

REPUBLIC OF VANUATU

**BILL FOR THE
FORESHORE DEVELOPMENT (AMENDMENT)
ACT NO. OF 2025**

Explanatory Note

This Bill amends the Foreshore Development Act [CAP 90] ("the Act").

Since its last comprehensive review in 2019, the Act has presented challenges in its enforcement, particularly following the separation and establishment of the Department of Urban Affairs and Planning ("the Department") in 2021. A significant number of provisions within the Act remain under the mandate of the Department of Local Authorities, hindering the Department's legal authority to effectively administer and enforce the Act and its Regulation.

These amendments are essential to streamline processes for approving and renewing foreshore development permits, to clarify definitions related to foreshore areas, and to empower enforcement officers with the necessary authority to ensure compliance. This Bill also provides the Foreshore Advisory Committee with clearer decision-making powers and to adapt to the evolving landscape of national development.

The proposed amendments will strengthen enforcement measures, ensure adherence to quality control and environmental safeguarding, and ultimately contribute to the sustainable and strategic management of foreshore developments in Vanuatu.

Minister of Internal Affairs



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An Act to amend the Foreshore Development Act [CAP 90].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Foreshore Development Act [CAP 90] 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 FORESHORE DEVELOPMENT ACT [CAP 90]

1 Section 1 (definition of “Director”)

Delete “of the Department responsible for Urban Affairs and Planning”, substitute “responsible for the Foreshore Development Unit within the Department of Urban Affairs and Planning”

2 Section 1 (definition of “enforcement officer”)

Repeal the definition, substitute

“enforcement officer” means an officer of the Foreshore Development Unit within the Department of Urban Affairs and Planning and any person appointed under subsection 5I(1);

3 Subsection 3(2)

Delete “for a period of not less than 14 days following the day that the application is received”, substitute “by way of notice at the following places:

- (a) at the area council notice board; and
- (b) at the local authority notice board; and
- (c) on the Department of Urban Affairs and Planning website and other digital platforms.

(2A) An application that is publicly displayed under subsection (2), is to be displayed for a period of not less than 14 days following the day that the application is received.”

4 Paragraph 5B(2)(a)

Delete “of the Department of Local Authority”

5 Paragraph 5B(2)(b)

After “Director”, insert “of Local Authority”

6 Paragraph 5B(2)(e)

Delete “.”, substitute “; and

“(f) a representative from the Foreshore Development Unit nominated by the Director.”

7 Subsection 5B(3)

Delete “and (e)”, substitute “, (e) and (f)”

8 After section 5B

Insert

“5BA. Alternate members

- (1) If a member is for any reason unable to attend a meeting of the Committee, he or she may nominate another person to represent him or her at that meeting of the Committee.
- (2) An alternate member acting on behalf of a member of the Committee is deemed to be a member of the Committee”.

9 Subsection 5E(3)

Delete “3”, substitute “4”

10 Section 5F

Repeal the section, substitute

“5F. Sitting Allowance

The members are entitled to a sitting allowance of VT7, 000 and the Chairperson a sitting allowance of VT10,000 for each day the Committee sits for a meeting.”

11 After section 5H

Insert

“5I. Appointment of an enforcement officer

- (1) The Minister may by Order appoint a person as an enforcement officer.
- (2) The Director is to determine for the terms and conditions of the appointment of the enforcement officer.

5J Revocation of appointment of an enforcement officer

The Minister may revoke an appointment of an enforcement officer if:

- (a) that officer breaches term or condition of his or her appointment; or
- (b) that enforcement officer breaches any provisions of this Act.

5k Functions of an enforcement officer

The enforcement officer is to ensure that the provisions of this Act and its Regulation made under this Act are complied with.”

12 Subparagraph 6(1)(f)

Delete the subparagraph, substitute

- “(f) to order that the construction activity to be stopped for the following reasons:
 - (i) not obtaining consent for the development; or
 - (ii) breach of a condition of the consent; or
 - (iii) breach of the Regulation; and
- (fa) to apply to the Supreme Court for an order to seize plants or construction materials in breach of an offence under this Act or its Regulation.”

13 After subsection 6(4)

Insert

- “(4A) Any plants or construction materials seized under paragraph (1)(fa), must be securely stored in a designated facility until the penalty fines prescribed in the Penalty Notice is paid by the offender.”

14 After section 7

Insert

“7A Seizing of properties

The Director is to seize any property of a developer by the Order of the Court for any breach under this Act.”