

# **Kava Act 2002**

*Commencement: (2008)*

## **REPUBLIC OF VANUATU**

### **KAVA ACT NO. 7 OF 2002**

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## **REPUBLIC OF VANUATU**

ASSENT: 31 DECEMBER 2002

COMMENCEMENT: (NOT COMMENCED)

### **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**

<b>Item</b>	<b>Variety</b>	<b>Origin</b>
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	Tonga
12	Naga miwok Ge vemea	Vanua Lava

**Table 2**  
**Medicinal kava**

<b>Item</b>	<b>Variety</b>	<b>Origin</b>
1	Mologugei	Ambae East
2	Ngwanganu	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	Tonga
69	Metolei	Tonga
70	Tau	Tonga
71	Nimau	Tonga
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**

<b>Item</b>	<b>Variety</b>	<b>Origin</b>
1	Gawoboe	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	Nisginekrai	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	Nipunstabab	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 Iaralara	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**

<b>Item</b>	<b>Variety</b>	<b>Origin</b>
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

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