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 Agriculture Consolidation Edition 2025 Order No. 129 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 Agriculture Consolidation Edition 2025

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

2 Appointed day

The appointed day for the coming into operation of the Agriculture 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 07 day of July, 2025.

REPUBLIC OF VANUATU Ministry of Justice & Community Service MINISTER Ministère de la Justice et des Services du Communautaire REPUBLIQUE DE VANUATU

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

Commencement: 28 August 2018

AGRICULTURE
ACT NO. 17 OF 2018

Act 17 of 2018
Act 25 of 2024

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AGRICULTURE
ACT NO. 17 OF 2018

An Act to provide for the development and management of the agriculture sector and for related matters.

PART 1 – PRELIMINARY MATTERS

1. Application of this Act

(1) This Act applies to the agriculture sector and all agricultural activities in Vanuatu.

(2) If a provision of this Act conflicts with a provision of any other Act other than the Constitution, the provisions of this Act prevail.

2. Interpretation

In this Act, unless a contrary intention appears:

"agricultural activity" means the use of land for cropping purposes, including farming, and the necessary uses for packing, treating or storing the produce of such activity;

"Advisory Committee" means the Agriculture Advisory Committee established under section 8A;

"agriculture business" means the carrying on of an agricultural activity in any of the agricultural commodities specified in the Schedule;

"Department" means the Department of Agriculture and Rural Development;

"Director" means the Director of the Department of Agriculture and Rural Development;

"foreign investor" means:

(a) a natural person who is not a citizen of Vanuatu; or

(b) a body corporate:

  (i) that is not wholly controlled by persons who are citizens of Vanuatu; or

  (ii) that has any of its shares (voting or otherwise) beneficially owned or controlled by persons who are not citizens of Vanuatu; or

(c) any entity other than a natural person or a body corporate, where the control of, or the benefit to be derived from the entity, will vest wholly in persons who are not citizens of Vanuatu or a body corporate under paragraph (b),

that operates or intends to operate an investment activity in Vanuatu;

"Fund" means the Commercial Agriculture Development Fund established under section 11C;

"local investor" means a person who is a citizen of Vanuatu who operates or intends to operate an agricultural activity with an annual turnover of VT2,000,000;

"Minister" means the Minister responsible for Agriculture and Rural Development;

"permit" means the agriculture business permit or the agriculture export permit granted under section 11;

"permit holder" means a person granted with the agriculture business permit or the agriculture export permit;

"Policy" means the Vanuatu Agriculture Sector Policy referred to in section 7;

"prime agriculture land" means land that is best for planting food types that may produce high yields of products;

"Vanuatu Agricultural Research and Technical Centre" means the Vanuatu Agricultural Research and Technical Centre established under the Vanuatu Agricultural Research and Technical Centre Act [CAP 286].

PART 2 – ADMINISTRATION AND FUNCTIONS OF THE DEPARTMENT

3. Director of the Department

(1) The Director is responsible for the efficient administration of this Act.

(2) The Director is to advise the Minister and the Director General on matters related to the Department and this Act.

4. General functions of the Department

(1) The general function of the Department is to regulate and to oversee the development of the Agriculture sector according to this Act and any other Act under which the Department is responsible.

(2) Without limiting the generality of subsection (1), the Department has the following general functions:

(a) to coordinate the implementation of the Policy; and

(b) to advise the Minister on all matters relating to the Policy, including the review of the Policy; and

(c) to assist the Vanuatu Agriculture College to develop appropriate agriculture training syllabus and modules based on the needs of the Agriculture Sector; and

(d) to assist the Vanuatu Agriculture College to conduct formal and informal trainings in all relevant aspects of agriculture development; and

(e) to promote field school programs to facilitate hands-on training in the agriculture sector; and

(f) to facilitate joint-venture arrangements between:

(i) a local investor or a foreign investor and a landowner; or

(ii) a local investor and a foreign investor; and

(g) to direct the Vanuatu Agricultural Research and Technical Centre to carry out research, surveys and studies relating to the implementation of the Policy; and

(h) to encourage credit providers to recognize movable, as well as non-movable assets, as collaterals for obtaining agriculture credit; and

(ha) to carry out export development programme for agriculture products; and

(i) to carry out such other functions as may be conferred on the Department under this Act or any other Act.

5. Functions of the Department relating to environment protection and sustainable farming

The Department has the following functions in relation to environment protection and sustainable farming:

(a) to promote the establishment of appropriate centres for planting materials and inputs in all major islands of Vanuatu; and

(b) to encourage environmental protection and sustainable farming methods in all agricultural practices; and

(c) to promote environmental considerations such as buffer zones and wild life corridors in all agricultural practices; and

(d) to promote the protection of endemic species to be considered in all agricultural practices; and

(e) to promote the practice of organic farming; and

(f) to carry out such other functions as may be conferred on the Department under this Act or any other Act.

6. Powers of the Department

The Department has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

7. Vanuatu Agriculture Sector Policy

(1) The Department must, within 5 months from the commencement of this Act, prepare the Vanuatu Agriculture Sector Policy to provide for the development and management of the agriculture sector.

(2) The Minister must table the Policy at a Council of Ministers meeting for its approval.

(3) The Department must review the Policy every 5 years from the date of its approval by the Council of Ministers.

8. Appointment of authorised officers

(1) The Director may appoint:

(a) a suitably qualified and trained person who is not an officer of the Department; or

(b) any of the officer of the Department; or

(c) any of the officer of another department; or

(d) any of the officer of a Provincial Government Council,

to be an authorised officer to perform or exercise any functions or powers that may be performed or exercised for the purposes of this Act, for a period of time as determined by the Director.

(2) The authorised officer must ensure that:

(a) the Policy is being implemented; and

(b) the permit holders are complying with the terms and conditions of their permit; and

(c) the agriculture development is within the prime agricultural land.

(3) The appointment of an authorised officer is to be published by notice in the Gazette.

(4) The Director is to provide to each authorised officer, an identity card that will provide evidence of the identity of that person and of the appointment of that person as an authorised officer under this Act.

(5) An authorised officer who holds an identity card issued under this section must, on the termination of his or her appointment, surrender the identity card to the Director.

PART 2A – AGRICULTURE ADVISORY COMMITTTEE

8A. Establishment of the Agriculture Advisory Committee

The Agriculture Advisory Committee is established.

8B. Composition of the Advisory Committee

The Advisory Committee consists of the following members:

(a) the Deputy Director for Policy and Support Services of the Department; and

(b) the Director of the Department of Industry; and

(c) the Director of Customs and Inland Revenue; and

(d) the Director of Biosecurity; and

(e) the Chief Executive Officer of the Vanuatu Foreign Investment Promotion Agency; and

(f) the Chief Executive Officer of the Vanuatu Primary Producer Authority; and

(g) the Principal of the Vanuatu Agriculture College; and

(h) the Chief Executive Officer of the Vanuatu Agricultural Research and Technical Centre; and

(i) a representative of the Ministry of Agriculture, Livestock, Forestry, Fisheries and Biosecurity nominated by the Minister.

8C. Functions of the Advisory Committee

The Advisory Committee has the following functions:

(a) to ensure that the development of the agricultural sector, through its policy objectives and subsector strategies are effectively implemented and achieved; and

(b) to consider applications for agriculture business permit and agriculture export permit under this Act; and

(c) to make recommendations to the Director on specific matters relating to the administration of the permit systems under this Act; and

(d) to make recommendations to the Director for the approval of permits to be granted under this Act; and

(e) to make recommendations to the Director for suspension or cancellation of permits under this Act; and

(f) to make recommendations to the Director on all matters relating to the implementation of the policy and subsector strategies; and

(g) to carry out such other functions as may be conferred on the Advisory Committee under this Act or any other Act.

8D. Powers of the Advisory Committee

The Advisory Committee has the power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions under this Act or any other Act.

8E. Chairperson and Deputy Chairperson

(1) The Deputy Director for Policy and Support Services of the Department is the Chairperson of the Advisory Committee.

(2) The members of the Advisory Committee are to elect from amongst themselves a Deputy Chairperson of the Advisory Committee for 2 years who may be re-elected only once.

8F. Meetings of the Advisory Committee

(1) The Advisory Committee is to meet at least 2 times in a year and may hold such other meetings as are necessary for the proper performance of its functions under this Act.

(2) The Chairperson is to preside at all meetings of the Advisory Committee and in his or her absence, the Deputy Chairperson is to preside at these meetings.

(3) The Department is the Secretariat of the Advisory Committee.

(4) The quorum for a meeting of the Advisory Committee is 5 members of the Advisory Committee, present at the meeting.

(5) A member present at a meeting of the Advisory Committee has one vote and questions arising at a meeting are to be decided by a majority of votes.

(6) If the voting at a meeting is equal, the Chairperson or the Deputy Chairperson (if he or she is presiding over the meeting) has a casting vote.

(7) Subject to this Act, the Advisory Committee may determine and regulate its own procedures.

8G. Sitting allowances

A member of the Advisory Committee including the Chairperson and Deputy Chairperson is entitled to a sitting allowance of VT5,000 for each day in which the Committee meets.

8H. Other committees

(1) The Advisory Committee may establish other committees to assist the Advisory Committee in carrying out its functions under this Act.

(2) The Advisory Committee is to determine the functions, procedures and compositions of the other committees.

(3) The compositions of the other committees established under this section are to be published in the Gazette.

(4) A member of the other committees including the Chairperson and Deputy Chairperson is entitled to a sitting allowance of VT5,000 for each day in which the committee meets.

PART 3 – AGRICULTURE BUSINESS PERMIT AND AGRICULTURE EXPORT PERMIT

9. Application of permit

(1) A local investor or a foreign investor who intends to carry out a business in an agricultural activity or export an agriculture product in any of the commodities specified in the Schedule must apply to the Director for a permit.

(2) The application must:

(a) be in the prescribed form; and

(b) be accompanied with the prescribed application fee.

(3) The Director must, within 7 working days after receiving an application, provide the application to the Advisory Committee.

10. Assessment of permit application

(1) The Advisory Committee must, within 7 working days after receiving an application under subsection 9(3), assess the application.

(2) The Advisory Committee may:

(a) request the applicant in writing to provide additional information within a reasonable time specified by the Advisory Committee; or

(b) carry out consultations with the applicant on his or her application if the Advisory Committee considers necessary; or

(c) consult with other parties that are part of the relevant commodities sector.

(3) The Advisory Committee must, in writing, recommend to the Director, the name of the applicant who is to be granted a permit if the Advisory Committee is satisfied that the requirements under subsections 9(2) and 10(2) have been met by the applicant.

11. Grant of permit

(1) The Director must, upon receiving a recommendation from the Advisory Committee under subsection 10(3), grant a permit with conditions.

(2) A permit must be in the prescribed form.

(3) A permit is valid for a period not exceeding 1 year.

(4) A permit is invalid if it is granted by the Director in contravention of subsection (1).

11A. Conditions of permit

A permit is subject to:

(a) the provisions of this Act and any other relevant Acts; and

(b) any other conditions which may be prescribed, by Order, by the Director, on the recommendation of the Advisory Committee.

11B. Cancellation

(1) Subject to subsections (3) and (4), the Director must, on the recommendation of the Advisory Committee, cancel a permit if:

(a) the permit holder is in breach of any of the following:

(i) a condition of the permit; or

(ii) a requirement of this Act in relation to the permit; or

(b) the permit holder has failed to pay any amount payable by him or her under this Act or under his or her permit; or

(c) an order is made by the Court for the winding-up of the company.

(2) Paragraph (1)(c) does not apply if the winding-up is for the purpose of amalgamation or reconstruction of the company.

(3) The Director must not cancel a permit unless he or she has given at least 30 days written notice to the permit holder stating:

(a) his or her intention to cancel the permit; and

(b) a date to submit any matter which the permit holder wishes the Director to consider.

(4) In addition to subsection (3), the Director must not cancel a permit unless he or she has taken into account:

(a) any action taken by the permit holder to remedy and prevent further the breach of a condition of the permit or a requirement of this Act; or

(b) any matters submitted to him or her by the permit holder under paragraph (3)(b); or

(c) the payment of any amount of money referred to under paragraph (1)(b), and any other amount paid by the permit holder.

PART 3A – COMMERCIAL AGRICULTURE DEVELOPMENT FUND

11C. Establishment of the Commercial Agriculture Development Fund

(1) The Commercial Agriculture Development Fund is established in accordance with the provisions of the Public Finance and Economic Management Act [CAP 244].

(2) The Fund consists of:

(a) monies appropriated to, or for the purposes of, the Department under an Appropriation Act; and

(b) monies received by the Department by way of fees and charges; and

(c) any other monies received by the Department from any other source.

(3) The Director is to open and maintain bank accounts on behalf of the Department as the Director considers necessary with the approval of the Director General of the Ministry of Finance and Economic Management.

(4) The funds are to be deposited into such bank accounts as determined by the Director.

(5) The purpose of the Fund is to provide financial incentives for:

(a) the Department:

(i) to strengthen agricultural policy research and project monitoring; and

(ii) to finance the implementation of Agriculture Development Programmes; and

(b) the commercial farmers:

(i) to expand and diversify business opportunities; and

(ii) to purchase machineries, tools and equipments to increase the production capacity of the farm; and

(iii) to export agriculture products to another island in the country; and

(iv) to finance the preparation of consignments for export to another country; and

(v) to convert the primary produce to a primary processed product; and

(vi) to diversify the production capacity of the farm to other agriculture produce; and

(vii) to purchase equipment to set up an irrigation system for the farm; and

(viii) to improve road, drainage, water and electricity infrastructure to increase productive capacity of the commercial farm; and

(x) to help with the building construction to house the operation of a value-added business; and

(xi) to safeguard themselves and be resilience against the impact of climate change and disaster.

PART 4 – FEES

12. Definitions

In this Part:

"prescribed period" means the period of 3 years from the date of the grant of a permit.

13. Exemption from requirement to pay permit fees

(1) A foreign investor is exempted, for a prescribed period, from any requirement to pay the permit fee imposed under this Act, if the Director is satisfied, on the advice of the Advisory Committee, that the agriculture business of the foreign investor is a new business and the capital investments exceeds VT50 million.

(2) If the Director determines, after granting the permit to the foreign investor, that the capital investment is less than VT 50 million within the prescribed period:

(a) the exemption under subsection (1) must cease; and

(b) the person is liable to pay a fee for each month that has elapsed during the period of the exemption, at the rate applied during that month.

14. Exemption maybe extended for up to 10 years

(1) A permit holder may, after the expiry of the prescribed period, apply to the Director for exemption of the payment of the permit fee for each year within a period of 10 years.

(2) The application must:

(a) be in the prescribed form; and

(b) be accompanied with supporting evidences of performance; and

(c) be accompanied with the prescribed fee.

(3) The Director may grant an exemption only on the advice of the Advisory Committee and if the Director is satisfied that the permit holder has met the requirements under subsection 13(1) to be eligible for an exemption under this provision.

15. Annual report by permit holder

(1) A permit holder must provide an annual report to the Director within 3 months before the end of each year.

(2) The annual report must specify the following information:

(a) in the case of the agriculture business permit holder:

(i) the status of the development of the agriculture business he or she is engaged in; and

(ii) any other information as may be prescribed by the Director;

(b) in the case of the agriculture export permit holder:

(i) the quantity of crops harvested during a year; and

(ii) the market price and other economic conditions and matters relating to the commodity; and

(iii) the general demand for the commodity in the market; and

(iv) the challenges encountered during the year on the effective implementation of export pathway for the supply of the agriculture product for export; and

(v) the compliance of the suppliers on the quality of the products; and

(vi) the sustainability in the supply of the required quantity of product for export; and

(vii) the inter-island shipping and other transportation challenges; and

(viii) the quantity and quality of government services in the islands and in general to support the supply of products for export; and

(ix) the implementation of the standard operating procedures regulating the supply of products for export; and

(x) any other information as may be requested by the Director.

PART 5 – TAX ON PRIME AGRICULTURE LAND SUBDIVIDED FOR OTHER USE

16. Imposition of a tax on prime agriculture land subdivided for other uses

(1) A lessee of an agricultural lease must pay a tax of 25% of the market value of land, without improvements, for every prime agricultural land used or subdivided for other uses other than agricultural use.

(2) The tax is payable to the Government:

(a) within 30 days of the decision or approval by the Director to subdivide the land; and

(b) by March each year for the succeeding years.

PART 6 – INTERACTIONS WITH OTHER GOVERNMENT BODIES AND PRIVATE SECTOR

17. Consultation with other Government bodies and the private sector

The Director, in ensuring the implementation and review of the Policy, is to carry out consultations with the relevant Government bodies and the private sector by:

(a) conducting workshops, conferences and meetings with the public and private sector organisations and their representatives; or

(b) conducting surveys and forming focus groups to gather and analyse opinions and to report on the results of the survey; or

(c) publishing papers, studies, pamphlets and other materials, in paper or electronic form; or

(d) the use of public media such as radio and newspaper.

18. Coordination of Vanuatu Agriculture Sector Policy

(1) The Director must ensure that the Policy or related programmes do not conflict with or duplicate the policies or programmes of other agencies in Vanuatu, and in particular such policies or programmes directed at the agriculture sector.

(2) Bodies (other than agencies as defined under this section) must ensure that their policies and related programmes do not conflict with or duplicate the policies and related programmes of the Vanuatu Agriculture Sector Policy.

(3) For the purposes of this section:

"agency" means:

(a) a Ministry; or

(b) an office of a Government Minister; or

(c) an office or body established by or under the Constitution; or

(d) an office or body established by or under an Act of Parliament; or

(e) a prescribed agency.

PART 7 – MISCELLANEOUS PROVISIONS

19. Inspection of agricultural investments

For the purposes of implementing, inspecting and ensuring compliance with the provisions of this Act and its Regulations, the Director or an authorised officer may do all or any of the following:

(a) enter and inspect any land or plantation;

(b) enter any vessel, property or building (other than a private dwelling), and inspect any plant, machinery or equipment, and any records of any description on that vessel or property or in that building;

(c) inspect any crop or other agricultural products, wherever it may be located;

(d) require any person to execute a statutory declaration relating to matters within that person's knowledge and control.

20. Immunity

(1) A civil or criminal liability action is not to be taken against the Director, or an authorised officer in respect of anything done or omitted to be done by the Director or an

authorised officer, in good faith in the execution or purported execution of his or her functions or powers under this Act.

(2) The Director or an authorised officer is not exempted from liability under subsection (1) for any act or omission that constitutes bad faith or gross negligence on his or her part.

21. Export of agriculture products

The Minister may, on the advice of the Director, make Regulations:

(a) to approve the export of different agricultural products subject to standards and conditions as may be specified in the Regulations; or

(b) to prohibit or restrict the export of any class or type of agricultural products.

22. Annual Report by Director

(1) The Director must provide an annual report on the implementation of the Policy to the Minister within 4 months after the end of each year, on the following matters:

(a) the status of the growth of the agriculture sector; and

(b) the implementation of the Policy; and

(c) such other information as may be prescribed by Regulations.

(2) The Minister must table the annual report at a meeting of the Council of Ministers.

23. Research

(1) If the Minister considers that there is a need to carry out a research:

(a) into a commodity; or

(b) into an aspect of a commodity,

Set out in the Schedule or as prescribed, the Minister may, on the advice of the Director, grant a research permit to any applicant for research into such commodity or any aspect of such commodity to determine its properties and its use for medical, human consumption or for other purposes as may be prescribed.

(2) The permit granted under subsection (1) is subject to such conditions and fees as may be prescribed.

24. Offences

(1) A person who without reasonable cause, makes, or aids and abets the making of any false statement in any application under section 11 commits an offence and is liable on conviction to a fine not exceeding VT500,000, or imprisonment for a term not exceeding 6 months, or to both.

(2) A person who carries on an agricultural business or export an agriculture product without a valid permit granted under section 11 commits an offence and is liable on conviction:

(a) in the case of an individual -to a fine not exceeding VT500,000, or imprisonment for a term not exceeding 1 year, or both; or

(b) in the case of a body corporate -to a fine not exceeding VT1,000,000.

24A. Variation of Schedule

The Minister may by Order, on the advice of the Director, vary or remove, a prescribed commodity that is listed in the Schedule.

25. Regulations

(1) The Minister, on the advice of the Director, may make Regulations not inconsistent with this Act for the better carry out or giving effect to the provisions of this Act.

(2) Without limiting subsection (1), the Minister, on the advice of the Director, may make Regulations for all or any of the following:

(a) prescribe procedures and forms to be complied with when applying for a permit to carry out the purpose of this Act;

(b) prescribe forms to be complied with for providing information to the Director;

(c) prescribe the form for a permit or notice made under this Act;

(d) prescribe the fees and charges to be paid to the Department for work done or services provided by the Department;

(e) prescribe the standards to be complied with by persons engaged in any agricultural activity specified in the Schedule;

(f) prescribe any other agricultural commodity for the purposes of this Act.

SCHEDULE

The followings are agricultural commodities:

1. Sweet potato
2. Rice
3. Peanut
4. Corn
5. Vegetables
6. Island Cabbage
7. Yam
8. Pawpaw
9. Taro
10. Cassava
11. Banana
12. Cocoa
13. Coffee
14. Kava
15. Coconut
16. Pepper
17. Vanilla
18. Tahitian Lime
19. Noni

Table of Amendments

2	*Amended by Act 25 of 2024*	*Part 3A*	*Inserted by Act 25 of 2024*
4(1)	*Amended by Act 25 of 2024*	*13(1), (2)*	*Amended by Act 25 of 2024*
4(2)(c), (d)	*Amended by Act 25 of 2024*	*14(1), (3)*	*Amended by Act 25 of 2024*
4(2)(f)	*Substituted by Act 25 of 2024*	*15*	*Substituted by Act 25 of 2024*
4(2)(g)	*Amended by Act 25 of 2024*	*16(3)*	*Repealed by Act 25 of 2024*
4(2)(ha)	*Inserted by Act 25 of 2024*	*23(1)*	*Amended by Act 25 of 2024*
8(2)(c)	*Inserted by Act 25 of 2024*	*24(2)*	*Amended by Act 25 of 2024*
Part 2A	*Inserted by Act 25 of 2024*	*25(2)(d)*	*Amended by Act 25 of 2024*
Part 3	*Substituted by Act 25 of 2024*		

Transitional

Act 17 of 2018	*(1)*	*A person who is operating under an agriculture permit before the commencement of this Act must apply for a permit to the Director under Part 3 within 6 months from the commencement of this Act.*
	(2)	*To avoid doubt, a person operating under an agriculture permit may continue to operate without a permit issued under Part 3 for a period of 6 months from the commencement of this Act.*