

REPUBLIC OF VANUATU

BILL FOR THE QUARRY (AMENDMENT) ACT NO. OF 2023

Explanatory Note

This Bill amends the Quarry Act No. 9 of 2013 (“the Act”).

The Geology and Mines Unit has faced a lot of challenges over the years with regards to the management of resources and the benefits that people obtained from the exploitation of resources.

The amendments in this Bill will address these challenges and will also address certain issues that have emerged in the past few years.

This Bill provides for the following:

- (a) for new categories of quarry permits such as the incubator quarry permit to allow custom owners to become entrepreneurs in the quarry industry; and
- (b) for royalty to be shared according to the base unit per volume in the following percentages – 40% to the Government, 40% to the custom owner and 20% to the relevant Provincial Government Council; and
- (c) for the Minister to be able to make Quarry Health and Safety Regulations; and
- (d) for certain exemptions for certain permit holders from paying any fees or royalties; and
- (e) that a person undertaking any projects under the Public Works Department, through loan funding, is eligible to apply for a commercial quarry permit.

Minister of Lands and Natural Resources



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BILL FOR THE QUARRY (AMENDMENT) ACT NO. OF 2023

An Act to amend the Quarry Act No. 9 of 2013.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Quarry Act No. 9 of 2013 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF QUARRY ACT NO. 9 OF 2013

1 Section 1 (Interpretation)

Insert in its correct alphabetical position:

“**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;”

2 Subsection 9(1)

Delete “Commissioner”, substitute “Area Council Administrator”

3 Subsection 9(1A)

Repeal the subsection, substitute

“(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.”

4 Paragraph 13(d)

Delete “.”, substitute “; and

(e) incubator permit; and

(f) custom owner quarry permit.”

5 Section 14

Repeal the section.

6 Section 18

Repeal the section, substitute

“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.”

7 Subsections 44 (2), (3) and (4)

Repeal the subsections, substitute

“(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.”

8 Section 54

Repeal the section, substitute

“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.”