

**REPUBLIC OF VANUATU**  
**MINES AND MINERALS ACT [CAP 190],**  
**Quarry Permit Regulation**  
**Order No. 8 of 2005**

A Regulation to make provision for applications for the issue of Quarry Permits and for related matters.

In exercise of the powers conferred on me by section 88 of the Mines and Minerals Act [CAP 190], I, the Honourable Paul Telukluk, Minister of Lands, Geology and Mines and Water Resources make the following Regulations.

**1. Interpretation**

In this Regulation, unless the contrary intention appears:

Act means the Mines and Minerals Act [CAP 190]

Building minerals mean minerals, rocks and other natural substances commonly used for building, road making or agricultural purposes.

Commissioner means the Commissioner for Mining and Minerals appointed under section 6(1) of the Act.

Occasional Quarry Permit means a permit issued under clause 6.

Person includes any statutory body, company or association of body of persons corporate or unincorporated.

Quarry permit means a permit issued under clause 4.

Quarrying means extracting building minerals by any mode or method.

Quarter means the period ending on ending the March, the March, the June , September and December of each year.

**2. Custom Owners**

- (1) Subject to subclause (2), a permit is not required for the extraction of building minerals on land by the custom owner of the land for customary purposes.
- (2) A permit is required if:
  - (a) the custom owner of land sells, or intend to sell, any extracted building minerals for use outside the land from which they were extracted; or
  - (b) in the opinion of the Commissioner, the extraction of the building mineral is:
    - (i) disproportionate to or a change from customary purposes; or
    - (ii) unsafe to any member of the Public; or
    - (iii) detrimental to the public interest

### **3. Application**

- (1) A person must apply to the Commissioner for the issue or renewal of a quarry permit.
- (2) A non refundable fee of Vt 2,500 must accompany any application for the issue or renewal of a quarry permit.
- (3) An applicant is a company, the full names, addresses and nationalities of the directors and details of where the company is registered;
  - (a) Details of the area to be covered by the permit which must not exceed 0.5 square kilometre illustrated by a sketch plan, at a scale of not less than 1:2000, whose boundaries must be straight lines, and whose coordinates must be fully defined in a manner acceptable to the commissioner;
  - (b) An occupational and health safety management plan outlining the occupational health and safety risks that may occur, and the steps to be taken to manage those risks;
  - © Information on the number of persons to be employed, including citizens and non citizens, and any employee training programs;
  - (d) An infrastructure plan, including expected requirements;
  - (e) Information on the number of persons to be employed, including citizens and non citizens, and any employee training programs;
  - (f) an infrastructure plan, including expected requirements;
  - (g) an environment management plan consistent with guidelines (if any) determined by the Minister setting out:
    - (i) the environment risks which may occur and the steps to be taken to reduce or manage those risks; and
    - (ii) the measures to deal with overburden, water runoff and topsoil management; and
  - (iv) a proposed rehabilitation plan for ongoing rehabilitation and rehabilitation of the site after relinquishment;
- (h) Details of the building minerals to be extracted, including an estimate of the quantity in cubic meters to be extracted, and the building materials to be made and the proposed program of work including information on blasting and drilling operations, transport, and the frequency, type and mode of spillage protection;
  - (i) the term for which the permit is required
  - (j) a copy of the signed contract between the applicant and the custom owner of the land and the lawful occupier of the land (if different to the custom owners) approving the quarry.
- (4) The Commissioner may, by notice served on the applicant, require further information in respect of the application as the Commissioner considers relevant or necessary. The applicant must comply with the notice.
- (5) The Commissioner must not issue or renew any permit unless a copy of the application has been exhibited for a period of not less than 30 days at the headquarters of the area council of the local government council responsible for the land which is the subject of the application.

#### **4. Form and conditions of quarry permit**

- (1) A quarry permit is to be issued in a form approved by the Commissioner.
- (2) A quarry Permit is to be issued subject to such conditions as are determined by the Commissioner and specified in the permit.

#### **5. Fee**

The fee payable for a quarry permit is VT 50,000 per year payable annually in advance to the Commissioner

#### **6. Occasional quarry Permit**

- (1) An application for an Occasional quarry permit is to be in writing and contain such information as the Commissioner specifies.
- (2) An occasional quarry permit is to be issued for a period determined by the Commissioner and specified in the permit, and the maximum amount of material to be extracted must not exceed 500 cubic metres. An Occasional quarry permit cannot be renewed.
- (3) An occasional quarry permit is to be issued subject to such conditions as are determined by the Commissioner and specified in the permit, and the maximum amount of material to be extracted must not exceed 500 cubic meters. An Occasional quarry permit cannot be renewed.
- (4) An Occasional quarry permit is to be issued in a form approved by the Commissioner.
- (5) The fee payable for an occasional quarry permit is VT 10,000 per permit and is payable to the Commissioner on or before the issue of the permit.

#### **7. Revocation and suspension**

- (1) The Commissioner may revoke or suspend a quarry permit or an occasional quarry permit if the permit holder does not comply with all or any of the conditions.
- (2) If the Commissioner intends to revoke a permit, the Commissioner must give notice in writing to the permit holder stating that the Commissioner intends to revoke the permit and the grounds upon which it intends to revoke the permit.
- (3) The Commissioner must give a permit holder written notice of any revocation and the revocation takes effect on the date specified by the Commissioner in the notice.
- (4) If a permit is revoked, the permit holder must quarry on and from the date of revocation of the permit.
- (5) The Commissioner may suspend a permit by notice in writing to the permit holder. The notice must specify the reasons for the suspension and the period of the suspension which must not exceed 14 days.
- (6) If a permit is suspended, the permit holder must cease quarrying until the suspension ceases to be of effect.
- (7) The Commissioner may also revoke or suspend a permit if the Commissioner considers it to be in the public interest to do so or if the Commissioner is satisfied that the quarrying operations are liable to disturb public order.

**8. Returns**

(1) The holder of a quarry permit must forward to the Commissioner, within one month after the end of each quarter, a return showing the amount of material obtained from each quarry, the nature of the material, the saleable value of such material and such other information as the Commissioner may require.

**9. Relinquishment**

A quarry permit or an occasional quarry permit may be relinquished at any time by the permit holder by written notice to the Commissioner.

**10. Restoration of Land**

(1) Unless the Commissioner otherwise specifies, the quarry permit holder must remove, within 60 days after the expiry or relinquishment of the permit, any camp, temporary buildings or machinery erected or installed by the permit holder and make safe the area covered by the permit, to the satisfaction of the Commissioner.

(2) The permit area is to be rehabilitated to the level specified in the permit or, if this is not specified, the level determined by the Commissioner in consultation with the custom owners of the land.

**11. Penalty**

If a person extracts building minerals from land and the person is not the holder of a valid quarry permit or occasional quarry permit, the person is guilty of an offence and is punishable on conviction;

- (a) if the person is an individual, to a fine not exceeding VT50,000 or imprisonment for not more than 12 months, or both; and
- (b) in any other case to a fine not exceeding VT100,000

**12. Recovery of Fees**

Any fees payable under this regulation is recoverable as a debt due to the state in a court of competent jurisdiction.

**13. Repeal**

The Quarry (permit) (Regulation) Order No. 17 of 1991 is repealed.

**14. Commencement**

This regulation commences on the date of its publication in the Gazette

Made at Port Vila, this.....day of.....2005

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The Honourable Paul Telukluk  
Minister of Lands, Geology and Mines and Water Resources