

REPUBLIC OF VANUATU

CHAPTER 147

FORESTRY (CONTROL OF MOBILE SAWMILLS)
ORDER NO. 9 OF 1996

An Order to control the ownership and use of mobile sawmills.

IN EXERCISE of the powers conferred upon me by section 34 of the Forestry Act [CAP. 147], I, VINCENT BULEKONE, Minister of Agriculture, Livestock, Forestry and Fisheries, hereby make the following Order:-

INTERPRETATION

1. In these regulations, unless the context otherwise requires

"Act" means the Forestry Act [CAP. 147];

"commercial purposes" means for the purpose of or with the intent of producing sawn timber that will be sold or traded for financial gain;

"Department" means the Department of Forests;

"Director" means the Director of the Department of Forests;

"harvesting agreement" means an agreement prescribed under section 11(1) of the Act which is in the form of schedule 2 of the Act;

"licence" means a mobile sawmill timber licence issued under regulation 6(3);

"mobile sawmill" means any type of sawmill or any timber producing machine that is designed to be set up and or moved from one location to another, and includes all portable or "wokabaut" type sawmills and any chainsaw minimills;

"registered holder" means the person registered as owning or having possession or control of a sawmill on the register of mobile sawmills.

APPLICATION OF ORDER

2. The provisions of this Order shall apply to any person who owns, has in their possession or under their control or operates a mobile sawmill.

REGISTER OF MOBILE SAWMILLS

3. (1) The Director shall keep or cause to be kept a register of all mobile sawmills in Vanuatu.
- (2) The register shall contain in relation to each mobile sawmill the manufacturers name, type, model, serial number and the name of the owner or person having possession or control of the mobile sawmill.

REGISTRATION OF MOBILE SAWMILLS

4. (1) Any person who owns or has in their possession or under their control or intends to import or buy or otherwise acquires a mobile sawmill shall apply for registration in the register of mobile sawmills.
- (2) The application for registration in the register of mobile sawmills shall be in the form contained in Schedule 1 of this Order and shall be accompanied by the registration fee calculated in accordance with Schedule 5 of this Order.
- (3) Upon completion of registration, the Director shall deliver or cause to be delivered to the applicant a certificate of registration in respect of any mobile sawmill registered, in the form contained in Schedule 2 of this Order.

IMPORT AND SALE OF MOBILE SAWMILL

5. (1) No person shall own, operate or have in their possession or under their control a mobile sawmill which has not been registered under the provisions of this Order.
- (2) Any person who imports a mobile sawmill into Vanuatu shall notify the Department of the registrable details of the mobile sawmill and the name and address of the person who subsequently purchases the mobile sawmill and shall also inform the purchaser of the requirement to register the sawmill with the Department.
- (3) Any person who sells or otherwise disposes of in Vanuatu a registered mobile sawmill shall notify the Department in writing prior to the sale the name and address of the purchaser or person acquiring possession or control and the registrable details of the mobile sawmill and shall surrender their certificate of registration to the Department on completion of the sale.

APPLICATION TO OPERATE A SAWMILL

6. (1) Subject to regulation 7(2) and (3) of this Order, any person who wishes to operate a mobile sawmill for commercial purposes must apply to the Director for a mobile sawmill timber licence.
- (2) An application for a mobile sawmill timber licence shall be in the form of Schedule 3 and shall be accompanied by the fee calculated in accordance with Schedule 5 of this Order.

- (3) Having considered the application, the Director may grant or refuse to grant a mobile sawmill timber licence. The Director shall provide the reasons for his refusal.
- (4) A mobile sawmill timber licence shall be in the form contained in Schedule 4.
- (5) Where the Director grants a licence under this regulation a copy of that licence must be sent to the Local Government Council in whose region the holder of the licence is licenced to operate.

NOT TO OPERATE WITHOUT VALID MOBILE SAWMILL TIMBER LICENCE

7. (1) No person shall operate a mobile sawmill for commercial purposes without a valid licence.
- (2) This provision shall not apply to the use of a registered mobile sawmill by the registered holder for cutting timber for the registered holders personal use other than commercial purposes on land of which the registered holder is a custom owner and which has not been leased or otherwise let or licensed to any other party.
- (3) This provision shall not apply to the use of a registered mobile sawmill by the registered holder if the registered holder is also the holder of a timber licence issued under the Act and the mobile sawmill is operated in accordance with the provisions of that timber licence.

DURATION OF LICENCE

8. A mobile sawmill timber licence shall be issued only for such period as the Director considers appropriate to the applicant's project proposal within the limits prescribed in the licence and shall not in any event exceed 2 years in relation to a chainsaw minimill and 5 years in relation to other portable sawmills.

DIRECTOR'S CONSIDERATION ON GRANT OR REFUSAL OF APPLICATION

9. When considering an application for a mobile sawmill timber licence the Director shall consider -
 - (a) evidence of the applicant's ability to fulfill the financial requirements of this Order;
 - (b) evidence of proper negotiation of a harvesting agreement with landowners on whose land the operations are to take place;
 - (c) the experience and or training of the applicant in operating mobile sawmills;
 - (d) the applicant's training and experience in relation to the Vanuatu Code of Logging Practice or similar codes;
 - (e) the suitability of the applicant's project proposal;

- (f) the sustainable level of timber harvesting in Vanuatu generally or in any particular area; and
- (g) any other relevant matters.

RENEWAL OF MOBILE SAWMILL TIMBER LICENCE

10. (1) A person may upon the expiry of the mobile sawmill timber licence apply to the Director seeking the renewal of his licence.
- (2) The application shall be in the form of Schedule 3 of this Order and shall be accompanied by the fee calculated in accordance with Schedule 5 of this Order.
- (3) When considering an application to renew a permit, the Director shall take into account -
- (a) the applicant's record of compliance with the terms and conditions of his previous licence and the Act; and
 - (b) the matters referred to in regulation 9.

QUOTA OF LOGS ALLOWABLE

11. (1) The Director shall ensure that mobile sawmilling operations comply with the principles of sustainable yield forest management by periodically specifying the maximum log quota available for mobile sawmills on each island of Vanuatu.
- (2) The Director shall also specify the maximum annual quota of logs or sawn timber which each mobile sawmill licence holder may cut.
- (3) The maximum annual quota of logs permissible under subregulation 2 of this regulation shall be 500 m³. Any annual log quota of more than 500 m³ will require a timber licence under section 12 of the Act.

ANNUAL FEES

12. The holder of a licence shall pay an annual fee calculated in accordance with the provisions of Schedule 5 of this Order.

REVOCAION OF LICENCE

13. In the event that any holder of a licence fails to comply with any of the provisions of this Order or the Act the Director may revoke his licence by notice in writing.

OFFENCE

14. Any person who contravenes any provisions of this Order commits an offence and upon conviction, the Court may in addition to awarding a fine of not more than VT50.000, order the cancellation of the offender's licence and the confiscation of any mobile sawmill.

TRANSITIONAL PROVISION


15. Any person who owns or has in their possession or under their control a mobile sawmill in Vanuatu before the commencement of this Order shall have 6 months from the date of the Order coming into force to comply with the provisions of this Order.

COMMENCEMENT

16. This Order shall come into force on the date of its publication in the Gazette.

MADE at Port Vila this **NINTH** day of **JULY**, 1996.

VINCENT DULEKONE
Minister of Agriculture, Forestry and Fisheries
Forestry and Fisheries



SCHEDULE 1

(Regulation 4(2))

REPUBLIC OF VANUATU

DEPARTMENT OF FORESTS

APPLICATION TO REGISTER A MOBILE SAWMILL

1. Name of owner
2. Address
3. Type of mobile sawmill including details on Make and Model
4. Who did you purchase the mobile sawmill from?
5. When did you purchase the mobile sawmill?
6. Where will you operate the mobile sawmill? (Include Island and nearest town or village).
7. Will any sawn timber be sold? Yes/No
8. Reasons why you wish to own a mobile sawmill

9. Name of other persons who will jointly own the Mobile Sawmill or have in their control or possession -
 - (a) Name
 - Address

(b) Name

Address
.....

(c) Name

Address
.....

(d) Name

Address

(e) Name

Address
.....

Signature of Applicant: _____

Date: _____

SCHEDULE 2

(Regulation 4(3))

REPUBLIC OF VANUATU

DEPARTMENT OF FORESTS

CERTIFICATE OF REGISTRATION

Registration No.

This CERTIFICATE authorizes
.....
of
..... in the Republic
of Vanuatu to keep, operate or have in his possession or control the
following mobile sawmill:

(i) Make (Type) of mobile sawmill

(ii) Registration/serial No.

The mobile sawmill is located at (Island)
(place).

CONDITIONS:

1. If the sawmill is moved to a different island notification of its new location must be provided to the Department of Forests.
2. If the sawmill is sold to another person the previous owner must notify the Department of Forests in writing of the name and address of the new owner and must surrender their certificate of Registration to the Department of Forests.
3. If the owner of the sawmill intends to sell any timber produced by this sawmill they must apply to the Department of Forests for a Mobile Timber Licence.

Director of Forests

Date

SCHEDULE 3

(Regulation 6(2))

REPUBLIC OF VANUATU

DEPARTMENT OF FORESTS

APPLICATION FOR A MOBILE SAWMILL TIMBER LICENCE

- (A) 1. Name
2. Address
3. What is your current work?
- (B) 1. What type of sawmill will you operate?
2. Mobile sawmill registration No.
3. When do you want to commence operating the sawmill?
.....
4. Who owns the sawmill? Applicant/Community/Company
5. How is the sawmill being paid for? Own money/Loan/Donor
funds/Other
6. Name of person who will operate the sawmill,
.....
- (C) 1. Where do you want to operate the sawmill?
..... Local Government Region(s)
..... Island(s).....
2. Have you discussed your plan with the Local Government
Council?
Yes/No
-
3. On whose land do you intend to cut trees?
Applicant's land/Community land/Other person's land.
4. Indicate names of landowners and places where trees will be
cut (include maps).
- | Name of Landowner | Place where trees will be cut |
|-------------------|-------------------------------|
| | |
| | |
| | |
| | |
5. Are there any other sawmills or companies cutting wood on
these lands? Yes/No

- (D) 1. What is your reason for wanting to operate a mobile sawmill?
.....
2. What kind of trees/wood do you want to cut?
.....
.....
3. What volume of logs do you want to cut each year?
..... m3.

- (E) 1. What do you want to do with the timber that is cut?
- (a) Use on own land
 - (b) Community use
 - (c) Sell timber in local area
 - (d) Sell timber elsewhere

Place a cross (X) opposit each paragraph above applicable.

2. Do you have a buyer for the sawn timber? Yes/No.
.....
- If yes, indicate the name of the buyer.
.....
.....
3. If sawn timber will not be sold but will be traded in some other manner, describe the trading arrangements.
.....
.....
4. How much timber do you want to sell each year
..... m3.
5. What price will you sell sawn timber for?
.....
6. ~~How will the sawn timber be transported?~~
By foot/Own truck/Taxi truck/Ship

- (F) 1. What kind of experience or training do you and the person who will operate the sawmill have in operating chainsaws or mobile sawmills?
.....
.....
.....

2. Have you received any training about the Vanuatu Code of Logging Practice? Yes/No

- (G) 1. Do you intend to replant the areas where the trees are cut? Yes/No

2. If yes, where will the seedlings come from?
.....

(H) 1. Please provide evidence of your financial resources i.e. letter of credit, bank statement and evidence of banker's guarantee.

(I) 1. Please give other details and information about your project plan. (attach to application)

(J) Declaration

I certify that the above information is correct and I understand that if I am found to have knowingly given false information then the application will not be approved. I understand the basis of the fees that will be charged and I would prefer to pay the reforestation charge on the basis of

Signature

Date

(K) Receipt of Application

I have received and discussed this application with
..... (applicant's name) on
..... (date).

Forest Officer

SCHEDULE 4

(Regulation 6(4))

REPUBLIC OF VANUATU
DEPARTMENT OF FORESTS
MOBILE SAWMILL TIMBER LICENCE

Licence No:

This Licence is granted to:
(Name or Company)
of
(Address)

to conduct a sawmilling operation to produce sawn timber for sale or trade using the following mobile sawmills: -

Make Registration No.
Make Registration No.
Make Registration No.

for a period commencing and ending on

The maximum quota of logs which can be cut in any 12 month period is m3. The maximum volume of sawn timber which can be produced in any 12 month period is m3.

This licence is valid for operations in Local Government Council Region(s) on the islands of

This licence is subject to the following conditions :-

- (a) Trees can only be cut from the permit holders own land or on land belonging to persons with whom the permit holder has entered into valid Schedule 2 or Schedule 15 agreements under the Forestry Order No. 10 of 1984.
- (b) Annual fees must be paid before 31 January each year.
- (c) A banker's guarantee of VT20.000/70.000/500.000 must be established within 30 days of the issue of this licence otherwise the licence shall be null and void.
- (d) The licence holder will submit reports to the Department of Forests on a monthly/quarterly/annual basis indicating the volume of logs cut, volume of sawn timber produced, the volume of sawn timber sold, the amount of royalties paid to each landowner and the places where trees have been cut.
- (e) Reforestation charge shall be paid to the Department of Forests on the following basis

SCHEDULE 5

(Regulation 12)

REPUBLIC OF VANUATU

DEPARTMENT OF FORESTS

FEEs IN RELATION TO THE ADMINISTRATION OF
THE OPERATION OF MOBILE SAWMILLS

A. REGISTRATION FEES

Chainsaw minimills	VT 5,000
Other mobile sawmills	VT 10,000

B. TIMBER LICENCE FEES

1. Mobile sawmills producing or capable of producing less than 2 cubic metres of sawn timber per month or using or capable of using less than 5 m³ of logs per month (i.e. less than 60 m³ of logs per year).

Banker's guarantee	VT 20.000
Annual fee	VT 12.000
Reforestation charge: 3% of sawn timber value or	VT 18.000

2. Mobile sawmills producing or capable of producing between 2 and 7 cubic metres of sawn timber per month (i.e. 60 - 200 m³ of log per year).

Banker's guarantee	VT 70.000
Annual fee	VT 40.000
Reforestation charge: 3% of sawn timber value or	VT 60.000

3. Mobile sawmills utilizing or capable of utilizing between 201 and 500 m³ of log per year.

Banker's guarantee	VT 500.000
Annual fee	VT 100.000
Reforestation charge: 3% of sawn timber value or	30% of log royalty

- (f) The licence holder will ensure that they or any person working for them in timber harvesting operations comply with the relevant sections of the Vanuatu Code of Logging Practice.
- (g) The licensee shall ensure that each tree that is cut has a consecutive number hammer marked on to the stump of the tree, as well as on to any log that is removed from the place where it is felled, on the same day that it is cut.
- (h) Every tree that is felled shall be utilised to the maximum extent practical. An attempt must be made to produce sawn timber from all logs down to a minimum top diameter of 25 cm provided that the log is straight and contains less than 50% defect.
- (i) The Director of Forests may impose penalties for any breaches of the conditions of this licence in accordance with the current penalties for breaches of a Timber Licence.

Approved and issued by the Director of the Department of Forests.

..... Official Stamp
(Signature of Director)

.....
(Date)

Copy to: Local Government Council(s)