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**LEGAL NOTICE**

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## REPUBLIC OF VANUATU

### WASTE MANAGEMENT ACT NO. 24 OF 2014

#### Waste Management Regulations Order No. 15 of 2018

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# WASTE MANAGEMENT ACT NO. 24 OF 2014

## Waste Management Regulations Order No. 15 of 2018

In exercise of the powers conferred on me by sections 14, 15 and subsections 44(1) and (2) of the Waste Management Act No. 24 of 2014, I, the Honourable HAM LINI VANUAROROA, Minister of Climate Change Adaptation, Geohazards, Meteorology and Energy, make the following Regulation.

### PART 1 PRELIMINARY

#### 1 Definitions

In this Regulation, unless the contrary intention appears:

**composting plant** means a facility for the: biological decomposition and stabilisation of organic waste under controlled conditions; and the production of compost used as a soil conditioner;

**controlled waste dump** means a waste dump used for the disposal of waste. Controlled waste dumps are operated and controlled by a designated waste management operator using basic control measures such as a manned gate and fence for access control, and are not a landfill;

**disposable container** means a closed container less than 30cm in length, made in whole or part of polystyrene and includes hinged or lidded containers, boxes, cases and similar articles in which any food is wholly or partly placed, packed, carried or stored;

**landfill** means a site designated for the sanitary disposal of waste with suitable environmental controls, and includes semi-aerobic landfill;

**recycling centre** means a facility where waste materials are processed into products, materials or substances whether for their original or other purposes;

**semi-aerobic landfill** means a landfill where waste undergoes a decomposition process in the presence of oxygen and leachate is collected and treated through aeration and recirculation;

**single use plastic bag** means a shopping bag:



- (a) designed for use in trade and commerce; and
- (b) made, in whole or in part, of polyethylene with a thickness of less than 35 microns,

but does not include a plastic bag that is an integral part of the packaging in which goods are sealed prior to sale;

**straw** means a drinking straw:

- (a) made, in whole or in part, of plastic; and
- (b) designed for one-time use,

but does not include a straw that forms an integral part of the packaging of a food item;

**waste collection and transport service** means the conveyance or transportation of waste or hazardous waste between the waste generator and a waste disposal facility, waste dump, composting plant or waste incinerator;

**waste incinerator** means a technical facility for the thermal treatment of waste to stabilise its harmful effects and reduce the volume of waste to be disposed of, with or without recovery of the combustion heat that is generated;

**waste transfer station** means a facility where waste is sorted, stored and packed ready for further transportation to any waste disposal facility, waste dump, composting plant or waste incinerator.

## **PART 2 CONTROL OVER CERTAIN WASTE**

### **2 Prohibition of manufacturing of certain waste items**

- (1) A person must not manufacture any or all of the following items:
  - (a) disposable containers;
  - (b) single use plastic bags;
  - (c) straws.
- (2) A person who contravenes subclause (1) commits an offence punishable on conviction:
  - (a) in the case of an individual – a fine not exceeding VT500,000 or a term of imprisonment not exceeding 3 months or both; or
  - (b) in the case of a body corporate – a fine not exceeding VT1,000,000.

### **3 Prohibition of use of certain waste items**

- (1) A person must not, in the course of carrying on a business, sell, give or otherwise provide disposable containers or straws to any other person.
- (2) A person must not, in the course of carrying on a business, sell, give or otherwise provide single use plastic bags to any other person, other than to contain, wrap or carry meat or fish.
- (3) For the purpose of subclause (2), **fish** means any aquatic plant or animal whether piscine or not, and includes any mollusc, crustacean, coral, sponge, holothurian (beche-de-mer) or other echinoderm, reptile or coconut crab, including their eggs and all juvenile stages.
- (4) A person who contravenes subclause (1) or (2) commits an offence punishable on conviction:
  - (a) in the case of an individual – a fine not exceeding VT500,000 or a term of imprisonment not exceeding 3 months or both; or

- (b) in the case of a body corporate – a fine not exceeding VT1,000,000.

## PART 3 LITTERING OFFENCE

### 4 Littering offence

- (1) Subject to subclause (2), a person must not deposit litter or waste in a public place.
- (2) A person may deposit litter or waste in a public place if the litter or waste:
  - (a) is contained in a bag or other receptacle prescribed by a designated waste operator or private waste operator as part of providing waste collection services to residential and commercial premises; and
  - (b) is pending collection by the designated waste operator or private waste operator; and
  - (c) results from a disaster the subject of a state of emergency declaration under the National Disaster Act [CAP 267]; and
  - (d) is pending collection as part of the disaster recovery effort.
- (3) A person who contravenes subclause (1) commits an offence punishable on conviction:
  - (a) in the case of an individual – a fine not exceeding VT500,000; and
  - (b) in the case of a body corporate – a fine not exceeding VT1,000,000.
- (4) For the purpose of this Part, **litter** means any material, substance or thing, whether solid or liquid, the possession of which has been abandoned by any person having control of the same and includes but is not limited to used nappies; cigarettes or cigarette butts; chewing gum; food or food scraps; food and beverage containers; packaging; clothing, footwear or other personal items; furniture; garden cuttings or clippings or other plant matter; landscaping material; and dead or diseased animals.



## **PART 4 LICENSING OF PRIVATE WASTE OPERATORS**

### **5 Licensing requirement for operation of a waste transfer station**

- (1) For the purposes of paragraph 15(2)(c) of the Act, a person must not operate a waste transfer station which has the capacity to store:
- (a) more than 5 litres of liquid waste; or
  - (b) more than 1 tonne of solid waste,
- unless he or she has been issued with a valid private waste operator's licence.
- (2) To avoid doubt, a person who operates a waste transfer station which does not have the capacity to store the volumes of waste prescribed under subclause (1), may operate without being issued with a valid private waste operator's licence.

### **6 Licensing requirement for certain waste management operations and services**

A person must not undertake any or all of the following waste management operations or services unless he or she has been issued a valid private waste operator's licence:

- (a) operating a composting plant that has the capacity to process five tonnes or more per day;
- (b) operating a waste incinerator;
- (c) providing a waste collection and transport service.

### **7 Exemption from licensing**

- (1) The following persons are not required to be issued with a valid private waste operator's licence:
- (a) a person who stores wastes on their own premises pending collection; and
  - (b) a person who collects and transports used containers which are intended to be reused.



- (2) For the purposes of paragraph (1)(b), **reused** means any simple operations such as washing, by which products or components that are not waste are used again for the same purpose for which they were originally intended.

## **8 Requirement of application**

All applications must contain such sufficient information necessary to enable the Director to make a decision.

## **9 Process of approving application**

- (1) Within 10 business days from receiving an application for a private waste operator's licence:
- (a) the Director may send a copy of the application to the head of the relevant designated waste management operator for comments; or
  - (b) the Director may request any further information from the applicant.
- (2) Within 20 business days from the date the application was received by the Department:
- (a) the relevant designated waste management operator must provide comments as required by the Director under paragraph 9(1)(a); and
  - (b) the applicant must provide such other information as required by the Director under paragraph 9(1)(b).
- (3) An applicant who fails to comply with paragraph 9(2)(b) is deemed to have withdrawn his or her application.
- (4) The Director must make a decision to grant or refuse to grant a licence under section 15 of the Act within 30 business days of receiving the application.
- (5) In making the decision the Director must take into account:
- (a) the application and, if relevant, any further information; and
  - (b) the type of activity and any relevant permit requirements for that type of activity; for example, any Environmental Permit required

under the Environmental Protection and Conservation Act [CAP 283]; and

- (c) any comments received from the head of the relevant designated waste management operator; and
- (d) whether the applicant has committed any offences under the Act or under any other environmental legislation.

#### **10 Withdrawal of application**

An applicant may, upon giving written notice to the Department, withdraw his or her application.

#### **11 Amending a licence**

- (1) A licence holder may apply to the Director to amend their licence.
- (2) The application must be in writing, provide details of the proposed amendment and be accompanied by the fee set out in the Private Waste Operator's Fee Order No. of 2018.
- (3) The Director has 10 business days to decide whether to accept the proposed amendment or refuse the application.
- (4) The Director may approve the proposed change by updating the licence and providing a copy to the licence holder.
- (5) If an application is refused, the Director must advise the applicant in writing and give reasons for the refusal.

#### **12 Renewal of licence**

- (1) An application to renew a licence must be in a form approved by the Director and accompanied by the fee set out in the Private Waste Operator's Fee Order No. of 2018.
- (2) The Director has 30 business days to decide whether to renew a private waste operator's licence.
- (3) If renewal is refused, the Director must advise the applicant in writing and give reasons for the refusal.

**13 Operating a waste dump or waste disposal facility or undertaking a waste management operation or service while licence is suspended**

- (1) A person must operate a waste dump or waste disposal facility or undertake a waste management operation or service while licence is suspended.
- (2) A person who contravenes subclause (1) commits an offence punishable on conviction by a fine not exceeding VT1,000,000 or imprisonment for a period of not more than 6 months, or both.

**14 Commencement**

- (1) Subject to subclause (2), this Regulation commences on the day on which it is made.
- (2) Parts 2 and 4 of this Regulation commence on 1 July 2018.

Made at Port Vila this 1<sup>st</sup> day of FEBRUARY, 2018.

  
**Honourable HAM LINI VANUARO**  
**Minister of Climate Change Adaptation, Geohazards, Meteorology and Energy**

