

Commencement: 22 September 2008

REPUBLIC OF VANUATU

**KAVA ACT
NO 7 OF 2002**

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REPUBLIC OF VANUATU

Assent: 31/12/2002

Commencement: 22/09/2008

**KAVA ACT
NO 7 OF 2002**

An Act to regulate the cultivation, sale and export of kava and kava products

Be it enacted by the President and Parliament as follows-

PART 1 - INTERPRETATION

1 Definitions

In this Act unless the contrary intention appears:

kava means:

- (a) plants of the species, *Piper methysticum*; or
- (b) the traditional beverage obtained by cold water extraction of the plant's underground organs.

kava products include dried kava, bark, peelings and makas of kava.

makas means the residues remaining after the cold water extraction of the kava plant's underground organs to obtain the traditional beverage.

medicinal kava means a variety of kava listed in Table 2 of the Schedule and includes their synonyms on other islands.

Minister means the Minister responsible for agriculture.

nobles kava means a variety of kava listed in Table 1 of the Schedule and includes their synonyms on other islands.

organic means free of artificial fertilizers, pesticides and other residues.

person includes any statutory body, company or association of persons corporate or unincorporate.

two days kava means a variety of kava listed in Table 3 of the Schedule and includes their synonyms on other islands.

wichmannii kava means a variety of kava listed in Table 4 of the Schedule and includes their synonyms on other islands.

PART 2 – PROTECTION OF KAVA IN VANUATU

2 Organic cultivation

A person is to cultivate kava in Vanuatu using only organic methods of cultivation.

3 Varieties of kava and kava products for sale on local market

(1) A person must not sell kava, or offer kava for sale, in Vanuatu unless it is nobles kava or medicinal kava that:

- (a) was planted at least 3 years before it was harvested; and
- (b) was cultivated using organic methods of cultivation.

(2) A person must not sell kava products, or offer kava products for sale, in Vanuatu unless they have been produced from nobles kava or medicinal kava that:

- (a) was planted at least 3 years before it was harvested; and
- (b) was cultivated using organic methods of cultivation.

(3) To avoid doubt, a person must not sell or offer for sale in Vanuatu any of the following:

- (a) wichmannii kava;
- (b) two days kava;
- (c) kava products produced from wichmannii kava or two days kava, whether or not in combination with any other variety of kava.

(4) Nothing in this Act is to be taken to prevent a person from cultivating any variety of kava for personal use.

4 Labelling for local market

A person must not sell or offer for sale in Vanuatu any bag, container or other receptacle containing kava or kava products unless the name of the variety and the island of origin of the kava is clearly marked on it.

5 Who can sell kava or kava products on the local market?

A person must not sell or offer for sale in Vanuatu kava or kava products unless the person is:

- (a) an indigenous ni-Vanuatu; or

(b) a local company within the meaning of the Companies Act [CAP 191] that has at least 51% of its shares (voting or otherwise) owned or controlled by persons who are indigenous ni-Vanuatu.

PART 3 – PROTECTION OF KAVA FOR EXPORT

6 Varieties of kava and kava products for export

(1) A person must not export kava from Vanuatu unless it is nobles kava that:

- (a) was planted at least 5 years before it was harvested; and
- (b) was cultivated using organic methods of cultivation.

(2) A person must not export kava products from Vanuatu unless they have been produced from nobles kava that:

- (a) was planted at least 5 years before it was harvested; and
- (b) was cultivated using organic methods of cultivation.

(3) Subject to subsection (4), a person must not export any of the following from Vanuatu:

- (a) two days kava;
- (b) medicinal kava;
- (c) wichmannii kava;
- (d) kava products produced from two days kava, medicinal kava or wichmannii kava, whether or not in combination with any other variety of kava.

(4) A person may export from Vanuatu:

- (a) two days kava or medicinal kava; or
- (b) kava products made from either of both of these varieties of kava;

only if the person has been requested to do so by a person outside Vanuatu and the proposed export complies with the requirements of the Plant Protection Act No. 14 of 1997 and any other relevant Act.

7 Labelling for export

A person must not export from Vanuatu any bag, container or other receptacle containing kava or kava products unless each of the following is clearly marked on it:

- (a) the name of the variety of the kava;
- (b) the island of origin of the kava;
- (c) the distinct organs of the kava;
- (d) the words “Original Vanuatu Kava”.

8 Who can export kava or kava products?

(1) A person must not export kava or kava products from Vanuatu unless the person is:

- (a) a citizen of Vanuatu; or
- (b) a local company within the meaning of the Companies Act [CAP 191] that has at least 51% of its shares (voting or otherwise) owned or controlled by persons who are citizens of Vanuatu.

(2) This section does not apply to an individual or company if immediately before the commencement of this section that individual or company was legally entitled under or by any Act or subordinate legislation to export from Vanuatu kava or kava products.

9 Additional export protections

A person must not export from Vanuatu or exchange with a person outside Vanuatu any of the following:

- (a) stumps, shoots, growing buds, lateral branches and other planting materials of kava;
- (b) fresh organs of kava (eg roots or stumps) that could be used for propagation;
- (c) other propagating materials of kava.

PART 4 - MISCELLANEOUS

10 Offence

A person who contravenes a provision of this Act is guilty of an offence punishable on conviction by a fine not exceeding VT 500,000 or imprisonment for a period not exceeding 3 months, or both.

11 Inspection powers etc

For the purposes of ensuring compliance with this Act, an officer appointed under section 9 of the Plant Protection Act No. 14 of 1997 may exercise any of the powers set out in section 14 of that Act in relation to kava or kava products (eg an officer can inspect a local farmer's kava crop and test for pesticides).

12 Regulations and orders

- (1) The Minister may make regulations prescribing all matters:
 - (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 this Act.
- (2) The Minister may by order amend the Schedule.

13 Commencement

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

SCHEDULE

Section 1

Table 1
Nobles kava

Item	Variety	Origin
1	Melomelo	Ambae
2	Asiyai Biyaj	Aneityum
3	Palimet Miela Olitao	Emae

4	Kelai	Epi
5	Ge wiswisket Ge gusug	Gaua
6	Borogoru	Maewo
7	Silese	Malekula
8	Melmel Borogu Sese	Pentecost
9	Urukara Bir Sul Bir Kar Palarasul Palasa Poivota	Santo
10	Pia Ahouia Leay Amon	Tanna
11	Puariki Pualiu	Tongoa
12	Naga miwok Ge vemea	Vanua Lava

Table 2
Medicinal kava

Item	Variety	Origin
1	Mologugei	Ambae East
2	Ngwangaru	Ambae East
3	Bisuiboe	Ambae West
4	Mavute	Ambae West
5	Ketche	Aneityum
6	Mokom	Aneityum
7	Riki	Aneityum

8	Oleikaro	Emae
9	Pualapa	Emae
10	Ulutao	Emae
11	Bagavia 1	Epi
12	Bagavia 2	Epi
13	Meoler	Epi
14	Pakaewa	Epi
15	Purumbue	Epi
16	Tinbokai	Epi
17	Liki	Erromango
18	Pic	Erromango
19	Pore	Erromango
20	Bumalotu	Maewo North
21	Hawerara	Maewo North
22	Malokai	Maewo North
23	Raimelmelo	Maewo North
24	Resres	Maewo North
25	Maloglelab	Malekula North East
26	Maloglaslas	Malekula North East
27	Nemleu	Malekula North East
28	Tafandai	Malekula North West
29	Baan	Malekula North West
30	Daou	Malekula North West
31	Tapoka	Malo
32	Hig	Mere Lava
33	Lab	Mota Lava
34	Nagame	Mota Lava
35	Loa	Nguna
36	Malakesa	Nguna
37	Pilake	Nguna
38	Meihang	Paama
39	Teiha	Paama
40	Toh	Paama
41	Borogu tememe	Pentecost Central
42	Bukulit	Pentecost Central
43	Borogu temit	Pentecost Central
44	Borogoru maita	Pentecost North

45	Borogoru memea	Pentecost North
46	Vabugai	Pentecost North
47	Bugolita	Pentecost North
48	Gorogoro entepal	Pentecost South
49	Gorogoro entemet	Pentecost South
50	Kerakra	Pentecost South
51	Tamaevo	Pentecost South
52	Aigen	Tanna Central
53	Mita	Tanna Central
54	Saosao	Tanna Central
55	Tuan	Tanna Central
56	Kiskisnian	Tanna Central
57	Yalon	Tanna Central
58	Awor	Tanna Central
59	Malamala	Tanna Central
60	Paama	Tanna Central
61	Wapil	Tanna Central
62	Pusan	Tanna South East
63	Marangmarang	Tanna South East
64	Kokoffe	Tanna South East
65	Kowariki	Tanna South East
66	Malamala	Tanna South East
67	Paama	Tanna South East
68	Ewo	Tongoa
69	Metolei	Tongoa
70	Tau	Tongoa
71	Nimau	Tongoa
72	Bualap	Tongoariki
73	Buarik	Tongoariki
74	Milake	Tongoariki
75	Ngako	Ureparapara
76	Ngasien	Ureparapara
77	Nol	Ureparapara
78	Gemime	Vanua Lava
79	Ranranre	Vanua Lava

Table 3
Two days kava

Item	Variety	Origin
1	Gawobo	Ambae East
2	Ronriki	Ambae East

3	Tarivoravora	Ambae East
4	Valeiboe	Ambae East
5	Qoro	Ambae East
6	Sulusulu	Ambae East
7	Ganono	Ambae East
8	Garaeto	Ambae East
9	Makaru	Ambae East
10	Mologomavute	Ambae East
11	Tarimavute	Ambae East
12	Taritamaewo	Ambae East
13	Memea	Ambae West
14	Mindo	Ambae West
15	Rogorogopula	Ambae West
16	Tolu	Ambae West
17	Tari	Ambae West
18	Tariporo	Ambae West
19	Laklak	Ambrym North
20	Apeg	Aneityum
21	Nisginekra	Aneityum
22	Tchap	Aneityum
23	Nidinolai	Aneityum
24	Metche	Aneityum
25	Yag	Aneityum
26	Nakasara	Emae
27	Meawmelo	Epi
28	Lo	Epi
29	Mage	Epi
30	Kaviui	Epi
31	Mitiptip	Epi
32	Vila	Epi
33	Wari	Epi
34	Vip	Epi
35	Meawlake	Epi South
36	Meawmeia	Epi South
37	Avia	Erromango
38	Vila	Erromango
39	Gumaito	Maewo North
40	Daumangas	Maewo North
41	Rairairegi	Maewo North
42	Tariparaus	Maewo North
43	Tufagi	Maewo North
44	Tumpuinakapmato	Maewo North

45	Tarihani	Maewo North
46	Rongrongvula	Maewo South
47	Tarivarusi	Maewo South
48	Vabu	Maewo South
49	Mologubanano	Maewo South and Pentecost North
50	Mologubanga	Maewo South and Pentecost North
51	Malokrok	Malekula North East
52	Pade	Malekula North West
53	Malatuwas	Malekula North West
54	Nalimliune	Malekula North West
55	Poua	Malekula North West
56	Vasa	Malo
57	Roge	Malo
58	Namtemplao	Mota Lava
59	Nipunstaban	Mota Lava
60	Tarivarus	Mota Lava
61	Take	Pentecost Central
62	Tabal	Pentecost Central
63	Malmalbo	Pentecost Central
64	Rongrongwul	Pentecost Central
65	Abogae	Pentecost Central
66	Fabulakalaka	Pentecost Central
67	Lalahk	Pentecost Central
68	Renkaru	Pentecost Central
69	Sese	Pentecost North
70	Vabulagaga	Pentecost North
71	Rara	Pentecost North
72	Baraeto	Pentecost North
73	Rabualeva	Pentecost North
74	Kavik	Pentecost North
75	Mangaru	Pentecost North
76	Rongrongvula	Pentecost North
77	Sese laralara	Pentecost North
78	Tarivarusi	Pentecost North
79	Sese	Pentecost South
80	Takere	Pentecost South
81	Lalahk	Pentecost South

82	Tarivarusi	Pentecost South
83	Marino	Santo Central
84	Merei	Santo Central
85	Fock	Santo Central
86	Malogro	Santo Central
87	Thyei	Santo Central
88	Tudey	Santo Central
89	Yevoet	Santo Central
90	Palavoke	Santo South West
91	Pirimerei	Santo West
92	Aheyoke	Santo South West
93	Palisi	Santo West
94	Woko	Santo West
95	Awke	Tanna Central
96	Fare	Tanna Central
97	Kalawas	Tanna Central
98	Tikisikis	Tanna Central
99	Apin	Tanna Central
100	Gnare	Tanna Central
101	Fiji	Tanna Central
102	Pentecost	Tanna Central
103	Rhowen	Tanna Central
104	Tudey	Tanna Central
105	Vila	Tanna Central
106	Apol	Tanna South East
107	Kowarwar	Tanna South East
108	Ring	Tanna South East
109	Tapuga	Tanna South East
110	Pentecost	Tanna South East
111	Tudey	Tanna South East
112	Vila	Tanna South East
113	Oleikaro	Tongoa
114	Raro	Tongoa
115	Nakasara	Tongoa
116	Maet	Tongoariki
117	Elot	Tongoariki
118	Lulu	Tongoariki
119	Hin	Torres
120	Hinyanyie	Ureparapara
121	Ngawo	Ureparapara
122	Tarivarus	Ureparapara
123	Gelava	Vanua Lava

124	Nambalao	Vanua Lava
125	Tarvarus	Vanua Lava
126	Wisabana	Vanua Lava

Table 4
Wichmannii kava

Item	Variety	Origin
1	Vambu	Ambae East
2	Tchai	Aneityum
3	Bamboo	Maewo North
4	Buara	Maewo North
5	Tangurlava	Maewo North
6	Kau	Tongoa
7	Vambu	Vanua Lava
8	Gimonlagakris	Vanua Lava
9	Bogong	Pentecost Central
10	Mele liap	Pentecost Central
11	Sini Bo	Pentecost Central
12	Bogongo	Pentecost North



REPUBLIC OF VANUATU

KAVA (AMENDMENT) ACT NO. 6 OF 2015

Arrangement of Sections

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REPUBLIC OF VANUATU

Assent: 04/08/2015
Commencement: 24/01/2017

KAVA (AMENDMENT) ACT NO. 6 OF 2015

An Act to amend the Kava Act No. 7 of 2002.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Kava Act No. 7 of 2002 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 THE KAVA ACT NO. 7 OF 2002

1 Part 1 (Heading)

Delete "INTERPRETATION", substitute "PRELIMINARY MATTERS"

2 Section 1 (definition of 'kava products', 'medicinal kava', 'two days kava' and 'wichmannii kava')

Repeal the definitions.

3 Section 1

Insert in its correct alphabetical position

"**authorised officer** means a person appointed under section 1C;

Director means:

- (a) for the purposes of Parts 1, 2, 3 and 4 – the Director of the Department of Agriculture;
- (b) for the purposes of Part 3A – the Director of the Department of Biosecurity;

kava products include any product derived from or produced from kava;

narafala kava means any other variety of kava other than nobles kava;"

4 After section 1

Insert

"1A Functions of the Director

The Director has the following functions:

- (a) to be responsible for the development, coordination and where appropriate, the implementation of Government policies and programs in relation to kava; and
- (b) to prepare guidelines, standards, manuals or codes of practice and procedure for the production of kava; and

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- (c) to advise and provide reports to the Government on policies and implementation strategies relating to kava; and
- (d) to carry out, in relation to kava production -research, assessment, monitoring and inspection; and
- (e) such other functions as are conferred on the Director under this Act.

1B Delegation of functions of the Director

- (1) The Director may, in writing, delegate to an officer of the Department, any of the Director's functions under the Act.
- (2) A delegation may be in relation to a particular matter or a class of matters.
- (3) The Director may at any time revoke or vary a delegation.
- (4) The Director may exercise a function despite delegating the function under this section.

1C Appointment of authorised officers

The Director is to appoint a person or category of persons to be authorised officers for the purposes of this Act.

1D Powers of an authorised officer

- (1) For the purposes of enforcing and ensuring compliance with the provisions of this Act and its Regulations, an authorised officer may:
 - (a) enter any land or kava farm after notifying the owner of his or her intention to do so; and
 - (b) enter private premises after notifying the owner of his or her intention to do so; and
 - (c) enter any vessel or aircraft and make such examinations or inquiries as are necessary for ascertaining whether the export standards or requirements in relation to kava or kava products have been complied with; and
 - (d) examine any kava facility; and
 - (e) examine the content of kava or kava products to ascertain whether it has met the required standards for export; and

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- (f) prevent the export of kava or kava products that have not met the required standards for export; and
 - (g) take or remove samples of any matter required for testing and analysis of any kava or kava product; and
 - (h) take photographs or measurements or make sketches or recordings in any form of any kava or kava product; and
 - (i) require the production of records and information relevant to the requirements of this Act and its Regulations, and to make and take copies of such records and information; and
 - (j) interview any person for the purposes of carrying out an inspection under this Act.
- (2) An authorized officer may take possession of kava and kava products that are not nobles kava if he or she reasonably believes that there will be a commercial transaction or export of that product.
- (3) Any document or information collected under paragraph (1)(i) must not be disclosed unless the disclosure of the document or information is required for official purposes.
- (4) A civil or criminal liability action is not to be taken against an authorised officer in respect of anything done or omitted to be done by the officer in good faith in the execution or purported execution of the powers of an authorised officer under this section.
- (5) A person must:
- (a) give an authorised officer any assistance to enable the authorised officer to exercise any of the powers set out under this section; and
 - (b) provide any document or information required by the authorised officer for the purpose of this Act.
- (6) For the purposes of this section, **plant** includes any machinery, equipment, tool or any of its components.”

5 Subsections 3(1) and 3(2)

Delete “or medicinal kava”

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6 Subsection 3(3)

Repeal the subsection, substitute

“(3) A person must not sell or offer for sale in Vanuatu any narafala kava or any kava product derived from narafala kava, whether or not in combination with nobles kava.”

7 Subsections 6(3) and (4)

Repeal the subsections, substitute

“(3) A person must not export any of the following from Vanuatu:

- (a) narafala kava; or
- (b) any kava product produced from narafala kava, whether or not in combination with nobles kava.

(4) Despite subsection (3), a person may export narafala kava from Vanuatu if the person has been requested to do so by a person outside of Vanuatu and the proposed export complies with the biosecurity requirements under the Plant Protection Act [CAP 239].”

8 Paragraph 7(c)

Delete “;”, substitute “.”

9 Paragraph 7(d)

Repeal the paragraph.

10 Section 8

Repeal the section.

11 After PART 3

Insert

“PART 3A – LICENSE TO EXPORT KAVA OR KAVA PRODUCTS

“9A License to export kava or kava products

(1) A person who intends to export kava or kava products is to apply to the Director for a license in the prescribed form accompanied with the prescribed application fee.

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- (2) An applicant must provide the Director with any additional information as may be required by the Director for the purpose of the application.
- (3) The Director is to grant a license if the applicant has met all the requirements under this Act and has paid the prescribed license fee.
- (4) The Director may refuse to grant or renew a license under this section if:
 - (a) the applicant is not a citizen of Vanuatu; or
 - (b) the applicant has failed to meet all the requirements under this Act and has failed to provide any information required under subsection (2); or
 - (c) the applicant has in the past, had his or her license cancelled for breaching the terms and conditions of the license.
- (5) The Director is to determine the general and specific conditions of a license granted under this section.
- (6) A license is valid for a period of 12 months from 1st January to 31st December of each year or on a pro rata basis.
- (7) A person may renew his or her license by applying in the prescribed form to the Director.
- (8) A person who exports kava or kava products without a license commits an offence and is liable on conviction, to a fine not exceeding VT1,000,000, or by a term of imprisonment of not more than 12 months, or both.

9B Suspension or cancellation of license

- (1) The Director may suspend a license if:
 - (a) the holder of the license has failed to comply with a term or condition of the license; or
 - (b) it is later found that the license holder provided a false or misleading information in order to obtain a license; or
 - (c) the license holder has failed to comply with kava quality standards or requirements; or

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- (d) the license holder has breached a provision of this Act or Regulations made under this Act; or
 - (e) the export facility of a license holder does not meet the prescribed requirements of an export facility; or
 - (f) the license holder is trading in narafala kava.
- (2) If a license is suspended under subsection (1), the Director is to inform the license holder in writing, of the suspension and is to require the license holder to comply with such directions as may be determined by the Director within a specified period.
- (3) If a license holder fails to comply with a direction issued by the Director under subsection (2), the Director is to cancel the license.”

12 Section 11

Repeal the section.

13 After subsection 12(1)

Insert

“(1A) Without limiting the generality of subsection (1), the Minister may by Order make Regulations on any of the following:

- (a) to set out the fees and charges associated with any functions or powers carried out by the relevant Department or the authorised officers under this Act;
- (b) the sale of kava in the domestic or local market and matters associated with the production, bagging, packaging or labelling of kava or kava products for local sale;
- (c) the export of kava and matters associated with the exportation of kava including but not limited to the requirements for export facilities, the standards of export, inspection, testing, quality certification, bagging, packaging or labelling of kava, moisture dust and fungal contents.”

14 After section 12

Insert

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“12A Authorisations under the Vanuatu Commodities Marketing Board Act [CAP 133]

- (1) This section applies to an authorisation to export kava issued under the Vanuatu Commodities Marketing Board Act [CAP 133] and its Regulations, if such authorisation was in force immediately before the commencement of this Act.
- (2) On and after the commencement of this Act, an authorisation to which this section applies continues in force until the authorisation expires or is cancelled under the Vanuatu Commodities Marketing Board Act [CAP 133] and its Regulations.
- (3) An authorisation to which this section applies cannot be extended or renewed under the Vanuatu Commodities Marketing Board Act [CAP 133] and its Regulations or any other Act.
- (4) To avoid doubt, on and after the expiry or cancellation of an authorisation under the Vanuatu Commodities Marketing Board Act [CAP 133] and its Regulations, the provisions of this Act apply to any license to export kava.”

Commencement: 29 September 2008

republic of vanuatu

**statute law (miscellaneous provisions)
act no 10 of 2008**

Arrangement of Sections

1. Amendments
2. Repeal of Part 13 of the Public Health Act [CAP 234]
3. Repeal of Act
4. Commencement

republic of vanuatu

Assent: 11/06/2008
Commencement: 29/09/2008

**statute law (miscellaneous provisions)
Act NO 10 of 2008**

An Act to provide for the amendments and repeal to certain Acts.

Be it enacted by the President and Parliament as follows:

1 Amendments

The following Acts are amended as set out in the Schedule:

- (a) Judicial Services and Courts Act [CAP 270];
- (b) Kava Act No. 7 of 2002;
- (c) National Council of Chiefs Act No. 23 of 2006;
- (d) Public Order Act [CAP 84];
- (e) Vanuatu Interactive Gaming Act [CAP 261].

2 Repeal of Part 13 of the Public Health Act [CAP 234]

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Part 13 of the Public Health Act [CAP 234] is repealed.

3 Repeal of Act

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 11 of the Interpretation Act [CAP 132], affect any amendment made by this Act.

4 Commencement

- (1) Subject to subsection (2), this Act commences on the day on which it is published in the Gazette.
- (2) Section 2 of this Act commences on the day appointed by the Minister of Health by notice published in the Gazette.

schedule

minor amendments

2 Kava Act No. 7 of 2002

(a) Paragraphs 5(a)

Delete "an indigenous ni-Vanuatu", substitute "a citizen of Vanuatu"

(b) Paragraph 5(b)

Delete "indigenous ni-Vanuatu", substitute "citizens of Vanuatu"