the Motion or amendment shall neither be printed nor included in any notice or order paper.

Explanatory  
memoranda

94. Any Draft Ordinance which related to the raising of significant revenue or significant expenditure shall be accompanied by an explanatory memorandum of its estimated financial effects.

### **PART XVII VOTES OF NO CONFIDENCE**

Procedure for  
vote of no confi-  
dence

95. (1) When a Member wishes to move a motion of no confidence under section 19(5) of the Act, they shall notify the Speaker of that intention.

(2) Where the Speaker has been given notice under subsection (1) they shall ensure that notice is given to all Members as soon as reasonably practicable.

(3) A motion of no confidence shall not be voted on until at least one week after notice has been given under subsection (2).

(4) Where the notice period under subsection (3) is complete a motion of no confidence shall be debated and voted upon prior to any other business of the Assembly.

Procedure fol-  
lowing vote of  
no confidence

96. (1) Where a motion of no confidence is successful the Meeting shall be adjourned for a period of 48 hours excluding weekends and public holidays.

(2) The first matter of business on the recommencement of the Meeting shall be the election of a new Premier.

(3) From the passing of the motion of no confidence until the election of the new Premier the Deputy Premier shall be Acting Premier to maintain current services only.



**PART XVIII COMMITTEES**

97. (1) The Speaker in consultation with the Premier shall appoint an Accounts Committee consisting of seven Members of the Assembly.

Accounts  
Committee

(2) The majority of the Committee shall be Members who are not members of the Executive, and the Minister responsible for finance shall not be a member.

(3) The Accounts Committee shall be responsible for electing its own chairman, provided that the chairman shall not be a member of the Executive, and for determining its own procedure.

98. (1) The functions of the Accounts Committee shall be to examine and report to the Assembly on:

Functions of the  
Accounts  
Committee

- (a) any draft estimates of revenue and expenditure prepared by the Executive in support of any draft appropriation Ordinance;
- (b) all accounts produced by the Province, and in particular the reports produced by the Executive under section 39(1) of the Act;
- (c) all audits of the Province's accounts, and in particular the audit under section 39(3) of the Act;
- (d) the reasons for any significant differences between budgeted and actual revenue and expenditure for the Province, both overall and in each category of revenue and expenditure;
- (e) the Provinces financial systems and procedures.

- (2) Such reports shall include any suggestions for improving the Provinces financial systems and procedures.

Powers of the  
Accounts  
Committee

99. In order to carry out its functions the Accounts Committee may:

- (a) summon any Public Officer assigned to the Province, member of Provincial Staff, Minister, or member of the Executive to give testimony and provide documents related to the work of the Accounts Committee;
- (b) request the Auditor General, or any other officer of the central government, or any other person to attend its meetings to give evidence or provide documents;
- (c) require any evidence given to it to be given under oath.

### **Committee of the Whole Assembly**

Committee of the  
Whole Assembly

100. (1) At any stage during an Assembly meeting any Member may move a Motion that the Assembly move into a Committee of the whole Assembly.

(2) In any Committee of the Whole Assembly the Speaker shall be the Chairman.

(3) The Chairman of the Committee of the Whole Assembly shall determine the procedure of that Committee to suit the purpose of the debate.

## Other Committees

Other  
Committees

101. (1) The Assembly may appoint committees of the Assembly in addition to the Committee of the Whole Assembly and the Accounts Committee.

(2) Committees under subsection (1) may be either for a fixed period or purpose, or permanent.

(3) The Speaker in consultation with the Premier shall decide the members of any committees, their terms of reference, their term of office, and any other relevant matters, and shall confirm these matters in writing to the members of the committee.

(4) The Speaker may determine the rules of procedure for a committee, or may allow a committee to determine its own rules of procedure.

102. In order to carry out their functions any committee may inter alia:

- (a) summon any Public Officer assigned to the Province, member of Provincial Staff, Minister, or member of the Executive to give testimony and provide documents related to the role of that committee;
- (b) request any officer of the central government, or any other person to attend its meetings to give evidence or provide documents; and
- (c) require any evidence given to it to be given under oath.

## PART XIX NATIONAL GOVERNMENT

Admission of  
Members of  
National  
Parliament

103. Any member of the National Parliament any part of whose constituency is in the Province may attend any meeting of the Assembly, or any meeting of any committee of the Assembly, however may not participate in that meeting unless allowed to do so by the Speaker, or the chair of the committee.

Provincial and  
Central  
Government  
Co-ordinating  
Council

104. (1) There shall be a Council to co-ordinate actions of the Provincial Government with the actions of the central government.

(2) The members of the Council shall include:

- (a) the Premier who shall be the chair of the council;
- (b) at least one other member of the Executive;
- (c) at least one other Member who is not a member of the Executive;
- (d) at least two community representatives;
- (e) all members of the National Parliament any part of whose constituency is within the Province.

(3) The members of the council in subsection (2), (b), (c), and (d) shall be appointed by the Premier.

(4) The council shall regulate its own procedure and meetings.

## RT XX DISSOLUTION

Motion for disso-  
lution

105. (1) At least one weeks notice must be given to all Members for any motion to dissolve the Assembly under section 10(2) of the Act.

(2) A motion to dissolve the Assembly under section 19(2) of the Act must be supported by an Absolute Majority.

106. Where a Executive remains in place following an election prior to the election of a new Premier, that Executive shall only ensure that services are maintained, and shall not seek to implement new policy.

Caretaking  
governments

## PART XXI MISCELLANEOUS

107. (1) Where a matter needs to be dealt with urgently to avoid harm to the Province, the Assembly may pass a motion of urgency.

Urgency

(2) A motion of urgency must be supported by a two thirds majority of all the Members of the Assembly.

(3) Where a motion of urgency has been passed in respect of a matter none of the time limits in these orders apply to that matter.

108. These Orders may be suspended at any time by a Motion passed by a vote supported by two thirds of the Assembly and with the consent of the Speaker.

Suspension of  
Standing Orders

109. Any technical defects in proceedings of the Assembly not affecting the outcome of the proceedings shall have invalidate those proceedings.

Technical defects  
in process

110. All previous Standing Orders of the Choiseul Provincial Assembly, or any rules having effect as such are hereby repealed.

Repeal

*Passed by the Choiseul Provincial Assembly this 11th day of October 2011.*

*This printed impression has been carefully compared by me with the Ordinance passed by Choiseul Provincial Assembly and found by me to be a true and correct copy of the said Ordinance.*

*Christopher Makoni*  
*Clerk to the Choiseul Provincial Assembly*

[Legal Notice No. 167]

**PROVINCIAL GOVERNMENT ACT 1997  
(No. 7 of 1997)**

**THE CHOISEUL PROVINCE ORDINANCE AND  
REGULATION CONFIRMATION ORDINANCE 2011**

**AN ORDINANCE TO CONFIRM THE ORDINANCES AND  
REGULATIONS MADE BY CHOISEUL PROVINCE CURRENTLY IN  
FORCE**

**ENACTED** by the Choiseul Provincial Assembly with the assent of the Minister

**WHEREAS:**

- A) It has become unclear which Ordinances, Regulations, and other rules made by the Choiseul Provincial Assembly, Executive and Ministers are currently in force.
- B) It is desirable for both the Province and the public to know which rules are in force.
- C) The Province intends to pass a number of other Ordinances and Regulations at the same time as this Ordinance.

**THEREFORE:**

The Choiseul Provincial Assembly passes the following Ordinance:

**ARRANGEMENT OF SECTIONS**

1. Short title
2. Interpretation
3. Ordinances in force at the date of the passing of this Ordinance
4. Regulations in force at the date of the passing of this Ordinance
5. Ordinances and Regulations pending

**THE CHOISEUL PROVINCE ORDINANCE AND REGULATION  
CONFIRMATION ORDINANCE 2011**

1. This Ordinance may be cited as the Choiseul Province Ordinance and Regulation Confirmation Ordinance 2011 and shall come into effect on the date it is published in the *Gazette*. Short title
2. In this Ordinance, except where the context otherwise requires: Interpretation
- “Ordinance” means an Ordinance of Choiseul Province but does not include an appropriation ordinance or supplementary appropriation ordinance.
- “Regulations” means regulations of Choiseul Province.
3. (1) The Ordinances listed in schedule 1 are deemed to be in force from the date that this Ordinance comes into effect, subject to section 5. Ordinances in force at the date of the passing of this Ordinance
- (2) All Ordinances or any other rules having effect as though they were Ordinances, that are not listed in schedule 1 shall be deemed to be repealed from the date that this Ordinance comes into effect, subject to section 5.
4. (1) The Regulations, and other rules made by Choiseul Province listed in schedule 2 are deemed to be in force from the date that this Ordinance comes into effect, subject to section 5. Regulations in force at the date of the passing of this Ordinance
- (2) All Regulations or any other rules having effect as though they were Regulations, that are not listed in schedule 1 shall be deemed to be repealed from the date that this Ordinance comes into effect, subject to section 5.

Ordinances and  
Regulations  
pending

5. Irrespective of anything in this Ordinance, the Ordinances, Regulations, and other rules listed in schedule 3 shall come into effect on the date that they would otherwise come into effect and shall remain in effect regardless of whether or not this Ordinance comes into force, and any repeal of any Ordinance, Regulation, or other rule listed in schedule 1 or 2, by the Ordinances, Regulations and other rules listed in schedule 3 shall have effect as though this Ordinance had not been passed.

*Passed by the Choiseul Provincial Assembly this 13th day of October 2011.*

*This printed impression has been carefully compared by me with the Ordinance passed by Choiseul Provincial Assembly and found by me to be a true and correct copy of the said Ordinance.*

*Christopher Makoni  
Clerk to the Choiseul Provincial Assembly*

*With the Assent of the Minister this tenth day of November, 2011.*

*Hon. Walter Folotalu  
Minister for Provincial Government and Institutional Strengthening*



## SCHEDULE 1

The Choiseul Province Area Council Ordinance 1992 as published in the *Gazette* supplement as Legal Notice 44 of 1994.

The Choiseul Province Bakery and Kitchen Ordinance 1997 as published in the *Gazette* Supplement in Legal Notice 100 of 1999.

The Choiseul Province Building Standards Ordinance 1998 as published in the *Gazette* Supplement in Legal Notice 100 of 1999.

The Choiseul Province Business Licence Ordinance 1993 as published in the *Gazette* Supplement as Legal Notice 169 of 1993 together with:

the Choiseul Province Business Licence (Amendment) Ordinance 1995 as published in the *Gazette* Supplement as Legal Notice 16 of 1996; the Choiseul Province Business Licence Amendment Ordinance 1997 as published in the *Gazette* Supplement in Legal Notice 100 of 1999; amendments passed in 2009 to change references to the Provincial Government Act 1981 to the Provincial Government Act 1997; and the Choiseul Province Business Licence Regulations (Commencement) Ordinance 2010 as published in the *Gazette* Supplement as Legal Notice 41 of 2010.

The Choiseul Provincial Government Financial Management Ordinance 2008 as passed by the Assembly on the 18th of March 2008, which refers to itself in section 1 as the Choiseul Provincial Government Financial Management Ordinance 2007.

The Choiseul Province Preservation of Culture Ordinance 1997 as published in the *Gazette* Supplement in Legal Notice 100 of 1999.

The Choiseul Province Provincial Enterprises Ordinance 2011 as published in the *Gazette* Supplement as Legal Notice 45 of 2011.

The Choiseul Province Public Nuisance Ordinance 1997 as published in the *Gazette* Supplement in Legal Notice 100 of 1999.

The Choiseul Province Rating Ordinance 1993 as published in the *Gazette* Supplement as Legal Notice 168 of 1993 together with;  
the amendment Ordinance as published in the *Gazette* Supplement as  
Legal Notice 18 of 1996.

The Choiseul Province Resource Management Ordinance 1997 as published in  
the *Gazette* Supplement in Legal Notice 100 of 1999.

The Choiseul Province Rural Development Fund Ordinance 1995 as published  
in the *Gazette* Supplement as Legal Notice 88 of 1995.

## SCHEDULE 2

The Choiseul Province Business Licence Regulations 2008 as published in the *Gazette* Supplement as Legal Notice 74 of 2010, together with:  
the Choiseul Province Business Licence (Amendment) Regulations 2010 as published in the *Gazette* Supplement as Legal Notice 40 of 2010; and amendments made in March 2011.

The Choiseul Provincial Executive Governing rules 1995 as published in the *Gazette* Legal Notice 89 of 1995 together with:  
amendments passed in 2009 to change references to the Provincial Government Act 1981 to the Provincial Government Act 1997.

The Choiseul Province Rural Development Fund Regulations 1995 as published in the *Gazette* Supplement as Legal Notice 20 of 1996.

The Standing Orders of the Choiseul Provincial Assembly 1995 as approved by the Assembly on the 16th of November 1995 together with:  
amendments passed in 2009 to change references to the Provincial Government Act 1981 to the Provincial Government Act 1997

SCHEDULE 3

- The Choiseul Province Business Licence Ordinance 2011.
- The Choiseul Province Business Licence (Exemptions) Regulations 2011.
- The Choiseul Province Business Licence (Fees) Regulations 2011.
- The Choiseul Province Business Licence (Forms) Regulations 2011.
- The Choiseul Province Business Licence (Inspections) Regulations 2011.
- The Choiseul Province Fisheries and Marine Environment Ordinance 2011.
- The Choiseul Province Fisheries and Marine Environment (Forms) Regulations 2011.
- The Choiseul Provincial Assembly Standing Orders 2011.

[Legal Notice No. 168]

**PROVINCIAL GOVERNMENT ACT 1997  
(No. 7 of 1997)**

**THE CHOISEUL PROVINCE BUSINESS LICENCE  
ORDINANCE 2011**

**AN ORDINANCE TO PROVIDE FOR THE LICENCING OF  
BUSINESS OPERATING IN CHOISEUL PROVINCE**

**ENACTED** by the Choiseul Provincial Assembly with the assent of the Minister.

**ARRANGEMENT OF SECTIONS**

**PART 1 - GENERAL**

1. Short title
2. Interpretation
3. Meaning of Business
4. Meaning of Operate in the Province
5. Meaning of Locally Based Business

**PART II - REQUIREMENT TO HOLD A LICENCE**

6. No Business to Operate without a Licence
7. Exempted Businesses
8. Separate Businesses on same premises
9. One Business at several locations
10. One Business with several activities
11. Subcontracting

**PART III - GRANT OF LICENCES**

12. Applications for Licence
13. Grant of Licence
14. Approval of Executive for certain Licences

15. Reasons for refusal of Licence
16. Notification of refusal
17. Objections to refusal of Licence
18. Conditions of Licence
19. Inspections
20. Ratings

#### **PART IV - LICENCE GENERAL**

21. Duration of Licences
22. Temporary Licences
23. Renewal of Licence
24. Process on failure to renew
25. Withdrawal of licence
26. Business Licence Register
27. Change in particulars
28. Change of Business type
29. Transfer of Licence
30. Display of Licence
31. Issue of duplicate Licence

#### **PART V - FEES**

32. Licence Fees
33. Classification of Businesses
34. Fees for unclassified businesses
35. Time to pay
36. Waiver of fees

#### **PART VI - OFFENCES**

37. Operating without a Licence
38. Operating outside the terms of a Licence
39. Failure to cease operation

- 40. Obstruction
- 41. Failure to notify of change of particulars
- 42. Provincial false particulars
- 43. Fraudulent use of licence

**PART VII - OTHER ENFORCEMENT**

- 44. Collection of unpaid Licence Fees
- 45. Requirement to cease Operations or activities
- 46. Seizure

**PART VIII - MISCELLANEOUS PROVISIONS**

- 47. Responsibilities of Businesses
- 48. Licence does not convey rights
- 49. Authorised Persons
- 50. Confidentiality of information
- 51. Proof of issue of Licence
- 52. Further Regulations

**RT IX REPEAL AND TRANSITIONAL**

- 53. Repeal
- 54. Transitional Provisions

## CHOISEUL PROVINCE BUSINESS LICENCE ORDINANCE 2011

### PART 1 - GENERAL

- |                |   |
|----------------|---|
| Short title    | 1. This Ordinance may be cited as the Choiseul Province Business Licence Ordinance 2011 and shall come into effect on the date it is published in the <i>Gazette</i> .  |
| Interpretation | 2. In this Ordinance, except where the context otherwise requires: <p style="margin-left: 40px;">“the Assembly” means the Choiseul Provincial Assembly.</p> <p style="margin-left: 40px;">“Business” has the meaning assigned to it by section 3.</p> <p style="margin-left: 40px;">“Court” means the Magistrates Court or the High Court.</p> <p style="margin-left: 40px;">“the Division” means the Choiseul Province Treasury Division, or any Division or other body established in the place of that Division.</p> <p style="margin-left: 40px;">“the Executive” means the Choiseul Provincial Executive.</p> <p style="margin-left: 40px;">“Fee” means a fee set under section 32 of this Ordinance.</p> <p style="margin-left: 40px;">“Financial Year” means the period from 1 April to 31 March in any given year.</p> <p style="margin-left: 40px;">“Licence” means a licence issued under section 13 of this Ordinance.</p> <p style="margin-left: 40px;">“Locally Based Business” has the meaning assigned to it by section 5.</p> <p style="margin-left: 40px;">“the Minister” means the Minister for the time being responsible for the Division.</p> <p style="margin-left: 40px;">“Operate in the Province” has the meaning assigned to it by section 4.</p> |



“the Province” means Choiseul Province, and includes the waters of Choiseul Province.

“the Register” means the register created under section 26 of this Ordinance.

“the Treasurer” means the treasurer for the time being of the Province, or any person in a subsequent equivalent position.

3. “Business” means any activity carried out in order to make a profit, including: Meaning of Business
- (a) provision of services;
  - (b) manufacturing;
  - (c) retailing;
  - (d) wholesaling;
  - (e) harvesting or collection of natural resources;
  - (f) farming;
  - (g) purchasing goods within the Province for sale outside the Province;
  - (h) working on contract for another business;
- but does not include being an employee.

4. “Operate in the Province” in relation to any Business means to carry out either all, or any part of the Business’ activities in the Province, whether in the short or long term, and includes: Meaning of Operate in the Province

- (a) selling;
  - (b) manufacturing;
  - (c) storing items;
  - (d) quartering staff or customers;
  - (e) investigating any matter; and
  - (f) using any place as a base for Operations or administration;
- with the Province.

Meaning of  
Locally Based  
Business

5. (1) “Locally Based Business” means a Business the majority of which is beneficially owned and managed by persons ordinarily resident in the Province.

(2) Whether a Business is locally based shall be determined based on the substance of the case, and not by the legal form of the entities and contracts involved. In particular, where a Business owned and managed by people within the Province subcontracts substantially all the activities of the Business to another entity that is not owned and managed by people within the Province, the Business will not qualify as a Locally Based Business under this Ordinance.

## PART II - REQUIREMENT TO HOLD A LICENCE

No Business to  
Operate without  
a Licence

6. (1) No Business may Operate within the Province without a Licence issued under this Ordinance, unless that Business is exempted under section 7 of this Ordinance.

(2) A Licence shall specify the activities to be carried on by the Business, and the person or entity owning the Business, and any other conditions of the Licence and that Licence shall only be valid for that type of Business owned by that person or entity on those conditions.

Exempted  
Business

7. The Assembly may exempt any type of Business from the requirement to hold a Licence by regulations.

Separate  
Business on  
same premises

8. Where two separate and distinct Businesses Operate from one premises, each Business shall require a separate Licence.

One Business at  
several locations

9. Where one Business Operates from several locations, the Business shall only require one Licence, but may be required to pay an additional Fee for each location in which it Operates.

One Business  
with several  
activities

10. Where one Business carries out several different activities it shall only require one Licence, but shall be required to pay an additional Fee for each activity.

11. (1) Where a Business subcontracts part of its Operations in the Province to any other business, both Businesses will be deemed to be Operating in the Province, and each Business shall be required to hold a Licence, shall be liable to have conditions imposed on that Licence, and shall be liable to pay a Fee in accordance with each Business' Operations. Subcontracting

(2) Where a Business subcontracts all, or substantially all of its Operations within the Province to a single Business, both the Businesses shall still be deemed to be Operating with the Province in accordance with subsection (1) of this section, however where the charging of two Fees would be unjust this may provide grounds for the waiver of part of the Fees for one or both of the Businesses.

### PART III - GRANT OF LICENCE

12. Applications for a Licence shall be made to the Division and shall specify: Applications for Licence

- (a) The name of the person, entity, or group that owns the Business;
- (b) The name of the Business to be Operated;
- (c) A description of the activities of of the Business;
- (d) A description of the area in which the Business wishes to Operate, and the location of any fixed premises;
- (e) Contact details for the management and owners of the Business, or where the applicant is a company, contact details for the management and the Registered Office of the company.
- (f) Any other information reasonably requested by the Division or required by regulations made under this Ordinance.

13. Provided that:

Grant of Licence

- (a) The appropriate Fee for the Business is paid;
- (b) The other requirements of this Ordinance are fulfilled; and

- (c) There are no reasons to refuse a Licence under section 15;

and subject to such conditions as may be imposed under section 18, the Treasurer shall grant an applicant under section 12 a Licence.

14. No Licence shall be granted to any Business:

- (a) which requires a licence under either the Forest and Timber Resources Utilisation Act (Cap.40), or the Mines and Minerals Act (Cap.42), or any subsequent equivalent legislation; or
- (b) which is required to be registered under the Foreign Investment Act 2005, or any subsequent equivalent legislation; without the prior approval of the Executive.

15. (1) The Treasurer may refuse a Licence on the grounds

that:

- (a) The Business does not meet health or hygiene standards;
- (b) The Business equipment, premises, or staff do not meet appropriate quality standards;
- (c) The Business would cause undue harm to the Province or the people of the Province;
- (d) The applicant for the Licence is not a fit and proper person to be granted a Licence; or
- (e) The applicant does not have the lawful right to carry on the activities applied for in the area they intend to Operate.

Approval of Executive for certain Licences

Reasons for refusal of Licence

(2) Grounds for determining that a Business would cause undue harm to the Province may include that it is a type of activity that the Province wishes to discourage within the Province.

(3) Grounds for finding that a person is not a fit and proper person to be granted a Licence may include the fact that person has failed to comply with the conditions of previous Licences.

16. Where an application for a Licence is to be refused, the applicant shall be given notice in writing of the reasons for the refusal of the application. Notification of refusal

17. (1) Where any person objects to a decision to refuse an application for a Licence they may appeal to the Minister. Objections to refusal of Licence

(2) If the applicant is still unhappy with the decision of the Minister under subsection (1) of this section, they may appeal to the Executive, and the decision of the Executive shall be final.

18. (1) It shall be a condition of all Licences that the Business complies with all laws relevant to the Business and its Operations. Conditions of Licence

(2) The Treasurer may in addition impose such conditions on a Licence as he sees it, for the benefit of the Province, on either the grant or the renewal of a Licence.

(3) Conditions under subsection (2) of this section may include conditions for the protection or development of the Province.

(4) Conditions under subsection (2) may include limitations on the area in which the Business Operates, the premises or equipment that the Business must use, or the times during which the Business may Operate.

Inspections

19. (1) The Minister may by regulations provide that a Business' premises or equipment must be inspected before the grant or renewal of a Licence, and whether the Licence is granted or renewed may be determined from that inspection.

(2) Where an inspection is required under subsection (1) a fee may be charged for that inspection.

Ratings

20. (1) Regulations under section 19 may provide that the person inspecting the premises or equipment provide a rating for the Business.

(2) Any rating under subsection (1) shall be printed on the Licence.

(3) Regulations under subsection (1) may set out the types of ratings to be given, the criteria on which such ratings will be based, and who shall carry out any inspection.

#### **PART IV - LICENCE GENERAL**

Duration of  
Licences

21. (1) Unless withdrawn earlier under section 25, Licences shall be valid from the date of issue to the end of the Financial Year for which they were granted, unless the Licence is granted for a different period under this section.

(2) Where a Business is Operating in the Province on a temporary basis, the Treasurer may grant a Licence for a period of less than a year under section 22.

(3) With the approval of the Executive a Licence may be granted for a period of up to two years.

Temporary  
Licences

22. (1) A Temporary Licence under section 21(2) may be granted for 3, 6, or 9 months.

(2) The Fee for a Temporary Licence shall be the Fee for that type of Business, multiplied by the percentage of the year for which the Licence is to be granted, plus 25%.

678 23. (1) A Licence may be renewed each year upon: Renewal of Licence

- (a) Payment of the Fee set for that type of Business for that year, or making an arrangement to pay the Fee under section 35, and
- (b) Providing confirmation that there have been no material changes in particulars provided at the time of the application for a Licence.

(2) Renewal under this section may be recorded by an endorsement on the Licence and being recorded in the Register, or by the issue of a new Licence.

24. Where a Business has held a Licence, but has failed to properly renew their Licence, the Province shall notify the Business in writing at least 14 days before requiring the Business to cease operations under section 45. Process on failure to renew

25. (1) The Treasurer may withdraw a Licence at any stage where a Business has: Withdrawal of licence

- (a) Made a material misstatement in its application for a Licence;
- (b) Failed to comply with an agreement to pay over time under section 35;
- (c) Carried on any unlawful activities;
- (d) Failed to comply with any conditions of the Licence.

(2) Before withdrawing a Licence under subsection (1)(b), (c), or (d), where the default can be remedied, and poses no serious immediate threat to the Province, the Treasurer shall give reasonable notice to correct the default before withdrawing the Licence.

Business Licence  
Register

26. (1) The Division shall keep a Register of all Businesses that hold a Licence.

(2) The Register shall state:

- (a) The name of the owner or owners of the Business;
- (b) The activities for which the Licence has been granted;
- (c) The physical address of the Business, where it has one;
- (d) The locations of the Business' Operations;
- (e) The contact details of the owners and management of the Business;
- (f) Any conditions set for the Licence under section 18;
- (g) Any rating under section 20;
- (h) The period for which the Licence has been granted

(3) The Register will be available to the public for inspection.

27. Where at any stage the particulars set out in the application under section 12 change, other than the activities carried out, or the ownership of the Business, the Business shall notify the Province of this change and it shall be recorded on the Licence and the Register.

Change in partic-  
ulars

28. (1) Where a Business wishes to change the activities that it carries on, it shall require the consent of the Province.

Change of  
Business type

(2) Prior to approving a change under subsection (1) the Province may request any information it requires from the Business, and the failure to provide such information may be grounds for the refusal of the change.



(3) Where any new activities fall into one of the categories under section 14 the change must be approved by the Executive. Where the new activities do not fall into one of those categories the change may be approved by the Treasurer.

(4) Where the change takes place during a Financial Year, the Business shall be required to pay the annual Fee for any new activity, divided by 12, multiplied by the number of whole or part calendar months during which the Business is carrying out the new activity in that Financial Year.

(5) The Treasurer may impose new conditions under section 18 on a change of Business activities.

(6) Where an inspection is required under section 19 for the new activity, that inspection shall be required before the new activity can commence.

(7) Any change under this section shall be recorded in the Register and either be recorded on the Licence, or a new Licence shall be issued.

(8) Sections 15 to 17 shall apply to the refusal of a change of Business activities.

29. (1) Where a Business changes ownership a Licence may be transferred to the new owner, provided that the new owner provides the information under section 12(a) and (e) and meets the fit and proper person test in section 15(1)(d). Transfer of Licence

(2) Prior to granting a transfer the Province may request any information it requires from the transferee, and the failure to provide such information may be grounds for the refusal of the transfer.

(3) Where a Business falls into one of the categories under section 14 the transfer must be approved by the Executive. Where the Business does not fall into one of those categories the transfer may be approved by the Treasurer.

(4) Where the Business is changing from a Locally Based Business to a Business that is not Locally Based, and there is a different Fee for Locally Based Businesses, the Business must pay a percentage of the difference between the two Fees equal to the percentage of the Financial Year remaining.

(5) Where the Business is changing from a Business that is not Locally Based to a Locally Based Business, and there is a different Fee for Locally Based Businesses, the Province shall pay the Business a percentage of the difference between the two Fees equal to the percentage of the Financial Year remaining.

(6) Any transfer under this section shall be recorded in the Register and either be recorded on the Licence, or a new Licence shall be issued.

Display of Licence

30. (1) Where a Business Operates from permanent premises, the Licence, or a copy of the Licence, shall be displayed in a place visible to the public in those premises, or where the Business Operates from more than one premises, in each of those premises.

(2) Where a Business does not Operate from permanent premises, the Business shall show a copy of its Licence to any person who requests to see it.

Issue of duplicate Licence

31. Where the original of a Licence is lost or destroyed the Treasurer may issue a duplicate Licence, and may charge such fee as may be prescribed for the issue of a duplicate Licence.

## **PART VI - FEES**

Licence Fees

32. (1) The Fees for a Licence shall be set by subsidiary legislation made by the Assembly.

(2) Separate Fees will be charged for each type of activity carried on by the Business.

- (3) Different Fees may be set based on:
- (a) the type of activity;
  - (b) The size of the activity;
  - (c) The volume of trade in the activity;
  - (d) The number of locations in which the Business carries on the activity within the Province;
  - (e) Where the activity is in the Provincial Capital,
  - (f) Whether or not the Business is a Locally Based Business.
- (4) Where a Business starts Operating during a Financial Year, the Fee will be the annual Fee, divided by 12, multiplied by the number of whole or part calendar months during which the Business is Operating in that Financial Year.

33. (1) The Treasurer shall be responsible for determining which of the different Fees set under section 32 applies when there is a dispute. Classification of Businesses

(2) The onus shall be on the person operating the Business to prove the facts that they rely on to establish which Fee applies to their Business.

(3) Where a person does not accept the Fee for the Business set by the Treasurer under subsection (1) of this section they may appeal to the Minister, whose decision shall be final.

34. (1) Where no Fee has been set under section 32 for a particular activity and a person applies for a Licence for that type of activity, or the Treasurer wishes to commence action for collection of Fees from that Business under section 44, the Treasurer shall set a Fee for that activity, taking into account the Fees charged for similar activities. Fees for unclassified businesses

(2) The Fee set by the Treasurer shall be considered by the next meeting of the Assembly and an amendment passed to the appropriate subsidiary legislation incorporating a Fee for that activity.

(3) Where the Fee set by the Treasurer is higher than that set by the Assembly the difference shall be refunded to the Business.

Time to pay

35. (1) The Treasurer may allow Fees to be paid in instalments where the total Fees due from that Business for the year exceed \$999, provided that all Fees must be paid within the Financial Year for which the Licence is granted.

(2) The Treasurer may place any conditions they see fit when allowing payment by instalments under this section.

(3) The Treasurer may refuse a request to pay by instalments under this section on any reasonable grounds, including that the administrative costs of the arrangement to the Province would be too great.

(4) Where the Treasurer allows a Fee to be paid by instalments, the Treasurer may require the Business to pay up to an additional 15%.

Waiver of fees

36. (1) The Treasurer may permit an individual Business to pay a lower Fee than that set by the subsidiary legislation if:

- (a) The Business only Operates occasionally;
- (b) The Business is a Locally Based Business commencing Operations or a new activity, and the Province wishes to encourage the development of Locally Based Businesses;
- (c) The Business is considering commencing Operations or a new activity in the Province, and the Executive wishes to provide an incentive for that Business to Operate in the Province;
- (d) The Business is in financial difficulty, and there is a risk of serious damage to or closure of the Business if they are required to pay the full Fee;
- (e) The Business is beneficially owned by an organisation with charitable tax status; or
- (f) In the circumstances described in section 11(2).

(2) A Business may be required to demonstrate the basis of the waiver to the satisfaction of the Treasurer before any waiver is granted.

(3) No request for a waiver will be considered unless the request is made before the Fee is due.

## PART VI - OFFENCES

37. Any person who breaches section 6 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or imprisonment for a term not exceeding three months, or both, and shall remain liable to pay Fees and interest in accordance with section 44 for any period in which they Operated the Business without a Licence. Operating without a Licence

38. Any person who Operates a Business outside the terms and conditions of their Licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or imprisonment for a term not exceeding one month, or both, and shall remain liable to pay any additional Fees and interest in accordance with section 44 for any period in which they Operated the Business outside the terms of their Licence. Operating outside the terms of a Licence

39. (1) Any person who fails to comply with a requirement to cease Operations or activities under section 45 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or imprisonment for a term not exceeding 3 months or both, and to an additional fine of \$5,000 for each week that they continue to Operate after the requirement to cease Operations. Failure to cease operation

(2) For clarity, the offences in sections 37 & 38 and this section are separate offences and a person can be found guilty of both in respect of one set of circumstances.

40. Any person who wilfully obstructs, assaults or threatens with violence the Treasurer or a person authorised under section 49 in the exercise of any of their powers or duties shall be guilty of an offence and liable to a fine not exceeding \$10,000, or imprisonment not exceeding 3 months, or both. Obstruction

Failure to notify  
of change of par-  
ticulars

41. Any person who fails to notify the Province of a change in Particulars under section 27 commits an offence and shall be liable on conviction to a fine not exceeding \$25,000.

Providing false  
particulars

42. Any person who knowingly provides false particulars on an application for a Licence, or on any other document required under this Ordinance commits an offence and shall be liable on conviction to a fine not exceeding \$50,000 or imprisonment not exceeding three months, or both.

Fraudulent use  
of licence

43. (1) Any person who uses a Licence fraudulently commits an offence and shall be liable on conviction to a fine not exceeding \$50,000, or imprisonment not exceeding six months or both.

(2) Fraudulent use of a Licence includes:

- (a) purporting to carry out Business under a Licence, that is not in fact covered by that Licence; and
- (b) Altering the particulars on any Licence.

## **PART VII – OTHER ENFORCEMENT**

Collection of  
unpaid Licence  
Fees

44. (1) Where any Business Operates or has Operated in the Province without a Licence, or without paying the appropriate Fees for that Business' activities, the Province may, in addition to any other penalty, and irrespective of whether any other proceedings are taken, collect the Fees that the Business would have been charged, or the difference between what was paid and what should have been paid, for each Financial Year or part Financial Year in which the Business has Operated without a Licence or without paying the appropriate Fees, as a civil debt.

(2) In addition to the amount in subsection (1) of this section, the Province may also claim interest on any amounts under subsection (1) at the rate of 15% per annum, accruing from the date at which the amount would have become due.

45. (1) The Treasurer, or any Police Officer may require any Business Operating in the Province without a Licence, to cease its operations immediately. Requirement to cease Operations or activities

(2) The Treasurer, or any Police Officer may require any Business performing activities that it does not have a Licence for to cease those activities immediately.

46. (1) Where any Business is Operating within the Province without a Licence or without a Licence for the activities it is performing, the Treasurer, or any Police Officer may seize any items being used for the purpose of that Business or those activities, and hold those items pending payment of the Fee under section 44. Seize

(2) Any perishable items seized under subsection (1) of this section may be sold and the proceeds of sale kept in place of the goods sold.

(3) Where items seized under subsection (1) of this section have been held for more than six months, the Province may sell items up to the value of any Fees due under section 44. The amount of those Fees shall be forfeited to the Province, and any remaining items or monies shall be returned to the person from whom they were sized.

### PART VIII – MISCELLANEOUS PROVISIONS

47. Where the Ordinance places any duty on a Business, the responsibility to ensure that the duty is complied with: Responsibilities of Businesses

- (a) if that Business is a company or other incorporated legal entity, falls on the company or other incorporated legal entity;
- (b) if that Business is a sole proprietor, falls on the owner of the Business;
- (c) if that Business is an unincorporated group, falls on each member of that group jointly and severally.

Licence does not  
convey rights

48. A Licence issued under this Ordinance does not give the Business the right to carry on any particular activities if any other law would prevent the Business from carrying on those activities.

Authorised  
Persons

49. (1) The Treasurer may appoint any other person to carry out any task assigned him under this Ordinance or any regulations made under this Ordinance.

(2) Any appointment under this section may be in writing or verbal.

(3) Any person who has been required to do something by a person authorised under this section may request confirmation of that person's authorisation from the Treasurer.

(4) An authorised person may be an employee of the Province, or any other person, either paid or unpaid.

(5) Prior to appointing any person under this section the Treasurer must ensure that the person is qualified for the tasks assigned, and trustworthy.

Confidentiality of  
information

50. Information provided by a Business to the Province under this Ordinance, other than information in the Register, shall not be released to the general public unless such release is necessary in the public interest.

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[Legal Notice No. 169]

**PROVINCIAL GOVERNMENT ACT 1997  
(No. 7 of 1997)**

**And**

**THE CHOISEUL PROVINCE BUSINESS  
LICENCE ORDINANCE 2011**

**THE CHOISEUL PROVINCE BUSINESS LICENCE (FORMS)  
REGULATIONS 2011**

**REGULATIONS TO PROVIDE FOR FORMS UNDER THE CHOISEUL  
PROVINCE BUSINESS LICENCE ORDINANCE 2011**

**Made** by the Choiseul Province Minister for Finance in exercise of the powers conferred under section 52 of the Choiseul Province Business Licence Ordinance 2011.

**ARRANGEMENT OF SECTIONS**

1. Short title
2. Interpretation
3. Applications
4. Renewal
5. Transfer
6. Duplicate Licence
7. Licence
8. Repeal

**CHOISEUL PROVINCE BUSINESS LICENCE (FORMS)  
REGULATIONS 2011**

- Short title                    **1.**        These Regulations may be cited as the Choiseul Province Business Licence (Forms) Regulations 2011 and shall come into effect on the same date as the Choiseul Province Business Licence Ordinance 2011.
- Interpretation              **2.**        (1)        In these Regulations “Ordinance” means the Choiseul Province Business Licence Ordinance 2011.
- (2)        In these Regulations except where the context requires otherwise words and phrases have the same meaning as in the Ordinance.
- Application                 **3.**        (1)        An application for a Licence under section 12 of the Ordinance shall be in the form set out in Schedule 1.
- (2)        The fee for an application shall be \$20.
- Renewal                     **4.**        An application for renewal of a Licence under section 23 of the Ordinance shall be in the form set out in Schedule 2.
- Transfer                     **5.**        (1)        An application for transfer of a Licence under section 29 of the Ordinance shall be in the form set out in Schedule 3.
- (2)        The fee for a transfer shall be \$50.
- Duplicate Licence         **6.**        (1)        An application for a duplicate Licence under section 31 of the Ordinance shall be in the form set out in Schedule 4.
- (2)        The fee for a duplicate licence shall be \$50.
- Licence                     **7.**        A Licence issued under section 13 of the Ordinance shall be in the form set out in Schedule 5.
- Repeal                      **8.**        All previous regulations in respect of forms for business licences in Choiseul Province are hereby repealed.

Made this fourteenth day of October, 2011.

HON. ALPHA KIMATA  
Minister of Finance  
Choiseul Province

**SCHEDULE 1**

**APPLICATION FOR A CHOISEUL PROVINCE BUSINESS LICENCE**

1. Name of applicant.  
.....
2. Trade Business Name:  
.....
3. Postal Address:  
.....
4. Telephone Number/Facsimile/Email:  
.....
5. List the categories of business to be operated:
  - a) .....
  - b) .....
  - c) .....
  - d) .....
  - e) .....
  - f) .....
6. The address or location of the Business  
.....
7. Area of operation (If applicable)  
.....
8. Full particulars of the Business Operation  
.....  
.....  
.....  
.....  
.....

9. Do you have the permission/authority of the landowners/tree owners to operate the business(es) specify (If applicable -

**YES/NO/NOT APPLICABLE**

10. If yes, please (provide documents in support of your application) give particulars of the permission Authority.

.....  
.....  
.....  
.....  
.....

11. Lists the necessary Licenses by name, number and expiry date you have obtained to enable you to operate the business(es) in accordance with Solomon Island laws (if applicable) including but not limited to, licence, permits or certificates pursuant to the Forest Resources and Timber Utilisation Act, Mining Act, Fisheries Act, liquor Act, Town and Country Planning Act, Shipping Act, Cinematograph Act, customs Act) If a License has been applied for but not yet granted please supply date of application.

.....  
.....  
.....  
.....  
.....

12. How many Solomon Islanders do you or will you employ in the Businesses(es) during this license year.

.....  
.....  
.....  
.....  
.....

13. Commencement date of the business or businesses

.....  
.....

14. Period for which the licence is required

.....  
.....

15. Please provide any other information that you consider relevant

.....  
.....  
.....  
.....

Signed .....

Name .....

Position .....

Being a duly authorised representative of the business

Dated this      day of      20

The Provincial Treasurer  
PO Box 34  
Taro  
Choiseul Province

SCHEDULE 2

APPLICATION FORM FOR RENEWAL OF  
CHOISEUL PROVINCE BUSINESS LICENCE

1. Name of Applicant: .....
2. Trade/Business Name: .....
3. Postal Address .....  
.....
4. Telephone No: ..... Facsimile No: .....
5. Existing Business Licence No: .....
6. List the categories of business being operated:
  - a) .....
  - b) .....
  - c) .....
  - d) .....
  - e) .....
7. Please give full particulars of any changes to the business (If any) from the time to the original Application or last renewal (e.g area of operation, number of employees, license held under legislation etc).  
.....  
.....  
.....  
.....  
.....

Signed .....

Name .....

Position .....

Being a duly authorised representative of the business

Dated this                      day of                      20

The Provincial Treasurer  
PO Box 34  
Taro  
Choiseul Province

SCHEDULE 3

APPLICATION FOR TRANSFER OF BUSINESS LICENCE

PART A (To be completed by License Holder)

I ..... the licese holder of  
(Print name)

License  
No.....

Or I ..... being the duly Authorized  
agent of the license holder

namely .....

REQUEST the transfer of Business License No .....  
to .....  
as from the ..... day of ..... 20.....

Signed .....  
Name .....  
Position .....  
Being a duly authorised representative of the transferor

Dated this      day of      20

PART B  
(To be completed by the Proposed Transferee)

1. Name of proposed transferee .....
2. Trade or business name: .....
3. Postal Address: .....  
.....
4. Telephone No: ..... Facsimile No: .....
5. Do you have the permission/authority of the landowners/reef owners

YES/NO/NOT APPLICABLE

If yes, Please give particulars of that permission/authority.

.....  
.....  
.....

If no, are negotiations proceeding and with whom?

.....  
.....  
.....

- 6. Have you applied for or obtained a transfer of other existing licences or the issue of new Licences in the name of the proposed transferee to ensure that the business(es) continue to operate in accordance with Solomon Islands Laws?

YES/NO/NOT APPLICABLE

Please give details of all existing licence and the dates of application for the transfer or for the issue of new licences.

.....  
.....  
.....  
.....

- 7. Please provide any other information you consider relevant to this application for the Transfer of the business licence.

.....  
.....  
.....  
.....

Signed .....

Name .....

Position .....

Being a duly authorised representative of the transferee

Dated this        day of            20

The Provincial Treasurer  
PO Box 34  
Taro  
Choiseul Province



SCHEDULE 4

APPLICATION FOR A DUPLICATE BUSINESS LICENCE

I, ..... the license holder of  
(Print name)

License No .....

Or I ..... being the duly  
Authorized agent of the license holder

namely .....

REQUEST a duplicate copy of the licence, which was  
LOST/DESTROYED/DAMAGED (delete one)

Signed .....

Name .....

Position .....  
Being a duly authorised representative of the business

Dated this      day of 20

The Provincial Treasurer  
PO Box 34  
Taro  
Choiseul Province

SCHEDULE 5

**BUSINESS LICENCE**

**CHOISEUL PROVINCE**

Section 13, Choiseul Business Licence Ordinance 2011

No: \_\_\_\_\_

Pursuant to the Provisions of the Choiseul Province Business Licence Ordinance 2011 and the prescribed fee having been paid -

A Business Licence is shereby granted to:

Address:

Trading as:

GRADE  
(if applicable)

Conducting the following activities at the following locations:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

In accordance with the said Ordinance and any conditions set out overleaf

This Licence shall expire on the 31st of March 20    unless cancelled earlier.

Dated this        day of        20

\_\_\_\_\_ Fee Paid        \$

Issue Officer

**THIS LICENCE IS REQUIRED TO CARRY ON BUSINESS  
IN CHOISEUL - THE HOLDER OF THIS LICENCE STILL NEEDS  
THE CONSENT OF THE LANDOWNERS TO OPERATE  
IN ANY AREA**

**TERMS AND CONDITIONSS OF LICENCE**

1. The business shall be operated only form the premises at  
.....  
.....  
Or on the ..... Vehicle / Vessel  
Or within the following area .....  
.....  
.....
2. The business(es) must at all times be operated in compliance with all relevant Acts and subsidiary legislation of Solomon Islands, Ordinances and subsidiary legislation of Choiseul Province and all lawful Orders of any Court, tribunal, Commissions or statutory body of competent Jurisdiction in Solomon Islands.
3. The business(es) must all times be operated with the consent and authority of the landowners/reefowners, if applicable. This licence does not convey Any right, power of Authority to the licence holder to enter any private or customary land or reef not takes any action relating thereto.
4. This licence is only transferable (as both the holder and place of operation of Business) in Accordance with Section 29 of the Ordinance.
5. The licence must be displayed in a prominent place in all premises or produced on request if the business has no premises.
6. The licence holder must immediately inform the Provincial Treasurer in writing of any change of the licence holder’s postal address, telephone number or facsimile number of registered office of the company, co-operative etc, or any other changes of particulars of the business.

7. OTHER TERMS, CONDITIONS AND LIMITATIONS of this licence

.....  
.....  
.....  
.....  
.....

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[Legal Notice No. 170]

**PROVINCIAL GOVERNMENT ACT 1997  
(No. 7 of 1997)**

**And**

**THE CHOISEUL PROVINCE BUSINESS LICENCE  
ORDINANCE 2011**

**THE CHOISEUL PROVINCE BUSINESS LICENCE (FEES)  
REGULATIONS 2011**

**REGULATIONS TO PROVIDE FOR LICENCE FEES UNDER THE  
CHOISEUL PROVINCE BUSINESS LICENCE ORDINANCE 2011**

**PASSED** by the Choiseul Provincial Assembly in exercise of the powers conferred under section 32 of the Choiseul Province Business Licence Ordinance 2011.

**ARRANGEMENT OF SECTIONS**

1. Short title
2. Interpretation
3. Fees

**CHOISEUL PROVINCE BUSINESS LICENCE (FEES)  
REGULATIONS 2011**

- |  |                |
|--|----------------|
| <p>1. These Regulations may be cited as the Choiseul Province Business Licence (Fees) Regulations 2011 and shall come into effect on the same date as the Choiseul Province Business Licence Ordinance 2011.</p>   | Short title    |
| <p>2. (1) In these Regulations “Ordinance” means the Choiseul Province Business Licence Ordinance 2011.</p> <p style="padding-left: 40px;">(2) In these Regulations except where the context requires otherwise words and phrases have the same meaning as in the Ordinance.</p> | Interpretation |
| <p>3. The Fees for various activities in accordance with section 32 of the Ordinance shall be as set out in the schedule to these Regulations.</p>   | Fee            |

*Passed by the Choiseul Provincial Assembly this 14th day of October 2011.*

*This printed impression has been carefully compared by me with the Ordinance passed by Choiseul Provincial Assembly and found by me to be a true and correct copy of the said Ordinance.*

Christopher Makoni  
Clerk to the Choiseul Provincial Assembly

## SCHEUDLE

ACTIVITY	FEE
<b>Accommodation (Short Term)</b>	
Resthouse/Resort (Provincial Capital - 9 or less rooms)	\$1,000.00
Resthouse/Resort (Provincial Capital - 10 or more rooms)	\$2,000.00
Resthouse/Resort (outside Provincial Capital)	\$ 500.00
<b>Air Transport</b>	
Air transport service	\$ 5,000.00
Air transport agency	\$ 1,500.00
<b>Banking</b>	
Banking services	\$2,000.00
Money lending/pawn broking	\$ 500.00
<b>Building rentals</b>	
Commercial (per building)	\$1,000.00
Residential (per building)	\$ 800.00
<b>Building</b>	
Brick making	\$ 200.00
Building Construction	\$ 500.00
Building Maintenance	\$ 500.00
Electrician	\$ 500.00
Engineering works	\$1,000.00
Plumber	\$ 500.00
<b>Cinema</b>	
Occasional (5 or less sessions per year)	\$ 250.00
Permanent	\$ 500.00
<b>Clothing</b>	
Used clothing sales (more than three bales per year)	\$ 500.00
Used clothing sales (three bales or less per year)	\$ 200.00
Tailor (Provincial Capital)	\$ 500.00
Tailor (outside Provincial Capital)	\$ 250.00

<b>Cocoa</b>		
	Cocoa for sale to ships Locally Based (per site)	\$ 200.00
	Cocoa buyers not Locally Based	\$2,000.00
<b>Coffee</b>		
	Coffee for sale to ships Locally Based (per site)	\$ 200.00
	Coffee buyers not Locally Based	\$2,000.00
<b>Copra</b>		
	Copra for sale to ships Locally Based (per shed)	\$ 500.00
	Copra buyers not Locally Based	\$5,000.00
<b>Commodity trading (other)</b>		
	Commodity for sale to ships Locally Based (per site)	\$ 200.00
	Commodity buyers not Locally Based	\$2,000.00
<b>Food</b>		
	Bakery (Provincial Capital)	\$ 500.00
	Bakery (outside Provincial Capital)	\$ 100.00
	Catering	\$ 250.00
	Restaurant/snack bar (Provincial Capital)	\$ 500.00
	Restaurant/snack bar (outside Provincial Capital)	\$ 300.00
	Mobile food sales (Provincial Capital)	\$ 300.00
	Mobile food sales (outside Provincial Capital)	\$ 100.00
<b>Furniture</b>		
	Furniture manufacture and/or sales	\$ 500.00
<b>Hire service</b>		
	Hire service	\$ 500.00
<b>Honey</b>		
	Local Sale	\$ 100.00
	Sale outside Province	\$ 500.00
<b>Liquor</b>		
	Bar	\$3,000.00
	Liquor sales	\$2,000.00

**Marine Resources (for sale outside Choiseul)**

Beche-de-Mer trading	\$2,500.00
Clam trading	\$1,000.00
Crab trading	\$1,500.00
Accounting Service	\$2,000.00
Architectural service	\$1,000.00
Secretarial service	\$ 500.00
Other consultancy service	\$ 500.00

**Sea Transport**

Boat (Outboard motor)	\$ 200.00
Shipping (per ship)	\$8,000.00
Charter shipping (per charter)	\$1,500.00
Ship building	\$1,000.00
Shipping Agency	\$ 500.00
Stevedoring	\$1,000.00

**Services (general)**

Pest control	\$ 500.00
Photography and printing service	\$ 500.00
Road transport service	\$1,000.00
Security service	\$ 500.00
Other services	\$ 500.00

**Stores (wholesale and retail)**

Canteen per store (small store, no display)	\$ 200.00
Store per store (Provincial Capital)	\$1,000.00
Store per sote (outside Provincial Capital)	\$ 500.00

**Telecommunications**

Telecommunications Provider	\$30,000.00
Top Up and phone recharge service	\$ 75.00

**Timber**

Rate per concession area under the Forest and Timber Utilisation Act for logging	\$150,000.00
Chainsaw milling	\$ 500.00
Lucas Mill milling	\$2,000.00
Fixed premises milling	\$10,000.00
Timber traders	\$2,000.00



**Tourism**

Tourism service	\$ 500.00
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**Training services**

Crayfish trading	\$1,500.00
Crocodile trading	\$1,500.00
Oyster/pearl trading	\$1,500.00
Prawn trading	\$1,000.00
Seaweed trading	\$2,000.00
Shark fin trading	\$1,000.00
Snail trading	\$1,500.00
Trochus trading	\$1,000.00
Turtle Trading	\$1,500.00

**Meat and Fish**

Commercial bait fishing (export)	\$5,000.00
Commercial fishing (export)	\$20,000.00
Meat sales	\$ 500.00
Meat processing	\$1,000.00
Fish sales	\$ 50.00
Fish processing	\$1,000.00

**Mining**

Reconnaissance (per permit under the Mines and Minerals Act)	\$15,000.00
Prospecting (per permit under the Miness and Minerals Act)	\$50,000.00
Mining (per mining lease under the Miness and Minerals Act)	\$200,000.00
Alluvial Mining (panning)	\$5,000.00
Gold Dealing	\$2,000.00

**Mobile Traders**

Betelnut sales	\$ 300.00
Tobacco/cigarette sales	\$ 300.00
Fish	\$ 150.00
Other mobile traders	\$ 200.00

**Petrol**

Inventory less than 200 litres	\$100.00
Inventory between 200 litres and 999 litres	\$300.00
Inventory between 1000 and 1999 litres	\$500.00
Inventory 200 litres or more	\$1,000.00
Gas sales	\$100.00

**Professional Services**

Training services	\$ 500.00
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[Legal Notice No. 171]

**PROVINCIAL GOVERNMENT ACT 1997  
(No. 7 of 1997)**

**THE CHOISEUL PROVINCE FISHERIES AND MARINE  
ENVIRONMENT ORDINANCE 2011**

**AN ORDINANCE TO PROVIDE RULES IN RELATION TO FISHING  
AND THE MARINE ENVIRONMENT WITHIN CHOISEUL PROVINCE**

**ENACTED** by the Choiseul Provincial Assembly with the assent of the  
Minister

## **ARRANGEMENT OF SECTIONS**

### **PART 1 - GENERAL**

1. Short title
2. Interpretation
3. Objectives
4. Precautionary approach
5. Relationship to National Legislation
6. Relationship to Customary Rights

### **PART II - FISHERIES REGULATIONS**

7. Regulations controlling marine areas
8. Regulations controlling fresh water and inshore fisheries
9. Procedure for making regulations
10. Penalties for regulations

### **PART III - MARINE PROTECTED AREAS**

#### **Establishment of Marine Protected Area**

11. Province may establish Marine Protected Areas
12. Principles for Marine Protected Areas
13. Matters to consider in designating Marine Protected Areas
14. Consultation prior to designating Marine Protected Areas
15. Traditional Procedures
16. Publicising of new Marine Protected Areas
17. Marking of Marine Protected Areas
18. Process for changing or disestablishing Marine Protected Areas

**Rules for Marine Exclusion Areas**

19. Taking Marine Life
20. Removal of Marine Life
21. Taking other material
22. Damaging reefs
23. Disposing of litter
24. Vessels
25. Introduction of organisms
26. Structures in Marine Exclusion Areas
27. Toxic and harmful material
28. Penalties
29. Defence for removal of dangerous things
30. Marine Exclusion Area Committees

**Rules in Relation to Marine Managed Area**

31. Regulating Authority
32. Policies for Marine Managed Areas
33. Marine Managed Area Rules
34. Making Marine Managed Area Rules
35. Process for making Marine Managed Area Rules
36. Penalties for breach of Marine Managed Area Rules
37. Rules no to conflict with National Legislation this Ordinance or regulations

**PART IV - PERMITS**

38. Grant of Permits
39. Special fund for Permit fees
40. Types of Permit
41. Community Permits
42. Expiration of personal Permits
43. Fishing in breach of Permit
44. Further regulations

## **PART V - FISHERIES OFFICERS**

### **Honorary Fisheries Officers**

- 45. Appointment of Honorary Fisheries Officers
- 46. Honorary Fisheries Officers' warrants
- 47. Status of Honorary Fisheries Officers
- 48. Complaints against Honorary Fisheries Officers

### **Powers of Provincial Fisheries Officers**

- 49. Powers only with Choiseul Province
- 50. Prevention of offences
- 51. Stopping and questioning
- 52. Search
- 53. Production of documents
- 54. Identification and arrest
- 55. Seizure
- 56. Additional powers for Honorary Fisheries Officers

### **Rules in Relation to Provincial Fisheries Officers**

- 57. Production of identification
- 58. Limitation of liability

### **Offences in Relation to Provincial Fisheries Officers**

- 59. Obstruction
- 60. Destroying evidence
- 61. Failure to comply with lawful requirement
- 62. Failure to answer enquiry
- 63. Providing false or misleading information
- 64. Impersonating a Provincial Fisheries officer
- 65. Bribing a Provincial Fisheries Officer

**PART VI - PENALTIES****Warnings**

- 66. Issue of warning
- 67. Seizure of fish on issue of warning
- 68. Record of warnings

**Infringement Notices**

- 69. Issue of Infringement Notices
- 70. Content of Infringement Notices
- 71. Delivery of Infringement Notices
- 72. Penalties under Infringement Notices
- 73. Copy of Infringement Notice sent to the Division
- 74. Reminder notices
- 75. Objection to Infringement Notices
- 76. Effect of failure to comply with Infringement Notices

**Seizure**

- 77. Notice upon seizure
- 78. Dealing with items seized
- 79. Proceeds of sale of Marine Life Taken in breach of Ordinance
- 80. Release on payment of value
- 81. Process where Infringement Notice issued
- 82. Property and proceeds returned on acquittal or withdrawal
- 83. Disposal of items or proceeds on conviction
- 84. Property seized not in the possession of a person
- 85. Sale of auction
- 86. Disputed ownership

**Community Work**

- 87. Community Work in lieu of fine
- 88. Approval for Community Work
- 89. Certificate of completion of Community Work

**PART VII - GENERAL PROVISIONS IN RELATION  
TO OFFENCES**

90. Traditional dispute resolution
91. Presumption that Marine Life Taken in breach of Ordinance
92. Half of fine and proceeds of seizure from Marine Protected Areas to be paid to special fund.
93. Half of fine and proceeds of seizure from outside Marine Protected Areas to be paid to special fund.
94. Fine related to value of material Taken
95. Fine for commercial undertaking
96. Penalty Units
97. Time for laying information
98. Top grading
99. Evidence by certificate
100. Service and validity of certificates

**PART VIII - MISCELLANEOUS PROVISIONS**

101. Commercial vessels bycatch
102. Minister to act on advice
103. Regulations

**CHOISEUL PROVINCE FISHERIES AND MARINE  
ENVIRONMENT ORDINANCE 2011**

**PART 1 - GENERAL**

Short title                    1.        This Ordinance may be cited as the Choiseul Province Fisheries and Marine Environment Ordinance 2011 and shall come into effect on the date it is published in the *Gazette*.

Interpretation            2.        In this Ordinance, except where the context otherwise requires:

“Aquatic Life” means any species of the plant or animal kingdoms which at any time of the life of the species inhabits the water, or the bed of any body of water; and includes any specimen of the species whether alive or dead, and any part of any specimen, and the seed, spores, eggs, spawn, young, fry, and offspring of the species.

“Community Permit” means a permit issued under section 41.

“Community Work” means unpaid work which is of benefit to the community generally.

“Court” means the Magistrates Court or the High Court.

“Customary Rights” means rights enjoyed by any person or persons under the traditional rules and laws of the people of Choiseul.

“the Division” means the Choiseul Province Division of Fisheries, or any division or other body established in the place of that division.

“Fishing Gear” means any equipment, implement or other thing that may be used in the act of fishing or other Taking of Marine Life or Aquatic Life, and includes diving gear, snorkelling gear, fishing nets, ropes, poles, lines, floats, hooks, booms, power blocks or winches.



“Honorary Fisheries Officer” means an officer appointed under section 45 of this Ordinance.

“Infringement Fee” means the fee set under section 72.

“Infringement Notice” means a notice issued under section 69 of this Ordinance.

“Marine Life” means any species of the plant or animal kingdoms which at any time of the life of the species inhabits the sea, seabed, foreshore or mangroves; and includes any specimen of the species whether alive or dead, and any part of any specimen, and the seed, spores, eggs, spawn, young, fry and offspring of the species.

“Marine Exclusion Area” means an area so designated under section 11 of this Ordinance.

“Marine Protected Area” means an area so designated under section 11 of this Ordinance.

“Marine Managed Area means an area so designated under section 11 of this Ordinance.

“Marine section 34 of this Ordinance.

“the Minister” means the Minister for the time being responsible for the Division.

“National Legislation” means legislation passed by the Parliament of the Solomon Islands, and any regulations or other subsidiary legislation under that legislation, or any legislation or regulations having effect as such.

“Penalty Units” means penalty units under section 50A of the Interpretation and General Provisions Act.

“Permit” means a permit issued under section 38 of this Ordinance.

“Principal Fisheries Officer” means the principal fisheries officer for Choiseul Province or any person in a subsequent equivalent position.

“the Province” means Choiseul Province, and includes the waters of Choiseul Province.

“Provincial Fisheries Officer” means an Honorary Fisheries Officer or an authorised officer under the Fisheries Act 1998, or the equivalent status under any subsequent National Legislation.

“Provincial Waters” means any waters under the control of the Province as determined under section 3 of the Provincial Government Act 1997, or any subsequent equivalent National Legislation, and includes both sea and inland waters, and includes the seabed and foreshore, and mangroves.

“Regulating Authority” in relation to a Marine Managed Area means the body designated under section 31 of this Ordinance.

“Take” includes taking, catching, fishing, or pursuing by any means or device; and, in relation to any plant, includes uprooting and transplanting and includes attempting to take.

Objectives

3. The objectives of this Ordinance are:
- (a) To preserve the fisheries and marine environment of Choiseul for current and future generations;
  - (b) To protect biodiversity;
  - (c) To promote ecologically sustainable use;
  - (d) To allow the people of Choiseul to manage their own fisheries and marine environment;
  - (d) To provide for better enforcement of fisheries and marine regulation.

4. Any person making decisions under this Ordinance shall adopt the precautionary approach, meaning that where there is a threat of serious or irreversible environmental harm, lack of scientific certainty shall not be used as a reason to prevent or postpone action to mitigate the threat.

Precautionary approach

5. (1) This Ordinance is intended to complement and add to National Legislation, including the Fisheries Act 1998 and the Protected Areas Act 2010, and any subsequent National Legislation.

Relationship to National Legislation

(2) The powers and penalties in this Ordinance are in addition to those provided under National Legislation however no person shall be penalised for the same action under both this Ordinance or regulations made under this Ordinance, and National Legislation.

(3) This Ordinance is not intended to affect any civil claim that owners of land, marine and freshwater resources might have against another person for damage to that land, marine, or freshwater resource.

6. This Ordinance is intended to alter Customary Rights. The fact that a person had a Customary Right to carry out any action shall not provide a defence to any proceedings under this Ordinance, unless specifically provided for in this Ordinance or any regulations or Marine Managed Area Rules made under this Ordinance.

Relationship to Customary Rights

## **PART II - FISHERIES REGULATIONS**

7. The Minister may make regulations in relation to fishing and other Taking of Marine Life, and the marine environment within Provincial Waters:

Regulations controlling marine areas

- (a) declaring that no person can Take or attempt to Take or harm a specific species of fish or other Marine Life;
- (b) prohibiting possession of specific species of fish or other Marine Life;

- (c) providing that no person may Take or attempt to Take a specific species of fish or other Marine Life without a Permit issued under Part IV of this Ordinance;
- (d) providing specific time periods within which a person may not Take or attempt to Take specific species of fish or other Marine Life;
- (e) providing a size limit for specific species of fish or other Marine Life under which a person cannot Take or attempt to Take that species;
- (f) providing a maximum number or maximum total weight of specific species of fish or other Marine Life that may be taken by a person each day;
- (g) prohibiting the introduction of specific species of fish or other Marine Life to a specific area;
- (h) prohibiting specific fishing methods, or other methods of Taking Marine Life;
- (i) prohibiting possession of specific Fishing Gear;
- (j) setting quarantine areas from which no person may Take or attempt to Take any fish or other Marine Life or any other objects for a set period;
- (k) controlling bait fishing;
- (l) providing rules with respect to damaging or Taking material from coral reefs;
- (m) providing rules with respect to damaging or taking material from mangroves;
- (n) providing that specific species of Marine Life may only be Taken by people ordinarily resident in the Province, or a particular part of the Province.

8. The Minister may make regulations in relation to fishing and other Taking of Aquatic Life, in any freshwater or other inland bodies of water within the Province, including regulations:

Regulations  
controlling  
fresh water and  
inshore fisheries

- (a) prohibiting Taking of Aquatic Life from a specified area either for a fixed or indefinite period;
- (b) providing specific time periods when no person may Take or attempt to take any fish or other Aquatic Life from specified areas;
- (c) declaring that no person an Take or attempt to Take or harm a specific species of fish or other Aquatic Life;
- (e) prohibiting possession of specific species of fish or other Aquatic Life;
- (e) providing that no person may Take or attempt to Take a specific species of fish or other Aquatic Life without a Permit issued under Part IV of this Ordinance;
- (f) providing specific time periods within which a person may not Take or attempt to Take specific species of fish or other Aquatic Life;
- (g) providing a size limit for specific species of fish or other Aquatic Life under which a person cannot Take or attempt to Take that species;
- (h) providing a maximum number or maximum total weight of specific species of fish or other Aquatic Life that may be taken by a person each day;
- (i) prohibiting the introduction of specific species of fish or other Aquatic Life to a specific area;
- (j) prohibiting specific fishing methods, or other methods of Taking Aquatic Life;
- (k) prohibiting possession of specific Fishing Gear;
- (l) setting quarantine areas from which no person may Take or attempt to Take any fish or other Aquatic Life or any other objects for a set period;

Procedure for  
making regula-  
tions

9. (1) Before making any regulations under section 7 or 8, the Minister shall:
- (a) take technical advice from appropriate experts;
  - (b) consult with any communities likely to be affected by the regulations, and ensure that that consultation includes the women in those communities;
  - (c) consult with the national Ministry for the time being responsible for fisheries and any other relevant national Ministry;
  - (d) consult with appropriate non-governmental organisations within the Province including Luru Land Conference of Tribal Community;
- (2) At least two weeks before any regulations or change in regulations takes effect, the regulations or change to regulations must be publicised by being posted on a minimum of 5 notice boards within each ward of the Province affected by the regulations.

Penalties for  
regulations

10. (1) The maximum penalty the Minister may set for a breach of a regulation under section 7 or 8 shall be 1,000 Penalty Units.
- (2) Where no penalty is provided for breach of a regulation the maximum penalty shall be 1,000 Penalty Units.

### **PART III - MARINE PROTECTED AREAS**

#### **Establishment of Marine Protected Areas**

Principles for  
Marine  
Protected Areas

11. (1) The Minister may designate any areas of Provincial Waters Marine Protected Areas making those areas subject to the rules under this Part of this Ordinance.
- (2) A designation under subsection (1) may be ongoing, or for a fixed period. The designation under subsection (1) shall state whether the Marine Protected Area is a Marine Exclusion Area, or Marine Managed Area.

12. The principles applying to all Marine Protected Areas shall be:
- Principles for  
Marine  
Protected Areas
- (a) The area is to be preserved as far as possible in its natural state;
  - (b) The Marine Life of the area is to be protected and preserved as far as possible;
  - (c) The value of the area as the natural habitat of Marine Life shall be maintained as far as possible;
  - (d) The public shall have reasonable freedom of access and entry to the area so that they may enjoy in full measure the opportunity to study, observe, and record Marine Life in its natural habitat.
13. In considering which areas to designate as Marine Protected Areas the Minister shall consider:
- Matters to  
consider in  
designating  
Marine  
Protected Areas
- (a) areas of special significance or value;
  - (b) the need to preserve fish stocks;
  - (c) Customary Rights;
  - (d) the protection of people's livelihoods and the economic development of the Province and Solomon Islands;
  - (e) current fish stocks;
  - (f) breedings areas;
  - (g) cultural issues; and
  - (h) biodiversity of proposed areas
14. (1) Before designating an area a Marine Protected Area the Minister shall:
- Consultation prior  
to designating  
Marine Protected  
Areas
- (a) consult with all communities that have rights over the area;
  - (b) consult with any communities likely to be affected by the designation, and ensure that that consultation includes the women in those communities;
  - (c) Take technical advice from appropriate experts;
  - (d) consult with the national Ministry for the time being responsible for fisheries and any other relevant national Ministry;

- (e) consult with appropriate non-governmental organisations within the Province, including Lauru Land Conference of Tribal Community.

(2) No area shall be designated a Marine Protected Area unless the majority of the communities that have rights over the area agree that the area should be made a Marine Protected Area.

(3) Whether the majority of communities agree under subsection (2) shall be determined by the Minister, and a designation of an area as a Marine Protected Area shall be of full force and effect notwithstanding any subsequent decision by any person or body that the Minister did not correctly determine the communities that must agree, or whether those communities had agreed.

Traditional  
Procedures

15. Where appropriate, the Minister may provide that any relevant traditional procedures are complied with before the any designation as a Marine Protected Area takes effect.

Publicising of  
new Marine  
Protected Areas

16. At least two weeks before the designation of a Marine Protected Area takes effect a notice stating the effect of the designation, and including a map showing the area as clearly as practicable must be posted on a minimum of 5 notice boards within each ward of the Province which contains any part of, or is adjacent to any part of, the Marine Protected Area.

Marking of  
Marine  
Protected Areas

17. (1) All Marine Protected Areas shall be marked with buoys or other clear markings, and fixed signs.

(2) There shall be a reasonable number of signs erected at the boundaries of and within the Marine Protected Area to notify people that it is a Marine Protected Area.

Process for  
changing or dis-  
establishing  
Marine  
Protected Areas

18. (1) The Minister may remove or amend the designation as a Marine Protected Area after appropriate consultation and after considering the matters in section 13.

(2) If the area of a Marine Protected Area is to be increased the process under sections 14 and 16 must be followed in relation to the new area.



(3) If a Marine Managed Area is to be changed to a Marine Exclusion Area or a Marine Exclusion Area is to be changed to a Marine Managed Area, the process under sections 14 and 16 must be followed again.

### Rules for Marine Exclusion Areas

19. No person may Take or attempt to Take or harm or kill any fish or other Marine Life within a Marine Exclusion Area. Taking Marine Life
20. No person may remove or attempt to remove any fish or other Marine Life whether alive or dead from a Marine Exclusion Area. Removal of Marine Life
21. No person may remove or attempt to remove any material not being Marine Life from a Marine Exclusion Area other than material that has been brought into that Marine Exclusion Area by themselves, or by another person. Taking other material
22. No person may damage a reef within a Marine Exclusion Area. Damaging reefs
23. No person may deposit litter within a Marine Exclusion Area. Disposing of litter
24. (1) No vessel of more than 8 metres in length may anchor within any Marine Exclusion Area. Vessels
- (2) No vessel in a Marine Exclusion Area may use their anchor in such a way as could be reasonably expected to damaged coral or other Marine Life.
25. No person may introduce any organism into a Marine Exclusion Area. Introduction of organisms
26. (1) No structure may be erected in a Marine Exclusion Area without the consent of the Minister or a committee appointed for that Area under section 30. Structures in Marine Exclusion Areas
- (2) Before giving consent to the erection of any structure in a Marine Exclusion Area the person giving consent must consider the matters listed in section 12.

(3) Any person may remove any structure erected in breach of this section.

Toxic and  
harmful mate-  
rial

27. (1) No person may allow any toxic or harmful material in their control to be released within any Marine Exclusion Area.

(2) No person may intentionally dispose of any toxic or harmful material within any Marine Exclusion Area.

Penalties

28. (1) Any person who breaches any of sections 19 to 26(1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 1,000 Penalty Units.

(2) Any person who breaches section 27(1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 1,000 Penalty Units.

(3) Any person who breaches section 27(2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 2,000 Penalty Units.

(4) In addition to the penalties in subsections (1) to (3), any person who is found guilty of an offence shall be liable to pay the owners of the area, or if there are no owners, the Province, the cost of repairing any damage or cleaning up any foreign material, or if the damage cannot be repaired or the material removed, they shall be liable for the value of the damage, and this sum may be collected as a civil debt or through any criminal proceedings.

Defence for  
removal of  
dangerous  
things

29. Where anything in a Marine Exclusion Area poses a danger to the health or safety of any person, it may be removed with the permission of the Principal Fisheries Officer, and disposed of as the Principal Fisheries Officer determines.

Marine  
Exclusion Area  
Committees

30. (1) The Minister may appoint committees to assist in decision making with respect to the management of a Marine Exclusion Area.

(2) The Minister may grant a committee appointed under subsection (1) the right to control and charge for access to the Marine Exclusion Area.

## Rules in Relation to Marine Managed Areas

31. (1) All designations of areas as Marine Managed Areas shall specify a Regulating Authority for that Marine Managed Area. Regulating Authority
- (2) The notice issued under section 16 shall specify the Regulating Authority and if it is not a body corporate, the notice shall state the current members of the Regulating Authority and how membership is to be changed.
- (3) Before specifying an entity as a Regulating Authority for a Marine Managed Area, the Minister shall ensure that that entity has an appropriate mechanism for resolving internal disputes.
- (4) Before specifying an entity as a Regulating Authority for a Marine Managed Area the Minister shall try to encourage the inclusion of women in that Regulating Authority.
32. The rules, offences and penalties for Marine Exclusion Areas in sections 19 to 28 shall apply within Marine Managed Areas except as amended by Marine Managed Area Rules for that Marine Managed Area. Marine Managed Area Rules
33. (1) A Regulating Authority may make Marine Managed Areas Rules for their Marine Managed Area permitting any or all of the following: Making Marine Managed Area Rules
- (a) Taking of specific types of fish or other Marine Life;
  - (b) Taking of fish or other Marine Life within specific periods;
  - (c) Taking of fish or other Marine Life by specific persons or specific groups;
  - (d) Taking of specific types of fish or other Marine Life within specific periods;
  - (e) Taking of specific species of fish or other Marine Life provided that they are over a certain size;
  - (f) Specific methods of fishing and other Taking of Marine Life;
  - (g) Taking of limited quantities of specific species of fish or other Marine Life;

- (h) Taking of Marine Life with a permit issued by the Regulating Authority on terms as specified in that permit;
- (i) removing specific material not being Marine Life from the Marine Managed Area.
- (j) removing material not being Marine Life from the Marine Managed Area by specific people.

(2) A Regulating Authority may make rules for their Marine Managed Area prohibiting, restricting or controlling any of the following:

- (a) The passage and anchoring of vessels within the Marine Managed Area, provided that no such rule may unduly restrict the travel of vessels around the Province;
- (b) The construction of structures within the Marine Managed Area;
- (c) Research within the Marine Managed Area;
- (d) Public access to the Marine Managed Area, including charging fees for access.

Process for making Marine Managed Area Rules

34. (1) All Marine Managed Area Rules shall be in writing in English, and either Pijin, Babatana, or the dominant language in the area, and shall be available to the public.

(2) All Marine Managed Area Rules shall be provided to the Minister at least 30 days before they come into force.

(3) No rule under section 34 subsection (2) (a), (c) or (d) shall be enforced unless there is adequate signage to notify the general public of the rule.

Penalties for breach of Marine Managed Area Rules

35. A person who breaches a rule made under section 34(2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 1,000 Penalty Units.

Rules not to conflict with National Legislation this Ordinance or regulations

36. No Marine Managed Area Rules may contradict any National Legislation, this Ordinance, or regulations made under this Ordinance.

**PART IV - PERMITS**

37. (1) Where a Permit is required to Take a species of fish or other Marine Life under regulations made under section 7(c) or 8(d) Permits shall be issued by the Principal Fisheries Officer, or by a person appointed by the Provincial Fisheries Officer. Rules not to conflict with National Legislation this Ordinance or regulations
- (2) Fees may be charged for the issue of Permits.
- (3) A Permit may be subject to such terms as the Principal Fisheries Officer sees fit.
38. Where fees are charged for Permits, half of the fees collected for those Permits will be paid into a special fund to be used exclusively for the promotion and funding of sustainable fishing activities. Grant of Permits
39. (1) A Permit may be in the name of a specific person for use by that person, or may be a Community Permit. Special fund for Permit and other fees
- (2) A Permit may be issued without a name entered on it, but with the requirement that an individual's name be entered on it before it is used, and from the time it has a name entered on it it may only be used by that person.
- (3) The Principal Fisheries Officer may issue a number of Permits issued under subsection (2) to a person or group for distribution on such terms as that person or group sees fit.
- (4) A Permit shall state the types of fish and other Marine Life it covers.
- (5) A Permit shall contain an expiry date.
- (6) A Permit may state a maximum number of fish that may be caught under that Permit.

- Types of Permit
40. (1) Community Permits may be issued to a community, and may be used by any person in that community, and may be controlled as determined by that community. A Community Permit shall state a maximum number of fish that may be caught under the Permit.
- (2) A Community Permit may be valid for a maximum period of 1 month.
- Expiration of personal Permits
41. A Permit issued in the name of a specific person may be valid for a maximum period of one year.
- Fishing in breach of Permit
42. Any person who Takes or attempts to Take any fish or other Marine Life or Aquatic Life for which a Permit is required, or Takes or attempts to Take any fish or other Marine Life or Aquatic Life in breach of their Permit shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding 1,000 Penalty Units.
- Further regulations
43. (1) The Minister may make regulations in relation to Permits under this Ordinance, including regulations:
- (a) setting out forms for Permit applications and Permits;
  - (b) setting fees to be charged for different kinds of Permits;
  - (c) fixing the number of Permits that may be granted;
  - (d) setting procedures for granting Permits;
  - (e) setting out terms that must be included in any Permit or type of Permit.
- (2) Regulations under subsection (1) may provide for different conditions, fees, and numbers of Permits to be issued for commercial and non-commercial activities.

## PART V - FISHERIES OFFICERS

### Honorary Fisheries Officers

44. (1) The Minister may appoint appropriate people as Honorary Fisheries Officers by posting notices in the area in which the Honorary Fisheries Officer will work.

Appointment  
of Honorary  
Fisheries  
Officers

(2) The Minister may appoint an Honorary Fisheries Officer for a fixed period, or for an indefinite period.

(3) The Minister may limit the authority of an Honorary Fisheries Officer to a specific geographical area.

(4) The Minister may limit the authority of an Honorary Fisheries Officer in any way that he or she thinks fit.

(5) The Minister may terminate the appointment of an Honorary Fisheries Officer at any time by giving notice of that termination to that Honorary Fisheries Officer.

45. (1) The Minister shall issue each Honorary Fisheries Officer a warrant to act.

Honorary  
Fisheries  
Officers'  
warrants

(2) No Honorary Fisheries Officer may act as such unless they have a current warrant issued under this section.

(3) A warrant under this section shall state any limits on the Honorary Fisheries Officer's authority.

(4) A warrant issued under this section shall be valid for a maximum period of one year, and must be reissued following expiration if the person is to continue to act as an Honorary Fisheries Officer.

46. (1) Honorary Fisheries Officers are not employees or agents of the Province, and shall receive no payment from the Province, other than for reimbursement of expenses authorised by the Province.

Status of  
Honorary  
Fisheries  
Officers

(2) An Honorary Fisheries Officer may be an employee of the community or any other organisation, and may receive payment from the community or the organisation for their work as an Honorary Fisheries Officer.

Complaints  
against  
Honorary  
Fisheries  
Officers

47. Complaints against Honorary Fisheries Officers may be made to the Minister who shall arrange for the complaint to be investigated and then may:

- (a) dismiss the complaint;
- (b) warn the Honorary Fisheries Officer not to repeat the behaviour complained of;
- (c) suspend the Honorary Fisheries Officer for a fixed period; or
- (d) terminate the Honorary Fisheries Officer's warrant.

### **Powers of Provincial Fisheries Officers**

Powers only  
within Choiseul  
Province

48. The powers of Provincial Fisheries Officers under this Ordinance may only be exercised within the Province.

Prevention of  
offences

49. Any Provincial Fisheries Officer may require any person whom he or she believes to be committing or about to commit an offence against this Ordinance, regulations made under this Ordinance, the Fisheries Act 1998, any regulations made under the Fisheries Act 1998 or any subsequent equivalent National Legislation, to refrain or desist from that act.

Stopping and  
questioning

50. Any Provincial Fisheries Officer may stop any vessel within Provincial Waters that they reasonably believe has been fishing of otherwise Taking or attempting to Take Marine Life or Aquatic Life in Provincial Waters, or any vessel within a Marine Protected Area, for the purposes of questioning the occupants with respect to matters under this Ordinance, any regulations made under this Ordinance, the Fisheries Act 1998, any regulations made under the Fisheries Act 1998, or any subsequent equivalent National Legislation, and may require the occupants to supply their names and addresses.

Search

51. Any Provincial Fisheries Officer may stop, board and search any vessel that the Officer reasonably suspects is or has been fishing or otherwise Taking or attempting to Take Marine Life or Aquatic Life within Provincial Waters for the purposes of ascertaining whether there is or has been any contravention of the provisions of this Ordinance, any regulations made under this Ordinance, the Fisheries Act 1998, any regulations made under the Fisheries Act 1998, or any subsequent equivalent National Legislation.



52. Any Provincial Fisheries Officer may:

Production of documents

- (a) require any person to produce their licence, their permit or their authority, if it appears to the Provincial Fisheries Officer that such person is doing any act for which a licence, permit or other authority is required under this Ordinance, any regulations made under this Ordinance, the Fisheries Act 1998, any regulations made under the Fisheries Act 1998 or any subsequent equivalent National Legislation, and take copies of any such licence, permit or other authority;
- (b) require any person to produce any log-book, record or other document required to be held by them under this Ordinance, any regulations made under this Ordinance, the Fisheries Act 1998, any regulations made under the Fisheries Act 1998 or any subsequent equivalent National Legislation, and take copies of such log-book, record or other document.

53. (1) Any Provincial Fisheries Officer may, where they reasonably believe that a person has committed an offence against the provisions of this Ordinance, any regulations made under this Ordinance, the Fisheries Act 1998, any regulations made under the Fisheries Act 1998, or any subsequent equivalent National Legislation, has been committed within Provincial Waters, arrest that person without a warrant.

Identification and arrest

(2) No person shall be arrested under subsection (1) if that person co-operates with the lawful requirements of the Officer and is able to provide confirmation of their name and address.

(3) If the Provincial Fisheries Officer making an arrest is not a police officer, they shall without unnecessary delay hand over such person to a police officer or in the absence of a police officer, shall take such person to the nearest police station.

54. Any Provincial Fisheries Officer may seize:
- (a) any Fishing Gear which they reasonably believe has been or is being used in the commission of an offence against the provisions of this Ordinance, any regulations made under this Ordinance, the Fisheries Act 1998, any regulations made under the Fisheries Act 1998, or any subsequent equivalent National Legislation;
  - (b) any fish or other Marine Life or Aquatic Life which they reasonably believe has been Taken or Marine Life or Aquatic Life products which they reasonably believe have been produced in the commission of such an offence or any other Marine Life or Aquatic Life with which such Marine Life or Aquatic Life has been intermixed;
  - (c) Any explosive, poison or other noxious substances which they reasonably believe has been used or is intended to be used in the commission of such an offence;
  - (d) Any article, record, document, or thing which they reasonably believe is evidence of the commission of such an offence;
  - (e) Any bag, container, or other article that they reasonably believe is being used for the purpose of carrying any fish or other Marine Life or Aquatic Life or any part of any Marine Life or Aquatic Life, or any sand, stones, gravel, coral, or other material illegally Taken in the course of such an offence.

55. (1) The Minister may grant any Honorary Fisheries Officer some or all of the powers of a fisheries officer under the Fisheries Act 1998, any regulations under the Fisheries Act 1998, or any subsequent equivalent National Legislation.

Additional powers for Honorary Fisheries Officers

(2) Where the Minister grants powers under subsection (1), the Honorary Fisheries Officer's warrant shall state which powers they have been given.

### **Rules in Relation to Provincial Fisheries Officers**

56. Any Provincial Fisheries Officer acting in the exercise of their powers under this Ordinance shall, on demand, produce such document of identification or other evidence as may be reasonably sufficient to show that they are a Provincial Fisheries Officer.

Production of identification

57. (e) No Provincial Fisheries Officer shall be held personally liable in respect of any act done or omitted to be done by them in good faith in the execution or purported execution of their powers and duties under this Ordinance.
- (f) The Province shall not be held directly or indirectly liable for any such act or omission of any such person.

### **Offences in Relation to Provincial Fisheries Officers**

58. Any person who wilfully obstructs, assaults or threatens with violence a Provincial Fisheries Officer in the exercise of any of their powers or duties shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 2,000 Penalty Units.

Obstruction

59. Any person who, being on board any vessel being pursued or about to be boarded by any Provincial Fisheries Officer, throws over board or destroys any fish or other Marine Life or Aquatic Life, Fishing Gear, explosive, poison, noxious substance or any other thing whatsoever, with intent to avoid the seizure of such items, or the detection of any offence under this Ordinance, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 2,000 Penalty Units.

Destroying evidence

Failure to  
comply with  
lawful require-  
ment

60. Any person who fails without reasonable excuse to comply with a lawful direction by a Provincial Fisheries Officer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 2,000 Penalty Units.

Failure to  
answer enquiry

61. Any person who fails without reasonable excuse to answer any lawful enquiry made by a Provincial Fisheries Officer under this Ordinance, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 2,000 Penalty Units.

Providing false  
or misleading  
information

62. Any person who provides any false or misleading information to a Provincial Fisheries Officer knowing that information to be false or misleading shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 2,000 Penalty Units.

Impersonating a  
Provincial  
Fisheries officer

63. Any person who impersonates a Provincial Fisheries Officer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 2,000 Penalty Units.

Bribing a  
Provincial  
Fisheries  
Officer

64. Any person who bribes, or attempts to bribe a Provincial Fisheries Officer shall be guilty of an offence and liable on conviction to a fine not exceeding 2,000 Penalty Units.

## **PART VI - PENALTIES**

### **Warnings**

Issuing of warn-  
ing

65. Where a Provincial Fisheries Officer reasonably believes that a person has committed an offence against this Ordinance, any regulations made under this Ordinance, the Fisheries Act 1998, any regulations made under the Fisheries Act 1998, or any subsequent equivalent National Legislation, the Provincial Fisheries Officer may rather than issuing any form of proceedings, issue a warning to the person concerned.

Seizure of fish  
on issue of  
warning

66. (1) Where a person to whom a warning is issued under section 66 has any fish or other Marine Life or Aquatic Life in their possession, this may be seized and disposed of as though a conviction had been entered for an offence in respect of that material.

(2) Where a person has had fish or other Marine Life or Aquatic Life seized under this section and such fish or other Marine Life has been sold, that person may apply to the Principal Fisheries Officer to be paid the net proceeds of sale, if they claim that they did not possess that fish or other Marine Life as a result of an offence.

(3) Where an application is made under subsection (2) it shall be in the Principal Fisheries Officer's discretion whether that money is returned.

67. (1) Where a Provincial Fisheries Officer issues a warning under section 66 they shall record: Record of warnings

- (a) The name of the offender;
  - (b) The date and time of the offending;
  - (c) The location of the offending;
  - (d) The details of the offence;
- and shall forward that information to the Division

(2) The Division shall retain the record of a warning for a period of 7 years.

(3) Where any Provincial Fisheries Officer is considering whether to issue a warning or commence proceedings, they may consult the Division to determine whether that person has had any previous warnings issued to them.

### **Infringement Notices**

68. (1) Where a Provincial Fisheries Officer reasonably believes that a person has committed an offence against this Ordinance, any regulations made under this Ordinance, the Fisheries Act 1998, any regulations made under the Fisheries Act 1998, or any subsequent equivalent National Legislation, they may issue the person an Infringement Notice. Issue of Infringement Notices

(2) In determining whether to issue an Infringement Notice or to proceed with a prosecution the Provincial Fisheries Officer shall consider the seriousness of the offending and the history of the person believed to have committed the offence.

Content of  
Infringement  
Notices

69. (1) Every Infringement Notice shall state:
- (a) the name of the person the notice is issued to;
  - (b) the date the notice was issued;
  - (c) the date if the offending;
  - (d) the details of the offending;
  - (e) an Infringement Fee the offender must pay;  
the name of the issuing Provincial Fisheries Officer
- (2) Every Infringement Notice shall contain a summary of the effect of the Infringement Notice and the options open to the person to whom the notice is issued.

Delivery of  
Infringement  
Notices

70. (1) All Infringement Notices shall be delivered by a Provincial Fisheries Officer in person to the person that the Infringement Notice is issued to.

(2) At the time of delivering an Infringement Notice the Provincial Fisheries Officer shall where practicable explain to the person the Infringement Notice is issued to the effect of the Infringement Notice.

Penalties under  
Infringement  
Notices

71. (1) The Infringement Fee under an Infringement Notice shall be \$200.00, except where a different Infringement Fee is set under this Ordinance or regulations made under this Ordinance.

(2) Each Infringement Notice shall specify an amount of Community Work that the person that the notice is issued to may do instead of paying the Infringement Fee.

(3) The amount of Community Work in hours specified in an Infringement Notice shall be the dollar value of the Infringement Fee divided by 25 rounded up to the nearest hour.

Copy of  
Infringement  
Notice sent to  
the Division

72. Within 7 days of the issue of any Infringement Notice the issuing Provincial Fisheries Officer shall cause a copy of the notice to be setn to the Division.

73. 30 days after the issue of an Infringement Notice, the Division shall attempt to send a reminder about the Infringement Notice to the person to whom it was issued, either verbally, by radio, or in writing.

Reminder notices

74. (1) Where any person claims that they are not guilty of an offence contained in an Infringement Notice they may, within 60 days of the issue of the notice, object to the Division.

Objection to Infringement Notices

(2) Objections under subsection (1) may be delivered by radio, post, or in person to the Division.

(3) Where a person makes an objection under subsection (1), the Division may:

- (a) withdraw the notice; or
- (b) issue proceedings in Court against the alleged offender.

75. (1) If a person fails to either:

- (a) pay the Infringement Fee under an Infringement Notice;
- (b) satisfy the Infringement Notice through the completion of Community Work; or
- (c) object to the Infringement Notice under section 75; the Division may file a copy of the Infringement Notice in the Court, together with a certificate stating the matters in (a), (b) and (c) above, and there shall be a conviction entered against that person or that offence, with a fine of the Infringement Fee plus 50 Penalty Units.

Effect of failure to comply with Infringement Notices

(2) A person against whom a conviction is entered under subsection (2) may apply to the Court to overturn the conviction, and the Court may grant the application if that is required in the interests of justice.

## Seizure

Notice upon  
seizure

76. Where any items are seized from a person under this Ordinance the Provincial Fisheries Officer seizing the items shall give the person a notice setting out:

- (a) the date of the seizure;
- (b) the items seized;
- (c) the name of the person the items were seized from;
- (d) the location of seizure;
- (e) why the items were seized;
- (f) the name of the Provincial Fisheries Officer seizing the items;
- (g) the persons rights in respect of the items seized.

Dealing with  
items seized

77. (1) Where fish or other Marine Life or Aquatic Life seized under this Ordinance has a reasonable chance of survival if returned to the wild it shall be returned to the wild as soon as possible.

(2) Where fish or other Marine Life or Aquatic Life seized under this Ordinance does not have a reasonable chance of survival it shall be sold as soon as possible by the person who seized it on such terms and in such a way as will provide the best return reasonably available.

(3) Where any other natural material is seized, it shall be returned to the place from where it was Taken, or as close as possible to that place.

(4) Where any other perishable items are seized they shall be sold as soon as practicable by the person who seized them on such terms and in such a way as will provide the best return reasonably available.

(5) All items not disposed of under subsection (1) to (4) shall be sent to the Provincial Capital as soon as practical and there stored safely by the Division until disposed of under this Ordinance.



(6) The proceeds of sale of any items sold under this section, less any costs of sale, shall be sent to the Division as soon as possible and held in place of the items.

78. (1) The proceeds of sale from any fish, or other Marine Life or Aquatic Life seized under this Ordinance and Taken in breach of this Ordinance any regulations made under this Ordinance, the Fisheries Act 1998, any regulations made under the Fisheries Act 1998, or any subsequent equivalent National Legislation will be forfeited to the Province. Proceeds of sale of Marine Life Taken in breach of Ordinance

- (2) Fish or other Marine Life or Aquatic Life shall be deemed to have been Taken in breach of this Ordinance if:
- (a) a warning in respect of that material is issued under section 66 and no application is made under section 67(2) within 30 days.
  - (b) an Infringement Notice is issued in respect of that material, and no objection is received under section 75 within 60 days; or
  - (c) a conviction is entered against any person in respect of that material.

79. Where any items other than fish or other Marine Life or Aquatic Life have been seized and are being held under this Ordinance, the Division shall release those items to the person from whom they were seized upon payment of the Principal Fisheries Officer's estimate of their value, and that money shall be held in place of the items. Release on payment of value

80. (1) Where: Process where Infringement Notice issued
- (a) an Infringement Notice is issued to a person from whom items are seized, other than material that has been returned to the environment, or fish or other Marine Life or Aquatic Life Taken in breach of this Ordinance; and
  - (b) the notice is not challenged under section 75, paid in full, or satisfied by the completion of Community Work, within 60 days, items up to the total Infringement Fees owed by that person will be sold.

(2) The amount of the Infringement Fee, together with any costs of sale will be paid to the Province from the proceeds of sale, and the Infringement Fee will be deemed paid.

(3) Any remaining items and any proceeds in excess of the Infringement Fees will be returned to the person from whom they were seized.

Property and proceeds returned on acquittal or withdrawal

81. If any property has been seized under this Ordinance:
- (a) no warning has been issued, no Infringement' Notice has been issued, and a decision has been made not to issued an information or that property; or
  - (b) any charges in relation to that property have been dismissed or withdrawn, such property or the funds from the sale of such property shall forthwith be released to the person from whom the property was seized.

Disposal of items or proceeds on conviction

82. (1) Where a person is convicted of an offence under this Ordinance, any items seized from that person, or any funds from the sale of such items that are not forfeited to the Province under section 79 shall be held for 30 days.

(2) If all fines are not paid within 30 days, items up to the total fines owed by that person will be sold.

(3) The amount of the fines, together with any costs of sale will be paid to the Province. any remaining items and any proceeds in excess of the fines will be returned to the person.

Property seized not in the possession of a person

83. (1) Where property seized under this Ordinance was not in the possession of any person at the time it was seized, the property, or the proceeds of sale if it is sold under sections 78(1) to (4), shall be retained until someone demonstrates ownership, or for six months, whichever is the earlier.

(2) If someone demonstrates ownership, the items or the money will be dealt with as though the item was seized from that person.

(3) Where no-one demonstrates ownership within 6 months, the item or the proceeds shall be forfeited to the Province.

84. (1) Where reasonable, where items seized under this Ordinance are to be sold by the Province, they shall be sold by auction. Sale by auction

(2) Where sale by auction is not practicable, or is unlikely to achieve the best price reasonably available, the items shall be disposed of in a way that the Principal Fisheries Officer considers will gain the best net return reasonably available.

85. Any property seized under this Ordinance shall be presumed to belong to the person from whom it was seized unless another person can demonstrate that the person that the property was seized from acquired it illegally. Disputed ownership

### **Community Work**

86. (1) Any time any person is liable to pay a fine or Infringement Fee under the authority of this Ordinance, they may instead elect to perform Community Work. Community Work in lieu of fine

(2) The amount of Community Work in hours shall be the dollar value of the fine or Infringement Fee divided by 25 rounded up to the nearest hour.

87. (1) Where Community Work is to be performed under this Ordinance, prior to the work being performed the Principal Fisheries Officer must approve the work to be performed and a supervisor for the work. Approval for Community Work

(2) It shall be the responsibility of the person who wishes to do Community Work to find an appropriate supervisor and appropriate Community Work and if they are unable to find and complete the Community Work before any due date for the fine or Infringement Fee the fact that they have not been able to find Community Work shall not delay matters.

(3) Before approving Community Work the Principal Fisheries Officer must satisfy themselves that the work is of benefit to the community, and that the supervisor will notify them whether the work is completed.

(4) The Principal Fisheries Officer may refuse approval for Community Work on the grounds that the person who wishes to do Community Work has previously not properly completed Community Work.

(5) When considering approving Community Work the Principal Fisheries Officer shall where practicable ensure that the Community Work is done in the same area where the offence was committed, and may refuse approval on the grounds that the Community Work is not in the area where the offence was committed.

Certificate of completion of Community Work

88. (1) Upon completion of the Community Work the supervisor shall deliver a certificate of completion of Community Work to the Division.

(2) On receipt of a certificate under subsection (1) the Division will record that the fine or Infringement Fee has been satisfied, and proceed as though the fine or Infringement Fee had been paid in full, and if a fine is recorded by the Court, shall notify the Court that the fine has been satisfied through the completion of Community Work.

**PART VII - GENERAL PROVISIONS IN RELATION TO OFFENCES**

Traditional dispute resolution

89. Where there is any dispute relating to matters under this Ordinance, the Minister or the Division may, if all parties agree to it, allow the matter to be dealt with through a traditional method of dispute resolution, or any other form of alternative dispute resolution.

Presumption that Marine Life Taken in breach or Ordinance

90. Any fish or other Marine Life or Aquatic Life found on board any vessel used in the commission of an offence under this Ordinance or any regulations made under this Ordinance, or in respect of which any such offence has been committed, shall, unless the contrary is proved, be presumed to have been caught in the commission of such offence.

91. (1) Where any fine or Infringement Fee is paid under this Ordinance for an offence in relation to a Marine Protected Area, half of that fine or Infringement Fee shall be paid into a special fund to be used exclusively for the provision of assistance to Marine Protected Areas.

Half of fine and proceeds of seizure from Marine Protected Areas to be paid to special fund

(2) Where any money is forfeited to the Province under section 79 in respect of an offence in relation to a Marine Protected Area, half of that money will be paid to the fund under subsection (a).

(3) The Minister shall determine the distribution of the fund created under this section in consultation with the those involved in Marine Protected areas within the Province, and in particular in consultation with the Regulating Authorities for Marine Managed Areas, and any committee established under section 30 for Marine Exclusion Areas.

92. (1) Where any fine or Infringement Fee is paid under this Ordinance for an offence not in relation to a Marine Protected Area, half of that fine or Infringement Fee shall be paid into the special fund under section 39 to be used exclusively for the promotion and funding of sustainable fishing activities.

Half of fine and proceeds of seizure from outside Marine Protected Areas to be paid to special fund

(2) Where any money is forfeited to the Province under section 79 in respect of an offence not in relation to a Marine Protected Area, half of that money will be paid into the special fund under section 92 to be used exclusively for the promotion and funding of sustainable fishing activities.

93. Where a person is found guilty of any offence under this Ordinance or any regulations made under this Ordinance, which involves the Taking of any material, or any fish or other Marine Life or Aquatic Life, in addition to any other penalty imposed, a Court may order the offender to pay an amount equal to three times the value of the material or Marine Life or Aquatic Life Taken.

Fine related to value of material Taken

Fine for commercial under-taking

94. Where it is proven that a person who has committed an offence against this Ordinance or any regulations made under this Ordinance, committed the offence for commercial reasons, they shall be liable to twice the penalty specified.

Penalty Units

95. Where any value under this Ordinance is expressed in Penalty Units, the dollar equivalent of that amount of Penalty units shall be written on any document issued under this Ordinance.

Time for laying information

96. Any information under this Ordinance or regulations made under this Ordinance must be filed in the Court within one year of the date of commission of the offence.

Top grading

97. It shall not be a defence to any offence against this Ordinance or regulations made under this Ordinance which relates to a type or size of fish or other Marine Life or Aquatic Life if the person charged claims that they intended to assess whether the Marine Life or Aquatic Life was an appropriate size or species at a later time, unless it is proven that it would have been impossible or unsafe to determine whether it was an appropriate size or species earlier.

Evidence by certificate

98. (1) The Minister, the Principal Fisheries Officer, a Regulating Authority, or a Provincial Fisheries Officer may give evidence by way of certificate in relation to an offence against this Ordinance or any regulations made under this Ordinance, the Fisheries Act 1998, any regulations made under the Fisheries Act 1998, or any subsequent equivalent National Legislation, including but not limited to, evidence that:

- (a) a specified person was or was not on a specified date or dates, the holder of any specified licence, permit, or authorisation;
- (b) a document is a true copy of the licence, permit, or authorisation for a specified person;
- (c) a particular location or area of water was on a specified date or dates within a Marine Protected Area, and what type of Marine Protected Area the area is;

(d) a document is a true copy of any Marine Managed Area Rules.

(2) A certificate given in evidence pursuant to subsection (1), is admissible and sufficient evidence of the facts referred to in a Court unless the contrary is proven.

99. (1) Where a certificate under section 99 is to be produced in judicial proceedings a copy of the certificate shall be given to the person charged at least 7 days before the date of the hearing. Service and validity of certificate

(2) An omission from or mistake made in a certificate issued under section 99 does not render it invalid unless the Court considers the omission or mistake as material to any issue in the proceedings concerned, or the defendant is materially prejudiced.

(3) Where in any proceedings a certificate made under section 99 is produced to the Court, the prosecution is not obliged to call the maker of the certificate unless the Court otherwise directs.

## PART VII - MISCELLANEOUS PROVISIONS

100. (1) Any commercial fishing vessel fishing, or otherwise Taking or attempting to Take Marine Life within Provincial Waters shall give any bycatch to local communities free of charge; Commercial vessels by catch

(2) The operator of any vessel failing to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 2,000 Penalty Units.

101. In exercising any powers under this Ordinance the Minister shall consider appropriate expert advice. Minister to act on advice

Regulations

102. (1) The Minister may make other regulations for the better enforcement of this Ordinance, including regulations:

- (a) Setting out forms for any documents required under this Ordinance;
- (b) Setting Infringement Fees for specific offences under this Ordinance.

(2) Regulations may be made under this Ordinance before this Ordinance comes into force provided that such Regulations come into force on the same date as this Ordinance.

*Passed by the Choiseul Provincial Assembly this 11th day of October 2011.  
This printed impression has been carefully compared by me with the Ordinance passed by Choiseul Provincial Assembly and found by me to be true and correct copy of the said Ordinance.*

Christopher Makoni  
Clerk to the Choiseul Provincial Assembly

With the Assent of the Miniater this tenth day of November, 2011.

HON. WALTER FOLOTALU  
Minister for Provincial Government and Institutional Strengthening