

# REPRINT

## **LIVESTOCK DEVELOPMENT AUTHORITY ACT (CAP. 41)**

**As in force at: 1 October 2009**

|                               |
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| <b>STATUS:</b> <b>CURRENT</b> |
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| For details see Endnotes |
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**AN ACT PROVIDING FOR THE ESTABLISHMENT OF A PUBLIC AUTHORITY TO BE KNOWN AS THE LIVESTOCK DEVELOPMENT AUTHORITY WITH NECESSARY REGULATORY AND OPERATIONAL ROLE FOR THE IMPROVEMENT OF THE NUTRITIONAL LEVEL AND INCOME OF THE PEOPLE, MORE PARTICULARLY IN RURAL AREAS, BY COVERING ALL ASPECTS OF LIVESTOCK PRODUCTIVITY AND COMMERCIAL DEVELOPMENT OF ITS PRODUCTS, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.**

# **LIVESTOCK DEVELOPMENT AUTHORITY ACT (CAP. 41)**

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# LIVESTOCK DEVELOPMENT AUTHORITY ACT (Cap. 41)

As in force at: 1 October 2009

## PART I PRELIMINARY

### 1 Short title

This Act may be cited as the *Livestock Development Authority Act*.

### 2 Interpretation

In this Act, unless the context otherwise requires:

**“Authority”** means the Livestock Development Authority established by section 3;

**“carcass”** means the carcass or part of the carcass of a livestock animal and includes the meat, bone, feather, hide, hoof, horn, offal and any other part of such animal;

**“cattle”** means bulls, cows, oxen, steers, heifers, calves and any other bovine animals;

**“Chairman”** means the person for the time being appointed as such under section 6;

**“financial year”** means the financial year of the Authority as specified in section 14;

**“General Manager”** means the person for the time being holding the appointment of General Manager under section 11;

**“livestock”** means cattle, poultry and animals of any other kind, kept or dealt in for use or profit;

**“livestock product”** includes a carcass and anything derived or manufactured therefrom;

**“member”** means a person for the time being holding an appointment as a member of the Authority under section 6;

**“poultry”** includes domestic fowls;

**“Secretary”** means the person for the time being holding the appointment of Secretary under section 11.

## **PART II                    ESTABLISHMENT, INCORPORATION, FUNCTIONS AND POWERS OF THE AUTHORITY**

### **3                    Establishment and incorporation of the Livestock Development Authority, etc.**

- (1) A public authority to be known as the Livestock Development Authority is hereby established in accordance with the provisions of this Act.
- (2) The Authority shall be a body corporate with perpetual succession and a common seal. It may, in its own name, sue and be sued and may enter into contracts, and may acquire, purchase, take, hold and enjoy real and personal property of every description, and may convey, appoint, surrender and yield up, charge, mortgage, transfer and otherwise deal with, or in, real or personal property vested in the Authority upon such terms as it may deem fit. The Authority shall have authority to make such expenditure as it deems necessary for the proper discharge of its functions.
- (3) All deeds, documents and other instruments required to be sealed with the common seal of the Authority shall be sealed therewith in the presence of the Chairman and of the Secretary or some other person authorised in writing by the Authority to act in that behalf, who shall sign every deed, document or other instrument to which such seal is affixed, and such signing shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Authority.
- (4) Any contract or instrument which, if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed on behalf of the Authority by any person generally or specially authorised by the Authority for that purpose.
- (5) Service of any document on the Authority shall be deemed to be

effected by delivering the same or by sending it by registered post to the Secretary.

#### **4 Functions of the Authority**

The functions of the Authority shall be:

- (a) to promote, foster, assist and develop a livestock industry in Solomon Islands;
- (b) to establish and ensure the maintenance of an efficient system for the handling, distribution and marketing of livestock and livestock products;
- (c) to take, with the approval of the Minister, necessary regulatory or operational measures for the improvement of health and commercial productivity of livestock;
- (d)
  - (i) to promote, foster and assist in the research programmes for, and the education and training of, the persons engaged in the rearing and development of livestock, or in carrying on, or the development of, livestock industry;
  - (ii) to provide to such persons necessary services and credit facilities;
- (e) to promote, foster and assist in the education and training of persons employed or to be employed by the Authority in the performance of its functions and in the exercise of its powers;
- (f) such other functions connected with or incidental to the foregoing functions as the Minister may deem fit to specify by notice published in the *Gazette*;
- (g) to make such recommendations and to tender such advice to the Minister as the Authority sees fit in relation to any measures that may be taken in furtherance of any of the foregoing functions.

## **5 Powers of the Authority**

- (1) Subject to, and without derogation from, the other provisions of this Act, the Authority may do all such things as are calculated to facilitate, or as are incidental or conducive to, the better carrying out of its functions and to such end may in particular, and without prejudice to the generality of the foregoing:
  - (a) engage in the buying and selling of livestock and livestock products;
  - (b) construct slaughterhouses, cold storage premises, warehouses, sheds and other buildings requisite or useful for the carrying out of its functions;
  - (c) breed, import, export, improve, distribute, deal and trade in livestock;
  - (d) manufacture, import, export, handle, distribute, deal and trade in livestock products;
  - (e) acquire by purchase, lease or otherwise farming and other lands and premises necessary or useful for the carrying out of any of its functions;
  - (f) carry on all or any of the businesses of wholesale butchers, refrigerating store keepers, farmers, dairymen or shopkeepers;
  - (g) appoint, or act as, agents for such purposes related to or connected with its functions, and for such periods and on such terms and conditions as it shall deem fit;
  - (h) make schemes containing provisions for:
    - (i) procuring of livestock;
    - (ii) establishment of nucleus livestock centres and sires for breeding feeds;
    - (iii) providing disease control and other veterinary services, and services for the inspection of livestock products and commercial livestock feed;

- (iv) pasture development and related facilities;
  - (v) institutional and infrastructure support services for the development of livestock and its commercial productivity;
  - (vi) securing to persons engaged in the development of livestock or livestock industry, loans and other credit facilities from the Development Bank of Solomon Islands, in accordance with such arrangement as may be made by the Authority in consultation with that Bank and approved by the Minister;
- (i) grant pensions, gratuities and retiring allowances to any person leaving its service and require its employees to make contributions to any pension or contributory scheme providing for retirement benefits;
  - (j) make loans to any of its employees on such terms and conditions as may be determined by the Authority for such purposes as it may specifically approve as likely to increase the effectiveness of such employees in their service to the Authority; and
  - (k) do all such things as are incidental to or consequential upon the exercise of its powers or the discharge of its functions under this Act.
- (2) In the performance of its functions, or in the exercise of its powers, the Authority shall:
- (a) act, in consultation with such persons and authorities as may be functioning under law, if any, in force with respect to any matter relating to the disease control and other veterinary services, inspection, quality control, price control and marketing or distribution of livestock and its commercial availability and productivity; and
  - (b) co-operate with such persons, authorities and bodies as it thinks fit.
- (3) In the exercise of its powers under this section the Authority shall give effect to any directions of a general character given to it by the



Minister in writing.

### **PART III                    COMPOSITION AND PROCEDURE OF THE AUTHORITY**

#### **6                    Composition of the Authority**

- (1) The Authority shall be composed of the following members, namely:
  - (a) a member appointed by the Minister to be Chairman of the Authority;
  - (b) four members to represent the interests of the livestock industry;
  - (c) two other members, one of whom shall be a public officer, if a public officer is not appointed to be the Chairman of the Authority;
  - (d) two *ex officio* members, of whom one shall be the General Manager who shall preside over the meetings of the Authority in the absence of the Chairman and the other shall be the Permanent Secretary or the Under Secretary nominated by him in that behalf, of the Ministry responsible for the administration of this Act.
- (2) A member of the Authority who is not an *ex officio* member shall be appointed in writing by the Minister and shall, subject to the other provisions of this section and unless he earlier dies or vacates his office as such member, hold office for such period not exceeding two years as is specified in the instrument appointing him to be a member:

Provided however that if the Minister is satisfied that a member:

- (a) has been absent from meetings of the Authority for a period exceeding three consecutive months without the permission of the Authority; or
- (b) has become bankrupt; or
- (c) is incapacitated by physical or mental illness; or

- (d) is otherwise unable or unfit to discharge the functions of a member,

the Minister may by notice published in the *Gazette* declare the office of such member to be vacant and thereupon such office shall become vacant accordingly.

- (3) Notwithstanding the other provisions of this section, any member may resign his office by giving written notice to the Minister.
- (4) If the Chairman ceases to be a member of the Authority he shall cease to be Chairman.
- (5) A member of the Authority who ceases to be a member shall be eligible for re-appointment.
- (6) The names of all members of the Authority as first constituted and particulars of every change in the membership thereof shall be published in the *Gazette*.

## **7 Meetings and proceedings**

- (1) The Authority shall meet at such times and places as the Chairman shall decide.
- (2) A majority of the members of whom the Chairman, if he is present, and one *ex officio* member shall constitute the quorum at any meeting of the Authority:

Provided that where the Chairman is absent and the General Manager is to preside over any meeting of the Authority, the presence of the other *ex officio* member shall be necessary to constitute such quorum.

- (3) At all meetings of the Authority the Chairman, or in his absence, the General Manager, or in the absence of both of them, such other member as the members present may select, shall preside.
- (4) All questions coming or arising before a meeting of the Authority shall be decided by a majority of the members present and voting thereon at the meeting, and, in the case of an equality of votes, the person presiding shall have a second or casting vote.

- (5) Subject to the provisions of this Act, the Authority may regulate its own procedure, and in particular may regulate the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes, the custody, production and inspection of such minutes and the opening, keeping, closing and auditing of its accounts.
- (6) All orders and directions of the Authority shall be made or given under the hand of the Chairman or the Secretary.

## **8 Pecuniary interest to be disclosed**

If a member has a pecuniary interest, direct or indirect, in any contract or other matter and is present at a meeting of the Authority at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, which shall be recorded in the minutes of the meeting and thereupon such member may take part in the consideration or discussion of the contract or other matter, but shall not vote or otherwise take part in the decision thereon of the Authority.

## **9 Remuneration**

A member, not being a public officer, may be paid and receive from the funds of the Authority such remuneration in respect of his services as a member and such allowances for travelling and subsistence as may be prescribed by the Minister, with the approval of the Minister of Finance:

Provided that where a public officer is the Chairman or any other member, he shall be paid only such allowances for travelling and subsistence.

## **10 Acts, etc., of the Authority not to be invalidated by reason of vacancies**

No act or proceeding of the Authority shall be invalidated in consequence of there being a vacancy in the number of the members of the Authority at the time of such act or proceeding.

## **PART IV            OFFICERS AND SERVANTS OF THE AUTHORITY**

### **11            Officers and servants**

- (1) The Authority may, from time to time, on such terms and conditions of service as it may deem necessary for the efficient discharge of its functions, and:
  - (a) as may be approved by the Minister, appoint and employ a General Manager and a Secretary, or dismiss or otherwise terminate the service of any person so appointed; and
  - (b) as may be approved by it, appoint or employ other officers, employees, agents and advisers, or dismiss or otherwise terminate the service of any person so appointed.
- (2) The Authority may delegate its powers under subsection (1), other than its powers to appoint, employ or dismiss a General Manager or a Secretary, to the General Manager.

## **PART V            FINANCE**

### **12            Funds and resources of the Authority**

The funds and resources of the Authority shall consist of:

- (a) such moneys as may be appropriated to it from the Consolidated Fund;
- (b) such sums as may be lent to it or borrowed under the provisions of sections 20 and 21;
- (c) such sums as may be received by or fall due to it by way of, or in respect of, interest, capital repayment, rent and the profits or proceeds of any investment or the sale of, or dealing in, any land, property, securities or other assets; and
- (d) all other money or property which may in any manner be received by or become payable to or vested in it whether as financial assistance, or otherwise, from any foreign or international institution or organisation in respect of, or

incidental to, any of its powers or functions under this Act.

**13 Banking account**

- (1) The Authority shall open and maintain an account with such bank as the Minister of Finance may approve. The Authority shall pay all moneys received by it into such account.
- (2) Cheques and orders for the payment of any money from any account referred to in subsection (1) shall be signed by a member or the Secretary and at least one other person authorised in that behalf.

**14 Financial year of the Authority**

The financial year of the Authority shall end on the 30th of September in each and every year.

**15 Estimates of annual income and expenditure**

The Authority shall, not later than two months before the commencement of each financial year, prepare estimates of the income and expenditure of the Authority in respect of that financial year and shall submit such estimates to the Minister of Finance for his approval.

**16 Accounts**

- (1) The Authority shall keep full and proper accounts and records of all of its transactions and affairs and shall do all things necessary to ensure that all payments out of moneys of the Authority are correctly made and properly authorised and that adequate control is maintained over the assets of the Authority and the incurring of liabilities by it.
- (2) As soon as may be convenient after the end of each financial year of the Authority, it shall cause to be drawn up, in such form as the Minister of Finance may approve, a statement of its income and expenditure during such financial year and a statement of the assets and liabilities of the Authority on the last day thereof.

**17 Annual report**

- (1) The Authority shall within a period of four months of the end of each

financial year furnish to the Minister a report of its operations during such financial year together with copies of the financial statements in respect of such year drawn up under section 16(2) and a copy of the report on such statements by an auditor appointed under section 18 or by the Auditor-General under section 47 of the *Public Finance and Audit Act* as the case may be.

- (2) The Minister shall cause to be laid on the table of Parliament the reports and statements furnished to him pursuant to subsection (1).

## **18 Auditors**

- (1) The Authority shall, with the approval of the Minister of Finance, appoint an auditor who shall be entitled at any time to have access to all accounts, records and documents of the Authority and to require such information and explanation thereon as he may think fit. The Authority shall determine the annual remuneration of such auditor.
- (2) The auditor shall audit the statements drawn up under section 16(2) as soon as possible after their completion and shall make a report thereon to the Authority.
- (3) The provisions of this section shall be of no force or effect during any such time as the provisions of Part VIII of the *Public Finance and Audit Act* apply to the Authority.

## **19 Exemption from taxation and stamp duties**

- (1) The profits of the Authority shall not be subject to taxation.
- (2) Notwithstanding the provisions of the *Stamp Duties Act*, the Authority shall not be liable to pay stamp duty in excess of five dollars in respect of any instrument executed by or on behalf of the Authority.

## **20 Power to raise loans**

The Authority may from time to time, with the consent of, and upon such terms and conditions as may be approved by, the Minister of Finance, raise loans for the purpose of exercising its powers and carrying out its functions under this Act.

**21 Power to borrow by way of overdraft, etc.**

The Authority may borrow by way of overdraft or temporary loan, and up to such limit as the Minister of Finance may have specified in writing, any sum which the Authority may require temporarily for the purpose of meeting its commitments.

**22 Security**

The repayment of any loan raised or money borrowed under the provisions of sections 20 or 21, and the payment of interest thereon, may be secured by mortgage, debenture or other charge upon the assets of the Authority.

**23 Investment of funds**

The Authority may invest and deal with any moneys in and upon such investments and securities as are for the time being allowed by law for the investment of trust funds and upon such other investments or securities as the Minister of Finance may approve in writing for the purposes of this section.

**PART VI MISCELLANEOUS**

**24 Liability of members and officers of the Authority**

No member or officer of the Authority shall be personally liable for any act or default done or omitted to be done in good faith under the provisions of this Act and any sums of money, damages or costs which may be recovered against them or any one of them in respect of any such act or default shall be paid out of the funds of the Authority.

**25 Overriding effect of Act**

- (1) Save as otherwise provided in this Act, the provisions of this Act shall have effect, notwithstanding anything inconsistent or to the contrary contained in any other law.
- (2) Save as aforesaid, the provisions of this Act shall have effect as supplementary to but not in derogation of any other law.

## **26 Regulations**

The Minister may, after consultation with the Authority, make regulations for the better carrying out of the provisions of this Act, and such regulations may provide that the contravention of any regulation shall be an offence punishable with a fine not exceeding one hundred penalty units or with imprisonment not exceeding three months, or both.



## ENDNOTES

### 1

#### KEY

|                       |                               |
|-----------------------|-------------------------------|
| amd = amended         | Pt = Part                     |
| Ch = Chapter          | rem = remainder               |
| Div = Division        | renum = renumbered            |
| exp = expires/expired | rep = repealed                |
| GN = Gazette Notice   | Sch = Schedule                |
| hdg = heading         | Sdiv = Subdivision            |
| ins = inserted        | SIG = Solomon Islands Gazette |
| lt = long title       | st = short title              |
| LN = Legal Notice     | sub = substituted             |
| nc = not commenced    |                               |

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 41 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

### 2

#### LIST OF LEGISLATION

***Livestock Development Authority Act (Cap. 41)***

*Constituent legislation:* 1 of 1977 (Commenced 1 April 1977)  
8 of 1983

***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

|             |                |
|-------------|----------------|
| Assent date | 29 July 2009   |
| Gazetted    | 1 October 2009 |
| Commenced   | 1 October 2009 |

### 3

#### LIST OF AMENDMENTS

s 26                      amd by Act No. 14 of 2009