



FORESTRY OFFENCES

Investigation and Prosecution

Manual

Office of the Director of Public Prosecutions

FIRST EDITION



**Ministry of Forestry
and Research**



**Ministry of Environment
Climate Change Disaster Management
and Meteorology**

Acknowledgement

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Disclaimer

This publication is intended to provide general information about forestry offences in Solomon Islands and is not a substitute for legal advice in individual cases. Laws change, and the most recent and relevant law should be considered for each situation. The author does not accept any responsibility for any errors or omissions, or any loss caused by reliance on this manual.

This manual was authored by Ms. Sabrina Habu for the Marine, Environment, Forestry and Fisheries Unit of the Office of the Director of Public Prosecutions, Solomon Islands.

FOREWORD

Director of Public Prosecutions, Solomon Islands

Offences involving forestry and wildlife resources in the Solomon Islands are not victimless. Illegal logging, unlawful export of timber, and the exploitation of protected species undermine the rule of law, deprive landowners and the State of lawful benefits, and cause lasting harm to the environment. These are serious criminal offences that require a clear, consistent, and robust prosecutorial response.

The effective prosecution of such offences depends on the quality of investigations, the proper identification of offences, and the presentation of clear and admissible evidence before the courts. Too often, cases are weakened by gaps in evidence, poor file preparation, or a failure to properly link the facts to the elements of the offence. This Manual is intended to address those challenges directly.

My Office, through the Marine, Environment, Forestry and Fisheries Unit (MEFF Unit), has developed this Forestry Offences, Investigation and Prosecution Manual as a practical tool to assist enforcement officers, forestry officers, police officers and prosecutors in building strong, legally sound cases under the *Forest Resources and Timber Utilisation Act (Cap 40)* and the *Wildlife Protection and Management Act 1998*.

This Manual is designed to support a disciplined and methodical approach to prosecution, ensuring that cases brought before the courts are properly prepared and capable of withstanding scrutiny.

I trust that prosecutors and enforcement officers utilise this manual with diligence and precision because the integrity of the justice system depends on our ability to hold offenders accountable in accordance with the law.

I extend my gratitude to my officers within the MEFF unit for developing this manual. This is the first manual solely produced by my very own staff since I took over as Director.



Andrew. E. Kelesi
Director of Public Prosecutions
Solomon Islands

Introduction

Forestry and wildlife resources are central to the economic stability, environmental sustainability, and cultural identity of the Solomon Islands. Their sustainable management and lawful use are essential not only for national development, but also for the protection of customary land rights and the preservation of biodiversity for future generations.

The Marine, Environment, Forestry and Fisheries Unit (MEFF Unit) within the Office of the Director of Public Prosecutions has a dedicated mandate to address environmental and natural resource-related offences, including those arising from forestry activities. The Unit contributes to strengthening governance, promoting accountability, and supporting national efforts to ensure that natural resources are managed in accordance with the law and in the public interest.

The Forest Resources and Timber Utilisation Act (Cap 40) and the *Wildlife Protection and Management Act 1998* establish the legal framework governing the harvesting, transportation, and trade of forest and wildlife resources. Offences under these Acts including illegal logging, unauthorized export of timber, and the unlawful harvesting of protected species pose significant risks to sustainable resource management, weaken regulatory systems, and may result in adverse environmental, social, and economic impacts.

How to use the Manual

This Manual is designed as a practical guide to assist enforcement officers, forestry officers, police officers and prosecutors in the effective handling of forestry-related offences. It should be used as a step-by-step reference throughout the lifecycle of a case from detection and investigation to charging and prosecution.

Users should begin by identifying the nature of the suspected offence and referring to the relevant offence section within the Manual. Each section outlines the legal elements of the offence, the applicable statutory provisions, and the evidential requirements needed to establish a prima facie case. This ensures that all essential components of the offence are properly considered before proceeding.

During the investigation stage, the Manual provides guidance on evidence gathering, including the types of documents, witness statements, and physical exhibits required. It also highlights common evidential gaps and practical tips to strengthen case preparation. Enforcement officers are encouraged to use the checklists provided to ensure that investigations are thorough and legally sound.

For prosecutors, the Manual serves as a tool to assess whether the available evidence satisfies the legal threshold for charging and prosecution. It also offers guidance on drafting charges, structuring submissions, and addressing potential defences. Where relevant, cross-references are provided to assist users in navigating related offences and legal principles.

The Manual should not be treated as a substitute for legal judgment but rather as a support tool to promote consistency, accuracy, and efficiency in handling forestry offences. Users are encouraged to apply their professional discretion and seek further legal advice where necessary.

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Interpretation

Forest Resources and Timber Utilisation Act (Cap 40)

"**Tree**" includes any root, stump, stem, branch, brushwood, young tree or sapling.

"**Timber**" includes trees, other than protected trees specified in Schedule 1, when they have fallen or been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not.

"**Unmilled timber**" means timber that has not been converted into milled timber.

"**Mill**" means a sawmill and includes any mechanically powered plant, machinery or equipment for converting unmilled timber into milled timber, but does not include any plant, machinery or equipment which the Minister may by notice declare not to be a mill for the purpose of this Act.

"**Commissioner of Forest Resources**" means the Commissioner of Forest Resources appointed under section 3.

"**Enforcement officer**" means an enforcement officer appointed pursuant to section 3.

"**Forest offence**" means an offence punishable under this Act.

"**Forest officer**" means a forest officer appointed under section 3 and includes the Commissioner of Forest-Resources and an enforcement officer.

"**Forest produce**" means trees, timber, poles, branches, charcoal, wood ashes, palms, bamboos, canes, climbers, creepers, grass, moss, fungus, lichens, plants or parts thereof, leaves, flowers, fruit seeds, roots, fibres, bark, bark extracts, wood extracts, gums, oils, resins, pitch, sap, latex, rubber, tar, wax, honey, products of animals, litter, humus, earth, sand and stone found in or brought from a state forest or forest reserve and such other things as the Minister may by notice declare to be forest produce.

"**Land-use plan**" means a plan for the use of land for agriculture, livestock, reforestation, post-logging development, aquaculture, or for infra-structure for any of the aforesaid things, and includes a plan for such other use of land as the Minister may, by legal notice, 2 published in the Gazette, declare in this behalf.

"**Livestock**" includes asses, bulls, cows, geldings, goats, horses, stallions, mares, mules, oxen, pigs, sheep and steers and the young thereof; "mill" means a sawmill and includes any mechanically powered plant, machinery or equipment for converting unmilled timber into milled timber, but does not include any plant, machinery or equipment which the Minister may by notice declare not to be a mill for the purpose of this Act.

"**Milled timber**" includes sawn timber, wood particles, wood pulp and veneer, produced in or by a mill; "state forest" means a state forest declared under section 20.

"**Tambu place**" means a Tambu place commonly so called and considered holy, sacred or forbidden by Solomon Islanders.

"**Timber levy**" means a timber levy imposed under section 19.

Interpretation and General Provisions Act (Cap 85)

"**Person**" includes any public body, company or association, and any body of persons corporate or unincorporate.

Wildlife Protection and Management Act 1998

"**Approved person**" means any institution, organisation or individual approved under section 8.

"**Commercial purposes**" mean to trade or to make a profit on the disposal or receipt of an animal specimen or plant specimen.

"**Specimen**" means an animal specimen or plant specimen.

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

- 1.1. (a) an aircraft, vehicle or other similar craft; and
- 1.2. (b) any floating structure.

Mandates

The Ministry of Forestry and Research

The Ministry of Forestry and Research remains the mandated agency under the Solomon Islands Government to overseeing the facilitation, and promotion of better management of the country's forest resources and the utilization of the forest resources for sustainable benefit to the resource owners, stakeholders and the Solomon Islands Government.

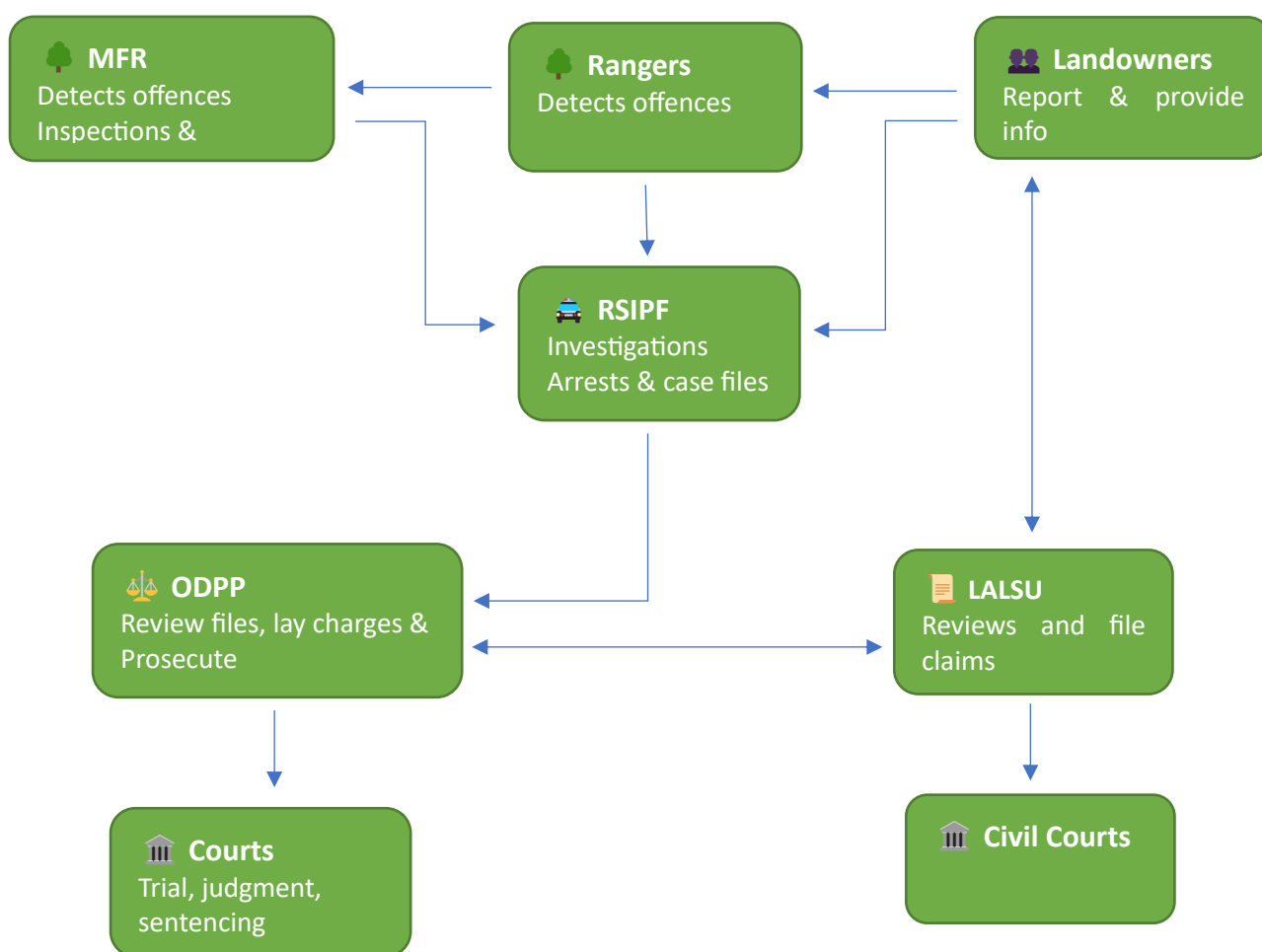
The Royal Solomon Islands Police Force

The Royal Solomon Islands Police Force is the national police force of Solomon Islands

Landowners Advisory and Legal Support Unit, Public Solicitors Office

The LALSU provides legal assistance to landowners and landowning groups in matters relating to logging, mining, and customary land. Its services include legal advice on environmental and customary land issues, community legal education, and representation in civil proceedings.

Fig 1. ODPP interagency cooperation for forestry crime cases



Powers of Enforcement Officers under the *Forest Resources and Timber Utilisation Act (CAP. 40)*

Provisions

1. Section 32 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

(1) Any enforcement officer or forest officer or police officer may without a warrant:

(a) demand from any person the production of any authority or licence for any act done or committed by such person in any 18 state forest or forest reserve or in relation to any forest produce for which a licence or permit is required under this Act;

(b) require any person found within any state forest or forest reserve or in the vicinity of such forest, and who has in his possession any forest produce, to give an account of the manner in which such person became possessed of such produce, and may arrest that person if he fails to give a satisfactory account;

(c) arrest any person reasonably suspected of being guilty of a forest offence or of being in possession of any forest produce in respect of which an offence has been committed: Provided that no person shall be arrested under this subsection unless such person refuses to give his name and address or gives a name and address which there is reasonable cause to believe is false or there is reasonable cause to believe that he will abscond;

(d) seize and detain any livestock found trespassing or found without any person in charge of them in any state forest or forest reserve;

(e) enter any timber yard or mill by day to inspect forest produce therein.

(2) Any enforcement officer or forest officer making an arrest under this section shall without unnecessary delay take or send the person arrested to a police officer, and any police officer making an arrest under this section or to whom a person arrested under this section is taken, shall deal with such person in accordance with the provisions of the Criminal Procedure Code Act relating to persons arrested without a warrant.

What this means for officers

2. An enforcement officer, forest officer, or police officer may, without a warrant:

- ❖ Require any person to produce a valid licence, permit, export documentation or authority for:
 - activities carried out in a State Forest or Forest Reserve; or
 - possession, transport, or use of forest produce.

3. Power to Question Possession of Forest Produce

- ❖ Require any person found:
 - inside a State Forest or Forest Reserve; or

- nearby, while in possession of forest produce

4. Power of Arrest (Without Warrant)

- ❖ An officer may arrest a person reasonably suspected of:
 - committing a forestry offence; or
 - possessing forest produce linked to an offence

5. But only if:

- the person refuses to give their name and address; OR
- gives false details; OR
- is likely to abscond.

6. Procedure After Arrest

- ❖ Any officer making an arrest must:
 - without unnecessary delay, take the person to a police officer.
- ❖ A police officer must then:
 - handle the matter under the Criminal Procedure Code.

7. Power to Enter Timber Yards and Mills

- ❖ An officer may:
 - Enter any timber yard or mill during daytime to inspect forest produce.

Commentary

8. The powers set out above can only be exercised by Enforcement Officers, Forest Officers, and Police Officers. Rangers and members of the public do not have authority to exercise these powers.

Seizure of property by officers under the *Forest Resources and Timber Utilisation Act (CAP. 40)*

Provisions

9. Section 33 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

(1) Where there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce, together with all tools, machinery, equipment, boats, conveyances and livestock reasonably suspected to have been used in the commission of such offence, may be seized by any enforcement officer or forest officer or police officer.

(2) Every officer seizing any property under this section shall place on such property, or on the receptacle, if any, in which it is contained, a mark indicating that the same has been so seized and shall, so soon as may be, make a report of such seizure to a Magistrate.

(3) In any proceedings in respect of a forest offence alleged to have been committed in respect of any forest produce, the averment that any substance is forest produce shall be sufficient without proof of such fact unless the person charged proves the contrary.

What this means for officers

10. An Enforcement Officer, Forest Officer, or Police Officer may seize:

- any forest produce; and
- any tools, machinery, equipment, boats, vehicles (conveyances), or livestock.

Where there is reason to believe that a forest offence has been committed in relation to that forest produce, an officer may seize the following

- logs or timber suspected to be illegally harvested
- chainsaws, trucks, tractors used in logging
- boats used for transporting illegal timber
- animals used in the operation

11. Requirement to mark seized property

❖ Any officer who seizes property must place a clear mark on:

- the property itself; or
- the container holding it

to indicate that it has been seized.

- Tag it, label it, or physically mark it. This prevents:
 - Tampering
 - disputes over ownership
 - chain-of-custody issues

12. (2) Duty to Report to a Magistrate

- ❖ The officer must, as soon as practicable, report the seizure to a Magistrate.

13. Subsection 3 of section 33 provides for the presumption that Forest Produce is Forest Produce. Meaning in any court proceedings:

- The burden shifts to the accused to prove otherwise.

Offences under the *Forest Resources and Timber Utilisation Act (Cap 40)*

Part II- Felling of trees for sale

Offence provision

14. Section 4 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

(1) Any person who fells any tree or removes any timber from any land for the purpose of sale thereof or of the products thereof otherwise than -

(a) for use within Solomon Islands as firewood or unmilled timber;

(b) for supplying logs for milling to a mill licensed under section 18, from within the area that mill is by its licence authorised to draw unmilled timber;

(c) for such other purpose declared by the Minister by notice to be exempt from the provisions of this section; or

(d) under and in accordance with the terms and conditions of a valid licence issued under section 5, shall be guilty of an offence and liable to a fine of 20,000 penalty units or to imprisonment for two years or to both such fine and such imprisonment.

(2) Any person who fells a tree or removes timber from any land shall, until the contrary is proved, be presumed to have felled that tree or removed that timber for the purpose of sale.

(3) The onus of proving that a tree has been felled or timber has been removed for any of the purposes specified in paragraphs (a) or (b), or under paragraph (c) of subsection (1), shall lie on him who so alleges.

Presumptions and onus on defendant

15. Section 4(2) creates a presumption that a person who fells a tree or removes timber from any land has done so for the purpose of sale.

16. Section 4(3) places an onus on the defendant to prove the defences in subsections 4(1)(a) to (c).

Elements of offence

17. The elements of this offence are:

(1) Defendant fells any tree or removes any timber from land;

(2) Purpose is for the sale of tree, timber or a product thereof.

(Note presumption)

Defences

18. Onus on defendant to prove defences in subsections 4(1)(a)-(c). Existence of a valid licence can be established through search of register.

(5.1) Tree or timber can be sold in Solomon Islands as firewood or unmilled timber.

(5.2) To supply logs for milling to a mill licensed under section 18, from within the area that mill is licensed to obtain from.

(5.3) Any purpose declared by the Minister to be exempt.

(5.4) In terms and conditions of valid licence issued under section 5.

Draft charges

19. Use the following draft charges (adapted as appropriate to the form of the document in the relevant jurisdiction):

On or about [date] at [place] in [name of Province], [name of defendant] did fell a tree for the purpose of the sale thereof [or a product thereof namely X].

OR

On or about [date] at [place] in [name of Province], [name of defendant] did remove timber from the land, for the purpose of the sale thereof [or a product thereof namely X].

Penalty

20. The maximum penalty is a fine of 20,000 penalty units or imprisonment for two years or both.

Commentary

21. Refer to *Forest Resources and Utilisation (Felling Licence) Regulation 2005* with its latest amendments for the requirements of felling protected species.
22. Refer to *Forest Resources and Utilisation (Protected Species) Regulation 1990* with its latest amendments for conditions in order to fell protected species.

<i>Forest Resources and Timber Utilization (Felling Licences) (Amendment) Regulation 2019 legal notice 89</i>	<i>Forest Resources and Timber Utilization (Protected Species) (Amendment) Regulation 2018</i>
A person can only apply for a felling licence to harvest Tubi from areas that are subject to a mining lease and below 400m altitude and outside from riparian buffer zones.	- Tubi species can only be harvested from Nickle mining tenements in Isabel. - Only constituency have the right to enter, cut, fell, skid haul and loading to freight Tubi species within any mining tenement. - Constituency shall be the only authority allowed to export Tubi. - The Commissioner of Forest shall issue export permit to the Constituency on advice by the Minister for purpose of exporting Tubi round logs. - If Tubi species is under existing concession or felling license, the Constituency, landowners and Licensee must sign a Memorandum of Agreement for harvesting of Tubi trees.

Evidence to gather

23. Likely to include but not limited to:

Testimonial Evidence

- Eyewitness statements; Officer observations or reports; Witness sworn statements.

Documentary Evidence

- Photographic, video or similar evidence that establish the elements of the crime outlined above; customs documentation including consignments etc. proving export; apprehension report, apprehension receipt and other evidence of the chain of custody for the items exported/attempt to be exported contrary to law.

Expert evidence

- Inspector's report confirming the identification of the species; DNA or other forensic expert analysis.

Other documentation

- Any other documentation that is relevant to establish the elements of the offence outlined above.

Part IV- Licensing of mills

Offence provision

24. Section 17 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

Any person who installs or operates a mill otherwise than under and in accordance with the terms and conditions of a valid licence issued under section 18 shall be guilty of an offence and liable to a fine of 20,000 penalty units or to imprisonment for two years or to both such fine and such imprisonment:

Provided that this section shall not apply to any mill or class or description of mills declared by the Minister by notice to be exempt from the provisions of this section.

Issue of licence – terms

25. Section 18 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

(1) Upon application therefor and payment of the prescribed fee and subject to any general or special directions that may be given by the Minister, the Commissioner of Forest Resources may issue a licence to install and operate a mill subject to such terms and conditions as he may therein specify and may, at any time, with the agreement of the licensee, alter or amend the licence.

(2) Every licence issued under subsection (1) shall specify-

(a) the **area or areas** from which unmilled timber to be milled at the mill may be drawn;

(b) the **maximum quantity** of unmilled timber that may be **acquired** or milled or the maximum quantity of milled timber that may be produced, during any **specified period**, and, without prejudice to the power to specify terms and conditions under subsection (1), every licence may specify the maximum quantities to be drawn or acquired from any specified area during any specified period; and

(c) the **charges to be levied per cubic metre** in the round or in such other manner as may be prescribed, and specified in such licence:

Provided that no such licence shall be issued to an **applicant who is a foreign investor**, unless he complies with the provisions of the law relating to foreign investment as applicable to him.

Elements of offence

26. The elements of this offence are:

(1) Defendant installs or operates a mill

(2) Mill is installed or operated otherwise than under and in accordance with the terms and conditions of a valid licence issued under section 18

Draft charges

27. Use the following draft charges (adapted as appropriate to the form of the document in the relevant jurisdiction):

On or about [date] at [place] in [name of Province], [name of defendant] did [install / operate] a mill without a valid licence issued under section 18 of the *Forest Resources and Timber Utilisation Act (Cap 40)*.

OR

On or about [date] at [place] in [name of Province], [name of defendant] did [install / operate] a mill otherwise than under and in accordance with the terms and conditions of a valid licence issued under section 18 of the [Act] in that [name of defendant], [insert the term and condition breached]

For example:

[obtained unmilled timber from area not designated] or

[exceeded the quantity of unmilled timber was able to acquire] or

[exceeded the maximum quantity of milled timber produced] etc

Penalty

28. The maximum penalty is a fine of 20,000 penalty units or imprisonment for two years or both.

Evidence to gather

29. Likely to include but not limited to:

Testimonial Evidence

- Eyewitness statements; Officer observations or reports; Witness sworn statements.

Documentary Evidence

- Photographic, video or similar evidence that establish the elements of the crime outlined above

Expert evidence

- Inspector's report

Other documentation

- Any other documentation that is relevant to establish the elements of the offence outlined above

Part VI – State Forests

Offence provision

30. Section 22 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

Any person who within a state forest otherwise than under and in accordance with a valid permit issued under section 23 or in pursuance of any right which existed prior to the declaration of that state forest (the onus of proving which shall lie on such person) –

- (a) fells, cuts, taps, damages, burns, removes, works or sells any tree;
- (b) causes any damage therein by negligence in felling any tree, dragging any timber, lighting any fire or otherwise howsoever;
- (c) clears or breaks up any land for cultivation or any other purposes;
- (d) resides or erects any building, shelter or structure;
- (e) grazes or permits to be grazed any livestock;
- (f) has in his possession any machinery, equipment or implement for cutting, taking, working or removing any forest produce, without being able to show that such machinery, equipment or implement is in his possession for a lawful purpose; or
- (g) constructs or re-opens any road, saw-pit or workplace,

shall be guilty of an offence and liable to a fine of 10,000 penalty units or to imprisonment for one year or to both such fine and such imprisonment.

31. Section 23 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

Upon application therefor and payment of the prescribed fee, the Commissioner of Forest Resources, and subject to the directions of the Commissioner of Forest Resources, an enforcement officer or a forest officer, may issue a permit authorising any of the acts mentioned in section 22 upon such terms and conditions as the Commissioner of Forest Resources or enforcement or forest officer may therein specify.

32. Section 20 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

Power to declare State Forest

(1) The Minister may at any time by notice declare any land that is public land, land in which the Government holds a freehold interest in land or a leasehold interest in land, or land leased by or on behalf of the Government, to be a state forest.

(2) Upon such land or part thereof ceasing to be such land as aforesaid, that land or that part shall cease to be a state forest.

33. Section 42 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

Declaration of state forest to be registered:

- (1) The Conservator shall furnish to the Registrar of Titles every declaration of a state forest and of a forest reserve and every amendment and cancellation thereof, authenticated in such manner as the Registrar may require, and the Registrar shall note in the land register, in such manner as he thinks fit, every such declaration, amendment and cancellation affecting registered land.
- (2) Without prejudice to the power of the Registrar of Titles to require further information, a copy of the declaration purporting to have been made under this Act shall be sufficient evidence to support a note in the land register as aforesaid.
- (3) The Registrar of Titles shall not be concerned to note any licence or permit issued by the Commissioner of Forest Resources or any enforcement officer or forest officer under this Act in respect of state forests or forest reserves nor to file in the land registry, nor to furnish certified copies thereof, nor to provide for inspection, any instrument embodying such licence or permit.

Elements of offence

34. The elements of this offence are:

- (1) Defendant is in a state forest
- (2) Defendant does any of the following:
 - (a) fells, cuts, taps, damages, burns, removes, works or sells any tree;
 - (b) causes any damage therein by negligence in felling any tree, dragging any timber, lighting any fire or otherwise howsoever;
 - (c) clears or breaks up any land for cultivation or any other purposes;
 - (d) resides or erects any building, shelter or structure;
 - (e) grazes or permits to be grazed any livestock;
 - (f) has in his possession any machinery, equipment or implement for cutting, taking, working or removing any forest produce, without being able to show that such machinery, equipment or implement is in his possession for a lawful purpose; or
 - (g) constructs or re-opens any road, saw-pit or workplace.

(3) Defendant does not hold a valid permit

OR

Defendant does the act/s in breach of a valid permit

AND

Defendant does not have a right which existed prior to declaration of state forest

(Note presumption)

Draft charges

35. Use the following draft charges (adapted as appropriate to the form of the document in the relevant jurisdiction):

On or about [date] at [place] in a state forest in [name of Province], [name of defendant] who did not hold a valid permit did [describe the act].

Penalty

36. The maximum penalty is a fine of 10,000 penalty units or imprisonment for one year or both.

Evidence to gather

37. Likely to include but not limited to:

Testimonial Evidence

- Eyewitness statements; Officer observations or reports; Witness sworn statements.

Documentary Evidence

- Photographic, video or similar evidence that establish the elements of the crime outlined above.

Expert evidence

- Inspector's report.

Other documentation

- Any other documentation that is relevant to establish the elements of the offence outlined above.

Section 27 Offences relating to forest reserves

Offence provision

38. Section 27 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

(1) Any person who within a forest reserve otherwise than under and in accordance with a valid permit issued under section 28 -

(a) fells, cuts or removes any forest produce otherwise than for his own personal or domestic use;

(b) clears or breaks up any land for cultivation, or any other purpose;

(c) resides or erects any building, shelter or structure; or

(d) grazes or permits to be grazed any livestock,

shall be guilty of an offence and liable to a fine of 10,000 penalty units or imprisonment for one year or to both such fine and such imprisonment.

(2) Subsection (1) shall not apply to any person acting in exercise of any right specified under section 24, but any person charged with an offence under this section shall, until the contrary is proved, be presumed not to have been a person acting as aforesaid.

Permit for forest reserve

39. Section 28 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

Upon application therefor and payment of the prescribed fee, the Commissioner of Forest Resources and, subject to the directions of the Commissioner of Forest Resources, an enforcement officer or a forest officer, may issue a permit authorising any of the acts mentioned in section 27(1) upon such terms and conditions as the Commissioner of Forest Resources or enforcement officer or forest officer may therein specify.

Power to declare forest reserve

40. Section 24 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

Where the Minister is satisfied that for the purpose of conserving water resources within Solomon Islands it is necessary or desirable to protect the forest or other vegetation in any rainfall catchment area, he may, subject to the provisions of this Part, by notice declare such area or part thereof to be a forest reserve, and shall in the same notice specify what rights and the extent to which such rights may be exercised in the forest reserve.

Declaration of forest reserve to be registered

41. Section 42 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

(1) The Conservator shall furnish to the Registrar of Titles every declaration of a state forest and of a forest reserve and every amendment and cancellation thereof, authenticated in such manner as the Registrar may

require, and the Registrar shall note in the land register, in such manner as he thinks fit, every such declaration, amendment and cancellation affecting registered land.

(2) Without prejudice to the power of the Registrar of Titles to require further information, a copy of the declaration purporting to have been made under this Act shall be sufficient evidence to support a note in the land register as aforesaid.

(3) The Registrar of Titles shall not be concerned to note any licence or permit issued by the Commissioner of Forest Resources or any enforcement officer or forest officer under this Act in respect of state forests or forest reserves nor to file in the land registry, nor to furnish certified copies thereof, nor to provide for inspection, any instrument embodying such licence or permit.

Elements of offence

42. The elements of this offence are:

(1) Defendant is in a forest reserve

(2) Defendant does any of the following:

(a) fells, cuts or removes any forest produce otherwise than for his own personal or domestic use;

(b) clears or breaks up any land for cultivation, or any other purpose;

(c) resides or erects any building, shelter or structure; or

(d) grazes or permits to be grazed any livestock.

(3) Defendant does not hold a valid permit

OR

Defendant does the acts in breach of a permit

Draft charges

43. Use the following draft charges (adapted as appropriate to the form of the document in the relevant jurisdiction):

On or about [date] at [place] in a forest reserve in [name of Province], [name of defendant] who did not hold a valid permit did [describe the act].

OR

On or about [date] at [place] in a forest reserve in [name of Province], [name of defendant], who in breach of a valid permit did [describe the act].

Penalty

44. The maximum penalty is a fine of 10,000 penalty units or imprisonment for one year or both.

Evidence to gather

45. Likely to include but not limited to:

Testimonial Evidence

- Eyewitness statements; Officer observations or reports; Witness sworn statements.

Documentary Evidence

- Photographic, video or similar evidence that establish the elements of the crime outlined above

Expert evidence

- Inspector's report

Other documentation

- Any other documentation that is relevant to establish the elements of the offence outlined above

PART VIII Procedure and Penalties

Offence provision

46. Section 29 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

Any person who:

(1) knowingly counterfeits upon any tree or timber, or has in his possession any implements for counterfeiting, any mark used by enforcement officers or forest officers to indicate that such tree or timber may lawfully be felled or removed by some person; or

(2) unlawfully or fraudulently affixes to any tree or timber any mark used by enforcement officers or forest officers; or

(3) alters, defaces or obliterates any such mark placed on any tree or timber by or under the authority of an enforcement officer or a forest officer; or 17

(4) wastes timber by such acts or operations as are specified in the regulations,

shall be guilty of an offence and liable to a fine of 20,000 penalty units or to imprisonment for two years or to both such fine and such imprisonment.

Elements of offence

47. The elements of this offence are:

(1) Defendant knowingly counterfeits any tree or timber

(2) Unlawfully or fraudulently affixes any tree or timber any mark

(3) Alters, defaces or obliterates any such mark placed on any tree or timber

(4) Wastes timber by such acts or operations

Draft charges

48. Use the following draft charges (adapted as appropriate to the form of the document in the relevant jurisdiction):

On or about [date] at [place] in [name of Province], [name of defendant] did counterfeit/unlawfully/fraudulently/alters/defaces/obliterates/ wastes a tree or timber in contravention of section 29 of the *Forest Resources and Timber Utilisation Act (Cap 40)*.

Penalty

49. The maximum penalty is a fine of 10,000 penalty units or imprisonment for one year or both.

Evidence to gather

50. Likely to include but not limited to:

Testimonial Evidence

- Eyewitness statements; Officer observations or reports; Witness sworn statements.

Documentary Evidence

- Photographic, video or similar evidence that establish the elements of the crime outlined above.

Expert evidence

- Inspector's report

Other documentation

- Any other documentation that is relevant to establish the elements of the offence outlined above

Section 30- Receiving Illegally obtained forest produce

Offence provision

51. Section 30 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

Receiving Illegally obtained forest produce

Any person who receives any forest produce knowing or having reasonable cause to believe it to have been obtained in contravention to this Act shall be guilty of an offence and liable to a fine of 10,000 penalty units or to imprisonment for one year or to both such fine and such imprisonment.

Forest produce

52. "Forest produce" means trees, timber, poles, branches, charcoal, wood ashes, palms, bamboos, canes, climbers, creepers, grass, moss, fungus, lichens, plants or parts thereof, leaves, flowers, fruit seeds, roots, fibres, bark, bark extracts, wood extracts, gums, oils, resins, pitch, sap, latex, rubber, tar, wax, honey, products of animals, litter, humus, earth, sand and stone found in or brought from a state forest or forest reserve and such other things as the Minister may by notice declare to be forest produce.

Obtained in contravention to this Act

53. Note the definition.
54. Forest produce is limited to items described that are found in or brought from a state forest or forest reserve. Therefore, the conduct described as a contravention of the Act will in practical terms be limited to the following offences:
- Section 22 - Offence relating to state forests
 - Section 27(1) - Offence relating to forest reserves
55. Note that for section 22 in practical terms is limited to the felling, cutting or removal of a tree due to the definition (i.e., section 22(a)).
56. Note that for section 27(1) the item is referred to as forest produce and therefore can include any items meeting the definition.

Elements of offence

57. The elements of this offence are:

(1) Defendant receives forest produce.

(2) Defendant knows or has reasonable cause to believe that the forest produce has been obtained in contravention of section 22 (felling, cutting or removal of a tree) or section 27(1) (felling cutting or removal of forest produce).

Draft charges

58. Use the following draft charges (adapted as appropriate to the form of the document in the relevant jurisdiction):

On or about [date] at [place] in [name of Province], [name of defendant] did receive forest produce knowing or having reasonable cause to believe that the forest produce was obtained in contravention of section 22 of the *Forest Resources and Timber Utilisation Act (Cap 40)*, namely a tree that was [felled / cut / removed] from a state forest.

OR

On or about [date] at [place] in [name of State/Territory], [name of defendant], did receive forest produce knowing or having reasonable cause to believe that the forest produce was obtained in contravention of section 27(1) of the *Forest Resources and Timber Utilisation Act (Cap 40)*, namely [describe the forest produce] that was [felled / cut / removed] from a forest reserve.

Penalty

59. The maximum penalty is a fine of 10,000 penalty units or imprisonment for one year or both.

Evidence to gather

60. Likely to include but not limited to:

Testimonial Evidence

- Eyewitness statements; Officer observations or reports; Witness sworn statements.

Documentary Evidence

- Photographic, video or similar evidence that establish the elements of the crime outlined above.

Expert evidence

- Inspector's report

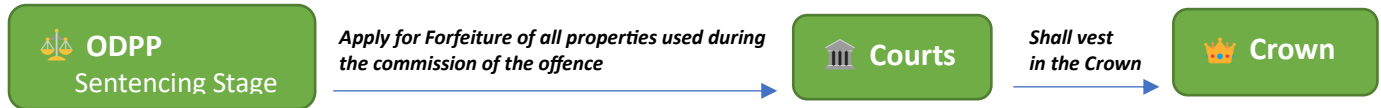
Other documentation

- Any other documentation that is relevant to establish the elements of the offence outlined above

Commentary

61. Note need not prove the offence under section 22 or section 27(1).

Forfeitures under the *Forest Resources and Timber Utilisation Act (Cap 40)*



Seizure of property

Forfeiture of property after conviction for a forest offence

62. Section 34 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

(1) When any person is convicted of a forest offence, all forest produce in respect of which such offence has been committed, and all tools, machinery, equipment, boats, conveyances and livestock used in the commission of such offence, shall be liable to be forfeited by order of the court recording the conviction.

(2) Such forfeiture may be in addition to any other penalty prescribed for such offence.

Power to dispose of property seized when person suspected of forest offence is unknown 6 of 1984, s. 5

63. Section 35 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

(1) Where there is reason to believe that a forest offence has been committed by a person who is unknown or cannot be found, any property seized in respect of such suspected offence under section 33 shall be taken possession of and may be disposed of by or under the direction of the Commissioner of Forest Resources, but no such property shall be sold or otherwise disposed of until the expiration of one month from the date of the service or publication of the notice given under subsection (2), or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he may produce in support of his claim within such period of one month, or until after the determination of any appeal under section 37.

(2) When possession is taken of any property under subsection (1), the Commissioner of Forest Resources, or, subject to the directions of the Commissioner of Forest Resources, an enforcement officer or a forest officer, shall cause notice thereof to be served upon any person whom he has reason to suspect to be interested in the property or may publish such notice in such manner as he deems fit.

Sale of perishable property 6 of 1984, s. 5

64. Section 36 of the *Forest Resources and Timber Utilisation Act (Cap 40)* prescribes:

A Magistrate or an enforcement officer or forest officer may, notwithstanding section 35, direct the sale of any property seized under section 33 and which is subject to speedy and natural decay, and may deal with the proceeds of such sale as he might have dealt with the property had it not been sold.

Property taken possession of to vest in Crown 6 of 1984, s. 5

65. Section 38 of the Forest *Resources and Timber Utilisation Act (Cap 40)* prescribes:

When possession has been taken of any property under section 33, and after the expiration of the time limited for appealing under section 37 or the determination of any such appeal in favour of the Commissioner of Forest Resources, such property or the proceeds of sale thereof if sold under section 36 shall vest in the Crown absolutely.

Commentary

66. Note this section applies only once a conviction has been entered into for the defendant.

Offences under the *Wildlife Protection and Management Act 1998*

Section 11 – Prohibited or restricted export

Offence provision

67. Section 11 (Prohibited or restricted export) of the *Wildlife Protection and Management Act 1998* prescribes:
- (1) No person shall export or attempt to export any plant or animal specimen specified in schedule I, unless he is an approved person and has a valid export permit issued for scientific research purposes under section 14(5);
 - (2) No person shall export or attempt to export any plant or animal specimen specified in Schedule II, unless he is an approved person and has a valid permit to export such specimen for commercial purposes or otherwise under section 14;
 - (3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to -
 - (a) in the case of a specimen specified in subsection (1), a fine not exceeding 50,000 penalty units or imprisonment for a term not exceeding five years; or
 - (b) in the case of a specimen specified in subsection (2), a fine not exceeding 30,000 penalty units or imprisonment for a term not exceeding three years.
- (Note change to penalties Wildlife Protection and Management (Amendment) Act 2017)
68. Section 14 (Application for a permit to export or import) of the *Wildlife Protection and Management Act 1998* prescribes:
- (1) An approved person may make application to the Director on the prescribed form for a permit to export or import a plant, or animal specimen.
 - (2) The Director shall not consider any application made under subsection (1) unless such application is accompanied by a valid business licence issued by the respective Provincial Government permitting the approved person to carry out trade in wildlife.
 - (3) An application to export or to import shall state whether the export or import is for scientific or commercial purposes.
 - (4) Where an application is for the export of a specimen for commercial purposes the application shall state the name of the intended receiver of the specimens and provide copies of the relevant permit issued by the country to which the specimens are to be sent to or imported from and clearly show the export or import value, as the case may be.

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

Approved person

69. Section 8 of the Wildlife Protection and Management Act 1998 prescribes:

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

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

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

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

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

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

Elements of offence

70. The elements of [these](#) offences are:

Section 11(1): Scientific research – Schedule 1

(a) Defendant exports or attempts to export plant or animal specimen referred to in Schedule 1

(b) Defendant is not an approved person

(c) Defendant does not have a valid permit issued under section 14(5) for scientific research purposes

Section 11(2): Commercial purpose – Schedule 2

- (d) Defendant exports or attempts to export plant or animal specimen referred to in Schedule II
- (e) Defendant is not an approved person
- (f) Defendant does not have a valid permit issued under section 14 for commercial purposes

Draft charges

71. Use the following draft charges (adapted as appropriate to the form of the document in the relevant jurisdiction):

Section 11(1)

On or about [date] at [place] in [name of Province], [name of defendant] exported / attempted to export a plant / animal specimen specified in Schedule I, namely [NAME THE SPECIMEN] and [DEFENDANT] was not an approved person and did not hold a valid export permit for scientific research purposes under section 14(5) of the *Wildlife Protection and Management Act 1998*.

Section 11(2)

On or about [date] at [place] in [name of Province], [name of defendant], exported / attempted to export a plant / animal specimen specified in Schedule II, namely [NAME THE SPECIMEN] and [DEFENDANT] was not an approved person and did not hold a valid permit to export the specimen for a commercial purpose or otherwise under section 14 of the *Wildlife Protection and Management Act 1998*.

Penalty

- 72. Section 13 of the *Wildlife Protection and Management (Amendment) Act 2017* amended the maximum penalty.
- 73. For exporting or attempting to export prohibited species on Schedule 1 list – a fine not exceeding 50,000 penalty units or imprisonment not exceeding 5 years.
- 74. For exporting or attempting to export restricted species on Schedule 2 list – a fine not exceeding 30,000 penalty units or imprisonment not exceeding 3 years.

Evidence to gather

75. Likely to include but not limited to:

Testimonial Evidence

- Eyewitness statements; Officer observations or reports; Witness sworn statements.
- Date and location of the offence
- Identity of the accused (Individual or Corporate Body)

Documentary Evidence

- Photographic, video or similar evidence that establish the elements of the crime outlined above; customs documentation including airway bills, bills of lading etc. proving export; apprehension report, apprehension receipt and other evidence of the chain of custody for the items exported contrary to law.
- List of Specimens under schedule ii
- Company Extract, Business Licence and any other documentation relevant to the elements of the offence

Expert evidence

- Environmental Inspector's report (translated into police statement) confirming the identification of the species; Certificate from appropriate authority attesting that *no permit was issued for the export*; DNA or other forensic expert analysis.

Other documentation

- Any other documentation that is relevant to establish the elements of the offence outlined above.

Potentially related offences

- 76. False Declaration (Section 212 of the Customs and Excise Act)
- 77. Prohibited or Restricted Imports or Exports (Section 213 of the Customs and Excise Act)

Commentary

- 78. Requirements for application for licenses and permits can be found in the Wildlife Protection and Management Regulations of 2008.
- 79. 2017 Amendments to the Wildlife Protection and Management Act added exemptions for specimens used for traditional activities and household pets.
- 80. Cross check latest legal notices for new amendments to the exempted specimens.

Section 26 – Possession of illegally obtained specimens

Offence provision

81. Section 26 of the *Wildlife Protection and Management Act 1998* prescribes:

Possession of illegally obtained specimens.

A person who without reasonable excuse has in his possession -

- (a) on board a vessel or aircraft any specimen obtained in contravention of the provisions of this Act;
or
- (b) any specimen that he knows or has reasonable grounds to suspect has been imported or is to be exported in contravention of the provisions of this Act,

is guilty of an offence and liable on conviction to a fine not exceeding 50 000 penalty units or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

82. Section 29 of the *Wildlife Protection and Management Act 1998* prescribes:

Powers of Inspectors:

For the purpose of ensuring compliance with this Act, an inspector may do any of the following:

- (a) subject to section 29A, enter and search premises;
- (b) stop, enter and search a vehicle, vessel or aircraft;
- (c) require a person to produce a permit or certificate issued under this Act or by the CITES management authority of another country, and take copies of any such document;
- (d) require a person to give specified information about a specimen in the person's possession;
- (e) require a person to state their name and residential address;
- (f) take a sample of a specimen;
- (g) seize anything, including a specimen, connected with the suspected commission of an offence under this Act.

83. Section 29A of the *Wildlife Protection and Management Act 1998* prescribes:

29A Notice of entry to premises

(1) This section applies if an inspector intends to enter premises under section 29 that are ordinarily occupied for residential purposes.

(2) The inspector must not enter the premises unless the inspector has:

(a) the consent of the owner of the premises to enter the premises; or

(b) a warrant to enter the premises issued by a Magistrate.

(3) A Magistrate may issue the warrant only if satisfied the warrant is reasonably required in the circumstances.

Elements of offence

84. The elements of **these** offences are:

On board a vessel or aircraft

(a) Defendant is in possession of a specimen

(b) Specimen is on board a vessel or aircraft

(c) Specimen was obtained in contravention of the Act

(d) Defendant has no reasonable excuse

Reasonable grounds imported or exported

(a) Defendant is in possession of a specimen

(b) Defendant knows or reasonably suspects the specimen has been imported or is to be exported in contravention of the Act

(c) Defendant has no reasonable excuse

Draft charges

85. Use the following draft charges (adapted as appropriate to the form of the document in the relevant jurisdiction):

On board a vessel or aircraft

On or about [date] at [place] in [name of Province], [name of defendant] without reasonable excuse, had in his/her possession on board a vessel/aircraft a specimen, namely [DESCRIBE SPECIMEN], obtained in contravention of section [provision] of the *Wildlife Protection and Management Act 1998*.

If asked for particulars then can state what the contravention was for example:

Particulars:

- The defendant was not the holder of a valid permit.
- The permit did not make provision for the specimen.

Reasonable grounds imported or exported

On or about [date] at [place] in [name of Province], [name of defendant] without reasonable excuse, had in his/her possession a specimen, namely [DESCRIBE SPECIMEN], that he/she knew or had reasonable grounds to suspect had been imported / was to be exported in contravention of the *Wildlife Protection and Management Act 1998*.

If asked for particulars can state what the contravention was for example:

Particulars:

- The defendant was not the holder of a valid permit.
- The permit did not make provision for the specimen.

Penalty

86. Section 18(3) of the *Wildlife Protection and Management (Amendment) Act 2017* amended the maximum penalty.
87. Offence provision now provides for a fine of 50,000 penalty units or imprisonment for five years or both.

Evidence to gather

88. Likely to include but not limited to:

Testimonial Evidence

- Eyewitness statements; Officer observations or reports; Witness sworn statements.
- Date and location of the offence
- Identity of the accused (Individual or Corporate Body)

Documentary Evidence

- Photographic, video or similar evidence that establish the elements of the crime outlined above; list of specimens, customs documentation including airway bills, bills of lading etc. proving export; apprehension report, apprehension receipt and other evidence of the chain of custody for the items exported contrary to law.
- Company extract, business licence, any other documentations relevant to the elements

Expert evidence

- Environmental Inspector's report (translated into police statement) confirming the identification of the species; Certificate from appropriate authority attesting that *no permit was issued for the export*; DNA or other forensic expert analysis.

Other documentation

- Any other documentation that is relevant to establish the elements of the offence outlined above.

Potentially related offences

89. False Declaration (Section 212 of the Customs and Excise Act)
90. Prohibited or Restricted Imports or Exports (Section 213 of the Customs and Excise Act)

Commentary

91. Requirements for application for licenses and permits can be found in the Wildlife Protection and Management Regulations of 2008.
92. 2017 Amendments to the Wildlife Protection and Management Act added exemptions for specimens used for traditional activities and household pets.
93. Cross check latest legal notices for new amendments to the exempted specimens.

Section 31 Obstructions etc. of inspectors

Offence provision

94. Section 31 of the *Wildlife Protection and Management Act 1998* prescribes:

A person who -

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

(b) fails to comply with any lawful order made by an inspector or to answer any question in the course of an inquiry made by any inspector under this Act, shall be guilty of an offence and liable to a fine not exceeding 10 000 penalty units or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

95. Refer to section 28 as to who are inspectors.

96. Refer to section 29 above.

97. Note section 20 of the *Wildlife Protection and Management (Amendment) Act 2017* amended provision.

Elements of offence

98. The elements of [these offences](#) are:

Wilfully obstruct

(a) Defendant wilfully obstructs an inspector

(b) Inspector was acting in exercise of power conferred upon him under the Act

Fail to comply with lawful order

(c) Defendant fails to comply with lawful order

(d) Lawful order made by an inspector under the Act

Fail to answer question

(e) Defendant fails to answer question

(f) Question asked in course of inquiry by inspector under the Act

Draft charges

99. Use the following draft charges (adapted as appropriate to the form of the document in the relevant jurisdiction):

Wilfully obstruct

On or about [date] at [place] in [name of Province], [name of defendant] did wilfully obstruct [insert name of the inspector], an inspector exercising powers conferred upon him/her under the *Wildlife Protection and Management Act 1998*, by [insert what was the obstruction].

Fail to comply with lawful order

On or about [date] at [place] in [name of Province], [name of defendant] failed to comply with a lawful order, namely [insert what the order was] made by an inspector, namely [insert name of inspector].

Fail to answer question

On or about [date] at [place] in [name of Province], [name of defendant] did fail to answer a question made in the course of an inquiry by an inspector, namely [insert name of inspector].

Penalty

100. Section 21 of the *Wildlife Protection and Management (Amendment) Act 2017* amended the maximum penalty.
101. Offence provision now provides for a fine not exceeding 10,000 penalty units or imprisonment not exceeding 12 months or both.

Evidence to gather

102. Likely to include but not limited to:

Testimonial Evidence

- Eyewitness statements; Officer observations or reports; Witness sworn statements.
- Date and location of the offence
- Identity of the accused (Individual or Corporate Body)

Documentary Evidence

- Photographic, video or similar evidence that establish the elements of the crime outlined above.
- Company extract, business licence, any other documentations relevant to the elements

Expert evidence

- Inspector's report (translated into police statement) of the incident.

Other documentation

- Any other documentation that is relevant to establish the elements of the offence outlined above.

Potentially related offences

- 103. False Declaration (Section 212 of the Customs and Excise Act)
- 104. Prohibited or Restricted Imports or Exports (Section 213 of the Customs and Excise Act)

Section 33 – False and misleading statements

Offence provision

105. Section 33 of the *Wildlife Protection and Management Act 1998* prescribes:

If a person in connection with an application for a permit knowingly makes a false statement or knowingly furnishes an inspector information that is false or misleading, he shall be guilty of an offence and on conviction liable to a fine not exceeding 20 000 penalty units or imprisonment for a period not exceeding two years or to both such fine and imprisonment

106. Refer to section 28 as to who are inspectors.

107. Refer to section 29 as to powers of inspectors.

Elements of offence

108. The elements of [this](#) offence are:

Application for permit

- (a) Defendant knowingly makes a statement
- (b) The statement is false
- (c) The statement is in connection with an application for a permit

Furnish inspector information

- (a) Defendant knowingly furnishes information
- (b) The information is false or misleading
- (c) The information is provided to an inspector

Draft charges

109. Use the following draft charges (adapted as appropriate to the form of the document in the relevant jurisdiction):

Application for permit

On or about [\[date\]](#) at [\[place\]](#) in [\[name of Province\]](#), [\[name of defendant\]](#) knowingly made a false statement in connection with an application for a permit, namely [\[insert what the statement is\]](#).

Furnish inspector information

On or about [\[date\]](#) at [\[place\]](#) in [\[name of Province\]](#), [\[name of defendant\]](#) knowingly furnished false or misleading information to an inspector, namely [\[insert name of inspector\]](#).

Penalty

110. Section 23 of the *Wildlife Protection and Management (Amendment) Act 2017* amended the maximum penalty.
111. Offence provision now provides for a fine of 20,000 penalty units or imprisonment for two years or both.

Evidence to gather

112. Likely to include but not limited to:

Testimonial Evidence

- Eyewitness statements; Officer observations or reports; Witness sworn statements.
- Date and location of the offence
- Identity of the accused (Individual or Corporate Body)

Documentary Evidence

- Officer exhibits, expert evidence on the falsity of the document and evidence from the relevant authority relating to the permit application matters to identify the falsehood; and the manner in which the accused presented the false statement or declaration.

Other documentation

- Any other documentation that is relevant to establish the elements of the offence outlined above.

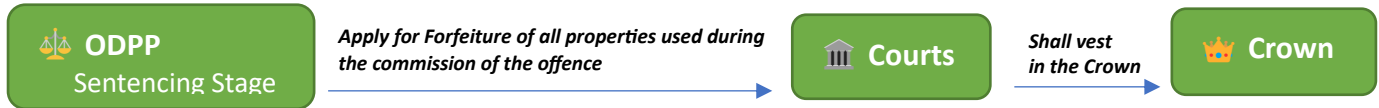
Potentially related offences

113. False Declaration (Section 212 of the Customs and Excise Act)
114. Prohibited or Restricted Imports or Exports (Section 213 of the Customs and Excise Act)

Commentary

115. In order to prove this offence, it has to be established that the accused knew the statement provided to the inspectors was false.
116. Requirements for application for licenses and permits can be found in the Wildlife Protection and Management Regulations of 2008.
117. Cross check latest legal notices for new amendments to the exempted specimens.

Forfeitures under the *Wildlife Protection and Management Act 1998*



118. Section 13 of the *Wildlife Protection and Management Act 1998* prescribes:

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

119. Section 32 of the *Wildlife Protection and Management Act 1998* prescribes:

Forfeiture of specimens

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

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

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

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

ANNEXURE I

Forestry Impact Statement

Purpose

The Forestry Impact Statement is intended to provide the court with a clear account of the harm and losses caused by forestry offences, including financial, environmental, and community impacts. This statement should be completed by victims or officers on behalf of victims and submitted as part of sentencing submissions to assist the court in understanding the full extent of the offence.

CASE DETAILS

Case Number: _____

Offender(s) Name: _____

Date of Offence: _____

Location(s) of Offence: _____

Type of Offence(s): _____

(e.g., illegal logging, unlawful export, destruction of protected species)

VICTIM(S) INFORMATION

Name of Affected Landowner(s)/Community/Agency: _____

Customary Land Ownership Details (if applicable): _____

Extent of Impact on Victims: _____

(e.g., loss of income, damage to resources, livelihood disruption)

DESCRIPTION OF LOSSES

Provide a detailed account of the losses caused by the offence. Include as much information as possible regarding:

Economic Losses: _____

(e.g., value of timber or wildlife taken, costs of restoration, lost revenue)

Environmental Damage: _____

(e.g., deforestation, soil erosion, destruction of habitats, endangered species affected)

Community or Social Impact: _____

(e.g., disruption of customary practices, impact on local food sources, loss of access to land/resources)

VICTIM'S SUMMARY

In your own words, describe how the offence has affected you and your livelihood:

Officer Name & Rank: _____

Date: _____

Signature: _____