REPUBLIC OF VANUATU

CONSOLIDATION OF THE FRENCH AND ENGLISH TEXTS OF THE LAWS OF VANUATU ACT [CAP 295]

Approval of the English Text of the Quarry Consolidation Edition 2025 Order No. 73 of 2025

In exercise of the powers conferred on me by subsection 9(1) of the Consolidation of the French and English Texts of the Laws of Vanuatu Act [CAP 295], I, the Honourable JOB SAM ANDY, Minister of Youth, Justice and Community Services, make the following Order:

1 Approval of the English Text of the Quarry Consolidation Edition 2025

The English Text of the Quarry Consolidation Edition 2025 is approved.

2 Appointed day

The appointed day for the coming into operation of the Quarry Consolidation Edition 2025 is the day on which this Order is made.

3 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 25th **day of** April**, 2025.**

Honourable JOB SAM ANDY
Minister of Youth, Justice and Community Services

Commencement: 18 November 2013

QUARRY ACT NO. 9 OF 2013

Act 9 of 2013
Act 17 of 2016
Act 35 of 2017
Act 7 of 2024

ARRANGEMENT OF SECTIONS

PART 1 – PRELIMINARY
1. Interpretation

PART 2 – FUNCTIONS AND POWERS OF THE COMMISSIONER
2. Powers of the Commissioner
3. Undertaking

PART 3 – APPOINTMENT, FUNCTIONS AND POWERS OF AN AUTHORISED OFFICER
4. Appointment of an authorised officer
5. Powers of authorised officers
6. Record Book
7. Obligation to remedy dangerous practice
8. Obstruction of authorised officers

PART 4 – AGGREGATE PROSPECTING AND QUARRY PERMITS

Division 1 – Aggregate Prospecting Permit

9. Issue of Aggregate prospecting permit
10. Terms and condition of an aggregate prospecting permit
11. Renewal of aggregate prospecting permit
12. Rights under aggregate prospecting permit

Division 2 – Quarry Permit

13. Classes of quarry permits
14. *(Repealed)*
15. Medium Quarry
16. Small Quarry
17. Occasional Quarry
18. Public Works Department permit
19. Issue of quarry permit
19A. Exemption
20. Renewal of quarry permit
20A. Quarry over disputed customary land
21. Removal of building minerals
22. Term of a quarry permit
22A. Suspension of a quarry permit
22B. Cancellation of a permit
23. Record of quarry permits

PART 5 – FOREMAN OF A QUARRY
24. Exemption
25. Foreman of a quarry
26. Qualification of a foreman
27. Quarryman's certificate
28. Acting Foreman
29. Duties of a foreman and Acting foreman
30. Change of foreman or Acting foreman to be notified
31. Commissioner to be notified of operations etc
32. Inspection of a quarry

PART 6 – QUARRY ADVISORY BOARD
33. Establishment of Quarry Advisory Board
34. Chairperson of the Board
35. Functions of the Board
36. Meetings of the Board
37. Quorum at a meeting

PART 7 – EMPLOYMENT AND ACCIDENTS
38. Inquiry into complaints
39. Record of employees
40. Persons prohibited from employment
41. Notification of accident
42. Interference with scene of accident
43. Inquiry into accident causing serious injuries or deaths

PART 8 – FINANCIAL PROVISIONS - ROYALTIES
44. Royalty on building minerals obtained under quarry permit
45. Prohibition on disposal of building minerals
46. Remission and recovery of royalty

PART 9 – MISCELLANEOUS
47. Quarterly statement of operations

48. Monthly statement of operations
49. Yearly return of operations
50. Penalty and offences
51. Seizure of Machinery
52. Penalty Notice
53. Transitional provision
54. Regulations

QUARRY ACT NO. 9 OF 2013

An Act to provide for the regulation of quarry and for related purposes.

PART 1 – PRELIMINARY

1. Interpretation

In this Act, unless the contrary intention appears:

"agent" means a person appointed by a quarry company to act on its behalf and to have the care or direction of a quarry;

"aggregate prospecting" means to search intentionally for building minerals in a land and includes any work necessary to determine the extent and economic value of such minerals;

"authorised officer" means a person appointed by the Commissioner under section 4;

"boiler" means any apparatus used to convert any liquid into steam, vapour, or gas of a higher pressure than that of the atmosphere, together with all fittings and appurtenances including superheaters and economisers;

"building minerals" means mineral substances and rocks commonly used for building, road making or agricultural purposes;

"Commissioner" means the Commissioner of Mines appointed under subsection 6(1) of the Mines and Mineral Act;

"custom owner" has the same meaning as provided under the Custom Land Management Act No. 33 of 2013;

"disputing custom owners" means any lineage, family, clan, tribe or other group who are disputing ownership of custom land. It also refers to disputes between declared custom owners;

"foreman" means a person having immediate charge of the quarrying operations in a quarry;

"machinery" means all mechanical appliances of any kind used for the purposes of quarrying;

"Mines and Minerals Act" means the Mines and Minerals Act [CAP 190];

"Minister" means the Minister responsible for quarry;

"permit holder" means the holder of a quarry permit issued under this Act;

"prescribed" means prescribed by the Minister;

"quarry" means extracting building minerals by any mode or method;

"Quarry Advisory Board" means the Quarry Advisory Board established under section 33;

"quarry area" means an area of land that is subject to a quarry permit;

"quarry company" means a company registered with the Vanuatu Financial Services Commission pursuant to the Vanuatu Financial Services Commission Act [CAP 229] for the purposes of quarry operations or any overseas company operating under the public works department permit;

"quarry permit" means a quarry permit referred to under section 13;

"rock drill" means any machine worked by mechanical or electrical power, which is used for the purpose of drilling holes in a quarry;

"royalty" means the return on the rate of the quarry aggregate paid by a Quarry Company to the Government, the Provincial Government Council and the Custom Owner for the use of aggregate excavated;

"working face" includes excavation face, crushing plant, stockpiling sites and workshop.

PART 2 – FUNCTIONS AND POWERS OF THE COMMISSIONER

2. Powers of the Commissioner

(1) The Commissioner may at all reasonable times:

(a) enter any area, structure, vehicle, vessel, aircraft or building that, in his or her opinion, has been, is being or is to be used in connection with aggregate prospecting or quarry operations; or

(b) inspect and test any machinery or equipment that, in his or her opinion, has been, is being or is to be used in connection with any of the activity referred to in paragraph (a); or

(c) take or remove for the purpose of analysis or testing or for use in evidence in connection with an offence under this Act, samples of minerals or other substances from any land where any of the activity referred to in paragraph (a) is being carried on; or

(d) inspect, take extracts from, and make copies of, any document relating to any of the activity referred to in paragraph (a); or

(e) issue directions in writing to and impose restrictions on the permit holder, with respect to the health and safety of persons employed by a quarry company in connection with any of the activity referred to in paragraph (a); or

(f) make an Order directing:

(i) the cessation of operations on or in, and the withdrawal of all persons from, any structure of building that is being used in connection with any of the activity referred to in paragraph (a); or

(ii) the discontinuance of the use of any machinery or equipment, which he or she considers unsafe; or

(g) make such examination and inquiry as is necessary to ensure that the provisions of this Act, and any directions issued, conditions imposed or orders made under this Act, are being complied with; or

(h) in consultation with the Director for Environmental Protection and Conservation, impose a ban on quarry activities in an area if the quarry activity causes any adverse environmental impact to the natural environment or poses a threat to the livelihood of people in the area;

(i) conduct investigations and provide the Police and the Public Prosecutor with information to prosecute any illegal operators that operates quarry activities.

(2) The Commissioner must show his or her identification to the foreman of a quarry, structure, vehicle, vessel, aircraft, building, machinery or equipment and to any person to whom the Commissioner is about to give an order or direction before exercising any of the powers under subsection (1).

(3) A person who is aggrieved by a decision, direction or order of the Commissioner made under this section may appeal within 10 working days from the date of such decision, direction or order in writing to the Minister who, may as soon as practicable hear and dispose of the appeal.

(4) On appeal under subsection (3), the Minister, may rescind or affirm the decision, direction or order appealed or may make a new decision, direction or order and such decision, direction or order is final.

(5) In exercising his or her powers under subsection (1), the Commissioner may be accompanied by any person who the Commissioner, believes has special or expert knowledge of any matter being inspected, tested or examined.

(6) A foreman who is in charge of any building, structure or place, or of any vehicle, vessel, aircraft, machinery or equipment referred to in subsection (1), must provide the Commissioner with all reasonable facilities and assistance (including the provision of necessary means of transport) for the effective exercise of his or her powers under this section.

(7) The Commissioner may, after consulting the Quarry Advisory Board, by Regulation prescribe a minimum rate per volume of building minerals that may be extracted.

3. Undertaking

The Minister may, on the recommendation of the Commissioner and after consultation with the disputing parties, by notice published in the Gazette, declare a quarry or a part of a quarry as a prescribed undertaking.

PART 3 – APPOINTMENT, FUNCTIONS AND POWERS OF AN AUTHORISED OFFICER

4. Appointment of an authorised officer

The Commissioner is to appoint the following persons as authorized officers for the purposes of this Act:

(a) after consultation with the Public Service Commission, a public servant appointed under the Public Service Act [CAP 246]; or

(b) other persons appointed from time to time for a specified period to carry out a specific task.

5. Powers of authorised officers

An authorised officer has the following powers:

(a) to make such examination and inquiry as is necessary to ascertain whether the provisions of this Act are being complied with;

(b) to enter, inspect, and examine a quarry at all reasonable times by day and night, but so as not to impede or obstruct the operations of the quarry;

(c) to examine into and make inquiry on the state and condition of any boiler or machinery;

(d) to appear at an inquiry held in respect to an accident in a quarry and may question witnesses if necessary;

(da) to prospect for building minerals in a Public Works Department aggregate prospecting site.

(e) to exercise such other powers as may be prescribed by this Act or any other Act.

6. Record Book

(1) An authorised officer who has inspected a quarry or machinery under paragraph 5(b) or (c) must enter in the record book, his or her opinion or a report, of the actual condition of the quarry or machinery at the time of the inspection.

(2) Nothing contained in or absent from such written report of an authorised officer under subsection (1) may be held to limit or affect the responsibility of the owner or foreman of a quarry under this Act.

(3) The Record Book is to be kept and maintained by the permit holder and must be made available for inspection by an authorised officer.

7. Obligation to remedy dangerous practice

(1) If, in the opinion of an authorised officer, any quarry or any works, matter, thing or practice in or connected with quarrying operations is dangerous or defective that it may likely:

(a) to cause bodily injury to or be detrimental to the welfare or health of any person; or

(b) to cause injury to livestock on the quarry area,

he or she must give notice in writing to the owner of the quarry or his or her agent or the foreman and must state in such notice the particulars in which he or she considers such quarry, works, matter, thing or practice to be dangerous or defective.

(2) An authorised officer may require persons referred to under subsection (1) to remedy the defect or danger, either immediately or within such time as he or she may specify, and may order any work, or quarry operations to be suspended until the danger or defect is removed to his or her satisfaction.

(3) On receipt of a notice, the quarry company, agent or foreman must comply with the notice or if he or she objects to it, must immediately state his or her objection in writing to the Commissioner and inform the authorised officer concerned of the objection.

(4) The quarry company agent or foreman of a quarry must cease to use or operate the quarry if he or she is ordered by an authorised officer in writing to do so because of the danger or defect in a quarry, works, matter, thing or practice, and must withdraw all persons from the danger indicated by the authorised officer until the objection has been determined by the Commissioner.

8. Obstruction of authorised officers

A person who:

(a) wilfully obstructs, threats or uses an insulting language to an authorised officer or Commissioner in the exercise of his or her duties under this Act; or

(b) refuses to allow an authorised officer or Commissioner entry for inspection or examination in relation to such quarry,

commits an offence and is liable on conviction to a fine not exceeding VT 500,000 or imprisonment to a term of not more than 6 months, or both.

PART 4 – AGGREGATE PROSPECTING AND QUARRY PERMITS

Division 1 – Aggregate Prospecting Permit

9. Issue of Aggregate prospecting permit

(1) A custom owner may apply to the Area Council Administrator for an aggregate prospecting permit to prospect building minerals in a rural area.

(1A) An Area Council Administrator must, within 7 working days after receiving an application under subsection (1), submit the application to the Commissioner.

(1B) A custom owner or disputing custom owners may give approval to the Public Works Department to explore building materials on a custom land or on a custom land that is in dispute.

(2) A quarry company may apply to the Commissioner for an aggregate prospecting permit to prospect building minerals in an urban area.

(2A) A custom owner or a quarry company who intends to carry out an aggregate prospecting must engage a certified aggregate prospector.

(2B) The Commissioner is to certify an aggregate prospector if he or she has obtained:

(a) a tertiary qualification in Earth Science from a recognised tertiary institution; and

(b) at least 5 years' experience in the quarry industry.

(3) Subject to subsection (4), the Commissioner may, on the payment of the prescribed fee, issue to a custom owner or a quarry company an aggregate prospecting permit to prospect building minerals.

(4) The Commissioner must not issue an aggregate prospecting permit to the custom owner, disputing custom owner, quarry company or a person with whom the custom owner(s) or disputing custom owners have given consent in respect of any land which is subject to:

(a) a claim established and registered under the Mines and Minerals Act; or

(b) a prospecting or mining licence issued under the Mines and Minerals Act; or

(c) a quarry permit issued under this Act; or

(d) a community conservation area registered under the Environmental Protection and Conservation Act [CAP 283]; or

(e) a site classified by the Minister under section 2 of the Preservation of Sites and Artifacts Act [CAP 39]; or

(f) a registered lease whose lease conditions does not include quarry activities.

(5) For the purpose of subsection (4), the Commissioner must not issue an aggregate prospecting permit to a custom owner or a quarry company if he or she is satisfied that the exercise of rights under the proposed aggregate prospecting permit would substantially prejudice the carrying out of operations under the claim, licence or existing prospecting permit.

(6) To avoid doubt, an aggregate prospecting permit:

(a) must not be granted for a period of more than 12 months; and

(b) is not transferrable unless approved by the Commissioner.

(7) A custom owner or a quarry company must carry out a feasibility study of the prospected area, if the custom owner or the quarry company intends to excavate more than 50,000m^3 of building minerals per annum.

(8) The custom owner or a quarry company must submit a copy of the report on the feasibility study referred to under subsection (7) to the Commissioner within 14 days of completion of the report.

10. Terms and condition of an aggregate prospecting permit

(1) The total area to be covered in a prospecting permit must not exceed 100 km^2.

(2) A customer owner or a quarry company must not undertake aggregate prospecting if he or she is not certified to do so by the Commissioner.

(3) A custom owner or a quarry company issued with an aggregate prospecting permit must:

(a) meet the cost of the aggregate prospecting; and

(b) explore and prepare all information as required in subsection 19(4).

11. Renewal of aggregate prospecting permit

(1) A custom owner or a quarry company may apply to the Commissioner for renewal of his or her aggregate prospecting permit.

(2) An application under subsection (1) must be accompanied with a prescribed fee.

(3) The Commissioner may, on the payment of the prescribed fee, renew a prospecting permit on such conditions as he or she may determine.

12. Rights under aggregate prospecting permit

A holder of an aggregate prospecting permit has the exclusive right to prospect for building minerals in a prospective quarry area.

Division 2 – Quarry Permit

13. Classes of quarry permits

The following are the classes of quarry permits:

(a) Commercial permit; and

(b) Landscaping permit; and

(c) Public Works Department permit; and

(d) Occasional permit; and

(e) incubator permit; and

(f) custom owner quarry permit.

14. *(Repealed)*

15. Medium Quarry

(1) A quarry permit issued for medium quarry operations must not exceed a period of 10 years and is renewable.

(2) The volume of building minerals to be extracted per annum for medium quarry operations ranges from 20,000-to 49,999 cubic meters.

(3) The area of medium quarry operations must not exceed 10 hectares.

(4) A holder of an aggregate prospecting permit applying for a permit to undertake medium quarry operations must pay a prescribed fee.

(5) To avoid doubt medium quarry operations must not take place unless an aggregate prospecting has been made for the proposed quarry area.

16. Small Quarry

(1) A quarry permit issued for small quarry operations must not exceed a period of 3 years and is renewable.

(2) The volume of building minerals to be extracted per annum for small quarry operations ranges from 501 to 19,999 cubic meters.

(3) The area of small quarry operations must not exceed 5 hectares.

(4) A holder of an aggregate prospecting permit applying for a permit to undertake small quarry operations must pay a prescribed fee.

17. Occasional Quarry

(1) A quarry permit issued for occasional quarry operations must not exceed a period of 1 month.

(2) The volume of building minerals to be extracted for occasional quarry operations must not exceed 500 cubic meters.

(3) The Commissioner may impose a fee of not more than VT60,000 if the building minerals extracted exceed 500 cubic meters.

(4) A quarry company applying for a quarry permit to undertake an occasional quarry must pay a prescribed fee.

(5) To avoid doubt, an occasional quarry permit may be issued only to a quarry company.

18. Public Works Department permit

(1) The holder of a public works department permit is exempted from paying any fees or royalties to the Government and Provincial Government Council under this Act.

(2) A person undertaking any public works department projects through loan funding must apply for a commercial quarry permit.

(3) To avoid doubt, a person issued with a public works department permit under this Act must pay royalty as specified under this Act to the custom owner.

19. Issue of quarry permit

(1) The holder of an aggregate prospecting permit may apply to the Commissioner for a quarry permit to extract building minerals.

(1A) In addition to subsection (1), a quarry permit is required if:

(a) the custom owner sells or intends to sell, any extracted building minerals for use outside the land from which they are extracted; or

(b) in the opinion of the Commissioner, the extraction of building mineral is:

(i) not for the use of customary purposes as provided under subsection 19A(2); or

(ii) detrimental to the public safety, health and interest.

(2) A person who is not a holder of an aggregate prospecting permit may apply to the Commissioner for an occasional permit to extract building minerals.

(3) An application under subsections (1) and (2) must be in the prescribed form and accompanied with a prescribed fee and must include the following information:

(a) the class of permit applied for under section 15; and

(b) the size of quarry operations to be undertaken; and

(c) an approved Preliminary Environmental Impact Assessment or an Environment Impact Assessment as required under the Environmental Protection and Conservation Act [CAP 283].

(4) In addition to subsection (3), the holder of an aggregate prospecting permit must submit with the application all of the following information gathered during the prospecting phase:

(a) the location of the proposed quarry site; and

(b) the total proven reserve within the identified area for the ascertainment of the quantity of aggregates; and

(c) the result of geotechnical test for aggregates undertaken; and

(d) the specified period of which the permit is to operate; and

(e) the detailed work program, on an annual basis specifying the proposed work plan and the continuous rehabilitation program for the duration of a proposed quarry site; and

(f) the detailed responsibility of each parties, the developer and the custom owner; and

(g) a site plan; and

(h) an occupational Health and Safety Management plan; and

(i) an infrastructure plan; and

(j) an environment management plan; and

(k) a rehabilitation plan; and

(l) details of the building minerals to be extracted; and

(m) such other relevant information as may be required by the Commissioner.

(5) A quarry permit must not be issued in respect of any land:

(a) if the information specified under subsections (3) and (4) are not submitted with the application for a quarry permit; and

(b) if at the time the application for a quarry permit is made, the Commissioner is satisfied that the exercise of rights under the proposed quarry permit would substantially prejudice the carrying out of operations under a:

(i) claim established and registered under the Mines and Minerals Act; or

(ii) prospecting or mining licence issued under the Mines and Minerals Act; or

(iii) quarry permit issued under this Act; or

(c) if the quarry activity will or is likely to cause significant adverse impacts to the natural environment, and pose a threat to the lives of people in the surrounding areas; or

(d) if the land is:

(i) a community conservation area registered under the Environmental Protection and Conservation Act [CAP 283]; or

(ii) a site classified by the Minister under section 2 of the Preservation of Sites and Artifacts Act [CAP 39]; or

(iii) a registered lease whose lease conditions does not include quarry activities.

(5A) The Commissioner may impose general and special conditions for a quarry permit.

(6) A quarry company that operates without obtaining a quarry permit issued under this Act commits an offence and is liable on conviction to a fine not exceeding VT10,000,000.

19A. Exemption

(1) Despite section 19, a quarry permit is not required for the extraction of building minerals on land by the custom owner for customary purposes.

(2) For the purpose of this section, "customary purposes" include any personal use of building minerals by the custom owner for non-commercial purposes.

(3) To avoid doubt, "customary purposes" does not include block manufacturing for sale.

20. Renewal of quarry permit

(1) The holder of a quarry permit may apply to the Commissioner for renewal of a quarry permit.

(2) The Commissioner may, on the payment of the prescribed fee, renew a quarry permit on such conditions as the Commissioner may determine.

20A. Quarry over disputed customary land

(1) The Commissioner must not issue a quarry permit to an applicant under section 19 or 20 who intends to establish or operate a quarry over a land to which ownership is being disputed.

(2) Despite subsection (1), the Commissioner may only issue a quarry permit to an applicant under subclause (1), if he or she has obtained the written consent of all the disputing custom owners approving this quarry to be operated over the disputed land.

21. Removal of building minerals

The holder of a quarry permit may, subject to this Act and the conditions of the quarry permit, enter upon the land specified in his or her permit, mine and remove and dispose any building minerals to which the permit relates.

22. Term of a quarry permit

(1) Subject to this Act, a quarry permit is valid:

(a) for a period not exceeding 10 years from the day on which it is issued; or

(b) for any period not exceeding 2 years from the date of each renewal; or

(c) for the period of the permit unless no operation is undertaken within 12 months of the granting of the permit.

(2) In determining the period for which any quarry permit is to be issued, the Commissioner must have regard to the scale of operations to be carried under the permit, including the expenditure involved and the equipment to be used.

(3) A quarry permit must not be transferred without the prior approval of the Commissioner.

22A. Suspension of a quarry permit

(1) The Commissioner may, by notice in writing, suspend a quarry permit if the Commissioner is satisfied that:

(a) the permit holder has failed to comply with a general or special condition of the permit; or

(b) it is in the public interest that the permit be suspended.

(2) A notice issued under paragraph (1)(a) must:

(a) set out the reasons for the suspension and the period for the suspension; and

(b) specify the general or special condition that has been breached; and

(c) direct the permit holder to comply with the general or special condition within a specified period.

(3) A notice issued under paragraph (1)(b) must:

(a) set out the reasons for the suspension and the period for the suspension; and

(b) direct the permit holder to resolve any dispute or remedy any damage caused by activities undertaken under that quarry permit, within a specified period.

(4) To avoid doubt, if a quarry permit is suspended, the permit holder must cease any quarrying operation until the suspension ceases.

22B. Cancellation of a permit

(1) The Commissioner may cancel a quarry permit, if a permit holder fails to comply with a notice issued under paragraph 22A(2)(c) or (3)(b).

(2) The Commissioner must within 3 days inform the permit holder in writing of the reasons for the cancellation of the quarry permit.

(3) A permit holder must cease all quarry operations upon being informed of the cancellation by the Commissioner.

23. Record of quarry permits

The Commissioner must maintain a register and keep proper record of all matters relating to a quarry permit issued under this Part.

PART 5 – FOREMAN OF A QUARRY

24. Exemption

The Commissioner may, if he or she deems fit, exempt an occasional and landscaping permit holder from the requirements of this Part.

25. Foreman of a quarry

For the purposes of this Act, the foreman may be the owner of the quarry company, agent or a suitable person appointed by such company or agent.

26. Qualification of a foreman

A person must not be employed or act in the capacity of a foreman unless he or she is the holder of a quarryman's certificate granted by the Commissioner under section 27.

27. Quarryman's certificate

(1) The owner of a quarry company, an agent or a person may apply to the Commissioner for a quarryman's certificate.

(2) An application under subsection (1) must be in a prescribed form and accompanied with a prescribed fee.

(3) The Commissioner may grant an application for a quarryman's certificate if he or she is satisfied that the applicant:

(a) has attained the age of 21 years or more; and

(b) has more than 2 years' practical experience in quarrying; and

(c) is proven to be proficient in rendering first aid to injured persons; and

(d) has met such other qualification as may be prescribed by Commissioner from time to time.

(4) The quarryman's certificate must be in a prescribed form and must contain full particulars of a person required under subsection (2).

(5) The Commissioner must keep and maintain a register of Quarryman's certificate.

(6) A quarryman's certificate is evidence of a person's qualification to be a foreman of a quarry company for certain modes of extraction.

(7) To avoid doubt, the holder of a quarryman's certificate must apply to the Commissioner for a quarryman's certificate if the holder ceases to be the foreman in a quarry company whose mode of extraction is different from the existing mode of extraction.

(8) A person commits an offence if the person fails to comply with subsection (7).

28. Acting Foreman

(1) If a foreman is incapacitated and is unable to perform his or her duties or is about to be absent from the quarry for more than 14 days, he or she, or the owner, or agent, must appoint a fit and proper person as Acting foreman during such incapacity or absence, and must notify the Commissioner of the appointment.

(2) A person appointed under subsection (1) must have a quarryman's certificate.

29. Duties of a foreman and Acting foreman

(1) The foreman or in his or her absence, an Acting foreman is responsible for the day to day supervision of the operations of a quarry under his or her control.

(2) The foreman or Acting foreman must make a report in writing to the Commissioner for any breach committed under this Act as soon as practicable after the occurrence of such breach.

(3) The foreman or Acting foreman who fails to produce a report under subsection (2) commits and offence under this Act.

30. Change of foreman or Acting foreman to be notified

(1) The owner of a quarry company, an agent or a person must apply for and be issued with a quarryman's certificate before the person can be appointed as an Acting foreman.

(2) A quarry company must inform the Commissioner in writing within 7 days of the appointment of a foreman or Acting foreman of such appointment.

31. Commissioner to be notified of operations etc

The owner, agent, foreman or deputy foreman must notify the Commissioner in writing within 14 days, if the operations in a quarry have been:

(a) commenced; or

(b) discontinued; or

(c) re-commenced.

32. Inspection of a quarry

(1) A foreman or an Acting foreman must inspect all the working face of the quarry at least once a week.

(2) A person referred to under subsection (1) must sign an entry in a Record Book recording the facts which, at the time of the inspection, exists in a quarry in relation to work, safety, machinery and such other matters that are required to be recorded during inspections.

PART 6 – QUARRY ADVISORY BOARD

33. Establishment of Quarry Advisory Board

(1) The Quarry Advisory Board is established.

(2) The Board consists of the following persons:

(a) the Director General of the Ministry of Lands; and

(b) the Commissioner; and

(c) the Director of the Environment Unit; and

(d) the Director of the Department of Lands; and

(e) the Attorney General or his or her representative.

34. Chairperson of the Board

(1) The Commissioner is to be the Chairperson of the Board.

(2) The members may appoint from amongst themselves a Deputy Chairperson if the Chairperson is absent or is for some reasons unable to perform his or her duties as a Chairperson.

35. Functions of the Board

The Board has the following functions:

(a) to develop co-ordinated Government policies relating to quarry developments in Vanuatu and make such recommendations through the Minister to the Council of Ministers;

(b) to co-ordinate Government consideration of applications and proposal for quarry developments in particular applications and proposals concerning large quarry developments;

(c) to appoint negotiating teams to represent the Government in its dealings with quarry companies and to develop policies, strategies, protocols and rules of practice of a team;

(d) to advise the Minister with respect to the issue of quarry permit and the terms and conditions upon which quarry permit are to be granted;

(e) to develop and revise from time to time, model terms and conditions for the negotiation of state agreements with quarry companies;

(f) to advise the Minister on any other matter as may be required by this Act or any other Act.

36. Meetings of the Board

(1) The Board is to meet at any time to carry out it functions at such place as may be determined by the Chairperson or in his or her absence, the Deputy Chairperson.

(2) If a member is unable to attend a meeting of the Board, his or her representative is to attend the meeting.

37. Quorum at a meeting

(1) The Chairperson or in his or her absence, the Deputy Chairperson and 2 other members constitute a quorum at the meeting of the Board.

(2) All matters of the Board are to be decided by a majority of votes and if there is an equality of votes, the Chairperson has a casting vote.

PART 7 – EMPLOYMENT AND ACCIDENTS

38. Inquiry into complaints

(1) A person employed in a quarry may make a complaint into matters or operations of a quarry to the Commissioner.

(2) The Commissioner must make an inquiry into a complaint made under subsection (1) and may take such other steps as he or she considers necessary to investigate the matter.

(3) In making an inquiry under this section, the Commissioner must not disclose the name of the complainant.

(4) After receiving a report on an inquiry under this section, the Commissioner may exercise his or her powers under paragraph 2(1)(e) or (f).

(5) A quarry company that terminates the employment of his or her employee for reasons of making a complaint under subsection (1) commits an offence and is liable on conviction to a fine not exceeding VT1,000,000.

39. Record of employees

A quarry company must keep and maintain a register of all persons employed in a quarry.

40. Persons prohibited from employment

A person below the age of 18 years must not be employed at a quarry.

41. Notification of accident

(1) The foreman or in his or her absence, the Acting foreman or a permit holder must notify the Commissioner of any accident including the loss of life or serious injury to any person employed in a quarry.

(2) A person who fails to notify the Commissioner under subsection (1) commits an offence and is liable on conviction to a fine not exceeding VT5,000,000.

42. Interference with scene of accident

(1) A person must not interfere or occupy any place of an accident in a quarry except for the purpose of saving life or preventing further injury to a person.

(2) An authorized officer or the Commissioner or 2 other persons appointed by the Commissioner must examine the place of an accident in a quarry to certify whether it is fit for continuation of employment.

(3) In making an examination under subsection (2), the person conducting the examination must take statements of witnesses and make a report of the findings of the examination in the record book.

(4) The person making a report under subsection (3) must specify in the record book whether the quarry site is fit for the continuation of employment.

43. Inquiry into accident causing serious injuries or deaths

(1) An inquiry into accidents causing serious injury to a person or death must be made by the Commissioner and 2 authorised officers experienced in mining or quarrying appointed by the Commissioner.

(2) The Commissioner may appoint other persons experience in mining or quarry to give their opinions on the cause of the accident if no person with such experience has been identified for appointment under subsection (1).

PART 8 – FINANCIAL PROVISIONS - ROYALTIES

44. Royalty on building minerals obtained under quarry permit

(1) Subject to this Act, a permit holder must pay to the State royalty in respect to building minerals extracted in a quarry area.

(2) Royalty paid under subsection (1) must be shared according to the following base unit per volume:

(a) 40% for the Government; and

(b) 40% for the Custom Owner; and

(c) 20% for the Provincial Government Council.

(3) If a custom owner holds one or more shares in a quarry company, the custom owner is not entitled to be paid any royalty.

45. Prohibition on disposal of building minerals

The Commissioner may in writing prohibit a permit holder from removing any building minerals in a quarry area until all outstanding royalties are paid or until an arrangement has been made with the approval of the Commissioner for payment of the outstanding royalty.

46. Remission and recovery of royalty

(1) The Minister may, after consultation with the Minister of Finance and on application made to him or her by a permit holder, make an Order:

(a) to remit, in whole or in part, any royalty payable; or

(b) to defer payment of any royalty,

on such conditions (if any) as he or she may determine.

(2) Royalty payable under paragraph 44(2)(a) or 44(4)(a) is a debt due to the State and may be recovered in a Court.

(3) Subsection (2) does not apply in a case where royalty concerned is payable in kind.

PART 9 – MISCELLANEOUS

47. Quarterly statement of operations

(1) A quarry company, agent or foreman must pay royalties under this Act on an annual quarterly basis and must submit to the authorized officer a return in accordance with the prescribed form stating the:

(a) amount of material obtained from such quarry; and

(b) nature of such material; and

(c) estimated value of such material; and

(d) amount due as royalty.

(2) An authorised officer must at all time have access to the books and accounts of any such quarry and may examine the same for the purpose of ascertaining the amount of royalty payable and other details required with regard to the material obtained from such quarry.

(3) A quarry company, agent or foreman who neglects or refuses to furnish returns to the authorized officer or who wilfully makes a false return or any person who impedes or obstructs any authorised officer duly authorised to perform any duties under the provisions of this Act, commits an offence under this Act.

48. Monthly statement of operations

(1) A quarry company, agent or foreman of a quarry must before the 16th day of every month, furnish the authorized officer with a return in accordance with a prescribed form of the quantity of material quarried or so treated and the quantity of product produced during the previous month, together with the number of persons employed in such operations.

(2) A quarry company must keep a book containing a true record of all materials quarried or treated and, when ascertainable, its value.

(3) The book kept under subsection (2) must be open for inspection by an authorized officer or any person appointed to inspect the same and make such inquiry and investigation as he or she considers necessary.

(4) The person appointed in subsection (3) may make copies of any entries or matters contained in the book and on completion of his or her inspection must make a report to the authorized officer.

(5) A person who obstructs any person in the performance of his or her duties, or without lawful excuse refuses or neglects to produce any book under his or her control or to answer any question asked in the course of an inquiry by any person appointed under this section to investigate commits an offence under this Act.

49. Yearly return of operations

A quarry company, agent or foreman of a quarry must during the month of January in each year, submit to the authorized officer a return in the prescribed form setting in respect of such quarry the particulars for the year ending on the last day of the preceding month.

50. Penalty and offences

(1) A person who commits an offence under this Act is liable on conviction to a fine of not exceeding VT200, 000 or imprisonment for a term of not more than 6 months or both.

(2) Any person who acts in the capacity of foreman of a quarry without being the holder of a quarryman's certificate commits an offence and is liable on conviction to a fine not exceeding VT10, 000 for each day during which he or she so acts in the capacity of foreman.

(3) A person who employs any person, not being the holder of a quarryman's certificate, as a foreman of a quarry commits an offence and is liable upon conviction to a fine not exceeding VT10, 000 for each day during which the employment that is in breach of this subsection continues.

(4) A person who operates a quarry without obtaining a valid quarry permit under this Act commits an offence and is liable on conviction to a fine not exceeding VT5,000,000.

51. Seizure of Machinery

(1) The Commissioner or an authorised officer may seize machinery belonging to a quarry company or any other person if that company or person is operating a quarry:

(a) without a permit issued under this Act; or

(b) without a valid permit; or

(c) in breach of the terms and conditions of the quarry permit; or

(d) contrary to subsection 22A(4) and 22B(3).

(1A) The Commissioner or an authorised officer may request a police officer to assist him or her in seizing machinery belongings to a quarry company or any other person.

(1B) A police officer must so far as practicable assist the Commissioner or an authorised officer whenever requested to do so.

(2) The Commissioner or an authorised officer must not release the machinery seized under subsection (1) unless:

(a) the quarry company has paid an on the spot fine imposed for an offence under subsection 50(4); and

(b) the owner has been issued with a valid quarry permit under this Act.

52. Penalty Notice

(1) The Commissioner may serve a penalty notice if it appears to the Commissioner that a person has committed an offence under any provision of this Act or the Regulations.

(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by the Court, the person may pay within a time and amount of penalty prescribed by the Regulations for the offence if dealt with under this section.

(3) A penalty notice may be served personally or by post.

(4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

(5) Payment made under this section is not to be regarded as an admission of liability for the purpose of, or in any way affect or prejudice, any proceeding arising out of the same occurrence.

(6) The Regulations may:

(a) specify the offence by referring to the provision creating the offence under this Act; and

(b) prescribe the amount of penalty payable for the offence if dealt with under this section; and

(c) prescribe different amounts of penalties for different offences or classes of offences.

(7) The amount of a penalty prescribed under this section for an offence must not exceed the amount of penalty in this Act.

(8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

53. Transitional provision

A permit issued under Part 14 of the Mines and Minerals Act before the commencement of this Act continues to apply on the same terms and conditions until it expires.

54. Regulations

(1) The Minister may, on the advice of the Commissioner, make Regulations:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(2) Without limiting subsection (1), the Minister, on the advice of the Commissioner, may make Regulations for quarry health and safety standards.

Table of Amendments

1	*Amended by Acts 17 of 2016; 7 of 2024*	*2(7)*	*Inserted by Act 17 of 2016*
2(1)(h), (i)	*Inserted by Act 17 of 2016*	*5(da)*	*Inserted by Act 17 of 2016*
		9(1)	*Amended by Act 7 of 2024*

9(1A)	*Inserted by Act 17 of 2016*	*19(1A)*	*Inserted by Act 35 of 2017*
9(1A)	*Substituted by Act 7 of 2024*	*19(3)(c)*	*Inserted by Act 17 of 2016*
9(1B)	*Inserted by Act 7 of 2024*	*19(5)(b)*	*Amended by Act 17 of 2016*
9(2A), (2B)	*Inserted by Act 35 of 2017*	*19(5)(c), (d)*	*Inserted by Act 17 of 2016*
9(4)	*Amended by Act 17 of 2016*	*19(5A)*	*Inserted by Act 17 of 2016*
9(4)(d) – (f)	*Inserted by Act 17 of 2016*	*19A*	*Inserted by Act 35 of 2017*
10(3)(b)	*Amended by Act 17 of 2016*	*20A*	*Inserted by Act 35 of 2017*
12	*Amended by Act 17 of 2016*	*22A, 22B*	*Inserted by Act 17 of 2016*
13(e), (f)	*Inserted by Act 7 of 2024*	*44(2), (3)*	*Substituted by Act 7 of 2024*
14	*Repealed by Act 7 of 2024*	*44(4)*	*Repealed by Act 7 of 2024*
17(4)	*Amended by Act 17 of 2016*	*50(4)*	*Amended by Act 35 of 2017*
17(5)	*Inserted by Act 17 of 2016*	*51(1)*	*Substituted by Act 17 of 2016*
18	*Substituted by Act 7 of 2024*	*52*	*Substituted by Act 17 of 2016*
18(2)	*Amended by Act 17 of 2016*	*54*	*Substituted by Act 7 of 2024*
18(3)	*Inserted by Act 17 of 2016*		