

IN THE HIGH COURT OF SOLOMON ISLANDS
Civil Jurisdiction
(Bird J)

Civil Case No. 437 of 2024

IN THE MATTER of the Adoption Act 2004

BETWEEN: **PRETTY KWANAIRARA** Child
AND: **KENNETH ROY WOOLLETT** 1st Applicant
AND: **MARGARET MOSS KWANAIRARA** 2nd Applicant

Date of Hearing: 9th September 2025
Date of Decision: 11th September 2025

Mr Rodgers Tovosia for the Applicants

JUDGMENT

Bird PJ:

1. This proceeding is commenced with the filing of an application for adoption pursuant to the provisions of the Adoption Act 2004. The Applicants are Kenneth Roy Woollett and Margaret Moss Kwanairara. They have been living together in a de facto relationship since 1994. The child is Pretty Kwanairara who was born on the 12th September 2010. The child will turn 15 years old on the 12th September 2025.
2. The child's biological mother is the 2nd Applicant's elder sister. The child has been continuously living with the Applicants since she was about two years of age. The Applicants are both residents of Solomon Islands. They have been living and working in Honiara since 1994. They own a home at Tandai in Honiara. They have been living together as a family in their home for about 30 years. The child Pretty has been living with them in their home for more than 10 years.
3. The 1st Applicant is from Sydney, Australia. He owns Honiara Dispensary and has been residing in the country for more than 30 years. He still lives and works in Honiara. The 2nd Applicant is a Solomon Islander.
4. The Applicants have given the required notice of their intention to adopt the child to the Clerk of Honiara City Council on the 8th July 2015. The Clerk responded to that

notice on the 19th April 2016, and advised that there was no objection to the notice. For reasons beyond their control, the application for adoption was not filed in this court until the 23rd October 2024.

5. According to the evidence adduced by the Applicants, they have provided for all of the child's basic needs. They brought up the child together. They paid for her school fees. The child is attending year 8 at Chung Wah School in Honiara. She has been attending school at the school since 2016 to date. The Applicants are the full time care-giver for the child.

The Law

6. I am empowered to grant orders for adoption under the provisions of the Adoption Act 2004. Before I am entitled to make an adoption order in favour of the Applicants, I must be satisfied of certain requirements provided for under the Act. The requirements are as follows:
 - i) Residency of the applicants;
 - ii) Consent of the biological parents;
 - iii) Welfare of the child; and
 - iv) Continuous care and possession by the applicants for at least three months.

Residency of the applicants

7. The Applicants are both living and working in Honiara. The 1st Applicant originates from Australia. He has been living in Solomon Islands for a very long period of time. He owns and operates the Honiara Dispensary, a well-known pharmacy in Honiara City. The 2nd Applicant is a citizen of Solomon Islands. She is also living and working in Honiara.
8. Upon the above basis, I am satisfied that the residency requirement under the Adoption Act is complied with.

Consent of the biological parent

9. The child is the daughter of the 2nd Applicant's sister, one Kay Kwanairara. I have perused the document titled "Consent to making an Adoption Order in the 2nd Applicant's sworn statement filed on the 2nd September 2025. The document was signed by Ms Kay Kwanairara on the 17th October 2024. There is no evidence before me to suggest that the Applicants or the biological mother have promised, or have received any payment or reward in consideration of the application to adopt the child. I am hereby satisfied that the biological mother has consented to the adoption and has voluntarily signed the consent to allow the Applicants adopt the child.

Welfare of the child

10. The 2nd Applicant's various sworn statements filed in this proceeding relate to the child's welfare. The Applicants have been providing for all of the child's basic needs. They have regarded the child as part of their family for more than 10 years. The child attends school and she is now in class 8 at Chung Wah School in Honiara. The Applicants have continuously supported the child by payment of school fees and all other necessities of life. They have been like parents to the child. They have a family home.
11. They have also provided the court with their financial status and standing and I have noted the information provided. With their financial status and standing, I am of the view that they are capable of continuing to raise and support the child and that goes to her total welfare. I have also noted that the Applicants have previously adopted other children. There is no suggestion or evidence before me that those children were not properly taken care of by the Applicants.
12. Upon the above discussion, I am satisfied that the Applicants have put their heart and mind together into adopting the child so that her total welfare is adequately catered for.

Continuous care and possession

13. As previously discussed in this judgment, the child has been in the Applicants continuous care and possession since she was two years old. I am also satisfied that the child has been in the Applicant's care and possession in excess of the three months period as stipulated under the Adoption Act.

Recommendation of the Guardian Ad Litem

14. Having discussed the requirements above, I have also sighted and perused the report prepared by the Guardian Ad Litem. The Guardian have confirmed in the report that it is in the child's best interest that the application is granted to the Applicants. He has had discussion with the child and the 2nd Applicant. He visited the family home and he was satisfied of all the issues relating to the Applicants and the child. I have also spoken with the child in court. She informed me that she would want to be legally adopted by the Applicants.

Name of the child subsequent to an adoption order

15. In the application and in the child's passport bio page, her name is Pretty Kwanairara. The Applicants wish to have the child's name changed to Pretty Kwanairara Woollett subsequent to an adoption order.

Conclusion and decision

16. Being satisfied of all four requirements stipulated under the Adoption Act 2004, I hereby make the following orders:
- i) Mr Kenneth Roy Woollett and Ms Margaret Moss Kwanairara's application for adoption is hereby granted;
 - ii) It is ordered that the applicants, Mr Kenneth Roy Woollett and Ms Margaret Moss Kwanairara do jointly adopt the child Pretty Kwanairara.
 - iii) For the purpose of this adoption order, the child's name shall be known as Pretty Kwanairara Woollett;
 - iv) No orders for cost.



Justice Maeiv Bira

Puisne Judge