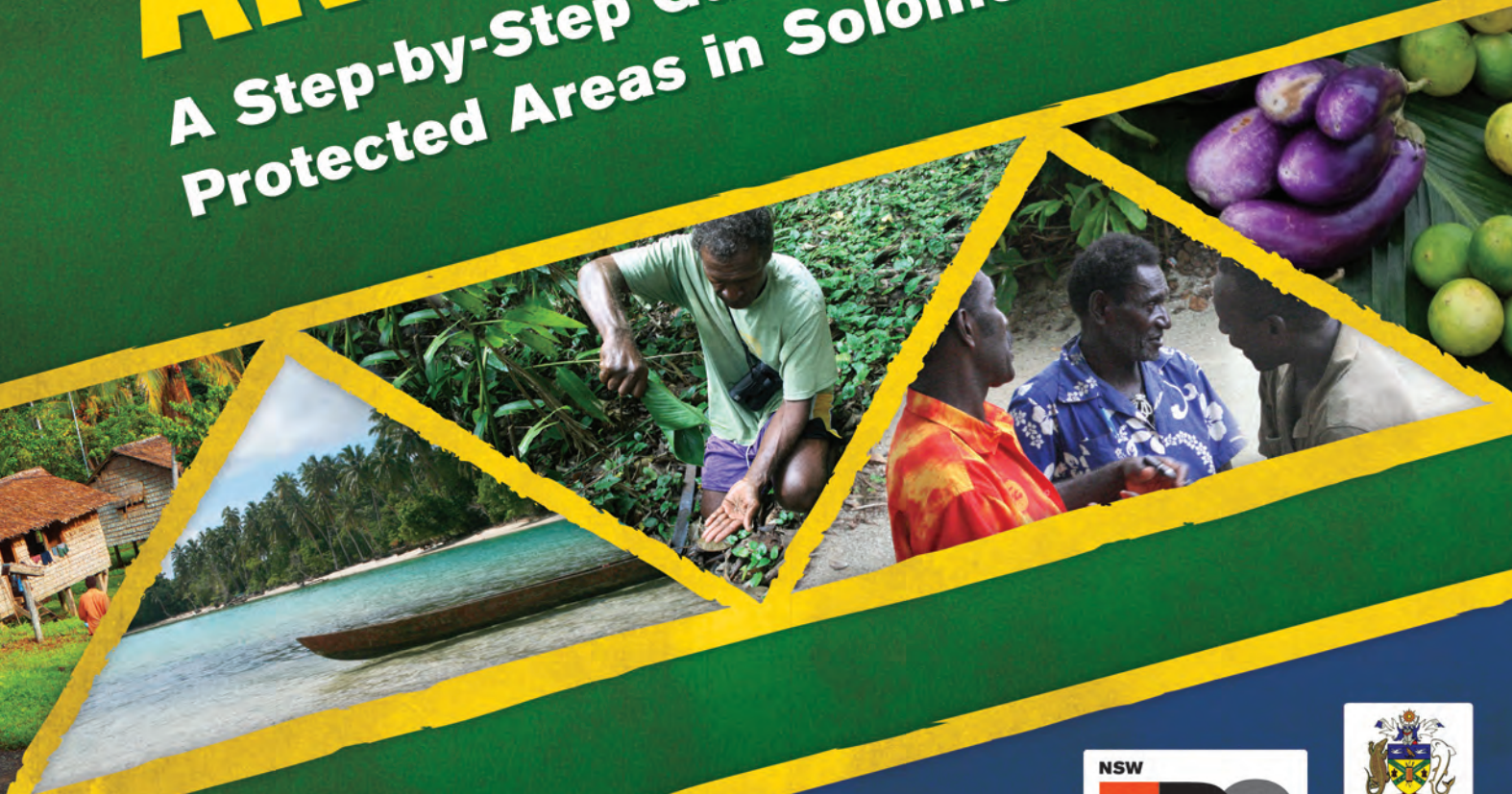




PROTECTED AREAS TOOLKIT

A Step-by-Step Guide to Creating Protected Areas in Solomon Islands



ACKNOWLEDGMENTS

This toolkit was written by the **Landowners' Advocacy and Legal Support Unit (LALSU)** of the **Public Solicitor's Office (PSO)**. The PSO is established under the Solomon Islands' Constitution. LALSU provides free legal advice, education and representation to customary landowners in Solomon Islands on issues surrounding conservation and sustainable management of resources.

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Natural Resources Development Foundation
(www.nrdf.org)

Kolombangara Island Biodiversity Conservation Association
(www.kibca.org)

American Museum of Natural History

Tetepare Descendants Association

Disclaimer

This booklet seeks to provide general information only and is not a substitute for legal advice in individual cases.

Currency

The information in this booklet is current as at 15 June 2013.



ENDORSEMENT FROM THE MINISTRY OF ENVIRONMENT



Solomon Islands Government

Ministry Of Environment, Climate Change, Disaster Management & Meteorology
Post Office Box 21, Honiara, Solomon Islands

Date: 27 February 2013

To: Public Solicitor's Office, Landowners' Advocacy and Legal Support Unit

Subject: Endorsement of the Protected Areas Toolkit

As the focal agency for the *Protected Areas Act*, I, on behalf of MECDM endorse the Protected Areas Toolkit.

On 27 February 2012, the *Protected Areas Act 2010* and *Protected Areas Regulations 2012* came into operation in Solomon Islands. The legislation, in part, fulfills the Solomon Islands' commitments as a signatory to the Convention on Biological Diversity. It also confirms the government's commitment to protecting the biodiversity of Solomon Islands for future generations.

Solomon Islands is recognized worldwide, as possessing incredible natural assets with respect to both marine and terrestrial biodiversity. For Solomon Islanders these assets provide food and water security as well as being an integral part of culture and custom.

The toolkit provides landowners, government agencies, development partners, the private sector and civil-society organisations with a clear and comprehensible set of steps to take in order to prepare an application to create a protected area. It also contains many useful templates that will assist applicants preparing required documentation. This will also assist the Ministry to process applications in an efficient and timely manner. The Ministry considers the toolkit sets out a process, which if followed correctly, will give the Director and Minister all the information they require to make a considered decision on whether a particular area should be declared a protected area.

On behalf of the Ministry, we look forward to receiving applications prepared using the toolkit so that special areas of Solomon Islands can be protected and thus provide food and water security as well as livelihood project options for Solomon Islanders and permanent natural assets for the global community.

Frank Wickham
Permanent Secretary



National Disaster Management Office
Telephone: +677 27936



Environment & Conservation Division
Telephone: +677 23031/2 ext 201/206



Solomon Islands Meteorological Services
Telephone: +677 27658
Vavaya Ridge: 933

Headquarter:
Telephone: +677 23031/32
Facsimile: +677 28054
Email: eps@mccdm.gov.sb

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**BACKGROUND
TO PROTECTED
AREAS**

1.1 INTRODUCTION

On 29 March 2010, the Solomon Islands Government (**SIG**) passed the **Protected Areas Act 2010**. Two years later the **Protected Areas Regulations 2012** were made. Both laws came into force on 27 February 2012. These two laws give the Minister for Environment the power to create protected areas of land and sea in Solomon Islands.

Any group of landowners can apply to the Minister for Environment to create a protected area on their land or sea. Non-government organisations (**NGOs**) and the government can also apply to create protected areas.

The laws allow landowners to decide how their protected area will be managed. They give landowners the power to protect their land from logging and mining and to protect their marine areas from damaging activities. **The landowners of an area do not change after an area becomes a protected area.** The owners are the same. This is true whether the land is registered or customary land.

THIS TOOLKIT EXPLAINS HOW TO APPLY TO THE GOVERNMENT TO CREATE A PROTECTED AREA.

The toolkit contains information and documents that will help landowners, and people working with landowners, to make an application to create a protected area. It has information about what the government must do after the application has been received. It also talks about what happens if the application is successful and the government creates the protected area.

Before starting the application process, you should read this document from the beginning to the end. It is important to understand the process. The Public Solicitor's Office and Ministry of Environment can also assist people to understand the process. It is important to understand how much work is involved in preparing the application for a protected area and also what happens after a protected area is declared.

Preparing an application for a protected area requires time and effort. Preparing a map and a management plan requires some technical skills. Landowners may be able to get help from NGOs with part of the process. A list of organisations that may be able to help is provided in the toolkit. There are likely to be some costs in preparing an application such as stationery, printing, travel and organising meetings. Once again, an NGO or the Ministry of Environment may be able to help.

This **toolkit** contains "**Information and Guidelines for Writing a Protected Area Management Plan**" which explains how to write a management plan. This is a very important part of applying for a protected area. The management plan sets out how the protected area will be managed and includes rules about what people can and cannot do in the protected area.

This **toolkit** provides general information about the law and is not a substitute for legal advice regarding your specific situation. If you need legal advice, you should contact a lawyer or the Landowners' Advocacy and Legal Support Unit of the Public Solicitor's Office. If you need more information about protected areas you can also contact the Ministry of Environment.

1.2 WORDS & PHRASES USED IN THIS TOOLKIT



ENVIRONMENT

– means the natural and social world, including the water, animals, plants and humans.

THE ACT

– means the ***Protected Areas Act 2010***.

THE REGULATIONS

– means the ***Protected Areas Regulations 2012***.

ADVISORY COMMITTEE

– means the group of people appointed by the Minister for Environment to help with the protected areas law. The Advisory Committee can appoint a Management Committee for each protected area. At the time of writing this toolkit the Advisory Committee had not been formed.

MANAGEMENT COMMITTEE

– means the group of people responsible for the management of a protected area and the writing and implementation of the management plan.

MANAGEMENT PLAN

– means the document that describes the protected area and identifies its key features or values, the reasons why the area should be protected and how this will be done.

TEMPLATES

– these are documents that will help with the process and are provided in this toolkit. Hardcopies of the templates are provided in the toolkit – these can be filled in by hand. A CD is also included with the templates on it. The templates can also be found at: **<http://www.pso.gov.sb/index.php/the-news/95-protected-areas>**

THE DIRECTOR

– means the Director of Environment. The Director of Environment is responsible for most of the work that the Ministry of Environment must do under the Act and Regulations. For example, the Director of Environment must recommend to the Minister for Environment whether an area should become a protected area or not.

THE MINISTER

– means the Minister for Environment. The Minister for Environment creates a protected area by making a declaration. The declaration will be a piece of paper signed by the Minister. The paper will say which area is being declared a protected area.

DECLARATION OF A PROTECTED AREA

– means the decision of the Minister to create a protected area under the ***Protected Areas Act 2010***.

WORLD HERITAGE SITE

– means a site listed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) under the World Heritage Convention. The World Heritage Convention is an international treaty agreed to by Solomon Islands in 1992.

1.3 A SUMMARY OF THE PROCESS TO CREATE A PROTECTED AREA



1. COMMUNITY CONSULTATIONS

Consultations within the community and with neighbouring communities to reach agreement to create a protected area



2. MANAGEMENT COMMITTEE AND MANAGEMENT PLAN

The Management Committee prepares the management plan and other documents which must be in the application



3. APPLICATION SENT TO THE DIRECTOR OF ENVIRONMENT (AT THE MINISTRY OF ENVIRONMENT)



4. DIRECTOR OF ENVIRONMENT CONDUCTS CONSULTATIONS AND INVESTIGATIONS



5. DECLARATION OF PROTECTED AREA

The decision is made by the Director and Minister for the Environment.

A person applying for a protected area over customary land must be able to:

1. show that the landowners, and other people who have rights in the area, want the area to be protected;
2. identify the category of protected area that is most suitable to the area;
3. clearly identify the boundaries of the protected area;
4. show that neighbouring tribes agree with the boundary of the protected area;
5. prepare an effective management plan that will be implemented by a Management Committee.

The second part of this book – “**Creating a Protected Area – A Step-by-Step Process**” – addresses these requirements.

It explains what you need to do to comply with all the legal requirements of the Act and the Regulations, as well as making recommendations about how you can maintain transparency in the consultation process.

1.4 A SUMMARY OF THE STEPS TO PREPARE AN APPLICATION

The Step-by-Step Process recommended in this toolkit has 12 steps. Each step has an explanation of what must be done and how to do it. The toolkit contains templates and documents to help complete each step. The steps are:



The application is given to the Director of Environment. The Director must conduct consultations and do several other things to find out more about the area. The Director will then recommend to the Minister that the area should be protected or that it should not.



INTRODUCTION TO THE PROTECTED AREAS ACT & REGULATIONS

2.1 WHAT IS A PROTECTED AREA?

A protected area under the **Protected Areas Act 2010** is an area of land or sea that the Minister for Environment has **declared** to be a protected area. The Minister can declare an area to be a protected area after a landowner group has made an application. An NGO and the government can also make an application to create a protected area.

Not every area of land and sea can be declared a protected area. The law says, an area of land or sea can **only** be declared a protected area if it meets at least **one** of the following criteria:

1. it has significant genetic, cultural, geological or biological resources;
2. it contains the habitat of wild animals or plants that are of unique national or international importance;
3. it could become a World Heritage site because of its cultural or natural significance; or
4. it requires special measures to be taken to preserve the plants and animals that live in the area.

If your area meets one of these criteria, you can apply to have it made a protected area. Many areas of Solomon Islands will meet at least one of these criteria.

After a protected area is created, certain rules and restrictions apply to that area – see below for more information on the rules and restrictions.

**THE OWNERS OF
THE LAND AND SEA
DO NOT CHANGE
WHEN A PROTECTED
AREA IS CREATED**



2.2 CATEGORIES OF PROTECTED AREAS

There are many different reasons why landowners might want to protect their area. For example, some landowners might want to protect an area of sea to ensure that they can always catch enough fish to eat. Other landowners might want to protect an area where there is a Tambu site. Another group might want to protect some forest so they, and their children, can continue to harvest plants and animals in the future and always have clean water.

Each area of land or sea will have different reasons for needing protection. Each area will need a different type of “looking after” or management. Because of this, the Act has five different types of protected areas:

1. Nature Reserves
2. National Parks
3. Natural Monuments
4. Resource Management Areas
5. Closed Areas

These are called “categories” of protected areas. Each category has different aims for the management of the area. This will mean

that the type of rules for each category will be different.

A group applying to create a protected area must say (on the application form) which category they think their protected area should be. It is very important to choose the category that best fits your area. The category of protected area needs to be decided before the management plan is written as the category will guide the management strategies. A description of each category is included below. It is also a good idea to look at the description of the categories and the management principles in the Regulations.

WHERE TO FIND THIS IN THE ACT AND REGULATIONS

- **Part 2 of the Regulations describes what the categories mean.**
- **Schedule 1 of the Regulations has the management principles for each category.**



NATURE RESERVES

An area may be declared a Nature Reserve if the main reason for creating the protected area is scientific research, environmental monitoring and education; **AND** maintaining the forest or sea is necessary so that important or rare plants and animals can continue to live there. In a Nature Reserve, public access is restricted. The public (including landowners) must

obtain permission from the Management Committee to enter a Nature Reserve. People cannot live in a Nature Reserve. Communities living in the area would have to agree to relocate to another place. A Nature Reserve is not an appropriate category for a protected area where there will be tourism or harvesting of plants and animals.



NATIONAL PARKS

A National Park must protect a large area of national significance. It is not possible to say how big the area must be to be considered “large” or what exactly “national significance” means. An area that is “nationally significant” would include somewhere that has not been logged, that is large and includes several different types of vegetation. It could also be a marine area which has lagoons and open sea and a unique variety of fish and corals. The area above 400m on Kolombangara Island in Western Province is nationally significant because it is a unique landscape with

well preserved and diverse forests. The purpose of creating a National Park must be to promote tourism, research and education **AND/OR** to protect either the biological and environmental features, or habitat and scenery. In a National Park, people can access and use the area but only for cultural, educational and recreational purposes. In a National Park, tourism facilities such as campsites, toilets, tracks, holiday resorts and shops can be built if they are approved by the Management Committee.



NATURAL MONUMENTS

A Natural Monument should protect a specific monument or an important landscape or seascape created by the interaction of humans and nature. The landscape or seascape should have biological, cultural, ecological or scenic value and need protection for it to be kept in its current condition. Examples of specific monuments are waterfalls and caves. An example of a landscape created by

the interaction between humans and nature is a deserted village site with rock walls and hut sites. Controlled visitor access and guided tours can be allowed for the purposes of research, education and public appreciation. The rights of customary owners to access their monuments should not be restricted.



RESOURCE MANAGEMENT AREAS

Resource Management Areas should be managed so that food and other important resources needed by local communities are available today and in the future. In a Resource Management Area, the harvesting or removal of natural resources should be carefully controlled. The amount of food and other things used by the community should be regularly assessed. A Resource Management Area should have a strong

management regime. It is important to remember that commercial logging and mining are not allowed in any protected area, including Resource Management Areas. This does not prevent landowners from using forest products.



CLOSED AREAS

A protected area can be classified as a Closed Area if the area has been subjected to excessive human use and environmental harm in the past. The purpose of setting up a Closed Area is to allow the area to recover. Closed Areas can be closed to all forms of human activity that will negatively affect the recovery process for an indefinite period of time. The main goal of a Closed Area should be to regenerate and rehabilitate the environment. The progress of regeneration and rehabilitation should be regularly monitored and evaluated.

“REGENERATION” means replacing or regrowing. For protected areas it means allowing plants to regrow in damaged areas and to allow fish and other animals to increase in number.

“REHABILITATION” means to return an area to how it was, before the damage occurred.

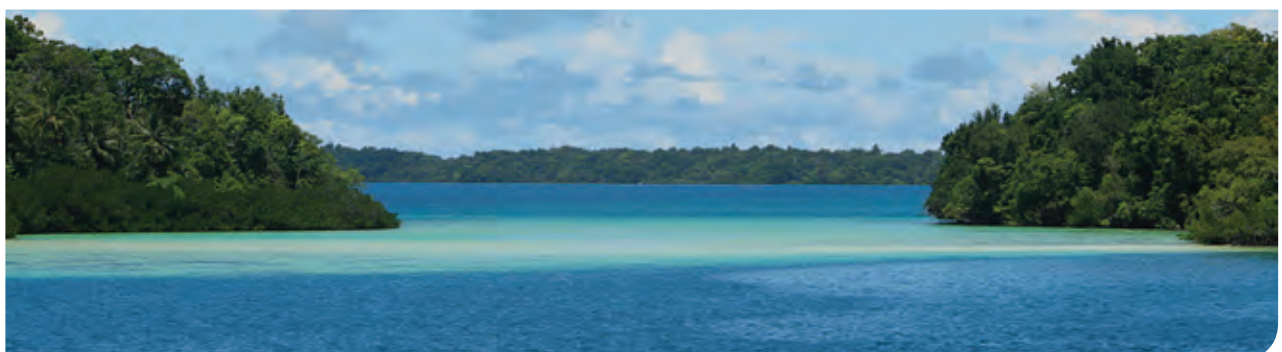
2.3 REGISTERED LAND & CUSTOMARY LAND



In Solomon Islands most land and sea is customary land. Most applications to create protected areas will be for **customary land**. The protected areas law has been written to make sure customary landowners know about, and have a say in, whether their land becomes a protected area. Customary landowners have their say in the landowner consultation (**STEP 3** in the Step-by-Step Process). The law has also been written to give neighbouring customary landowners a say, especially where the protected area boundary is also the boundary between different landowners. The neighbouring customary landowners have their say in the neighbour consultation (**STEP 7** of the Step-by-Step Process).

If a protected area is going to be created on **registered land** it is recommended that the person named on the title provides their consent to the creation of the protected area. **TEMPLATE 15** can be used to show the person has given their consent. A copy of this consent document should be included in the application.

If the government owns the land, the consent of the Minister of Lands is required. The Minister can provide that consent in a letter or using a form similar to **TEMPLATE 15**.



2.4 THE EFFECT OF CREATING A PROTECTED AREA

Creating a protected area does **not** affect the ownership of land or sea. The owners of an area **do not change** after an area becomes a protected area. The owners are the same. This is true whether the land is registered or customary land.

Many laws in Solomon Islands restrict what landowners can do with their land. For example, the logging laws require landowners to go through the timber rights process and get a felling licence before they can export logs or mill timber for sale. A felling licence means the person has permission from the government to cut and sell logs. If a person cuts and sells logs without a licence they can be fined or sent to gaol.

In a similar way, the protected areas law allows landowners to establish a protected area, which creates rules on what landowners and outsiders can do on the land or sea. If people break the rules in the protected area they can be fined.

Once an area is declared a protected area there are some new rules that apply to that area of land or sea. We call these “restrictions” in this toolkit. As well as the restrictions in the Act and the Regulations, the management plan can include restrictions for the area which everyone must follow.

THERE ARE TWO TYPES OF RESTRICTIONS FOR PROTECTED AREAS, THESE ARE:

1. GENERAL PROHIBITION ON LOGGING AND MINING
2. RESTRICTED ACTIVITIES

It is very important to understand the difference between these two types of restrictions. This difference should be understood before the management plan is written.



The **general prohibition on logging and mining** applies to all protected areas no matter what the Management Committee decides or the management plan says. The general prohibition on logging and mining is discussed in more detail in section 2.4.1.

The Management Committee cannot change the **general prohibition on commercial logging and mining**.

The management plan cannot change the **general prohibition on commercial logging and mining**.

This means that neither the Management Committee nor management plan can allow commercial logging or mining.



Restricted activities are restrictions in the Regulations that say an activity is not allowed **unless** the Management Committee or management plan says the activity is allowed. For example, it is illegal to light a fire, and to hunt and kill any animal in a protected area unless allowed by the Management Committee or the management plan.

If landowners want to hunt and cook pigs in the protected area the Management Committee can allow this. Usually this will be put in the management plan. If the management plan is already written, the Management Committee could decide at a meeting to allow people to do something that the Regulations say is not allowed. A full list of the restricted activities can be found below (p18), in the section headed **“Restricted Activities”**.

WHERE TO FIND THIS IN THE ACT AND REGULATIONS

- **REGULATION 61** has the general prohibition on logging and mining.
- **REGULATIONS 62–64** have the other activities that are restricted in protected areas on land.
- **REGULATIONS 49–57** have the restrictions for marine protected areas.



There are also special rules for marine areas which are discussed below (p17) under the heading **“Special Rules for Marine Protected Areas”**.

There is more information about management plans in the **“Solomon Islands Information and Guidelines for Writing a Protected Area Management Plan”** which is included in this toolkit.

2.4.1 GENERAL PROHIBITIONS FOR ALL PROTECTED AREAS

There is a general prohibition on doing industrial or commercial logging or mining in a protected area, or to take any forest product from a protected area for the purposes of selling the product. The penalty for committing this offence can be a fine of up to \$100,000.

This means no one (including landowners) is allowed to sell timber or other things (e.g. betel nut, sago, leaf, rope) taken from the

forest, inside a protected area. Landowners can cut timber and harvest forest products for private or non-commercial use if the Management Committee allows this to happen. However, no matter what the Management Committee says, the landowners cannot sell the forest products.

If you want to harvest timber or any other products from the forest **to sell**, you should **not include the area** where the harvesting will be done in the protected area.



REGULATION 61 SAYS:

“...no industrial or commercial extraction of timber, round logs, non-timber forest products or minerals (including quarry or gravels) by whatever means or method shall be carried out in a protected area...”

2.4.2 SPECIAL RULES FOR MARINE PROTECTED AREAS

In a marine protected area no one is allowed to:

- catch fish or other aquatic resources (such as shells, crabs and sea cucumber) within spawning aggregations or during spawning seasons;
- travel faster than 5 knots in a boat unless the water is more than 15 metres deep and the boat is at least 20 metres from the edge of the reef;
- dredge;
- trawl;

- drag nets or wire mesh on the sea floor;
- dump rubbish;
- dump waste; or
- ground a vessel on a reef.

“**SPAWNING AGGREGATIONS**” means areas of sea that are very important for the reproduction of fish and other marine creatures.

“**SPAWNING SEASONS**” means times each year that are very important for the reproduction of fish and other marine creatures.

Both of these should be described in the management plan for a marine area.

In marine protected areas if there are areas of “distinctive ecological quality” the Management Committee can restrict access to those areas and can ban all harvesting in them. For example, if there is a very unique area of coral, which is not found elsewhere in the area, the committee might decide to ban all coral harvesting (for making lime).

“**DISTINCTIVE ECOLOGICAL QUALITY**” means the area, when looking at the non-human aspect, is different in some way from other areas.

That is, it is unique when you look at the plants, animals, rocks and other non-human parts of the area and how the parts are related.

2.4.3 RESTRICTED ACTIVITIES

It is a criminal offence to do the things in the list below in any protected area. If the management plan or the Management Committee allows the activity then it is **not** a criminal offence.

List of restrictions that the Management Committee can change:

- Taking of any species. This includes killing or catching any animal or removing any plant
- Agricultural or gardening activities
- Building a house or living in the area
- Lighting a fire
- Putting rubbish or toilet waste in the protected area
- Introducing any grazing animal
- Putting up any billboard or advertisement
- Cutting or removing any tree (including for use as firewood)
- Removing any soil, sand, gravel or other similar material
- Killing any animal or other living creature
- Damaging any cultural object or monument of biodiversity or cultural significance
- Removing any cultural or sacred object from a protected area
- Possessing any cultural or sacred object that was taken from a protected area
- Removing any fossil or archaeological remain from a protected area

- Possessing any fossil or archaeological remain from a protected area
- Sowing, propagating or introducing any exotic or invasive species
- Significantly changing the flow of a river or stream
- Use a vehicle, bull-dozer or other heavy machinery other than of a size specified by the management committee
- Closing the opening of a tidal lagoon, river or other waterway
- Parking a vehicle in any place other than a place set aside for that purpose
- Flying an aeroplane at a height of less than 500 metres above the protected area
- Harvesting or removing live coral
- Anchoring a boat

“EXOTIC SPECIES” means a plant from another country.

“INVASIVE” means a plant that could take over an area, it will usually be from another country or a different part of Solomon Islands and be very fast growing.



2.5 MANAGING THE PROTECTED AREA

The landowners and people who want to create the protected area will look after the area. It may be possible to get help from the Ministry for Environment, the police and NGOs as well.

Every protected area must have a **Management Committee** and a **management plan**.

The management plan must be included with the application to create the protected area. The names of the proposed members of the Management Committee must also be put in the application.

WHERE TO FIND THIS IN THE ACT AND REGULATIONS

- Management Plan – Regulations 22–26.
- Management Committee – The Act, Section 12 and Regulations 27–30.

2.5.1 WHAT IS A MANAGEMENT PLAN?

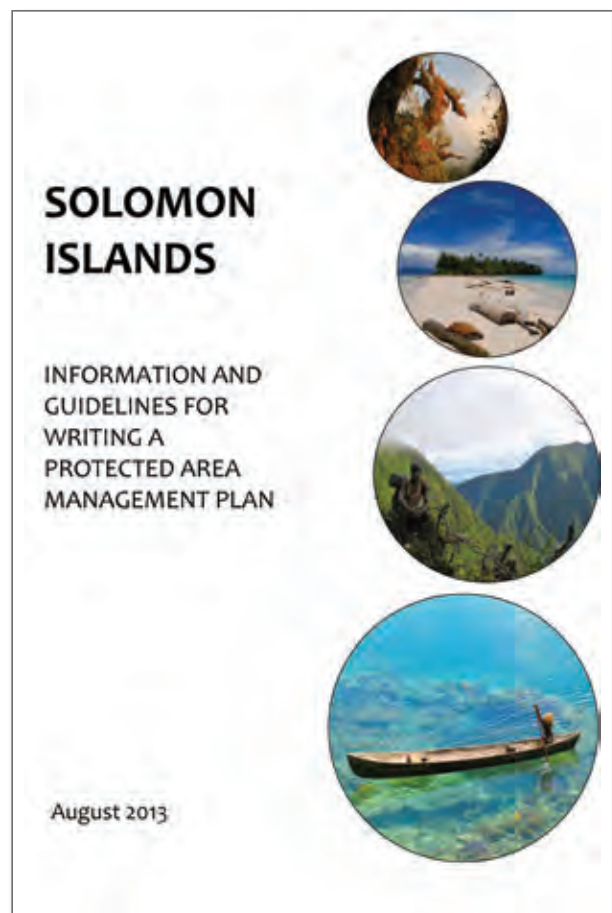
The management plan describes the protected area and identifies its main features and values. It will include reasons why the area should be protected and how this will be done. The management plan can say what landowners want to achieve and what can happen in the protected area.

The management plan will describe how to look after the protected area. The Regulations say (see **REGULATIONS 22** and **31**) the plan must be based on the guiding principles of protecting biodiversity and culture and promoting the sustainable use of resources. The management plan can also include plans for tourism, research and other activities that are consistent with the objectives for the protected area.

When the management plan is being prepared, all the landowners and other stakeholders should be involved. The landowners and other stakeholders can help identify what is special about the area and talk about the best way to manage the area.

A protected area cannot be declared without a management plan being in place. The management plan must be attached to the application.

The “**Solomon Islands Information and Guidelines for Writing A Protected Area Management Plan**”, which are included in this toolkit, gives details of how to prepare a management plan and have a template for a management plan.



2.5.2 WHAT IS THE MANAGEMENT COMMITTEE?

The Management Committee is the group of people responsible for the management of a protected area and the writing and implementation of the management plan.

If the Management Committee does not implement the management plan within two (2) years of the area being declared protected, the Minister can ask the Advisory Committee to appoint a new committee. The Minister could also declare the area to be no longer a protected area.

Managing an area will mean:

- making sure the rules for the area are followed by everyone;
- appointing rangers and other staff;
- supervising and helping rangers;
- planning for the future of the area;
- making sure the goals in the management plan are achieved;
- managing the finances of the Management Committee; and
- talking to the Provincial Government and National Government about the area.

The application form for a protected area must include the names of the proposed Management Committee members.

2.5.3 WHO CAN BE A MEMBER OF A MANAGEMENT COMMITTEE?

The members of the Management Committee will usually be people who live close to the protected area. The law says that people who do not live close to the area can be members of the Management Committee if they are responsible for managing the protected area. A person might be responsible for managing the protected area if, for example, they work in the Provincial Government or an NGO and

their job is to help landowners manage the protected area.

There are two ways the Management Committee can be appointed:

1. If there is no existing management group for the area, the Advisory Committee will appoint members of the Management Committee. These must be people living in the area or people who are responsible for managing the area, such as employees of NGOs.
2. Where an area is **already being managed** by a group under a community conservation program this group can become the Management Committee. It is not clear in the law how this will work. It is possible that if there is an existing management group the Director can allow the existing group to become the Management Committee. This is very likely to be the case at least until the Advisory Committee is appointed.

2.5.4 THE POWERS OF A MANAGEMENT COMMITTEE

A Management Committee has similar powers to a company or charitable trust.

A Management Committee can:

1. enter into agreements – such as a contract with a university for students to come to the protected area as part of their studies;
2. own, buy and sell property and equipment;
3. raise, borrow and invest money;
4. open a bank account; and
5. make and receive donations – for example, make donations to assist local community members with school fees and receive a donation from an NGO to build a new hut for tourists.

The Act and Regulations have rules about how Management Committees should

conduct business (Section 12 of the Act and Regulations 27, 28, 29, 30 and 32). These rules must be followed. If they are not the Management Committee and the individual members of the Management Committee could get into legal problems.

The toolkit contains a document called “**Constitution for a Protected Area Management Committee**”, this is **TEMPLATE 4**. This has all the rules for how the Management Committee makes decisions, spends money and appoints new members. This includes the rules in the Act and Regulations. The Management Committee should start using these rules from the first meeting. The constitution is quite long and in some parts complicated, but following the rules is one of the best ways to make sure the management committee is following proper process and complying with the law.

2.5.5 MANAGING OUTSIDERS IN THE PROTECTED AREA

The management plan can allow landowners to do certain things but restrict outsiders from doing those same things. For example, a management plan could say only people living in certain villages can get rope or sago leaf from the protected area.

Scientists and companies from around the world are interested in the land and sea in Solomon Islands. They might want to do research on a particular type of bird or they might want to try and find new medicines. The Regulations call this “biological prospecting and research”. The Management Committee should think about this when preparing the management plan. Does the community want researchers to come to the area? Are some areas tambu from outsiders?

If a Management Committee is contacted by people wanting to do biological prospecting or research they should notify the Ministry of Environment. The law requires scientists and companies to get permits for this kind of activity. The Director of Environment must consult with landowners before issuing these permits.

FUNDING FOR THE APPLICATION PROCESS AND MANAGING THE PROTECTED AREA

The cost of applying for a protected area will be different for each area. Some of the possible costs include – organising meetings, preparing the map and preparing the management plan. The costs will be lower for a small area with one landowner group. Where there are many landowner groups and a lot of meetings have to be organised the costs will be much higher.

The Act creates a Protected Areas Trust Fund. The money from this fund should provide support to communities wanting to create and manage protected areas. However, when this toolkit was written the Ministry was not yet able to provide financial support to communities.

There are a lot of NGOs in Solomon Islands and in other countries that might help with the costs of creating a protected area. If your community needs financial support you could ask an NGO to help. Make sure there is an agreement between your community and the NGO before accepting any financial support. There is a list of NGOs in the contact list in this toolkit.

2.6 THE ROLE OF THE GOVERNMENT

The Solomon Islands Government is responsible for making sure the new protected areas laws work properly. The Ministry of Environment will receive and process applications. The Minister for Environment makes the declaration that an area is a protected area. This does not affect the land ownership. The government does not own the land after a protected area is declared.

Any group applying to create a protected area will need to work with the Ministry of Environment to ensure their application is processed as quickly as possible.



2.7 CONCLUSION

The Protected Areas Act and Regulations offer landowners a way to protect their land from large scale logging and from mining. It also provides a way for landowners to agree on how they will manage special parts of their land and gives legal force to the rules they decide should apply to the protected area.

The application process is lengthy and requires a lot of work. It is very important the legal requirements are met so that the protected area will have a firm legal basis. Also, by following the process properly you will reduce the risk of arguments arising after the protected area is declared.





**CREATING A
PROTECTED AREA:
A STEP-BY-STEP
PROCESS**

3.1 INTRODUCTION



This part of the toolkit describes the steps to prepare and submit an application to create a protected area. This is not a legal document like the **Protected Areas Act 2010**. It has been prepared based on the requirements of the law and the experience of lawyers from the Public Solicitor's Office. Landowners, NGOs and government were also consulted.

This Step-By-Step process aims to help with the preparation of successful applications to create a protected area. It is designed so that applications meet the legal requirements of the protected areas law.

Many of the steps refer to **TEMPLATES**. These are documents that will help with the process and are provided in this toolkit. Hardcopies of the templates are provided in the toolkit – these can be filled in by hand. A CD is also included with softcopies of the templates on it. The softcopies can also be found at: <http://www.pso.gov.sb/index.php/the-news/95-protected-areas>

This Step-by-Step Process is a guide only and will need to be changed to suit each protected area. For example, in some steps one meeting is recommended, however, in many places in Solomon Islands more than one meeting might need to be held to make sure the consultation is done properly.

Another example where the process might need to be changed is where there is an

existing group. In many parts of Solomon Islands there are informal protected areas. These are sometimes called conservation areas or locally managed marine areas. In this toolkit we call them “informal” only because they are not legally recognised as protected areas under the Act. These areas often have a group of people or a committee responsible for them. These groups can be recognised under the Act and Regulations. If that happens the existing group becomes the Management Committee for the new protected area after it has been declared by the Minister.

It is important to remember that all the legal requirements must be met for an application under the protected areas law, even if there is an existing informal protected area.

The Step-by-Step Process lists the legal requirements and describes when there is something recommended because it is required by law; and when it is recommended for another reason. For example, the law requires an agreement to be made with neighbouring tribes about the boundaries of the protected area. Though it is not strictly required by the law, we have recommended that a Chiefs' hearing be held to identify the boundaries. We have done this because our experience, as well as the feedback we received, tells us that this is the best way to avoid disputes in the future.



STEP 1

Develop the Protected Area Proposal & Consult with Community Leaders

LEGAL REQUIREMENTS

None.

RECOMMENDED ACTION

Many communities in Solomon Islands have informal protected areas. For other communities this might be the first time they have considered protecting their land or sea. If there **is** an informal protected area the group of people managing that area can manage the application process to create a protected area under the law.

If there **is not** an informal protected area then the idea to make a formal protected area might come from one person or from a group. In some cases an NGO might suggest creating a protected area. Before starting the application process, discussions must be held with community leaders. This will tell the person or group wanting to create a protected area if the influential landowners support the proposal. If the community leaders support the idea in principle then the landowner consultation can be held to see if the broader community supports the idea.

COMMENTS

It is important to understand what the protected areas law is and what has to be done to make an application. It is important the person or group organising the landowner consultation (**STEPS 2 & 3**) understands the proposal and how the law works.

This toolkit contains all the information you need to understand the law. However, it is a very good idea to read the Act and Regulations yourself.

DOCUMENTS

None.



STEP 2

Prepare for the Protected Area Landowner Consultation Meeting

LEGAL REQUIREMENTS

Yes - the Protected Areas law says that landowners must hold an “internal consultation” and reach a consensus or resolution to protect their land or sea.

“Internal consultation” means consulting and getting agreement from the landowners of the proposed protected area (Regulation 44(1)(a)). For internal consultation to be legally valid everyone must be given notice of the meeting and the chance to attend.

RECOMMENDED ACTION

The consultation will be organised by the person or people proposing the protected area. This might be the group managing an informal protected area. The person or group will need to:

- decide a date for the meeting.
- prepare a notice using **TEMPLATE 1 “Notice of meeting to talk about creating a protected area”**.
- put up the notice in lots of places.
- tell people about the meeting – at church, at the market and anywhere else there are groups of people.
- prepare the meeting agenda using **TEMPLATE 2 “Agenda of meeting to discuss creating a protected area”**.

Notice should be given four weeks before the date of the meeting and then again one week before the meeting date.

If people cannot attend the meeting they should be consulted through individual meetings. People can also be asked to write letters saying what they think about the protected area proposal.

COMMENTS

It is very important that every landowner of the proposed protected area is told about the meeting. If people are not told and do not come to the meeting, this might cause problems later because they feel they were left out of the process.

The person or group calling the meeting should consider inviting someone from the Public Solicitor’s Office to give independent information about the protected areas law at the meeting.

DOCUMENTS

- A **copy of the notice** of the meeting to create a protected area should be kept.
- Someone from the group organising the meeting should write down how notice was given. For example:

*“John Roso put up a notice on tree outside church in Vuri village on 10 December 2012”
or “Mabel Kuve went to the Uniting Church service at Zaira on 9 December 2012 and told the congregation about the protected areas landowner consultation meeting”.*





STEP 3

Hold the Landowner Consultation Meeting

LEGAL REQUIREMENTS

Yes - there are three important requirements.

1. An internal consultation must be held to reach consensus or resolution about creating a protected area (Regulation 44(1)(a)). “Internal consultation” means consulting and getting agreement from the landowners of the proposed protected area (Regulation 44(1)(a)). For internal consultation to be legally valid everyone must be given notice of the meeting and the chance to attend.
2. A record must be kept of the resolutions by the person chairing or presiding over the meeting (Regulation 44(2)(a)).
3. The record of the resolutions must be signed by at least two (2) other people to show it is a true record of the resolutions made (Regulation 44(2)(a)).

RECOMMENDED ACTION

Use **TEMPLATE 2 “Agenda of meeting to discuss creating a protected area”** to make sure everything is addressed at the meeting.

The meeting should be chaired by someone from the group proposing the protected area or by a respected community leader.

The chair or someone from the group proposing the protected area should explain the proposal. They should say why they think the area should be protected. They should also explain the protected areas law (this might involve reading out some of this toolkit). The different categories of protected area should also be explained. Also, the legal requirements to set up a protected area over customary land should be described. The people at the meeting should be given the chance to ask questions.

The meeting should discuss the following points:

- How is the proposed protected area used now?
- What reasons does the community have for protecting the area?
- What reasons are there against creating a protected area?
- What are the special things (plants, animals, sites) in the area?
- What are the threats to the area and to these special things?
- Why do these things need protection under the law?
- What should be the boundaries of the protected area?
- What category of protected area should it be?
- What restrictions should there be in the protected area?
- What does the community want to be able to continue to do inside the protected area?
- Who are the landowners of the area and who are the neighbours?

If the meeting wants to go ahead with creating a protected area, the meeting should also nominate and vote on the membership of the **Management Committee**. This is an important step as the Management Committee will be responsible for working on the application process and the management of the protected area. Usually the people proposing the protected area will be on the Management Committee, however, it is important to bring in other landowners as well.

The people at the meeting should make (and record) resolutions about the following things (the resolutions are included in the minutes which is **TEMPLATE 3**):

- Whether the community wants to establish a protected area
- Where the protected area will be. A sketch map of the protected area should be drawn up and agreed to (if possible)
- Which category of protected area is preferred
- The membership of the Management Committee

There should be minutes taken of the meeting using **TEMPLATE 3 “Minutes of meeting to discuss creating a protected area”**. The attendance of the meeting can be recorded using that template as well.

COMMENTS

This meeting is very important for legal reasons and also for the community. If the majority of the community does not support creating a protected area then it will be very hard to enforce the rules. It may be necessary to have more than one landowner consultation meeting before the resolutions can be passed.

If the community does not want to create a protected area, the person or group making the proposal should accept this. At this point the person or group will have to decide if the proposal should be abandoned or if it is worthwhile trying again after more consultation and discussion with landowners.

DOCUMENTS

- Use **TEMPLATE 2 “Agenda of meeting to discuss creating a protected area”** to make sure everything is addressed at the meeting.
- The Meeting Minutes are a very important legal requirement. Make sure **TEMPLATE 3** is used and a detailed record of what happened at the meeting is kept. It should be signed by the chairperson and two other people from the meeting.
- The sketch map of the proposed protected area should be attached to the minutes.
- The attendance list needs to be filled in by everyone at the meeting.
- Write down what people at the meeting say about the area. This information can be used to help prepare the management plan. If it is written down then it may not be necessary to have more meetings to get this information again.

3.2 WHAT IF THE LAND IS REGISTERED LAND?



If the land is registered, it is recommended that the person named on the title provides a consent form saying they agree to the creation of the protected area. This consent form is **TEMPLATE 15**. A copy of this consent form should be included in the application. In many cases registered land will be owned by the government and leased to a private company or individual. In that case a letter, or the consent form, signed by the Minister of Lands and the person leasing the land should be included with the application.

The registered owner(s) and leaseholder(s) should be consulted early in the process. If they are not supportive you may have to change, or possibly abandon the proposal. Do not wait until later in the Step-by-Step Process to do this.





STEP 4

Hold the First Management Committee Meeting

LEGAL REQUIREMENTS

None - The Management Committee cannot be *legally* appointed until after the protected area is created. However, for practical reasons, especially so the management plan can be written and the application submitted, the community needs to appoint a Management Committee in the internal/landowner consultation meeting.

In general, the Advisory Committee appoints the Management Committee. For an existing group the Director may be able to confirm that the existing group will become the Management Committee. The names of the proposed Management Committee members are written down in the application.

RECOMMENDED ACTION

This toolkit should be at the first meeting so that the Management Committee members can learn what the job of the Management Committee is. The Management Committee should discuss what it has to do to prepare the application to create a protected area. These tasks are:

- Prepare a map of the proposed protected area (**STEP 5**)
- Obtain information about the land from the government (**STEP 6**)
- Conduct the neighbour consultation by arranging a Chiefs' hearing (**STEP 7**)
- Organise the preparation of the management plan (**STEP 8**)
- Prepare a budget (**STEP 9**)
- Complete the application form and submit the application (**STEPS 10 & 11**)

The Management Committee should also look through **TEMPLATE 4 "Constitution for a Protected Area Management Committee"**.

COMMENTS

This will be the first meeting for the newly formed Management Committee. Where there is an existing group it might be the first meeting of the community appointed Management Committee. An existing group still needs to fulfil all the legal requirements.

If you have an existing group and you are not sure how this will work under the protected areas law, you should get advice from LALSU.

DOCUMENTS

- Minutes should be taken of this meeting and all Management Committee meetings.
- The minutes of this meeting should include who is responsible for the tasks and the jobs required to complete each task. It should also say the date that it is expected the tasks will be completed by. The Management Committee should keep minutes of all its meetings.
- This toolkit contains **TEMPLATE 4 "Constitution for a Protected Area Management Committee"**. The constitution says how the Management Committee conducts its business. The Management Committee should start using the constitution as soon as it is formed. However, the constitution is not legally in place until the protected area is declared.



STEP 5

Prepare the Map

LEGAL REQUIREMENTS

Yes - A proposed protected area must have its boundaries shown on a map which will be included with the application for the protected area. A written agreement with the map must be signed between the landowners proposing to create the protected area and neighbouring tribes. This must be included with the application for the protected area (Regulation 14).

RECOMMENDED ACTION

The Management Committee should prepare a map showing the boundaries of the protected area. The map should be good quality and as simple as possible. It should not be coloured, it should be black and white. If the map is black and white it can be more easily copied and still have all the information. The proposed protected area should be marked very clearly on the map. The scale of the map should be 1:10,000, 1:25,000 or 1:50,000. A scale of 1:100,000 is too small and not appropriate. More information about preparing the map can be found in the “**Information and Guidelines for Writing a Protected Area Management Plan**” referred to in **STEP 8**.

COMMENTS

The map produced here will form the basis for the map in the management plan. The management plan guidelines provide information on what detail is needed in the management plan map.

In some cases there will not be a neighbouring tribe as the boundaries will be clearly inside the land or sea of the landowning group who is making the application. This is discussed more in **STEP 7**.

If the protected area is on registered land or the neighbouring land is registered land, the boundaries of the protected area map must be consistent with the title document for the registered land.

DOCUMENTS

- The map



STEP 6

Write to, and Meet with, the Ministries and the Provincial Government

LEGAL REQUIREMENTS

None - The Director of Environment must consult with relevant Ministries and the Provincial Government before making a recommendation to the Minister about whether the area should be made a protected area. The Director must also verify the rights and interests in the area (Act Section 10(2)).

RECOMMENDED ACTION

Write letters to the:

- Minister for Environment **TEMPLATE 5**
- Director of the Environment and Conservation Division **TEMPLATE 6**
- The Premier and Deputy Secretary of the Province **TEMPLATE 7**
- Commissioner of Forests **TEMPLATE 8**
- Director of Mines **TEMPLATE 9**
- Commissioner of Lands **TEMPLATE 10**

A template for each of the letters is provided. The map prepared in **STEP 5** should be included with all the letters.

COMMENTS

The letters to the Minister for Environment, the Director of Environment and the Province are sent out of courtesy. It also tells them to expect an application. In some cases the Province might claim an interest in the area.

To help the Ministry of Environment with the application, and to make the process faster, the Management Committee should get a letter from the:

- Ministry of Forestry showing there are no logging licences in the proposed protected area.
- Ministry of Mines showing there are no mining leases or prospecting licences in the proposed protected area.
- Commissioner of Lands showing if there is any registered land in the proposed protected area.

These letters will need to be followed up with more letters or phone calls or visits to the offices to make sure a response is received.

If the Ministries fail to provide this information within a reasonable time (6 weeks) continue with the application process. You can explain in your application to the Ministry of Environment that you have written to the Ministries but received no response.

DOCUMENTS

- See **TEMPLATES 5 – 10** provided.
- Make sure you keep copies of all letters and make a note of when the letter was sent.



STEP 7

Meet with Neighbouring Tribes to Confirm the Customary Land Boundaries and Get Support for the Proposal

LEGAL REQUIREMENTS

Yes - Where the proposed protected area is customary land, the tribal leader(s) for the land or sea in the proposed protected area must notify the leaders of all the neighbouring tribes and local communities of the landowning tribe's intention to apply for a protected area to be created. This happens after the internal consultation.

A meeting must be held with leaders of neighbouring tribes and local communities to obtain endorsement of the application and reach an agreement with respect to the boundary of the protected area (Regulation 44(1)(c)).

A written **agreement** must be made between leaders of all neighbouring tribes (where applicable) and the landowning tribe making the application (Regulation 44(1)(d)).

A **map** must be prepared with the boundaries of the proposed protected area. This must be signed by at least one leader of neighbouring tribes sharing a common boundary with the protected area (Regulation 44(1)).

The best way, from a legal perspective, to do this is by arranging a Chiefs' hearing.

RECOMMENDED ACTION

For most communities it is recommended that a Chiefs' hearing be held at this step in the process.

TEMPLATE 11 is a letter to send to neighbouring tribes notifying them of the proposed protected area and explaining that the boundaries need to be confirmed.

For most proposed protected areas the Management Committee should then organise a Chiefs' hearing.

At the Chiefs' hearing the neighbouring tribes should be informed about the proposal and asked to support the proposal and to confirm the customary boundaries. There are two documents that need to be signed by all the representatives:

- The **memorandum of understanding (MoU)** between the tribe proposing the protected area and the neighbouring tribes. **TEMPLATE 16** is a memorandum of understanding which can be filled in for this purpose. The MoU is the written agreement required by the Regulations.
- The **map** prepared by the Management Committee showing the boundaries of the customary land and protected area. This confirms the boundary.

The written decision of the Chiefs should also confirm the customary land boundaries. A copy of the signed map should be attached to the Chiefs' decision.

If there is a **boundary dispute** the Chiefs should be asked to make a decision on the location of the boundaries. It might be necessary to walk the boundaries or survey them from a boat. The boundaries decided by the Chiefs should be drawn onto a map. All representatives should then sign that map. If the boundaries are disputed it might be necessary to wait until the Chiefs' decision is made before asking neighbours to sign the memorandum of understanding.

COMMENTS

This is a very important part of the legal process. It is also a difficult part of the process because disputes might arise about land ownership. The Minister will not declare an area to be a protected area if there is a land dispute. The signed map, the memorandum of understanding and the Chiefs' decision show that the neighbouring tribes support the proposal and that the boundaries are clear.

If the protected area does not share a boundary with a neighbouring group then a Chief's hearing may not appear to be necessary. Each Management Committee will have to decide this themselves, although the legal requirements must be met. In most cases the process recommended should still be followed so that there is written confirmation from the Chiefs that the protected area is inside the land boundary.

The boundaries of customary land are often disputed. The design of this step aims to avoid disputes later on. In some cases landowners may believe the proposed protected area is a long way inside the landowning boundary or that the boundaries cannot be disputed. For example, the proposed protected area might cover an entire island. However, if there is **any doubt at all** or if there is a risk a person will come along later and complain about the boundary a Chiefs' hearing is the best option.

DOCUMENTS

- Signed map
- The Memorandum of Understanding **TEMPLATE 16**
- Chiefs' decision (in writing). Make sure the decision confirms the boundaries and has the map attached.
- Minutes of the Chiefs' hearing should be recorded by the Management Committee. The attendance at the meeting should also be recorded.
- Write down what people at the meeting say about the area. This information can be used to help prepare the management plan. If it is written down then it won't be necessary to have more meetings to get the information again.

3.3 WHY DOESN'T THE ACT & REGULATIONS MENTION A CHIEFS' HEARING?

The law does not require a Chiefs' hearing to be held.

What it requires is an agreement between the landowners of the proposed protected area and the neighbouring tribes. It also requires a map of the boundaries to be signed by neighbouring tribes.

We recommend a Chiefs' hearing be held, however, so that the boundary agreement is stronger legally. At the Chiefs' hearing, hopefully, everyone will agree on where the boundaries are. This can then be recorded by the Chiefs.

3.4 WHAT DO YOU DO IF YOU CAN'T MAKE AN AGREEMENT WITH NEIGHBOURING TRIBES?

If neighbouring tribes don't want a protected area to be created you should ask them to explain why. Write a letter to the group asking them to explain in writing why they won't agree to the proposal. Once the letter is received it might be possible to talk to the group about their concerns and come to an agreement. You should write back to them explaining how their concerns can be addressed. If the neighbours won't agree to the proposal you should include all these letters in the application. The Minister can still declare the area a protected area if the neighbouring tribes don't agree just as long as the boundaries are clear and not in dispute.

If there is disagreement about the boundaries it might be necessary to change the area of the proposed protected area. For example, maybe you can change the protected area boundaries so it is within a boundary you and your neighbours can agree on. This might be the easiest way to deal with the disagreement.

Where you cannot agree on the boundaries the Chiefs will need to make the final decision.

3.5 WHAT IF THE NEIGHBOURING LAND IS REGISTERED LAND?

It is not legally necessary to consult with and get agreement from a neighbour, if their land is registered land. This is because the boundaries are clear from the title. It is recommended, however, that the owner of neighbouring registered land be asked to confirm in writing that they are the owner and that they consent to the creation of the

protected area. The title of the neighbouring land showing the boundary should be included with the application. A title can be obtained from the Ministry of Lands in Honiara. If you don't know how to do this contact the Ministry of Lands or the Public Solicitor's Office.



STEP 8

Prepare the Management Plan

LEGAL REQUIREMENTS

Yes - A management plan must be submitted with the application to create a protected area (Act section 10(7)).

RECOMMENDED ACTION

Follow the “**Solomon Islands Information and Guidelines for Writing A Protected Area Management Plan**” provided as a separate document in this toolkit. This includes a template for a management plan.

COMMENTS

Information collected during the meetings can be used in the preparation of the management plan. The plan should contain a lot of information about the area. This information is necessary to guide the protection and management of the area. This information can be collected in the steps leading up the preparation of the plan. This will save a lot of time.

DOCUMENTS

- Management plan
- Management plan checklists (provided in the “**Solomon Islands Information and Guidelines for Writing A Protected Area Management Plan**” to make sure all necessary information is provided)
- Records of meetings which will provide information to use in preparing the management plan.



STEP 9

Prepare the Budget

LEGAL REQUIREMENTS

Yes - The application form requires a budget to be submitted with the application (Regulation 12 Schedule 2).

RECOMMENDED ACTION

This can be a very short document. Use **TEMPLATE 12** to indicate where you expect money to be sourced from and how it will be spent.

The Management Committee should discuss the budget and decide what expenses need to be included.

COMMENTS

A sign must be placed at the entrance to the protected area. The cost of producing this should be included in the budget. For marine protected areas – markers must be placed around the area. The costs of these should be included in the budget.

The Management Committee should discuss the budget and decide if there are other expenses that need to be included.

DOCUMENTS

- Protected Area Budget



STEP 10

Complete Application Form

LEGAL REQUIREMENTS

Yes - To make an application to create a protected area, you must use the form in the Protected Areas Regulations (Schedule 2).

RECOMMENDED ACTION

- Complete the application form **TEMPLATE 13**.
- Put together all the documents for the application using the **checklist** in **TEMPLATE 13**. The application must contain at least:
 - The application form
 - The management plan
 - The meeting minutes showing the landowners agreed to create a protected area
 - The agreement with the neighbouring tribes
 - The signed map confirming the boundaries
- In this toolkit it is recommended a Chiefs' hearing be held to confirm the boundaries. The Chiefs' decision should also be included in the application.

COMMENTS

The application form needs to include all the information it asks for. If the application form is missing information the Ministry is unlikely to process the application.

DOCUMENTS

- **TEMPLATE 13** is the application form and is provided in the toolkit. **TEMPLATE 13** also contains a checklist. Use the checklist to make sure everything has been done.



STEP 11

Submit the Application

LEGAL REQUIREMENTS

The application must be submitted to the Director of Environment.

RECOMMENDED ACTION

- Hand-deliver or post the application. The best way is to go to Honiara and have a meeting with the Director of Environment at which you present the application to the Director.
- Ask for a receipt or letter confirming the application was received.
- If possible, you should get the original application scanned. If you have a scanned copy you can also email the application or give it to the Director on a CD.
- Make sure you keep two hard copies of the application.
- If the application is prepared on a computer keep copies in separate places and email one copy to the Public Solicitor's Office - **lalsu@pso.gov.sb**

COMMENTS

If the Ministry loses your application you need to have another copy to give them.

If you can scan the application it is easier to keep copies and to send them to the Director or the Ministry if they lose it.

DOCUMENTS

- The Secretary of the Management Committee should keep a record of when the application was delivered or posted or emailed. If the Ministry gives you a receipt or letter or email to confirm they have received the application make sure this is carefully filed away.



STEP 12

Work with the Ministry of Environment

LEGAL REQUIREMENTS

After the Director receives the application the Director must do some things before making a recommendation to the Minister to declare the area protected or not. These include:

- conduct meetings and consultation with the owners of the area or other persons who may be affected by the proposed declaration;
- carry out a field study to assess and evaluate the biodiversity significance of the area;
- verify the rights and interests in the area; and
- publish in a newspaper having wide circulation in Solomon Islands a prescribed public notice setting out the area to be declared and the biodiversity significance of the area (Act Section 10(2))

RECOMMENDED ACTION

- Keep in contact with the Ministry.
- Find out who has responsibility for your application and get to know them.
- Contact the Ministry regularly to find out where your application is in the process.
- You may be able to help the Ministry at times. The more you help the faster the application can be processed.

COMMENTS

If you have included the letters from the Ministries of Forestry, Mines and Lands the Director can use those to see what interests exist in the area. This will make the process faster. If you can include a report on the biodiversity significance of the area this will also make things faster.

DOCUMENTS

- Make sure you write down any contact you have with the Ministry, including keeping a record of all meetings, phone calls and letters.

3.6 WHAT TO DO IF THE APPLICATION IS REJECTED?

If your application is rejected you should ask for an explanation why. The reason might be something you can fix. If you are not satisfied with the reason or you are never given a reason you should seek advice from a lawyer, for example LALSU.

3.7 WHAT TO DO IF THE APPLICATION IS ACCEPTED?

The Minister declares the area to be a protected area using the form in the regulations. Once this happens the area is a protected area and all the restrictions in the area apply.

The Management Committee should:

- contact the Director and ask him to confirm in writing that the Management Committee in the application has been officially appointed;
- hold its first official meeting and plan for a public awareness meeting; and
- start preparing to manage the protected area.

It is a big achievement to have gone through the application process successfully. The work of managing the area now begins so the application process has been worth all the effort. Make sure you get a copy of the Minister's declaration. Keep several copies safely locked away and put one copy up on the wall of the protected area office or the place the Management Committee meets.





TEMPLATES

NOTICE OF MEETING

TO TALK ABOUT CREATING A PROTECTED AREA

DATE	
TIME	
PLACE	

The Solomon Islands Government has passed the Protected Areas Act and Regulations. These two laws mean that customary landowners and others can apply to the government to have their land made a ***“protected area”***.

If an area is made a ***“protected area”*** the **ownership does not change**. However, it **will** effect what people can do inside that area.

This meeting is to discuss the proposal to create a protected area on the land described below.

<p>The land proposed for the protected area is: <<insert description>></p>

EVERYONE IS WELCOME & ENCOURAGED TO ATTEND

CONTACT PERSON	
-----------------------	--

PROTECTED AREAS ACT 2010

AGENDA OF MEETING TO DISCUSS CREATING A PROTECTED AREA

DATE	
TIME	
PLACE	

ITEM 1 [INTRODUCTION & WELCOME]

ITEM 2 [DESCRIPTION OF PROTECTED AREAS LAW & EFFECT ON USE OF THE LAND]

ITEM 3 [DISCUSSION OF THE PROPOSED PROTECTED AREA, INCLUDING LAND OWNERSHIP AND BOUNDARIES]

These questions should be discussed:

- *How is the proposed area used now?*
- *Do we want to create a protected area?*
- *What reasons does the community as a whole have for protecting the area?*
- *What are the special things (places, plants, animals, sites) in the area?*
- *Why does this need protection under the law?*
- *What reasons are there against creating a protected area?*
- *What should be the boundaries of the protected area?*
- *What category of protected area should it be?*
- *What restrictions should there be in the protected area?*
- *What does the community want to be able to continue to do inside the protected area?*
- *Who are the landowners of the area and who are the neighbours?*

ITEM 4 [DECISION OF THE MEETING TO APPLY FOR A PROTECTED AREA]

[Resolution to approve the creation of a protected area (as required by Regulation 44(1)(a)) of the Protected Areas Regulations]

RESOLUTION: That this meeting supports the application for a protected area in the category of <<insert category>> to be declared under the Protected Areas Act 2010 in the area of <<describe area >> which is the customary land of the <<insert name>> people.

ITEM 5 [DECISION OF THE MEETING TO APPOINT A MANAGEMENT COMMITTEE TO PREPARE THE MANAGEMENT PLAN AND MAKE THE APPLICATION TO CREATE THE PROTECTED AREA]

That this meeting appoints the following people, all of whom live close to the proposed protected area or are responsible for the management of the area, to be members of the first Management Committee of the proposed protected area.

[TABLE OF MEMBERS OF THE MANAGEMENT COMMITTEE INCLUDED IN THE MINUTES]

ITEM 6 [THE TIME, DATE & PLACE FOR THE FIRST MANAGEMENT COMMITTEE MEETING]

ITEM 7 [CLOSING]

MINUTES OF MEETING TO DISCUSS CREATING A PROTECTED AREA

DATE	
TIME	
PLACE	
ATTENDANCE	(see attached list of attendees)

ITEM 1 [INTRODUCTION & WELCOME]

ITEM 2 [DESCRIPTION OF PROTECTED AREAS LAW & EFFECT ON USE OF THE LAND]

ITEM 3 [DISCUSSION OF THE PROPOSED PROTECTED AREA, INCLUDING LAND OWNERSHIP AND BOUNDARIES]

- *Who are the landowners of the area and who are the neighbours?*
- *How is the proposed area used now?*

These minutes are a true and correct record of the resolutions made at this meeting, signed by

NAME	ADDRESS	SIGNATURE	DATE	POSITION

- *What reasons does the community have for protecting the area?*
- *What reasons are there against creating a protected area?*
- *What are the special things (plants, animals, sites) in the area?*
- *What are the threats to the area and to these special things?*
- *Why do these things need protection under the law?*
- *What should be the boundaries of the protected area?*
- *What category of protected area should it be?*
- *What restrictions should there be in the protected area?*
- *What does the community want to be able to continue to do inside the protected area?*

ITEM 4 [DECISION OF THE MEETING TO APPLY FOR A PROTECTED AREA]

[Resolution to approve the creation of a protected area (as required by Regulation 44((1)(a) of the Protected Areas Regulations]

RESOLUTION:

That this meeting supports the application for a protected area to be declared under the Protected Areas Act 2010 in the area of:

<<describe area >>

which is the customary land of the <<insert name>> people.

[Make a note if everybody agrees or if there are any objections]

These minutes are a true and correct record of the resolutions made at this meeting, signed by

NAME	ADDRESS	SIGNATURE	DATE	POSITION

ITEM 5 [DECISION OF THE MEETING TO APPOINT A MANAGEMENT COMMITTEE TO PREPARE THE MANAGEMENT PLAN AND MAKE THE APPLICATION TO CREATE THE PROTECTED AREA]

[Resolution to appoint the Management Committee]

NOTE: The jobs of each committee member are described in Schedule 2 (page 12) of the Constitution for the Management Committee, which is included in the toolkit.

That this meeting appoints the following people, all of whom live close to the proposed protected area or are responsible for the management of the area, to be members of the first Management Committee of the proposed protected area.

NAME	ADDRESS	POSITION
		Chairperson
		Deputy Chairperson
		Secretary
		Treasurer
		Ordinary Member
		Ordinary Member
		Ordinary Member
		Ordinary Member
		Ordinary Member
		Ordinary Member
		Ordinary Member
		Ordinary Member
		Ordinary Member
		Ordinary Member
		Ordinary Member

These minutes are a true and correct record of the resolutions made at this meeting, signed by

NAME	ADDRESS	SIGNATURE	DATE	POSITION

<<INSERT NAME OF PROTECTED AREA>>

CONSTITUTION OF THE MANAGEMENT COMMITTEE

This Constitution was approved on the day of in the year

Signed by the first Management Committee:

NAME	SIGNATURE	DATE

Signed by the Director of Environment:

Date:

Name:

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CONSTITUTION OF THE <<INSERT NAME OF PROTECTED AREA>> MANAGEMENT COMMITTEE

These rules are made pursuant to Regulation 27(6) and Schedule 3 of the Protected Areas Regulations.

1. NAME

- 1.1. The name of this Management Committee is the <<insert name of protected area>> Management Committee.

2. INTERPRETATION

2.1. In this Constitution, unless the contrary intention appears –

- a. **“Advisory Committee”** means the Protected Areas Advisory Committee appointed by the Minister
- b. **“Director”** means the Director of Environment appointed under the Environment Act 1998
- c. **“Management Committee”** means the officers and ordinary members of the Management Committee
- d. **“Management Fund”** means the fund established for every protected area under rule 18. As required by Regulation 58 of the Protected Areas Regulations.
- e. **“Management Plan”** means the document that describes the protected area and identifies its key features or values, the reasons why the area should be protected and how this will be done. This is required under Section 10 of the Protected Areas Act.
- f. **“Minister”** means the Minister for Environment
- g. **“notice”** includes a notice provided via electronic mail
- h. **“ordinary committee member”** means a member of the Management Committee under rule 8.1.
- i. **“people with an interest in the protected area”** means
 - i. The landowners of the protected area
 - ii. The Provincial Government
 - iii. The Ministry for Environment
 - iv. Any person residing close to or within the protected area with an interest in the management of the protected area.
- j. **“Permanent Secretary”** means the Permanent Secretary of the Ministry of Environment, Climate Change, Disaster Management and Meteorology
- k. **“present”** in the context of quorum at a meeting or committee meeting includes via telephone link with the meeting
- l. **“protected area”** means the <<insert name of the Protected Area>> which is situated at <<insert short description>>
- m. **“Protected Areas Trust Fund”** means the fund established by the Protected Areas Act 2010 to be used for the establishment, management and other matters relating to protected areas. This fund is managed by the government.

2.2. Words or expressions contained in this Constitution shall be interpreted in accordance with the provisions of the Interpretation and General Provisions Act [Cap.85] and the Protected Areas Act 2010 as in force on the date on which this Constitution is adopted by the Management Committee.

OBJECTS, POWERS, FUNCTIONS AND DECISION MAKING PRINCIPLES

3. OBJECTS OF THE MANAGEMENT COMMITTEE

3.1. The object of the Management Committee is to manage the protected area in accordance with the Protected Areas Act 2010 and the Protected Areas Regulations 2012. The objects of the Protected Areas Act 2010 include:

- to establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;
- to regulate or manage biological resources important for the conservation of biological diversity, whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;
- to promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;
- to promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of the protected areas; and
- to rehabilitate and restore degraded ecosystems and promote the recovery of threatened species; such as, through the development and implementation of plans or other management strategies.

3.2. The further object of the Management Committee is to implement, enforce and review the management plan for the protected area.

4. FUNCTION OF THE MANAGEMENT COMMITTEE

4.1. The Management Committee has the functions set out in Section 12(3) of the Protected Areas Act 2010. The functions are:

- to develop, formulate, implement, monitor and review a conservation, protection or management plan in respect of its protected area;
- to manage the protected area under its control and supervision;
- to manage and administer the management fund;
- to perform any other function the Advisory Committee may assign in writing to the Management Committee or give to the Management Committee under the Act or any other written law.

5. POWERS OF THE MANAGEMENT COMMITTEE

5.1. The Management Committee has the powers set out in Regulation 29 of the Protected Areas Regulations 2012. The Management Committee may:

- enter into contracts, agreements and arrangements;
- hold, acquire and dispose of movable or immovable property;
- raise funds or invest funds in or on any security or other viable investments following a proper risk assessment;
- expend monies for matters directly related or incidental to the performance of its management functions;
- open and operate accounts with reputable banks or financial institutions;
- undertake onshore or offshore investments for the purposes of financing the performance of its functions;

- borrow money from any local financial institution or lend money to any local community on such terms as it thinks fit;
- make donations out of its assets or funds to any local community;
- appoint such sub-committees as it may consider necessary; and
- raise money from the public through lawful means as it sees appropriate.

6. OVERRIDING MANAGEMENT AND ADMINISTRATIVE PRINCIPLES

6.1. The Management Committee, in making decisions, will take into account the overriding need for ecologically sustainable use of natural ecosystems and resources of the protected area. The management and administrative principles in Regulations 31 and 32 (**Schedule 3 to this Constitution**) will be applied by the Management Committee in all decision-making.

THREE-YEAR MEETING - REVIEW MANAGEMENT PLAN AND ELECT THE MANAGEMENT COMMITTEE

7. THREE-YEAR MEETING

7.1. The Management Committee will hold a meeting every three (3) years of people with an interest in the protected area. This shall be called the "three-year meeting".

7.2. The first **three-year meeting** will take place on the date (or as close to the date as practical) of the third anniversary of the declaration of the protected area by the Minister.

7.3. The business of the three-year meeting shall be:

- to receive from the Management Committee a report about the management of the protected area for the previous three years.
- to elect the officers of the Management Committee;
- to elect the ordinary members of the Management Committee;
- to discuss the operation of the management plan and for the Management Committee to receive comments regarding any recommended changes to the management plan.

7.4. Any person wishing to nominate for membership of the Management Committee must do one of the following:

- complete the nomination form (**Schedule 5 to this Constitution**) and deliver it to the Chairperson or Secretary before the three-year meeting;
- write a letter seeking nomination addressed to the Management Committee and deliver it to the Chairperson or Secretary before the three-year meeting; or
- in person, tell the Secretary or Chairperson of their intention to nominate on the day the meeting is to be held.

7.5. If insufficient nominations are received to fill all vacancies on the Management Committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the three-year meeting.

7.6. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

- 7.7. If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- 7.8. The ballot for the election of officers and ordinary members of the Management Committee must be conducted at the three-year meeting in such manner as the Management Committee may direct.
- 7.9. The names of the elected persons will then be sent to the Director for approval.
- 7.10. When the Management Committee has received confirmation from the Director that the appointment is approved the elected persons will become members of the Management Committee.

MEMBERSHIP, CASUAL VACANCIES AND MEETING PROCEDURES

8. MEMBERSHIP OF THE MANAGEMENT COMMITTEE

- 8.1. The Management Committee shall consist of the following members—
 - the officers of the Management Committee, namely the
 - a. Chairperson;
 - b. Deputy Chairperson;
 - c. Treasurer; and
 - d. Secretary.
 - and
 - ten (10) ordinary committee members.
- 8.2. Each officer and ordinary member of the Management Committee shall hold office for three (3) years unless removed under rule 16.
- 8.3. The roles and responsibilities of each officer are described in **Schedule 2 to this Constitution**. A person may only hold one position at a time.

9. VACANCIES IN THE MANAGEMENT COMMITTEE

- 9.1. Where there is a vacancy in the Management Committee, the Management Committee will hold a meeting to receive nominations for a new Management Committee member as soon as possible after the vacancy arises.
- 9.2. At least 21 days prior to the meeting referred to in rule 9.1 being held, the Management Committee will give notice of the meeting, in the form contained in **Schedule 4 to this Constitution** to all people with an interest in the protected area.
- 9.3. The process of nomination, election and approval by the Director shall be the same as at a three-year meeting as described in rule 7.

10. MEETINGS OF THE MANAGEMENT COMMITTEE

- 10.1. The Management Committee must meet at least twice each year.
- 10.2. Management Committee meetings will be open to people with an interest in the protected area. The Committee may require persons to leave the meeting when discussing matters concerning an individual's employment or concerning legal proceedings in which the committee is or may be involved.

10.3. A Management Committee may, in its absolute discretion, invite such persons or representatives of other organisations with relevant qualifications or expertise to be present at any of its meetings to provide advice, opinion or information on a matter before it.

11. NOTICE OF MANAGEMENT COMMITTEE MEETINGS

11.1. Notice of each Management Committee meeting must be given to each member of the committee at least seven (7) days before the date of the meeting.

11.2. Written notice must be given to members of the Management Committee of any special meeting specifying the nature of the business to be conducted and no other business may be conducted at such a meeting.

11.3. Notice of each meeting will be given to people with an interest in the protected area in a manner decided by the Management Committee.

12. QUORUM FOR MANAGEMENT COMMITTEE MEETINGS

12.1. The quorum for each Management Committee meeting shall be one-half (1/2) of all members of the Management Committee.

13. PRESIDING AT MANAGEMENT COMMITTEE MEETINGS

13.1. The Chairperson or Deputy Chairperson shall preside at all meetings, but in the absence of both, members present may choose one of their own number to preside.

14. DECISIONS AND VOTING AT MANAGEMENT COMMITTEE MEETINGS

14.1. All decisions, except for decisions to spend money, must be decided by the passing of a resolution with the majority support of the Management Committee present at the meeting.

14.2. All decisions to spend money must be decided by the passing of a resolution with the support of at least three quarters (3/4) of the members of the Management Committee present at the meeting.

14.3. All resolutions must be proposed by one Management Committee member and seconded by another.

14.4. Each member present at a meeting shall have one vote and, in the event of equality of votes, the chair of the meeting shall have a casting vote.

15. DECLARATION OF INTERESTS

15.1. Any member who has a direct or indirect interest in a matter before the Management Committee shall disclose such interest before the matter is voted on, and withdraw from deliberating and voting on that matter.

16. REMOVAL OF COMMITTEE MEMBER

16.1. At a Management Committee meeting, the Management Committee may, by resolution passed by two-thirds (2/3) of Management Committee members present, remove any member of the Management Committee before the expiration of the member's term of office.

16.2. Any member of the Management Committee who fails to attend three (3) meetings of the Management Committee without the prior permission of the Management Committee given at a meeting, will automatically be removed as a member of the Management Committee.

16.3. The Management Committee will notify the Director in writing of the removal of a member.

17. MINUTES OF MEETINGS

17.1. The Secretary of the Management Committee must keep minutes of the resolutions and proceedings of each three-year meeting, each meeting to fill a Management Committee vacancy and each Management Committee meeting, including a record of the names of persons present.

17.2. The minutes of a meeting must be approved at the next Management Committee meeting. Any inaccuracies in the minutes must be noted. The minutes must then be signed by the person presiding.

FINANCIAL MATTERS

18. THE MANAGEMENT FUND

18.1. A Management Fund as required by Regulation 58 of the Protected Areas Regulations 2012 must be established.

18.2. The Management Fund must be used only for (as required by Regulation 58(2)):

- biodiversity conservation management and protection of the protected area, including implementation of management plans; and
- paying administrative and operational costs and expenses of the Management Committee in carrying out its functions.

18.3. All money received by, or on behalf of, the Management Committee must be paid into the Management Fund.

18.4. Any money borrowed by the Management Committee by way of a loan or overdraft for the management of the protected area must be paid into the Management Fund.

19. FUNDS AND PROPERTY

19.1. Subject to rule 19.5, the income and property of the Management Committee, however obtained, must be applied solely towards achieving the objects and fulfilling the functions of the Management Committee and no portion thereof shall be paid or transferred, directly or indirectly, to any member of the Management Committee.

19.2. All property owned by the Management Committee must be held in the name of the Management Committee. The Management Committee must not make any arrangement whereby property is held by any individual or organisation on behalf of the Management Committee.

19.3. The bank account containing the Management Fund must be in the name of the Management Committee. The Management Committee must not make any arrangement whereby funds are held by any individual or organisation on behalf of the Management Committee.

19.4. The Management Committee must not appoint one of its members to a position of employment where the salary or wages are paid out of the Management Fund.

19.5. Nothing in the foregoing provisions of this rule prevents the payment in good faith to a member of the Management Committee of remuneration in return for services actually provided to the Management Committee by the member or for goods supplied to the Management Committee by the member in the ordinary course of business.

20. KEEPING OF ACCOUNTS

20.1. The Management Committee must—

- keep proper accounts and records of its transactions and financial affairs;
- ensure all payments out of the Management Fund are correctly made and properly authorised;
- prepare or cause to be prepared an annual statement of accounts in respect of each year of management; and
- keep proper records of the property, assets, and liabilities of the Management Committee.

20.2. The Management Fund of the protected area must be audited annually by an auditor appointed by the Management Committee.

20.3. The Management Committee must ensure that

- the annual statement of accounts and the auditor's report is made available for inspection by stakeholders of the protected area and people with an interest in the protected area; and
- a copy of the annual statement of accounts and the auditor's report is sent to the Permanent Secretary and the Minister.

20.4. The financial year for the Management Committee shall be from 1 January to 31 December each year.

20.5. All records, accounting books and records of receipts and expenditure connected with the operations and business of the Management Committee must be kept in such form and manner as the committee may direct and will be the responsibility of the Treasurer.

20.6. The accounts, books and records referred to in rule 20.5 must be kept at the Management Committee's office or at such other place as the committee may decide.

20.7. The accounts, books and records referred to in rule 20.5 shall be open for inspection by people with an interest in the protected area on request.

21. BANKING AND FINANCE

21.1. The Treasurer must, on behalf of the Management Committee, receive all monies paid to the Management Committee, and after receiving the money must issue an official receipt for it. This function may be delegated to an employee of the Management Committee by passing a resolution to that effect at a committee meeting.

21.2. The Management Committee must open a bank account at a well-known bank, in the name of the Management Committee. This account will hold the Management Fund. All money received by the Management Committee shall be paid into this account as soon as possible after it is received.

21.3. No monies may be expended out of the Management Fund except by resolution made by at least three quarters (3/4) of all the members of the Management Committee at a Management Committee meeting.

21.4. Except with the authority of the Management Committee (obtained through a resolution to this effect passed at a committee meeting), any payment from the Management Fund of more than Five Hundred Dollars (\$500.00) must be made by cheque.

21.5. All cheques and other negotiable instruments shall be signed by two people, being either:

- The Chairperson and the Treasurer; or
- The Chairperson or the Treasurer, and one other member appointed under rule 21.6

21.6. The Management Committee may appoint two other members of the Management Committee to be signatories, other than the Chairperson and the Treasurer.

21.7. No contract shall be entered into by any person on behalf of the Management Committee without the approval of the Management Committee expressed in a resolution to that effect at a committee meeting.

AMENDING THE CONSTITUTION AND DISSOLVING THE MANAGEMENT COMMITTEE

22. AMENDING THE CONSTITUTION

22.1. This Constitution may be amended by a resolution at a three-year meeting. Any such resolution must be passed by two thirds (2/3) majority.

22.2. No resolution for the amendment of this Constitution shall be put to a three-year meeting unless notice thereof is given to the Chairperson of the committee at least 28 days before the date of the meeting.

23. DISSOLUTION OF THE MANAGEMENT COMMITTEE

23.1. The Management Committee dissolves if the protected area is revoked by the Minister.

23.2. Upon dissolution of the Management Committee all the assets of the Management Committee must be sold. The proceeds of the sale and the Management Fund must be used to discharge the Management Committee's liabilities. Any remaining funds must be paid to the Protected Areas Trust Fund.

SCHEDULE 1

NOMINATION FOR MEMBERSHIP OF <<INSERT NAME OF MANAGEMENT COMMITTEE>>

Address: <<Insert Address>>, Solomon Islands

The object of the Management Committee is to manage the protected area in accordance with the Protected Areas Act 2010 and the Protected Areas Regulations 2012.

I apply for membership of the Management Committee in the position of _____ and agree to be bound by its Constitution

Name: Date:

Address:

Email: Tel:

Signature:

SCHEDULE 2

RESPONSIBILITIES OF OFFICE BEARERS

I. Chairperson

The Chairperson shall be responsible for the continual supervision and administration of the overall programs and affairs of the Management Committee and in addition shall:

- a. preside at all meetings;
- b. be a signatory to Management Committee bank accounts;
- c. sign and execute legal documents on behalf of the Management Committee;
- d. sign minutes of meetings as confirmation of their accuracy;
- e. be the contact person on the Management Committee for members and staff of the Management Committee;
- f. produce an annual report of the Management Committee; and
- g. be the spokesman and public representative of the Management Committee.

II. Deputy Chairperson

The Deputy Chairperson will assume the responsibilities of the Chairperson if the Chairperson is absent or the position of Chairperson becomes vacant and in addition shall:

- a. assist the Chairperson as required with the supervisions and administration of the Management Committee;
- b. assist the Treasurer as required with the financial affairs of the Management Committee; and
- c. assist the Secretary as required with administrative affairs of the Management Committee.

III. Secretary

The Secretary shall be responsible for the administrative affairs of the Management Committee and in addition shall:

- a. maintain and update as required the register of members;
- b. receive all Management Committee correspondence;
- c. notify members of the Management Committee of meetings;
- d. be responsible for the safe custody of all Management Committee records; and
- e. take minutes at all meetings and ensure those minutes are presented to the next meeting for approval.

IV. Treasurer

The Treasurer shall be responsible for the financial affairs of the Management Committee and in addition shall:

- a. ensure the safety of all Management Committee funds;
- b. ensure that the Management Committee maintains a proper and efficient accounting system;
- c. ensure that all income and expenditure of the Management Committee is recorded and brought to the attention of the committee;
- d. at the end of every financial year, ensure that all account books and financial records of the Management Committee are audited by a competent person and the report sent to the Permanent Secretary and the Minister;
- e. be a signatory to the Management Committee bank account.

SCHEDULE 3

EXTRACT FROM PROTECTED AREAS REGULATIONS – REGULATIONS 31 AND 32.

PART 6 – OVERRIDING MANAGEMENT AND ADMINISTRATIVE PRINCIPLES

31. Ecologically Sustainable Use

(1) A decision, activity, plan, policies and strategies to be made formulated, implemented or undertaken to give effect to the provisions of the Act and these Regulations shall take into account the overriding need for ecologically sustainable use of the natural ecosystems and resources of a protected area.

(2) Ecologically sustainable use means such use of the natural ecosystems and resources of a protected area by depended local communities that –

- (a) does not compromise nor undermine the principal object of protecting and conserving the biodiversity, ecosystems, environment and cultural values of the area; and
- (b) ensure use and interaction by present generations of dependent local communities with natural ecosystems and resources of a protected area do not compromise, diminish or reduce the capacity or ability of future generations of such communities to meet their own needs and aspirations.

32. Guiding Principles in Decision-Making

(1) In giving effect to the objects of the Act and these Regulations, the following decision-making principles shall be adopted in all decision-making processes relating to a protected area –

- (a) the precautionary approach should be applied where there is threat of serious or irreversible environmental harm even in the absence of full scientific certainty or evidence;
- (b) best alternatives and incentive mechanisms are in place to maintain motivation and support of local communities;
- (c) decision-making processes and outcomes should be based on a combination or integration of both short-term and long-term economic, social, equitable and environmental considerations;
- (d) the biodiversity and ecosystems of a protected area should be conserved, managed and protected as an integrated ecological unit;
- (e) decision-making processes should be transparent and accessible to members of dependent local communities' and customary owners; and,
- (f) the principle of inter-generational equity should be applied to ensure the diversity health and productivity of natural ecosystems and resources is, to the best possible extent, maintained or enhanced for the benefit of future generations.

(2) To the best possible extent, all management decisions must be made in conformity with the decision-making principles.

(3) Any stakeholder to a protected area who believes a decision has been made by the management committee in violation of a decision-making principle may file a written complaint with the Director who shall within reasonable time determined whether or not the decision making principle has been violated.

(4) Upon establishing that a decision-making principle is or has been violated, the Director shall issue a directive to the management committee requiring the same to revoke forthwith such management decision.

(5) If the management committee fails to comply with the Director's directive under subregulation (4), the members of the committee commit an offence and are jointly and severally liable on conviction to a fine not exceeding 1,000 penalty units to be paid jointly or severally by the members of the management committee.

SCHEDULE 4

NOTICE OF MEETING

TO FILL A VACANCY IN THE MANAGEMENT COMMITTEE OF THE
<<INSERT NAME OF PROTECTED AREA>>

TIME & DATE:	
PLACE:	

The Management Committee of the <<insert name of Protected Area>> calls for nominations to fill a vacancy in the Management Committee. To become a member you must be living in the area or be responsible for managing the protected area.

All members of the Management Committee **are expected to:**

- attend all meetings;
- perform all duties required of them;
- obey and uphold the Constitution of the Management Committee; and
- make sure the protected area rules are followed.

Any person wanting to nominate for the vacancy should fill out an application form, write a letter or tell the Chairperson on the day of the meeting. Nominations will be received up until the start of the meeting.

You can contact the Management Committee at <<write in contact details below>>

--

<<Address, village name of person/group sending letter>>

Minister for Environment

Ministry for Environment, Climate Change,
 Disaster Management and Meteorology
 PO Box 21
 Honiara

DATE:

Dear Minister

CREATING A PROTECTED AREA IN THE <<INSERT NAME>> TRIBAL LANDS

The <<insert name>> are preparing an application to create a protected area under the *Protected Areas Act 2010*.

The <<insert name>> intend to make an application to you to make the << describe land/sea area>> a protected area. Please find **attached** the draft map of the proposed protected area.

We are writing to you to inform you of this proposal.

We hope to submit an application in the future and look forward to working with you and the Director of Environment whilst our application is being considered.

Please contact us if you would like further information on this proposal.

Yours sincerely,

For the Management Committee

<<Address, village name of person/group sending letter>>

Director of Environment & Conservation Division

Ministry of Environment, Climate Change,
 Disaster Management and Meteorology
 PO Box 21
 Honiara

DATE:

Dear Director

CREATING A PROTECTED AREA IN THE <<INSERT NAME>> TRIBAL LANDS

The <<insert name>> are preparing an application to create a protected area under the *Protected Areas Act 2010*.

The <<insert name>> intend to make an application to make the << describe land/sea area>> a protected area. Please find **attached** the draft map of the proposed protected area.

We are writing to you to inform you of this proposal.

We hope to submit an application in the future and look forward to working with you whilst our application is being considered.

Please contact us if you would like further information on this proposal.

Yours sincerely,

For the Management Committee

<<Address, village name of person/group sending letter>>

<<Name and address of Premier of Province>>

DATE:

Dear Premier

CREATING A PROTECTED AREA IN THE <<INSERT NAME>> TRIBAL LANDS

The <<insert name>> are considering making an application to create a protected area under the *Protected Areas Act 2010*.

The *Protected Areas Act 2010* was passed by the Parliament of Solomon Islands. It came into effect in February 2012. Only the Minister for Environment can make an area of land or sea into a protected area under this new law. Landowners and others can apply to the Minister to make a declaration if they want to create a protected area over their land. Once a protected area is declared it is managed according to a management plan and there are some restrictions on what people can do on that land or sea.

Please find **attached** the draft map of the proposed protected area.

We are writing to you to inform you of this proposal.

Please contact us if you would like further information on this proposal.

Yours sincerely,

For the Management Committee

Copy to: Provincial Deputy Secretary

<<Address, village name of person/group sending letter>>

Commissioner of Forests

Ministry of Forests

PO Box G24

Honiara

DATE:

Dear Commissioner

CREATING A PROTECTED AREA IN THE <<INSERT NAME>> TRIBAL LANDS

The <<insert name>> are considering making an application to create a protected area under the *Protected Areas Act 2010*.

The <<insert name>> intend to make an application to make the << describe land/sea area>> a protected area. Please find **attached** the draft map of the proposed protected area.

We are not aware of any logging licences granted for this area.

Could you please confirm in writing that no current logging licences are issued over this land?

We look forward to your response.

Please contact us if you would like further information on this proposal.

Yours sincerely,

For the Management Committee

<<Address, village name of person/group sending letter>>

Director of Mines

Ministry of Mines, Energy and Rural Electrification
 PO Box G37
 Honiara

DATE:

Dear Director

CREATING A PROTECTED AREA IN THE <<INSERT NAME>> TRIBAL LANDS

The <<insert name>> are considering making an application to create a protected area under the *Protected Areas Act 2010*.

The <<insert name>> intend to make an application to make the << describe land/sea area>> a protected area. Please find **attached** the draft map of the proposed protected area.

We are not aware of any reconnaissance or prospecting licences currently in place for this area. We are also not aware of any mining lease currently in place in this area.

Could you please confirm in writing that no current reconnaissance or prospecting licences or mining leases are in place over this land?

We look forward to your response.

Please contact us if you would like further information on this proposal.

Yours sincerely,

For the Management Committee

<<Address, village name of person/group sending letter>>

Commissioner of Lands

Ministry of Lands, Housing & Survey

PO Box G38

Honiara

DATE:

Dear Director

CREATING A PROTECTED AREA IN THE <<INSERT NAME>> TRIBAL LANDS

The <<insert name>> are considering making an application to create a protected area under the *Protected Areas Act 2010*.

The <<insert name>> intend to make an application to make the << describe land/sea area>> a protected area. Please find **attached** the draft map of the proposed protected area.

We are not aware of any registered land in this area.

Could you please confirm in writing that no registered land exists in this area?

We look forward to your response.

Please contact us if you would like further information on this proposal.

Yours sincerely,

For the Management Committee

<<Address, village name of person/group sending letter>>

<<Address, village name of person/group who will receive the letter>>

DATE:

Dear <<insert name>>

CREATING A PROTECTED AREA IN THE <<INSERT NAME>> TRIBAL LANDS

The <<insert name>> are preparing an application to create a protected area under the *Protected Areas Act 2010*.

The *Protected Areas Act 2010* was passed by the Parliament of Solomon Islands. It came into effect in February 2012. Only the Minister for Environment can make an area of land or sea into a protected area under this new law. Landowners and others can apply to the Minister to make a declaration if they want to create a protected area over their land. Once a protected area is declared it is managed according to a management plan and there are some restrictions on what people can do on that land or sea.

The <<insert name>> intend to make an application to the Minister to make << describe land/sea area>> a protected area. At a meeting on <<insert name>> the landowners of the area agreed to proceed with the proposal.

Under the new laws where a protected area is next to another group’s land, an agreement must be made to confirm the boundaries. That agreement is given to the government so they can be sure the boundaries have been agreed to by everyone. Please find a **map** with this letter with the proposed boundaries of the protected area.

We intend to arrange a Chiefs’ hearing so the proposal can be discussed and the land boundaries confirmed. At the Chiefs’ hearing we will be asking you to support our proposal for a protected area. We also hope to confirm the customary boundaries at the Chiefs’ hearing.

If you would like to get some independent information about protected areas you can contact the Landowners' Advocacy and Legal Support Unit of the Public Solicitor's Office. The contact details are:

HONIARA OFFICE

PO Box 553, Honiara. Tel: (677) 22348 / 28406 / 28404 / 28405

GIZO OFFICE

PO Box 84, Gizo, Western Province. Tel: (677) 60682

WEBSITE

<http://www.pso.gov.sb/index.php/lalsu>

Please contact us if you want to talk about this.

Yours sincerely,

For the Management Committee

BUDGET OF THE <<INSERT NAME>> PROTECTED AREA MANAGEMENT COMMITTEE

INCOME		EXPENDITURE	
SOURCE	AMOUNT	ITEM	AMOUNT
TOTAL	\$	TOTAL	\$

SURPLUS or DEFICIT = TOTAL INCOME minus TOTAL EXPENDITURE

SURPLUS OR DEFICIT = \$

APPLICATION FORM & CHECKLIST

The **application form** provided in the Protected Areas Regulations must be used. The original version is provided on the next page. A “user-friendly version” is also provided on the two pages after that. The “user-friendly version” requires exactly the same information as the original version but it is easier to write or type the information into.

All the documents and steps in this **checklist** should be completed before the application for a protected area is submitted to the Ministry of Environment. It is in two parts. The first are essential things, these are required under the law. The second are desirable things: these are not required under the law but will assist in the processing of the application.

Checklist of Documents Required for Application for Declaration of a Protected Area	TICK <input checked="" type="checkbox"/>
ESSENTIAL	
Application Form (TEMPLATE 13 “Application Form & Checklist”)	
Signed record of the resolutions reached by customary owners at internal consultation	
Chief’s decision confirming the support of the neighbouring tribal groups and the land boundaries.	
Proposed protected area <u>map</u> showing boundaries – this should be part of the Chief’s decision as well.	
Title documents (This only applies where the proposed protected area is on registered land or the neighbouring land is registered land)	
Budget (TEMPLATE 12 “Budget”)	
Management Plan	
DESIRABLE	
Letter from the Ministry of Mines concerning mining leases or licences in the proposed protected area	
Letter from the Ministry of Forestry concerning logging licences in the proposed protected area	
Letter from the Commissioner of Lands confirming whether the land is registered or customary land.	
A report on the biodiversity significance of the area prepared by a scientist or an environmental consultant.	

ORIGINAL VERSION

SCHEDULE 2 • (reg.12) • FORMS

Form A– APPLICATION FOR DECLARATION OF PROTECTED AREA

1	Name of applicant(s)	
2	Please state if applicant is an organization or similar body (e.g. NGO)	
3	Name and address of contact person: Ph: Fax: Email:	
4	Names of the land owners or tribe who own the proposed protected area	
5	Provide the budget, financial source and include the name and address of institutions (e.g. Government NGO, Donor etc) who support your request	
6	Specify location of area for which application is made (e.g. province, district etc)	
7	GPS coordinates or proposed boundaries of the area	
8	Name of person or company who recorded them	
9	Actual or estimated total area	
10	Provide a description of the area (use additional sheet if needed)	
11	State name and identify the following (as the case may be): (a) Reasons for declaration of PA (b) Sites of biological importance (c) Site of cultural importance (d) Sites of misuse (e) Other reasons for declaration (use additional sheet if needed)	
12	Is the area subject to an ongoing conservation program or not? If yes, describe how it is currently managed	
13	State whether area is alienated or under kastomary ownership or both	
14	Is there a boundary agreement in place? (if yes, please provide copy of signed agreement)	
15	Provide the names of all nominated protected area Management Committee Members and the Rangers including their positions, if any (use additional sheet if needed)	
16	Specify preferred name of protected area and relevant category (e.g. nature reserve etc.)	
17	DECLARATION: I/We declare that the information provided is to the best of my/our knowledge true, accurate and complete Signature 1' Date Name:Date Signature 2..... Date Name:Date - (odd other signatures if required)	
18	OFFICIAL USE (cross out if not applicable) a. Application approved b. Application refused c. Application pending Signature:Name & official designation	

- Note - The following documents are to be attached -
- A copy of the proposed management plan must be attached to the application
 - A copy of the agreement
 - A copy of the map of the area

USER FRIENDLY VERSION

SCHEDULE 2 • (reg.12) • FORMS

Form A– APPLICATION FOR DECLARATION OF PROTECTED AREA

1	Name of applicant(s)	
2	Please state if applicant is an organization or similar body (e.g. NGO)	
3	Name and address of contact person: Ph: Fax: Email:	
4	Names of the land owners or tribe who own the proposed protected area	
5	Provide the budget, financial source and include the name and address of institutions (e.g. Government NGO, Donor etc) who support your request	<i>NB: Budget is attached as a separate document</i>
6	Specify location of area for which application is made (e.g. province, district etc)	
7	GPS coordinates or proposed boundaries of the area	<i>See attached map</i>
8	Name of person or company who recorded them	
9	Actual or estimated total area	
10	Provide a description of the area (use additional sheet if needed)	

16	Specify preferred name of protected area and relevant category (e.g. nature reserve etc.)	
17	<p>DECLARATION: I/We declare that the information provided is to the best of my/our knowledge true, accurate and complete</p> <p>Signature 1</p> <p>Name:</p> <p>Date</p> <p>Signature 2..... ..</p> <p>Name:</p> <p>Date</p> <p>(add other signatures if required)</p>	
18	<p>OFFICIAL USE (cross out if not applicable)</p> <p>a. Application approved</p> <p>b. Application refused</p> <p>c. Application pending</p> <p>Signature:</p> <p>Name & official designation</p>	

Note - The following documents are to be attached -

- A copy of the proposed management plan must be attached to the application
- A copy of the agreement
- A copy of the map of the area

<<Address of Management Committee>>

<<Address, village name where ranger lives>>

DATE:

Dear <<insert name>>

LETTER OF APPOINTMENT AS RANGER OF THE <<INSERT NAME>> PROTECTED AREA

The Management Committee are pleased to inform you that you are formally appointed as a ranger in the <<insert name>> Protected Area.

The Management Committee appoints you under Regulation 65 of the *Protected Areas Regulations 2012*.

The job of a ranger is very important for the protected area. It is your responsibility to enforce the legal rules that apply inside the protected area.

Under the *Protected Areas Regulations 2012*, as a ranger you have certain powers. These powers are only to be used if you think someone is breaking the law or not following the management plan inside the protected area. Please remember your powers only apply to someone inside the protected area or to someone outside the area who you believe has done something wrong inside the protected area. For example, if someone has taken something from the protected area that they are not allowed to take.

These powers are to:

- [A]** Stop, board, enter or search (as the case may be) any person, vehicle or vessel which the ranger suspects of transporting, removing or in possession of, whether within or outside a protected area, any specimen, species, plant, artefact, object or similar material;
- [B]** Seize any specimen, species, plant, artefact, object or similar material which the ranger has reasonable ground to believe has been removed from a protected area in contravention of the Protected Areas Act or the Protected Areas Regulations;

- [C]** Require any person committing a minor breach, whether of the Protected Areas Act or the Protected Areas Regulations or condition of a permit, to rectify or remedy such breach within a reasonable time;
- [D]** Order a person to stop or cease a specific activity if such activity is carried out in contravention of the Protected Areas Act or the Protected Areas Regulations;
- [E]** Seize, detain or confiscate any equipment or gear used in the commission of an offence and issue a receipt for such seizure, detention or confiscation.

It is an offence for anyone to obstruct you (meaning to stop you or get in your way) in your job as a ranger. A person who obstructs you can be fined up to \$10,000.

It is very important you only use the powers of a ranger to enforce the law and management plan. If you use them for something else you risk committing a criminal offence.

You should make sure you have read the management plan and have a copy of it. You should also read the Protected Areas Regulations which has the rules for protected areas.

Congratulations on your appointment and we wish you success in the role of ranger.

Yours sincerely,

For the Management Committee

CONDITIONAL CONSENT TO THE CREATION OF A PROTECTED AREA UNDER THE PROTECTED AREAS ACT 2010

<<Insert Name of Land, (Parcel Number)>>

RECITALS

- A. I, <<insert name of registered landowner>> of <<insert address>> am the registered owner of the fixed term estate for <<insert name of land>> , Parcel Number <<insert number>>. Attached to this document is a true copy of Parts A, B and C of the title documents (two pages).
- B. I understand that the <<name of organisation or individual applying for the protected area>>desires to apply to the Minister of Environment for a protected area to be created in the <<insert name of area>> , including <<insert name of land>> .
- C. The Protected Areas Act 2010 and associated regulations restrict certain activities within protected areas and allow for certain charges to be levied within protected areas.

OPERATIVE PROVISIONS

- 1. I, <<insert name of registered landowner>> of <<insert address>> , give my consent to the creation of a protected area under the Protected Areas Act 2010 which includes <<insert name of land>>, Parcel Number <<insert number>>, subject to the conditions listed below.
- 2. Conditions upon which this consent is given:
 - Condition One
<<Insert Condition>>
 - Condition Two
<<Insert Condition>>
 - Condition ...
<<Insert Condition>>

Signed:

..... DATE:

Insert Name:

.....

Witnessed by:

.....

Signature of Witness:

.....

Name of witness:

.....

Address of witness

.....

.....

.....

Attachments: A true copy of Parts A, B and C of the title documents (two pages).

MEMORANDUM OF UNDERSTANDING (MOU)

Between

<<insert name of landowner group or NGO>>

'the applicant'

And

<<insert name of neighbouring tribes>>

'neighbouring tribe'

WHEREAS:

- A. The applicant will apply to have a protected area declared under the *Protected Areas Act 2012* over the area described below and shown on the map attached to this MoU:

[describe land in words]

- B. The neighbouring tribe are the rightful owners of land next to or close by the proposed protected area.
- C. The *Protected Areas Act 2012* requires an agreement about the location of boundaries between the landowners of the proposed protected area and the neighbouring tribes.
- D. The neighbouring tribe supports the creation of the protected area as described above and depicted on the map attached.

THE APPLICANT AND THE NEIGHBOURING TRIBE AGREE:

1. That the boundaries shown on the map attached to this agreement are accurate.
2. That boundary is between the tribal lands of the << insert name >>people and << insert name >>people. The applicant and neighbouring tribe recognise the boundary in custom as being:

[describe boundary in words]

3. That this agreement is to establish the location of the tribal boundaries for the purpose of the application for a protected area and will not be used in any proceedings resulting from a land dispute or any development activity.

This Agreement is made by:

FOR THE APPLICANT

NAME	SIGNATURE	DATE	WITNESS NAME	SIGNATURE	DATE

FOR THE NEIGHBOURING TRIBES:

NAME	SIGNATURE	DATE	WITNESS NAME	SIGNATURE	DATE



EDO New South Wales (Ltd)
Level 5, 263 Clarence Street
Sydney NSW 2000 AUSTRALIA

E edonsw@edo.org.au

T +61 2 9262 6989

F +61 2 9262 6998

www.edonsw.org.au