

FACT SHEET: CREATING A COMMUNITY-BASED ORGANISATION

Why get organised?

Formally organising your community as a trust or about what to do with land helps communities or a group to administer or deal with the land in a more organised manner. It can also help other organisations, such as environmental NGOs, to deal with the community in a formal legal context.

Your community can more easily enter into agreements such as Community Conservation Agreements in order to:

- protect your land for the benefit of the community, and
- conserve it for your children, grandchildren and future generations.

What sort of group can your community form?

1. A charitable trust
2. A community company
3. A community association



About the Public Solicitor's Office

The Public Solicitor's Office is an independent public office established under the Constitution to provide legal aid, advice and assistance to persons in need. Please ask at our offices for the circumstances and conditions of how we can assist you with your legal problems.

Honiara Office

Placemakers Building,
P.O. Box 553
Honiara, Solomon Islands.
☎ 22348/28404/28405/28406

Lata Office

☎ 53004

Kirakira Office

☎ 50153

Auki Office

(within the precincts of the Auki
Magistrate's Court)
PO BOX Auki 44
☎ 40008/40006

Munda Office

☎ 6204

✉ pubsol@pso.gov.sb

Gizo Office

(next to the Gizo Magistrate's Court)
PO BOX Gizo 84
☎ 60682

Honiara Legal Clinics Timetable

Family Legal Clinic

Tuesdays
9.00am to 12.00noon

Criminal Legal Clinic

Thursdays Wednesdays
2.00pm to 4.00pm

Civil Legal Clinic

Wednesdays
2.00pm to 4.00pm

Land Legal Clinic

Fridays
9.00am to 12.00noon

Legal Clinic for People with Disabilities, every Thursday on a fortnightly basis from 9am to 1pm. People with Disabilities Solomon Islands (PWDSI) Office, DSE Building, New China Town.





What type of organisation is best for your community?

A **charitable association** is an association (a group of people) registered under the Charitable Trusts Act. The charitable association holds property 'on trust', that is, for the benefit of another person or group. For more information about setting up a charitable trust, refer to the fact sheet 'Registering an association under the Charitable Trusts Act'. See below 'Benefits of a charitable association'.

A **community company** is formed under the Companies Act. It is a separate legal entity with directors and shareholders. A company can have commercial purposes. The directors must act in the best interests of the company. You should get legal advice if you are thinking about forming a community company.

A **community association** is a group of people joined together for a particular purpose, ranging from social to business. It is not formally registered under the law, but it can have a constitution, rules and membership requirements. Alternatively, it could simply be a group of people working together without any formal structure, but have the same purpose or goals. In the long term the group may decide to register it as a legal entity.

Benefits of a Charitable Association

Creating a charitable trust association means that your community has a single legal body that can represent all the members of the association. The association can:

- open a bank account to hold and spend money (including money received from groups funding conservation work);
- employ people (including rangers to protect and monitor the land, or staff to work in eco-tourism);
- apply for funding from donors; and
- purchase things, including equipment, outboard motors or building supplies for the association.
- utilize properties for the benefit of the association

How can you use your community-based organisation for nature conservation?

An association will not prevent landowners from consenting to logging or mining activities. Communities that wish to lawfully protect land from logging or mining, or to protect certain species on their land, may want to enter into a more formal conservation arrangement. Examples of conservation arrangements are:

- **A community conservation agreement** – This is a simple agreement between landowners in which landowners agree to do (or not to do) certain activities on their land. For example, landowners may agree not to consent to logging or mining. This type of arrangement is easy to create but can be difficult to enforce. It can only be enforced against

the landowners and not against other groups such as logging or mining companies. Donors can sometimes require a community conservation agreement before funding a conservation area.

- **A protected area** – This is an official arrangement under the Protected Areas Act that stops certain environmentally damaging activities (such as large scale logging and mining) on the land. It can also prohibit other activities, such as hunting and agriculture, if the landowners want it to. Any activities inside the protected area may be included inside a management plan. A protected area takes some time to create, but once created it is easy to enforce and can provide long-lasting protection. For more information on creating a protected area under the Protected Areas Act, refer to our 'Protected Areas' fact sheet.
- **A conservation area** – This option is available in some provinces including Isabel, Choiseul and Western Province. A conservation area is created under a provincial ordinance rather than national law. The procedures for creating a conservation area are different in different provinces. Whether this option is available depends on whether your province has an ordinance relating to this matter. For more information on this option please contact LALSU of the Public Solicitors Office.

DISCLAIMER: The information displayed on this page is provided for information purposes only and does not constitute legal advice. If you have a legal problem, you should see a lawyer.