



REPUBLIC OF VANUATU

ENVIRONMENTAL PROTECTION AND CONSERVATION ACT [CAP 283]

Environmental Impact Assessment Regulations (Amendment) Order No. 102 of 2012

In exercise of the powers conferred on me by paragraphs 45(1)(b) and (d) of the Environmental Protection and Conservation Act [CAP 283], I, the Honourable STEVEN KALSAKAU Minister of Lands, Geology and Mines, make the following Order.

1 Amendments

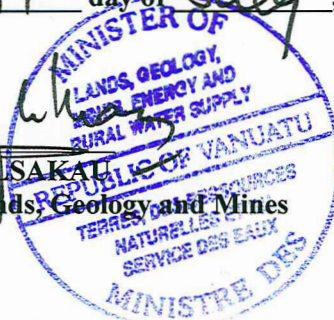
The Environmental Impact Assessment Regulations Order No. 175 of 2011 is amended as set out in the Schedule.

2 Commencement

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

Made at Port Vila this 17th day of July, 2012.


Honourable STEVEN KALSAKAU
Minister of Lands, Geology and Mines



SCHEDULE

AMENDMENTS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS ORDER NO. 175 OF 2011

1 After subclause 3(2)

Insert

- “(3) In addition to subclause (1), the Director may, if he or she considers necessary, require a project proponent to submit an Environmental Monitoring and Management Plan.”

2 Subclause 4(1)

Repeal the subclause, substitute

- “(1) The Director may in writing authorise:

- (a) a Government officer; or
- (b) a consultant registered under this Regulation,

to carry out a PEA on his or her behalf.”

3 After subclause 4(2)

Insert

- “(3) A project proponent is to meet the costs of a consultant who carries out a PEA on behalf of the Director.”

4 Subclause 13(5)

Delete “Minister”, substitute “Director”

5 Subclause 27(6)

Before “3 years” (first and second occurring), insert “up to”

6 Paragraph 30(1)(a), (b), (c), and (d)

Repeal the paragraphs, substitute

- “(a) the minimum prescribed amount set out in column 3 of that Table for a first offence by an individual under such clause, subclause or paragraph; and

- (b) the maximum prescribed amount set out in column 4 of that Table for a first offence by an individual under such clause, subclause or paragraph; and
- (c) the minimum prescribed amount set out in column 5 of that Table for a second offence by an individual under such clause, subclause or paragraph; and
- (d) the maximum prescribed amount set out in column 6 of that Table for a second offence by an individual under such clause, subclause or paragraph; and
- (e) the minimum prescribed amount set out in column 7 of that Table for a first offence by a body corporate under such clause, subclause or paragraph; and
- (f) the maximum prescribed amount set out in column 8 of that Table for a first offence by a body corporate under such clause, subclause or paragraph; and
- (g) the minimum prescribed amount set out in column 9 of that Table for a second offence by a body corporate under such clause, subclause or paragraph; and
- (h) the maximum prescribed amount set out in column 10 of that Table for a second offence by a body corporate under such clause, subclause or paragraph.”

7 Subclause 30(1) - Table 1

Delete the Table, substitute

Table 1									
EIA Offences under the Environmental Protection and Conservation Act [CAP 283]									
Column 1 Items	Column 2 Provisions of the Act	Column 3 Minimum Prescribed amount for a first offence by individual	Column 4 Maximum Prescribed amount for first offence by individual	Column 5 Minimum Prescribed amount for second offence by individual	Column 6 Maximum Prescribed amount for second offence by individual	Column 7 Minimum Prescribed amount for first offence by body corporate	Column 8 Maximum Prescribed amount for first offence by body corporate	Column 9 Minimum Prescribed amount for second offence by body corporate	Column 10 Maximum Prescribed amount for second offence by body corporate
1	12A(2) Person developing foreshore of the coast of an island without an EIA	50,000	2,500,000	100, 000	5,000,000	100, 000	50,000,000	200, 000	100,000,000

2	24(1)(a) Undertaking any activity that is subject to an environmental impact assessment prior to receiving written approval	50,000	2,500,000	100,000	5,000,000	100,000	50,000,000	200,000	100,000,000
3	24(1)(b) Undertaking any activity despite EIA approval having been refused	50,000	2,500,000	100,000	5,000,000	100,000	50,000,000	200,000	100,000,000
4	41(1)(a) Providing false or misleading information, including any false or misleading report required, under any requirement of the Act	50,000	2,500,000	100,000	5,000,000	100,000	25,000,000	200,000	50,000,000
5	41(1)(b) Hindering or obstructing an officer or any person empowered to carry out any function or duty under the Act	50,000	2,500,000	100,000	5,000,000	100,000	25,000,000	200,000	50,000,000
6	41(1)(c) Failing to give all reasonable assistance to any officer or any person empowered to carry out any function or duty under the Act	50,000	2,500,000	100,000	5,000,000	100,000	25,000,000	200,000	50,000,000
7	41(1)(d) Contravening a term or condition of approval, permit or notice issued under the Act	50,000	2,500,000	100,000	5,000,000	100,000	50,000,000	200,000	100,000,000
8	41(1)(e) Contravening or failing to comply with any Regulation, Direction or Order made under the Act	50,000	2,500,000	100,000	5,000,000	100,000	50,000,000	200,000	100,000,000

8 Schedule 1 – Item (16)
Repeal the Item.

9 Schedule 2 – Fees Table
Repeal the Fees Table, substitute

Fees Table			
Item No	Item	Amount Payable (VT)	
1	Preliminary Impact Assessment Application	20,000	
2	Submission of EIA Report	100,000	
3	Application for Registration as a Consultant		
	(a)	Principal Consultant	
		(i) For a 1 year period	40,000
		(ii) For a 3 year period	100,000
	(b)	Technical Assistant	
		(i) For a 1 year period	20,000
		(ii) For a 3 year period	50,000
	(c)	Assistant Consultant	
		(i) For a 1 year period	12,000
		(ii) For a 3 year period	30,000
	(d)	Review Consultant	
		(i) For a 1 year period	20,000
(ii) For a 3 year period		50,000	
4	Renewal of Registration as a Consultant		
	(a)	Principal Consultant	
		(i) For a 1 year period	40,000
		(ii) For a 3 year period	100,000
	(b)	Technical Assistant	
		(i) For a 1 year period	20,000
		(ii) For a 3 year period	50,000
	(c)	Assistant Consultant	
		(i) For a 1 year period	12,000
(ii) For a 3 year period		30,000	

	(d)	Review Consultant	
		(i) For a 1 year period	20,000
		(ii) For a 3 year period	50,000
5		Variation or amendment of PEA application or EIA Report	5,000
6		Amendment of Identity	5,000
7		Environmental Audit Fee	10,000

”