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Veterinary Legislation Support Programme: Identification Mission Report



World Organisation
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PVS Pathway

VETERINARY LEGISLATION SUPPORT PROGRAMME

REPORT OF THE VETERINARY LEGISLATION IDENTIFICATION MISSION

Vanuatu

29 May – 2 June 2023

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Disclaimer

This mission has been conducted by a Team of WOAH PVS Pathway experts authorised by WOAH. However, the views and the recommendations in this Report are not necessarily those of WOAH.

An *Approval and confidentiality form* is provided by WOAH along with this Report where the level of confidentiality can be selected by the country.

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List of acronyms, abbreviations and/or special terms

AIT	Animal identification and traceability
FAO	Food and Agriculture Organization of the United Nations
GDP	Gross Domestic Product
GNI	Gross National Income
HDI	Human Development Index
LSC	Livestock Standards Committee
MALFFB	Ministry of Agriculture, Livestock, Forestry, Fisheries and Biosecurity
OAG	Office of the Attorney General
PacLII	Pacific Islands Legal Information Institute
PVO	Principal Veterinary Officer
PVS	Performance of Veterinary Services
SPC	The Pacific Community
TAHC	WOAH Terrestrial Animal Health Code
UN	United Nations
UNDP	United Nations Development Programme
USD	United States Dollar
VPPA	Vanuatu Primary Producers Authority
VLIM	Veterinary Legislation Identification Mission
VLSP	Veterinary Legislation Support Programme
VS	Veterinary Service(s)
VSF	Veterinary Statutory Body (see WOAHA TAHC definition)
VUV	Vanuatu Vatu
WOAH	World Organisation for Animal Health
WOAH PVS Tool	WOAH Tool for the Evaluation of Performance of Veterinary Services

Acknowledgements

The World Organisation for Animal Health (WOAH) Performance of Veterinary Services (PVS) Veterinary Legislation Identification Mission (VLIM), conducted by Dr. Graham Hamley (Team Leader and Legal Expert), Dr. Sanja Šeparović (Veterinary Expert) and Dr. Elva Borja (WOAH Observer), hereafter referred to as the “WOAH VLIM team”, was conducted after formal authorisation by WOAH.

The WOAH VLIM team would like to express their sincere thanks to the WOAH National Delegate, Dr. Ian Peebles (Principal Veterinary Officer within the Biosecurity Department of the Ministry of Agriculture, Livestock, Fisheries, Forestry and Biosecurity (MALFFB)), for his tireless support, guidance and hospitality in the preparation and delivery of the mission. The WOAH VLIM team would also like to extend their heartfelt thanks to Mr. Lindon Tari (Acting Principal Biosecurity Officer, Biosecurity Department, MALFFB), for dedicating his week to engage with the WOAH VLIM team during their mission, in addition to the extensive effort he put into completing the VLIM Questionnaire prior to the mission’s commencement.

The WOAH VLIM team would also like to thank the Director General of MALFFB, Mr. Moses Amos, for taking the time out of his busy schedule to meet with the team during the closing presentation. They are very grateful for his time, interest and valuable input during the session.

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Executive Summary

At the request of the WOAHO Delegate for Vanuatu, Dr. Ian Peebles, a WOAHO Veterinary Legislation Identification Mission (VLIM) was conducted between 29th May and 2nd June 2023 by Dr. Graham Hamley (Team Leader and Legal Expert), Dr. Sanja Šeparović (Veterinary Expert), and Dr. Elva Borja (WOAH Observer). The mission follows on from a WOAHO Performance of Veterinary Service (PVS) Evaluation Mission conducted in 2014, and a WOAHO PVS Gap Analysis Mission conducted in 2017. Both the 2014 and 2017 missions identified areas for strengthening veterinary legislation in Vanuatu.

The objectives of the VLIM were to:

Raise awareness of the essential elements of legal drafting that result in quality veterinary legislation, and of the importance of quality veterinary legislation for effective operation of the veterinary services (VS);¹

Assess compliance of Vanuatu's veterinary legislation with Chapter 3.4 on Veterinary Legislation of the WOAHO Terrestrial Animal Health Code (WOAH TAHC);

Ascertain Vanuatu's available human, financial and organisational resources to produce high quality veterinary legislation;

Identify or support the preparation of national priorities in terms of veterinary legislation; and

Develop recommendations to modernise Vanuatu's veterinary legislation.

During the VLIM, the WOAHO VLIM team undertook a review of the national veterinary legislation currently in force in Vanuatu and held discussions with multiple key stakeholders involved in the veterinary domain. They also undertook a review of the draft Biosecurity Bill and the Livestock Management Act (No.19 of 2018), in collaboration with representatives from the Ministry of Agriculture, Livestock, Forestry, Fisheries and Biosecurity (MALFFB), to raise awareness of some of the key considerations when drafting veterinary legislation.

Livestock plays an essential role in Vanuatu, in securing both domestic food security and income generation, in addition to serving as a significant source of foreign exchange earnings through export of beef and other products of animal origin. Primary markets targeted for exports include Papua New Guinea, Solomon Islands, Japan, New Zealand and Australia. Key policy documents guiding activities in the livestock sector include the National Livestock Policy 2015-2030 and the National Biosecurity Policy 2016-2030, both of which prioritise the development of up-to-date legislation.

During the mission, the WOAHO VLIM team noted several strengths with both Vanuatu's VS and veterinary legislation. In addition, the WOAHO VLIM team witnessed a genuine motivation

¹ The 'Veterinary Services' are the combination of entities responsible for managing the veterinary domain (i.e. all activities that are directly or indirectly related to animals, their products and by-products which help to protect, maintain and improve animal health, animal welfare and veterinary public health).

'Veterinary legislation' means all laws, regulations and associated legal instruments that pertain to the veterinary domain.

within the VS to strengthen veterinary legislation in Vanuatu – a sentiment that was mirrored by the Director General of MALFFB during the closing presentation. The presence of this motivation at all levels of governance is the first key step to improving veterinary legislation. The WOAHL VLM team were also pleased to note that the VS have access to legal support in drafting veterinary legislation, through both the Office of the Attorney General and legal expertise within MALFFB. Furthermore, Vanuatu already has in place a body of veterinary legislation that covers a reasonable portion of the veterinary domain, in addition to ongoing efforts to develop new legislation through the draft Biosecurity Bill and the development of regulations under the Livestock Management Act.

In addition to the above strengths, the WOAHL VLM team also identified several challenges that could be improved upon.

- **Limited enforcement capacity:** Due to human and financial resource constraints, capacity available to enforce veterinary legislation in Vanuatu is extremely limited. In practice, this has the potential to limit the effectiveness of the law and could significantly impair Vanuatu's ability to effectively control any outbreak of animal disease.
- **Identification of competent authorities:** In some instances, it is not clear which regulatory body is responsible for regulating each aspect of the veterinary domain (i.e. who is the 'competent authority'). In some instances, this is due to the use of unclear language in the legislation, and in other cases this is due to an apparent overlap, or duplication, of responsibilities across multiple laws.
- **Excessive empowerment of the private sector:** The Livestock Management Act establishes the Livestock Standards Committee, which is empowered to develop standards to govern the livestock sector. However, under the Act, the Committee is primarily comprised of private sector actors, making up as much as 89% of the voting members (i.e. eight of the nine voting members of the Committee). This creates a conflict of interest by granting the private sector the power to regulate itself, with potential for negative impacts to public health and international trade.
- **Gaps in veterinary legislation:** The veterinary legislation currently in place in Vanuatu does not cover the entirety of the veterinary domain. Some of the most notable gaps are the lack of any legal frameworks to regulate the practice of veterinary medicine (including both veterinarians and veterinary para-professionals), veterinary medicinal products or animal feed. Failure to regulate these sectors can present significant risks to both animal and public health, in addition to international trade. Additionally, while there are systems in place through the Meat Industry Act to regulate certain animal food products (primarily those intended for export and produced through two authorised slaughterhouses), there is no regulation of rural slaughterhouses, creating risks for domestic food safety.
- With the above in mind, the **priority recommendations** of the WOAHL VLM team are as follows (details of how to pursue the below recommendations are elaborated in Section 5.2 of this report):
- **Regulation of the veterinary profession:** At present, Vanuatu does not have a

veterinary statutory body (VSB) to regulate the veterinary profession, or any other system to ensure quality control in the practice of veterinary medicine. A VSB plays an essential role in ensuring that animals receive proper care and treatment, contributing to preventing and controlling the spread of infectious diseases, improving overall animal welfare conditions and protecting public health by minimising the risk of zoonotic disease. Additionally, by creating a framework to license veterinary professionals and to mandate initial and continuing education requirements, this can help to add legitimacy to these professions, thus helping with recruitment and retention of qualified veterinary experts (including both veterinarians and veterinary para-professionals). For these reasons, the WOAHL VLIM team recommends that Vanuatu develop a VSB as a matter of priority.

- **Regulation of veterinary medicinal products (VMPs):** VMPs have a direct impact not only on the health of the animals that they are intended to treat, but also on the health of humans because of the risks of VMP residues in foods of animal origin entering the human food chain, in addition to increasing antimicrobial resistance. Moreover, foods of animal origin that contain excessive VMP residues may be deemed unsuitable for human consumption and for export, thus jeopardising international trade. It is essential that the whole value chain for VMPs be appropriately regulated, including production, market authorisation, distribution, sale, use and disposal. The WOAHL VLIM team therefore suggests that development of such legislation be a high priority for Vanuatu. Developing a comprehensive framework to regulate the VMP value chain can be time consuming and resource intensive. This burden may be reduced in places by officially recognising the VMP market authorisation system already established in other appropriate countries from the region. For example, all VMPs that may be used in Vanuatu should first be approved for use, following a detailed review and testing process. Rather than undertaking this process domestically, Vanuatu may choose to authorise the use of VMPs that have already received authorisation in another jurisdiction of Vanuatu's choosing.
- Other aspects of the VMP value chain may not be relevant in Vanuatu at present, such as the registration of VMP manufacturers (as there are no such manufacturers in the country at present). A basis to regulate such actors should nonetheless be included in primary legislation (i.e. an Act of Parliament), but the details may be set out in Regulations at a later stage if/when this becomes relevant in the Vanuatu context. This allows the burden of developing such a framework to be spread out over time.
- **Regulation of animal feed:** Like VMPs above, adequate regulation of animal feed is essential to ensure not only animal health, but also human health by controlling what enters the human food chain. It is therefore important that Vanuatu implement a framework to regulate the animal feed value chain. Most urgent is the need to regulate medicated feed and feed additives, which could be addressed under the same framework as VMPs. Additionally, like VMPs above, a framework to regulate the entire feed value chain should be set out in primary legislation, but the details may be prescribed by regulation as necessary, thus helping to spread the burden

over time.

- **Powers of delegation:** Delegation is a framework that enables operations that are the responsibility of the State to be delegated to public or private actors. Delegation (especially to private actors) may be particularly valuable in countries that have limited public resources, where the government would therefore benefit from being able to enlist private actors to perform official public functions. For this reason, the WOAHL VLIM team suggests that veterinary legislation be updated to include an explicit power for the VS to delegate functions to private actors (in addition to public actors, which is already possible).
- **Redistribute decision-making power under the Livestock Management Act:** As noted above, the Livestock Management Act currently affords significant power to the private sector, through the Livestock Standards Committee, to regulate the livestock sector. This creates a conflict of interest that could present threats to animal health, public health and international trade. For this reason, the WOAHL VLIM team suggests revising the composition of the Committee to ensure that the majority of voting members are civil servants who are bound to act in the public interest.

Report

1. Background to the mission

This mission builds on the WOAHPVS Evaluation Mission undertaken in August 2014 by Dr. Victor Gongora (Team Leader), Dr. Howard Batho (Technical Expert) and Dr. Carol Sheridan (Observer/Facilitator), and the PVS Gap Analysis mission conducted in September 2017 by Dr. Eric Fermet-Quinet (Team Leader) and Dr. Victor Gongora (Technical Expert). In December 2022, the WOAHP Delegate for Vanuatu requested that WOAHP carry out a Veterinary Legislation Identification Mission (VLIM). The mission was undertaken by Dr. Graham Hamley (Team Leader and Legal Expert), Dr. Sanja Šeparović (Technical Expert) and Dr. Elva Borja (WOAHP Observer). Building upon the WOAHP PVS Evaluation and PVS Gap Analysis missions, the objectives of the VLIM are to:

- Raise awareness of the essential elements of legal drafting that result in quality veterinary legislation and of the importance of quality veterinary legislation for effective operation of the veterinary services (VS);²
- Assess compliance of Vanuatu's veterinary legislation with Chapter 3.4 on Veterinary Legislation of the WOAHP Terrestrial Animal Health Code (WOAHP TAHC);
- Ascertain Vanuatu's available human, financial and organisational resources to produce high quality veterinary legislation;
- Identify or support the preparation of national priorities in terms of veterinary legislation; and
- Develop recommendations to modernise Vanuatu's veterinary legislation.

During the mission, in addition to assessing the extent to which existing legislation in Vanuatu covers the veterinary domain, the WOAHP VLIM team undertook a detailed analysis of draft legislation pertaining to biosecurity measures (the draft Biosecurity Bill) in addition to enacted legislation governing the management of livestock management practices (the Livestock Management Act (No.19 of 2018)).

Correspondence related to the organisation and delivery of this mission is included in Appendix 1.

2. Methodology

The VLIM was conducted in English, which is one of the three official languages of the

² For the purposes of this report, the term 'Veterinary Services' is defined as the combination of governmental and non-governmental individuals and organisations that perform activities to implement the standards of the WOAHP Terrestrial Animal Health Code. In other words, the Veterinary Services are the combination of entities responsible for managing the veterinary domain. To avoid confusion, 'Veterinary Services' does *not* simply refer to the practice of veterinary medicine by veterinary professionals and para-professionals.

Republic of Vanuatu, along with Bislama and French.³ The two primary country contact points for the WOAHL VLIM team were Dr. Ian Peebles (WOAH National Delegate and Principal Veterinary Officer (PVO)) and Mr. Lindon Tari (Acting Principal Biosecurity Officer), both of whom made themselves available during the entirety of the mission.

In advance of the mission, the WOAHL Veterinary Legislation Support Program (VLSP) preliminary questionnaire (Parts I and II) were sent to the Delegate for completion, to help the WOAHL VLIM team gain an understanding of the legal system and any veterinary legislation currently in force in the country. Both parts of the questionnaire were returned on 16th May 2023, and were completed to a high standard. The questionnaire responses and other materials were analysed by the WOAHL VLIM team and used to prepare a tentative mission agenda. Both parts of the questionnaire are included in Appendices 4 and 5 of this report. During the mission, the questionnaire was reviewed by the WOAHL Mission Team, Dr. Peebles (PVO) and Mr. Tari (Acting Principal Biosecurity Officer) as a group, and the versions included in the Appendices to this report incorporate any amendments made during this exercise.

During the mission, there was strong participation from a variety of stakeholders spanning most of the main actors in the veterinary domain, including representatives from the Department of Biosecurity, Department of Livestock, and legal representation within the Ministry of Agriculture, Livestock, Forestry, Fisheries and Biosecurity (MALFFB). On the final day, the WOAHL VLIM team was also granted an audience with the Director General of MALFFB, with whom they shared their conclusions and provisional recommendations from the mission. All stakeholders engaged enthusiastically in discussions and displayed a strong awareness of the value of quality veterinary legislation and the subject matter under discussion.

For the purposes of subsequent discussion throughout the course of this report, “veterinary domain” is defined to mean (as included in opening and closing presentations of the mission): “All the activities that are directly or indirectly related to animals, their products and by-products which help to protect, maintain and improve animal health, animal welfare and veterinary public health”.

3. Socio-economic and policy context of the Veterinary Services

3.1 Economic Factors

The territory of the Republic of Vanuatu covers 12,199 km², spanning 83 islands in the south-west Pacific Ocean that are collectively divided into six provinces: Malampa, Penama, Sanma, Shefa, Tafea and Torba.⁴ Vanuatu is a member of the Pacific Community (formerly the South Pacific Commission). The official currency is the Vanuatu Vatu (VUV) which, at the time of writing, is valued at 118 VUV per USD (accurate as of 15 June 2023). In 2020, the United Nations (UN) elevated Vanuatu’s economic status from a Least Developed Country to

³ Constitution of the Republic of Vanuatu, Article 3(1).

⁴ ‘About Vanuatu’, Government of Vanuatu website, available at: <https://www.gov.vu/index.php/about/about-vanuatu>.

a Developing Country.⁵ In 2021 Vanuatu had a Gross National Income (GNI) per capita of 3,360 USD and a Gross Domestic Product (GDP) of 956,332,656 USD, of which agriculture contributes 21.2%.⁶

Livestock is estimated to account for approximately 9% of the agriculture sector's contribution to total GDP, which means that livestock accounts for approximately 2% of Vanuatu's total GDP.⁷ MALFFB acknowledges livestock as essential for both domestic food security and income generation, in addition to representing a significant source of foreign exchange earnings through export of beef and other products.⁸ MALFFB also acknowledges the potential for the livestock sector to make a greater contribution to national GDP.⁹ Primary markets for beef exports include Papua New Guinea, Solomon Islands, Japan and New Zealand. The WOAHL VLM team understands that, at the time of writing, beef was not being exported to Australia, but that this is an important market to which Vanuatu may wish to re-establish exports in future.

Key policy documents guiding activities in the livestock sector include the National Livestock Policy 2015-2030 and the National Biosecurity Policy 2016-2030. Implementation of the National Livestock Policy is supported by the National Livestock Sector Policy Action Plan Monitoring and Evaluation Framework 2015-2030, which highlights the key obstacles and corresponding solutions to the policy's fulfilment.

Both policies prioritise the development of up-to-date legislation. The National Livestock Policy acknowledges weaknesses with existing livestock legislation (including outdated and overlapping legislation) and states a government aspiration to “develop a national livestock legislation to harmonize all aspects of laws to facilitate the development and improvements in the sector”.¹⁰ Moreover, the National Livestock Policy Action Plan Monitoring and Evaluation Framework lists revision of current animal-related legislation as a short-term priority, in addition to actions to ensure that laws are adequately enforced.¹¹ Both the Livestock and Biosecurity Policies acknowledge physical, technical and financial resource constraints, which the WOAHL VLM team understands is necessarily presenting significant challenges for complete implementation and enforcement of existing legislation.¹² The overarching policy agenda for MALFFB is driven by the Vanuatu Agriculture Sector Policy 2015-2030. This overarching policy does not explicitly reference veterinary, or livestock-related, legislation.

3.2 Social Factors

With a population of 319,137 as of 2021, Vanuatu is experiencing steady growth at a rate of 2.4% per year, with a significant increase from 192,017 in 2000.¹³ Nonetheless, Vanuatu's

⁵ 'Vanuatu', United Nations Sustainable Development Group website, available at: <https://unsdg.un.org/un-in-action/vanuatu>.

⁶ 'Vanuatu', World Bank DataBank website, available at: <https://data.worldbank.org/country/vanuatu>.

⁷ 'The Vanuatu Agriculture Policy Bank', The Pacific Community website, available at: <https://pafpnet.spc.int/policy-bank/countries/vanuatu>.

⁸ National Livestock Policy 2015-2030, p.5.

⁹ National Livestock Policy 2015-2030, p.5.

¹⁰ National Livestock Policy 2015-2030, p.10.

¹¹ National Livestock Sector Policy Action Plan Monitoring and Evaluation Framework 2015-2030, pp.16 & 36.

¹² National Livestock Policy 2015-2030, p.5; National Biosecurity Policy 2016-2030, p.7.

¹³ 'Vanuatu Country Profile', World Bank website, available at: <https://data.worldbank.org/country/vanuatu>.

total population is smaller than approximately 75% of countries worldwide. The unemployment rate in Vanuatu stands at a relatively low 2.1% as of 2023,¹⁴ and the country ranks 140 out of 191 countries on the United Nations Development Programme (UNDP) Human Development Index (HDI). Vanuatu has a relatively low population density, with 25.6 people per square kilometre in 2020. This low density allows for a greater availability of land for agricultural purposes.¹⁵

Vanuatu is predominantly a rural country, with 74.3% of the population residing in rural areas as of 2021. This rural-urban divide plays a crucial role in shaping the agriculture sector, as agricultural activities serve as the primary source of livelihood for many rural communities. Approximately 48% of the population was employed in agriculture in 2021, underscoring its significance to the local economy. Vanuatu's agriculture sector is divided into three distinct subsectors: subsistence subsector accounting for more than 75%, semi-commercial sector at 15% and commercial subsector at 10%.¹⁶ The livestock industry in Vanuatu focuses mainly around cattle, with an estimated 175,000 head of cattle in 2018. The dairy sector and poultry production remain comparatively low, with the primary focus being upon production of beef for domestic consumption and export.

Under the Constitution, all land in Vanuatu is owned either by indigenous customary owners and their descendants, rectifying the appropriation of large portions of land by colonial governments and private individuals during Vanuatu's colonial occupation.¹⁷ The Constitution also provides that the Government of Vanuatu may own land that it acquires in the public interest, which predominantly includes urban land.¹⁸ As of 2015, over 90% of Vanuatu's land was under customary or indigenous ownership.¹⁹

¹⁴ 'Vanuatu Country Profile', World Bank website, available at: <https://data.worldbank.org/country/vanuatu>.

¹⁵ 'World Development Indicators', World Bank DataBank website, <https://databank.worldbank.org/reports.aspx?source=2&country=VUT>.

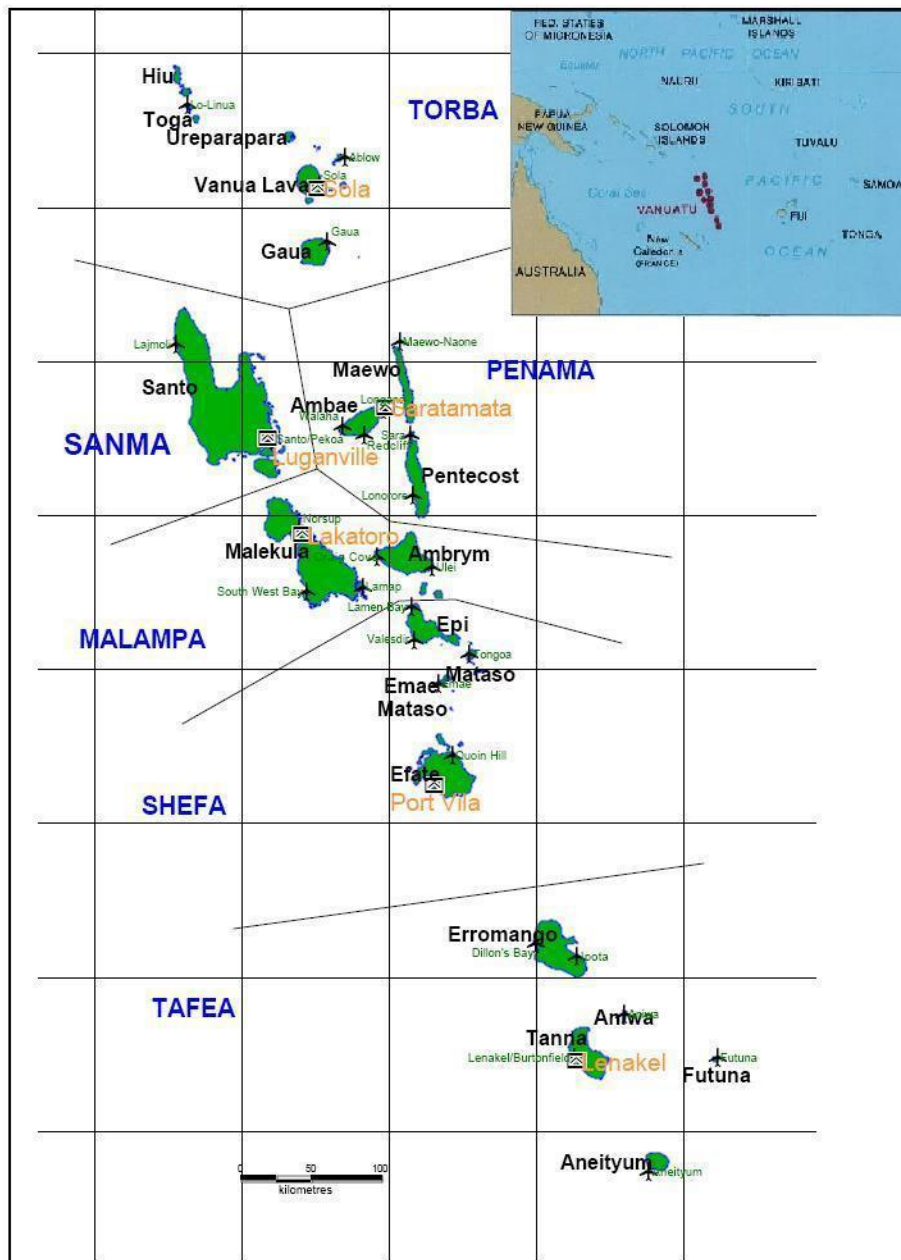
¹⁶ WOAHO Vanuatu PVS Gap Analysis Report, p.5.

¹⁷ Constitution of the Republic of Vanuatu, Article 73; International Federation of Red Cross and Red Crescent Societies, 'Housing, Land and Property Law in Vanuatu' (2017) p.4, available at: https://sheltercluster.s3.eu-central-1.amazonaws.com/public/docs/vanuatu_disaster_law_hlp_mapping.pdf.

¹⁸ Constitution of Vanuatu, Article 76; International Federation of Red Cross and Red Crescent Societies, 'Housing, Land and Property Law in Vanuatu' (2017).

¹⁹ National Livestock Policy 2015-2030, p.5.

Figure 1: Map of Vanuatu



Source: Vanuatu National Assessment Report

3.3 Animal Health and the Veterinary Services

Primary responsibility for animal health lies with the Department of Biosecurity Vanuatu (subsequently referred to as the ‘Biosecurity Department’), which is situated under MALFFB, along with four other departments: Agriculture, Livestock, Forestry and Fisheries. The Biosecurity Department is also responsible for plant health, quarantine and border control, and is mandated to protect Vanuatu’s borders from incursions of pests and diseases as well

as manage endemic pests and diseases.²⁰ Specifically, the Veterinary Section within the Biosecurity Department is responsible for animal health, and is headed by the PVO who is also the WOA National Delegate. Within the veterinary domain, the Biosecurity Department is responsible for animal health and disease control, import and export controls, slaughter, meat inspection and regulation of animal products and by-products.

Another core competent authority in the veterinary domain is the Livestock Department within MALFFB. The Livestock Department is responsible for all aspects of animal husbandry, including animal welfare considerations during animal production and transportation. Organigrams for the Biosecurity Department and Livestock Department, which constitute the primary actors in the veterinary domain, can be found in Appendix 2 of this report.

The Ministry of Health also performs a narrow range of functions in the veterinary domain; specifically, it regulates the distribution and marketing of food products under the Food (Control) Act (Cap.228). The Ministry of Health also has the legal authority to appoint veterinary officers under the Public Health Act, although the WOAHLIM team is unaware of any instance in which this power has been used.²¹

Another key actor in the veterinary domain is the Livestock Standards Committee, established by the Livestock Management Act (No.19 of 2018). Under the Act, the Committee is empowered to establish livestock management standards to govern the activities of livestock producers on a wide range of issues including “any activity that relates to the health, husbandry or biosecurity of livestock during any stage of the livestock’s life, from birth to slaughter, including the transport and holding of livestock”.²² On this basis, it is notable that the mandate of the Livestock Standards Committee has the potential to overlap with the mandate of the Biosecurity Department on issues of animal health and biosecurity.

In 2018, legislation also established the Vanuatu Primary Producers Authority (VPPA).²³ Amongst other things, the VPPA, which is a membership organisation for all primary producers in Vanuatu, operates as a primary contact point for the Government to consult with industry representatives on policy and legislative developments in the veterinary domain.

In general, the VS in Vanuatu operate with very limited financial, physical and technological resources. At the time of writing, there are only two veterinarians operating in the country: the PVO and a private veterinarian operating a clinic in the capital city of Port Vila. There are also no diagnostic laboratories in the country. Both the Biosecurity and Livestock Departments have developed plans to expand and restructure their respective organisations to significantly increase their physical capacity. At the time of writing, these plans are yet to receive approval by both the Public Sector Commission and the Council of Ministers.

The chain of command within the VS is not always clear, due at least in part to the limited

²⁰ As noted on the Biosecurity Department website (biosecurity.gov.vu), its mandate stems from National Biosecurity Policy 2016-2030 (as endorsed by the Minister for Agriculture, Livestock, Forestry, Fisheries and Biosecurity) and the Plant Protection Act (Cap.239), the Animal Importation and Quarantine Act (Cap.201), the Animal Disease (Control) Act (Cap.220), and the Meat Industry Act (Cap.213).

²¹ Public Health Act (Cap.234), Section 7(1)(c).

²² Livestock Management Act (No.19 of 2018), Section 1 – see definitions of ‘livestock management activity’ and ‘regulated livestock management activity’.

²³ Vanuatu Primary Producers Authority Act (No.18 of 2018).

available resources. The only actors under direct control of the PVO are ten meat inspectors within the Veterinary Section of the Biosecurity Department. While the Veterinary Section's organisational structure also provides for two Senior Veterinary Officers, these positions are currently vacant. Otherwise, the PVO operates in close collaboration with actors in the Department of Livestock (who undertake most of the field-based disease surveillance on a limited scale) and the Border Control Unit of the Biosecurity Department (who undertake border control activities). In some instances, the chain of command is complicated by lack of legal clarity concerning who is the implementing authority for a specific piece of legislation, or due to duplication of mandates (see Section 4.1 below for more detailed analysis of chain of command).

The main challenges faced by the veterinary sector and the competent authorities are an underdeveloped network of field veterinary services, insufficient funding and lack of facilities to enable the VS to undertake the full spectrum of necessary activities in the field of disease control. These activities include comprehensive preventive, active and passive surveillance, adoption of early detection mechanisms, implementation of effective control strategies and management of endemic diseases and possible outbreaks of transboundary diseases if they were to occur.

The dearth of veterinary professionals and veterinary para-professionals in the country affects the capacity of the VS to provide comprehensive veterinary services, including proper disease diagnosis, treatment and prevention. The VS has made some progress by at least developing comprehensive plans to increase the number of trained veterinarians and para-professionals in both the Biosecurity and Livestock Departments in future. However, there remain concerns about the ability to develop the capacities of such professionals to an appropriate level, due largely to the limited opportunities for education and professional development in the country. In that regard, establishment of a Veterinary Statutory Body (VSB) may improve the situation for promoting and safeguarding public health, animal health and welfare through developing a body of appropriately qualified, mandated and regulated veterinary professionals. The development of a comprehensive framework for regulating the practice of veterinary professionals (including both veterinarians and veterinary para-professionals) would help to improve animal health and, by extension, human health through control of zoonotic diseases and appropriate use of VMPs to ensure harmful levels of residues do not enter the human food chain.

To bolster the limited resources available within the VS, Vanuatu receives support from the international community including the Governments of Australia and New Zealand, and the Food and Agriculture Organization of the United Nations (FAO). Support is also received from The Pacific Community (SPC). For example, in an effort to harmonise biosecurity-related legislation in the region, the Secretariat of the SPC provided countries in the region with a template biosecurity law. This template served as the basis for the Vanuatu Biosecurity Bill (see Subsection 4.3.1 below for more detailed commentary on this Bill). Additionally, the SPC runs a 16-week training programme for veterinary para-professionals in the region.

3.4 National legal framework

3.4.1. Political and administrative structure

The government structure of Vanuatu is established by the Constitution of the Republic of Vanuatu, which was adopted in 1980 when the country gained independence from joint British and French colonial rule. The Constitution establishes a tripartite government structure that divides power among the executive, legislative and judicial branches.²⁴ The President serves as head of State, and is elected to serve in five-year terms.²⁵ The legislative branch is the Parliament of Vanuatu: a unicameral body comprising 52 members elected through popular vote every four years.

Article 16 of the Constitution grants Parliament the power to make laws “for the peace, order and good governance of Vanuatu”. Thus, as is common in many legal systems, the power to promulgate primary legislation lies exclusively with the legislature. Parliament also plays a crucial role in the selection of the Prime Minister, who leads the executive branch and forms the Cabinet by appointing ministers to specific portfolios. The executive, in turn, is responsible for implementing laws enacted by Parliament (including through the enactment of secondary legislation such as Regulations and Orders), managing the day-to-day operations of the government, formulating policies and representing the country internationally.

The judiciary in Vanuatu functions independently of the executive and legislative branches. The Supreme Court serves as the highest court in the country, interpreting and applying the law. Its judges are appointed by the President upon the recommendation of the Judicial Service Commission. The judiciary ensures the rule of law, protects individual rights, resolves disputes and safeguards justice in the country.

Vanuatu embraces a system of decentralisation, granting significant powers to local governments, including provincial government councils and, at a more granular level, municipal government. This system aims to promote local autonomy, participation and decision-making, while addressing region-specific needs and concerns. At the provincial level, each of the six provinces has its own provincial government council, which serves as the local governing body. The provincial government council is responsible for local administration, development planning and the delivery of basic services within its jurisdiction. It plays a crucial role in ensuring that provincial interests and priorities are considered in decision-making processes. Within the six provinces, there are municipalities that exist primarily in urban areas. Municipalities are subordinate units to the provincial councils and have their own municipal councils. Municipal councils are responsible for managing urban infrastructure, public services and local regulations within their respective municipalities.

3.4.2. Legal framework overview

Vanuatu’s legal system comprises a combination of common law, civil law and customary law. The Constitution declares itself to be the supreme law of the Republic of Vanuatu.²⁶ In addition to establishing the structure of the Government of Vanuatu, it establishes fundamental rights and freedoms of people, including rights to liberty, security of the person,

²⁴ Constitution of the Republic of Vanuatu, Chapters 4, 7 & 8.

²⁵ Constitution of the Republic of Vanuatu, Article 33 & 36(1).

²⁶ Constitution of the Republic of Vanuatu, Article 2.

freedom of assembly and association, freedom of movement and protection for the privacy of the home and other property and from unjust deprivation of property.²⁷ Anyone who considers that any of their fundamental rights have been, or are likely to be, infringed may apply to the Supreme Court for enforcement of that right.²⁸

Primary legislation enacted by the legislature in Vanuatu is called an Act of Parliament. Secondary legislation, enacted by the executive on the basis of powers granted under Acts of Parliament, may take various names, including Regulations, Orders and Rules. Codification of legislation is not widespread in Vanuatu, with only several legal Codes in existence, such as the Penal Code. Legislation in Vanuatu was last consolidated in 2006. Consequently, legislation enacted prior to consolidation will often include a chapter number in its title (e.g. Cap.48), whereas legislation enacted since consolidation is generally referred to in a manner that indicates when it was enacted, relative to other laws, in any given year (e.g. Act No.18 of 2018).

While decentralised authorities (i.e. provincial and municipal governments) have the capacity to enact legislation, the WOAHL VLM team understands, through discussions during the VLM mission, that all legislation pertinent to the veterinary domain in Vanuatu is enacted by the Parliament and Government Ministries at a central level. A comprehensive list of veterinary legislation in the veterinary domain that the WOAHL VLM team consulted can be found in Appendix 6. Additionally, a complete list of legislation in Vanuatu is maintained on the website of the Pacific Islands Legal Information Institute (PacLII).²⁹

3.4.3. Legislative drafting process

The process for developing primary legislation (i.e. an Act of Parliament) in Vanuatu begins with the entity promoting the prospective legislation (usually a government department) developing a policy paper, which must be approved by the Council of Ministers. Once approved, the department driving development of the legislation must provide detailed drafting instructions to the Office of the Attorney General (OAG). Legal drafters in the OAG then prepare a draft Act (i.e. a Bill) based on the drafting instructions. The Bill must be prepared in both English and French.

Once the Bill has been drafted, it may be submitted to Parliament, at which point it will undergo three stages of review: first reading; Committee stage; and second reading.³⁰ In more detail:

First reading: During the first reading, the Bill is introduced, debated and the Minister responsible for the Bill makes a speech outlining its purpose. Debate during the first reading focuses on the principles and merits of the Bill, rather than the details. Once the First Reading is completed, the Bill is usually referred to the Committee of the Whole House for further consideration. Alternatively, it may be referred to an ad hoc Committee or a

²⁷ Constitution of the Republic of Vanuatu, Article 5.

²⁸ Constitution of the Republic of Vanuatu, Article 6(1).

²⁹ This can be accessed at the following link: <http://www.pacii.org/vu/indices/legis/>.

³⁰ A comprehensive breakdown of the process for legislative development can be found in: Parliament of the Republic of Vanuatu, *Standing Orders of Parliament* (20 June 2020); and Vanuatu Parliamentary Handbook, *Government of Vanuatu* (1999).

Standing/Select Committee, which allows for more detailed examination and public input.

Committee stage: If the Bill is referred to an ad hoc Committee or a Standing/Select Committee during the first reading, then the committee will review the Bill in detail and produce a report for consideration by Parliament. The Bill may be amended in light of the report findings. If the Bill is not referred to an ad hoc or Standing/Select Committee, the Bill is considered by the Committee of the Whole House. During this stage, the Bill is discussed section by section. Relevant amendments can be proposed but must not conflict with the Bill's principles. Once agreement is reached at this phase, the Bill is passed to the second reading.

Second reading: During the second reading, the Bill is read a second time, and a motion is made to pass it. At this stage, the Bill may either be approved, or a motion may be made to postpone the second reading for a suitable reason, or the Bill may be referred back to the Committee of the Whole House for discussion on specific issues. Once a Bill is approved during the second reading, it is returned to the Clerk of the House for one final check, after which point it is sent to the President for final approval. Once approved, the Bill enters into force and becomes an Act when it is published in the Republic of Vanuatu Official Gazette.

The process for drafting secondary legislation (e.g. Regulations and Orders) comprises a similar process, although it is more streamlined. The government department driving the development of secondary legislation must prepare drafting instructions, to be submitted to the OAG. The OAG then drafts the secondary legislation based on the drafting instructions and sends the draft legislation to the Director General of the relevant Ministry for review. Once approved by the Director General, the draft legislation is sent to the Minister for approval. Once approved by the Minister, the secondary legislation becomes law once published in the Republic of Vanuatu Official Gazette. The process for developing secondary legislation is notably quicker than the timeline for developing primary legislation. While primary legislation will often take several years from start to finish, Regulations may take only a few months, while Orders may take several days to weeks. The WOAHLIM team understands that widespread public consultation is undertaken for the development of both primary and secondary legislation, but this step is not explicitly required by law. Areas for public consultation may be posted on the MALFFB website, and the WOAHLIM team understands that the Vanuatu Primary Producers Authority – a membership organisation for collaboration between agricultural producers – also serves as a valuable platform through which the Government can consult with agricultural producers on legislative and policy proposals.

The WOAHLIM team further understands that, in addition to the legal support that government departments receive from the OAG in drafting veterinary legislation, MALFFB is expecting, in the coming months, to hire three more legal experts who, provided budget is available, will also be able to support competent authorities within MALFFB in the development of veterinary legislation.

4. Review of the national veterinary legislation

The purpose of this Section is to set out the findings of the WOAHLIM team concerning the

quality of the veterinary legislation in Vanuatu. In accordance with the WOAHA TAHC, veterinary legislation means “laws, regulations and all associated legal instruments that pertain to the veterinary domain”.³¹ The veterinary domain means “all activities that are directly or indirectly related to animals, their products and by-products which help protect, maintain and improve animal health, animal welfare and veterinary public health”.³²

Throughout this report, reference is made to “internal” and “external” quality of veterinary legislation. Internal quality relates to the legal aspects of the legislation, including:

Does the legislation respect the hierarchy of legislation? This means that, for example, an administrative regulation (secondary legislation) must not contradict any legislative Act (primary legislation), and its scope must not exceed the parameters defined in primary legislation.

Is it written in a clear manner that promotes legal certainty? For example, if legislation intends to require a specific subset of individuals to undertake a specific course of action, it is important that the group of individuals the legislation intends to target be clearly identified, and that it be clear what they are required to do and when.

Does it contradict any other laws? Contradiction creates legal uncertainty and may have potentially very serious outcomes depending upon the contradiction. This is one reason why it is essential to engage with lawyers during the legal drafting process, who will be familiar with the broader legal landscape in the country.

As such, internal quality may be broadly considered as the quality of a piece of legislation “on paper”. By contrast, external quality relates to the technical aspects of the law and the extent to which it achieves the desired regulatory objective in practice and is suited to the context and capacities of the country in question.

The below table sets out the three critical competencies of primary concern for the legislative realm, in addition to the critical competency levels achieved by Vanuatu in the PVS Evaluation mission undertaken in 2014, and the desired levels of advancement identified during the PVS Gap Analysis mission undertaken in 2017.

Table 1. Findings of the previous PVS Pathway reports

PVS Critical Competency	FINDINGS	
	PVS Evaluation (2014)	PVS Gap Analysis (<u>objectives</u>) (2017)
IV-1. Preparation of legislation and regulations	3 out of 5: The VS have the authority and the capability to participate in the preparation of national legislation and regulations, with adequate internal and external quality in some fields of activity, but lack formal methodology to develop adequate national legislation and	3 out of 5: The VS have the authority and the capability to participate in the preparation of national legislation and regulations, with adequate internal and external quality in some fields of activity, but lack formal methodology to develop adequate national legislation and

³¹ WOAHA Terrestrial Animal Health Code (TAHC), Glossary.

³² WOAHA TAHC, Chapter 3.4.

	regulations regularly in all domains.	regulations regularly in all domains.
IV-2. Implementation of legislation and regulations and compliance thereof	2 out of 5: The VS implement a programme or activities comprising inspection and verification of compliance with legislation and regulations and recording instances of non-compliance, but generally cannot or do not take further action in most relevant fields of activity.	3 out of 5: Veterinary legislation is generally implemented. As required, the VS have a power to take legal action / initiate prosecution in instance of non-compliance in most relevant fields of activity.
IV-3. International harmonization	3 out of 5: The VS monitor the establishment of new and revised international standards, and periodically review national legislation, regulations and sanitary measures with the aim of harmonising them, as appropriate, with international standards, but do not actively comment on the draft standards of relevant intergovernmental organisations.	3 out of 5: The VS monitor the establishment of new and revised international standards, and periodically review national legislation, regulations and sanitary measures with the aim of harmonising them, as appropriate, with international standards, but do not actively comment on the draft standards of relevant

The following subsection of the report (4.1) provides an overview of the internal and external quality of the veterinary legislation in Vanuatu, as determined by the WOAHL VLIM team during the VLIM. Subsection 4.2 outlines how much of the veterinary domain is covered by the existing veterinary legislation, and identifies any gaps, overlaps and specific issues. Finally, in subsection 4.3, the WOAHL VLIM team provides detailed feedback on two pieces of legislation reviewed during the mission: the Biosecurity Bill, which the WOAHL VLIM team reviewed together with national counterparts on the fourth day of their mission travel, and the Livestock Management Act, which the WOAHL VLIM team reviewed on their own on the final afternoon of the week of mission travel. In Section 5 of this report, the WOAHL VLIM team offers key conclusions for legislative reform, in addition to identifying the highest priority issues and providing recommendations on how to address them.

4.1 Overview

Throughout the course of the VLIM, the WOAHL VLIM team identified approximately 50 pieces of legislation with varying degrees of relevance for the veterinary domain, which are listed in Appendix 6. The age of these legislative instruments varies widely, ranging from 1905 to 2018, although the majority of these were enacted after Vanuatu became independent (1980), i.e. between 1990 and 2018. Of the approximately 50 pieces of legislation listed in Appendix 6, the following five Acts, and their associated regulations, constitute the main legal instruments in the veterinary domain:

- Animal Disease (Control) Act 1992 (Cap.220)

- Animal Importation and Quarantine Act (Cap.201)
- Livestock Management Act No.19 of 2018
- Meat Industry Act 1991 (Cap.213)
- Prevention of Cruelty to Animals Act (Cap.78)

Overall, the quality of these pieces of legislation varies widely, and the WOAHL VLIM team identified a larger number of issues relating to external quality (i.e. practical impact and effectiveness of the law) than to internal quality (i.e. the quality and clarity of the legal text itself).

There are several general observations noted by the WOAHL VLIM team concerning external quality:

- **Limited enforcement capacity:** Due to human and financial resource constraints, capacity available to enforce veterinary legislation in Vanuatu is extremely limited. In practice, this has the potential to limit the effectiveness of the law. The WOAHL VLIM team understands that, in general, livestock in Vanuatu enjoy a reasonably favourable state of health with no outbreaks of emerging diseases. For this reason, the implications of the resource constraints may not be widely apparent, but they may become so if the VS needs to respond quickly to combat a significant disease outbreak, or if they had to conduct comprehensive active and passive surveillance.
- **Identification of competent authorities:** In some instances, it is not clear which entity is responsible for implementing a specific piece of legislation or regulating a specific area. This uncertainty arises in two ways:
- **Unclear language used in legislation:** The Animal Disease (Control) Act (Cap.220) references multiple entities that must work together to ensure complete implementation and enforcement of the Act. This includes the “principal veterinary officer”, “Director”, which is defined as “the Director of the Government Department responsible for animal health and production” and “veterinary authority”, which is defined as “the veterinary service of the Government department responsible for animal health”. The term “principal veterinary officer” is clear, and obviously refers to the only PVO position in the country, which sits in the Biosecurity Department. However, the term “Director” is less clear in this context, as this could refer to the Director of the Biosecurity Department, which is responsible for controlling animal disease, or it could potentially refer to the Director of the Livestock Department, which is responsible for regulating livestock production and also performs functions relating to animal health. In practice, this confusion likely stems from the fact that the Departments of Biosecurity and Livestock used to be a single combined entity, in which case these definitions would not cause confusion. Moreover, the WOAHL VLIM team understands that, in practice, the mandate for implementing this legislation falls to the Director of the Biosecurity Department. For this reason, the practical implications of this legal uncertainty are minimal at present. However, it is important to highlight this area for strengthening legal clarity, and the WOAHL VLIM team suggests this ambiguity be clarified in the Biosecurity Bill, which is intended to repeal the Animal Disease (Control) Act (in addition to other laws).

- **Overlapping mandates across several laws:** As noted in the previous point, the WOAHL VLIM team understands that the competent authority for animal disease control and biosecurity is the Biosecurity Department – a mandate that stems from both the Animal Disease (Control) Act (Cap.220) and the Animal Importation and Quarantine Act (Cap.201). However, the recently enacted Livestock Management Act (No.19 of 2018), which falls under the mandate of the Livestock Department, establishes the Livestock Standards Committee which is responsible for developing standards to regulate livestock management activities. Livestock management activities are broadly defined in Section 1 of the Livestock Management Act to mean “any activity that relates to the health, husbandry or biosecurity of livestock during any stage of the livestock’s life, from birth to slaughter, including the transport and holding of livestock”. In practice, therefore, this creates an overlap of mandates in the law, where both the Biosecurity Department and the Livestock Standards Committee are empowered to regulate animal health and biosecurity issues. Moreover, the Livestock Management Act does not explicitly address this conflict or repeal any aspect of the Animal Disease (Control) Act or Animal Importation and Quarantine Act. The resulting overlapping mandates should therefore be discussed between the two entities, and an appropriate solution found that should be reflected in law.
- **Private sector empowerment:** Engagement and consultation with stakeholders, including industry representatives, is an essential part of any regulatory framework to ensure all interests are heard and can be taken into account. However, stakeholder empowerment must be done in a manner that does not create conflicts of interest or which could undermine the objective of the regulatory framework itself. As noted in the preceding paragraph, the Livestock Management Act establishes the Livestock Standards Committee, which is empowered to develop standards to govern the livestock sector, in addition to advising the Minister on development of regulations. However, as set out in Section 10 of the Act, the Committee may be comprised primarily of private industry representatives, which could account for as much as 89% of the Committee’s total membership (i.e. eight of the nine members allocated under Section 10 of the Act). This is concerning as it essentially grants the livestock industry the power to regulate itself. As discussed in greater detail in Subsection 4.3.2 below, this resulting conflict of interest could allow a select few industry actors to essentially create a monopoly by establishing standards that are difficult for everyone except the most well-resourced and wealthy operators to comply with. Alternatively, due to their majority in the Committee, industry actors have the power to implement relaxed standards that may reduce operational costs, but that present risks to public and animal health. A more detailed analysis of the Livestock Management Act is set out in Subsection 4.3.2, below.

4.2 Coverage of the veterinary domain

While the veterinary legislation currently in place in Vanuatu addresses several areas of the veterinary domain, there are others that are either only partially regulated by existing legislation or are not regulated at all. The areas that are partially covered, but have notable gaps, are as follows:

- **Powers of competent authorities:** In general, the veterinary legislation in Vanuatu grants the competent authorities the powers they need to perform their functions effectively, including powers to enter into premises and vehicles to carry out inspections, to access records, to take samples and to seize and destroy animals, animal products and food of animal origin.³³ However, there are two notable components that are absent from the law. First, inspectors/officers are not protected from legal liability when performing their duties in good faith. Although absent from the veterinary legislation, it does exist in other legislation in Vanuatu, for example in Section 128 of the Public Health Act (Cap.234), which states that “no suit, prosecution or other legal proceedings shall be instituted for any act or omission which in good faith is done or purported to be done by any person under this act”. This is important to ensure that inspectors/officers feel confident in exercising their powers to the full extent necessary to do their job.

Second, legislation does not explicitly prohibit inspectors/officers from disclosing confidential information to unauthorised persons. This is often found in general legislation governing public servants, but the WOAHL VLIM team was unable to find any such provision applicable in the veterinary sector. An example of such a provision is contained in the Public Service Act (Cap.246), which provides that “An employee [of the Government] commits a disciplinary offence who (...) otherwise than in the proper discharge of his or her duties directly or indirectly discloses or for private purposes uses any information acquired by him or her either in the course of his or her duties or in his capacity as an employee”.³⁴ It is important that legislation make it an offence for officers/inspectors to disclose confidential business information to unauthorised persons, as this gives citizens confidence that their data will be treated appropriately, and will thus incentivise their full collaboration with inspectors. The WOAHL VLIM team therefore suggests that both of these missing provisions be included in all appropriate veterinary legislation. The WOAHL VLIM team is pleased to see such provisions are included in Sections 102 and 91, respectively, of the draft Biosecurity Bill, which is intended to replace the Animal Disease (Control) Act and the Animal Importation and Quarantine Act.

- **Disease control and surveillance:** In current legislation, there is not an explicit legal basis for the development of contingency plans to set out powers, procedures and resources to be used when there is a suspected or confirmed outbreak of a notifiable disease. Having such a legal basis is important because it allows for the development of detailed plans to be followed in the event that a disease outbreak is suspected or confirmed and, crucially, empowers the competent authority to use any special powers or resources outlined in the contingency plan. However, Section 17 of the Animal Disease (Control) Act allows the Minister to develop regulations that “provide for the compulsory or voluntary control or eradication of specified diseases including methods and practices to be adopted, frequency of testing, interpretation of test results, isolation and disposal of infected and in-contact animals, controls on

³³ For example, Animal Disease (Control) Act, Section 2; Animal Importation and Quarantine Act, Section 15; Meat Industry Act, Section 11.

³⁴ Public Service Act (Cap.246), Section 36(1)(g).

movement, definition of free and infected herds and any other such measures as he thinks fit for the control or eradication of disease”. In practice, this allows space for the development of contingency plans, although in the interest of legal clarity, it would be preferable to have specific and dedicated legal provisions in the Act.

The WOAHL VLIM team notes that the draft Biosecurity Bill allows for the development of Emergency Biosecurity Regulations, which take effect on the declaration of a biosecurity emergency, and, amongst other things, can grant the VS additional powers not normally available under non-emergency situations; set out procedures to be followed; impose movement controls, etc. It is not clear whether the intention is for such regulations to be developed for specific diseases, in which case they may operate in a manner similar to contingency plans. Development of Standard Operating Procedures (SOPs) as a specific part of the contingency plans is highly recommended.

- **Animal welfare:** While animal welfare is covered in a rudimentary way under the Prevention of Cruelty to Animals Act (Cap.78), the legislation does not contain any of the necessary details for protection of animal welfare as laid out in Chapter 7 of the WOAHL TAHC. The Department of Livestock acknowledged the shortcomings of this Act during the VLIM, and confirmed that Regulations governing animal welfare during transport are currently being developed under the Livestock Management Act.
- **Food production chain:** The Meat Industry Act (Cap.213) provides a good basis for regulating animal slaughter and production of food of animal origin. The WOAHL VLIM team also understands that inspections undertaken during slaughter make up a significant portion of Vanuatu’s disease surveillance efforts, due to limited capacity to undertake widespread field-based disease surveillance. However, the Act currently only applies to two approved slaughterhouses (one each on the islands of Efate and Santo). These slaughterhouses are intended to produce animal products for export.³⁵ In practice, this leaves all other slaughterhouses producing food for domestic consumption unregulated, meaning that domestic food of animal origin is not scrutinised to such a high standard as that intended for export. The WOAHL VLIM team suggests extending application of the Meat Industry Act to all slaughterhouses in the country. This should help promote food safety in the country.

The areas listed above are partially covered by existing veterinary legislation. However, there are some areas that are not yet regulated at all. These are as follows:

- **Regulation of the veterinary profession:** There is currently no regulatory framework governing the practice of veterinary professionals, neither veterinarians nor veterinary para-professionals. As noted above, there are currently only two operating veterinarians in Vanuatu – the PVO and a private veterinarian in Port Vila. During the mission, the WOAHL VLIM team was told that, in addition to limited financial resources to hire new staff, the absence of regulation plays a big factor in challenges hiring and retaining new veterinary specialists in the country. This is because there is no

³⁵ The WOAHL VLIM team was informed that, at the time of the mission, only the slaughterhouse in Port Vila met the requisite standards to produce food products eligible for export.

framework through which to officially recognise their skills and qualifications, and thus to help them develop professionally or be recognised as professionals. For these reasons, in addition to the risks that the absence of such veterinary legislation presents to animal health through poor animal health practices (for example, through farmers undertaking medical interventions themselves, or using VMPs incorrectly), the WOAHL VLIM team recommends the development of a legal framework to regulate veterinary professionals as a top priority in Vanuatu. Details of this recommendation are set out in section 5, below.

- **Veterinary medicinal products:** At present, there is no regulatory framework governing the authorisation, production, retailing, use or traceability of veterinary medicinal products (VMPs). This also seems to fall outside the scope of legislation established by the Ministry of Health for the regulation of medicines. For example, the Sale of Medicines (Control) Act (Cap.48) explicitly *only* applies to medicines intended for humans.³⁶ The only part of the VMP value chain that is subject to any form of regulation is the importation of biological products, which falls under the mandate of the PVO in accordance with Section 16 of the Animal Importation and Quarantine Act (Cap.201). Absence of a comprehensive framework to regulate VMPs creates a variety of risks, including availability of ineffective or harmful products on the market, incorrect use of VMPs which could present risks for animal and human health while also increasing the risk of anti-microbial resistance and use of VMPs by persons who are not appropriately qualified to do so. The WOAHL VLIM team believe that addressing the absence of legislation governing VMPs should therefore be a high priority for Vanuatu. In doing so, it will be important for the various authorities operating within the veterinary domain to clearly ascertain where this power should lie. Details of the WOAHL VLIM team’s recommendations are set out in Section 5 below.
- **Animal feed:** Similar to VMPs, there is currently no regulatory framework governing the production, retailing, use or traceability of animal feed. The Biosecurity Department has taken on the de facto role of regulating the import of animal feed, in its capacity to protect biosecurity within Vanuatu through regulation of imported products. Adequate regulation of the feed value chain is important to ensure that feed provided to animals is safe and of sufficient quality, so as not to present risks to either animal or human health. The WOAHL VLIM team therefore also recommends this as a priority area to be addressed. Recommendations on how to address this issue are included in Section 5, below.
- **Delegation:** While delegation is not itself a specific area of the veterinary domain, it is important to note that, at present, there does not appear to be any explicit power in the law for competent authorities to delegate functions to non-public-sector actors. This is particularly important in contexts, such as Vanuatu’s, where there may be limited human resources available in the public sector. The WOAHL VLIM team would recommend including in the Biodiversity Bill powers for the competent authority to delegate to non-public actors to support with, amongst other things, disease control

³⁶ Sale of Medicines (Control) Act (Cap.48), Section 1.

and eradication, as necessary.

- **Animal identification and traceability (AIT):** At present, there is no legally mandated AIT system in place in Vanuatu. The only element of traceability or recording is established under the Meat Industry Act, which requires operators of approved establishments (i.e. the two slaughterhouses in Efate and Santo) to maintain specific records concerning the number and type of animals that enter or leave their establishments. This serves the purpose of meeting traceability requirements necessary to enable export of resulting meat products to target international markets. Considering both the costs of maintaining a comprehensive AIT system and the limited resources that the VS in Vanuatu have at their disposal, it is the view of the WOAHL VLIM team that it is not a high priority for Vanuatu to implement a more comprehensive AIT system at this stage. Rather, it is advisable to include a legal basis within any new legislation (e.g. the Biosecurity Bill) to develop regulations facilitating traceability at a later stage, if/when this becomes a priority.
- **Laboratories, animal markets and other gatherings, and animal byproducts:** These three areas are all currently unregulated in Vanuatu. In the long term, it would be necessary for the Government of Vanuatu to develop legislation to fill these gaps. However, in the meantime and considering the limited resources available for legislative reform, the WOAHL VLIM team would recommend prioritising legislation to regulate the veterinary profession, VMPs and animal feed, and to enable the delegation of powers to non-public actors.

4.3 Detailed assessment of selected subject areas

During the VLIM, the WOAHL VLIM team agreed with the PVO that the team's detailed review would focus on two legal instruments: the draft Biosecurity Bill and the Livestock Management Act (No.19 of 2018).

4.3.1. Biosecurity, including domestic disease control, and import and export controls

At present, animal disease control, and control of the import and export of animals and animal products, are regulated under the Animal Disease (Control) Act and the Animal Importation and Quarantine Act. While these instruments were analysed during the VLIM (particularly while working through Part II of the VLSP questionnaire in plenary), the WOAHL VLIM team and PVO agreed to focus their detailed review on the draft Biosecurity Bill, which is intended to repeal both the Animal Disease (Control) Act and the Animal Importation and Quarantine Act, in addition to the Plant Protection Act (Cap.239). The team decided to focus their detailed review on the Biosecurity Bill, rather than the currently active legislation, for three reasons: (1) the Bill has not yet been submitted to Parliament for review, and therefore there is still time to implement any necessary changes; (2) any areas for improvement identified in the Bill may be more easily implemented than seeking to pass reforms to the existing legislation (which is not likely due to its impending repeal); and (3) identifying necessary changes to the Bill has the potential to achieve larger long-term positive impact in Vanuatu than reviewing the current legislation that is expected to be repealed by the Bill in coming years.

Development of the draft Biosecurity Bill began in 2005, based on a model biosecurity law provided by the Secretariat of the Pacific Community in an effort to harmonise biosecurity legislation in the region. From 2007, relatively little was done to the Bill until 2013, at which point extensive stakeholder consultation was held. In recent months, a policy paper for the proposed Bill was passed by the Development Committee of Officials (the Government entity tasked with reviewing proposed Bills before submission to Parliament for the three official rounds of review, as set out in Section 3.4.3. above), and now sits with the Council of Ministers for their endorsement. If received, the Bill will undergo a final round of revision before it is finalised and submitted to the Parliament for the official review process outlined in subsection 3.4.3 above.

A large portion of the draft Biosecurity Bill was reviewed in plenary with the WOAHLIM team, Dr. Ian Peebles (PVO), Mr. Lindon Tari (Acting Principal Biosecurity Officer) and Mr. Richard Kalses (Compliance Officer within MALFFB and in-house legal specialist). This review exercise stimulated interesting discussions on both internal and external quality of the draft, and highlighted factors to bear in mind when using model legislation as a guide for legal drafting. Due to the Bill's length, it was not possible to review all of the Biosecurity Bill in plenary. As a general observation, it is worth noting that the draft contains a number of typographical errors, and therefore it would be important for those involved in revision of the draft within the Biosecurity Department to review the draft to rectify such issues. Similarly, some provisions seem incomplete (e.g. Section 79(1) reads "The biosecurity register kept pursuant to section (insert section & subsection number)", and appears to lack another clause to the sentence). However, the draft generally appears to do a good job of embodying the key legal mechanisms required for animal disease control, as set out in Article 3.4.9 of the WOAHLIM TAHC.

Specific weaknesses and issues identified in the draft are listed below:

- **Definition of terms:** The Bill would benefit from a detailed and critical review of all terms defined in the 'Interpretation' section. Overall, there are approximately 130 terms defined in this section. While this is not inherently a problem and may be consistent with the style of legislative drafting in Vanuatu, it seems like an unusually large number of definitions, which can make the law dense and difficult to read. A critical review of the 'Interpretation' section will help identify whether these are all necessary. For example, the terms "document", "export", "import", "master", and "writing" are already defined in the Interpretation Act (Cap.132).³⁷ Similarly, "this Act" is defined to include "regulations and orders made under it". However, this is specified in the Interpretation Act.³⁸ The purpose of the Interpretation Act is to set out standard rules to aid legal interpretation. This includes setting out standard definitions for terms such as those listed above. Therefore, unless a specific Act needs to define such a term in a manner that deviates from the definition in the Interpretation Act, it is not necessary to duplicate by defining in both laws. In addition to potentially unnecessary definitions, some seem to be either incorrect or problematic. It is also not necessary to define terms that are commonly understood or that will not be used in the Act.

³⁷ Interpretation Act (Cap.132), Schedule.

³⁸ Interpretation Act (Cap.132), Section 10(1).

Definitions that cause particular concern include:

- **“Animal”**: The definition of “animal” includes “the hide, hoof, viscera or any other part or portion of the body of the animal”. Logically, these should instead fall under the definition of animal products or by-products. Additionally, eggs are included in the definitions of both “animal” and “animal product”. Mixing animal products and animal by-products within the same definition may lead to uncertainty and jeopardise food safety. Animal products intended for human consumption should be clearly distinguished from animal by-products not intended for human consumption.
- **“Minister”**: The purpose of defining “Minister” in legislation is to clarify which Minister is responsible for implementation and enforcement of the Act. For example, if “Minister” is defined as “the Minister responsible for livestock”, then this clarifies that the Act falls under the responsibility of MALFFB. In this case, “Minister” is defined as “the Minister responsible for administering this Act”. Consequently, this definition serves no purpose as it does not add any clarity.
- **“Pest”**: This is defined in a manner that includes pathogenic agents, or diseases, as a form of pest. While this may be deliberate, it is important to consider whether Vanuatu wishes diseases to fall under the broader category of pests, or whether the government may want them separated so that the two aspects may be regulated differently when necessary.
- **Use of timeframes**: It is important to be as precise as possible when mandating a timeframe within which an action must be undertaken. Where possible, use of explicit time frames (e.g. within 24 hours, or 7 working days) is often beneficial, rather than non-specific timeframes such as “as soon as possible”. For example, Section 73 requires persons who know or suspect the occurrence of a notifiable disease to notify the Director “as soon as reasonably practicable”. This is a widely used term in law and is not technically wrong, but it creates scope for different persons to interpret this time frame differently. More precise wording may be something like “as soon as reasonably practicable, and not later than 24 hours after the occurrence was known or suspected”. The decision as to what is an appropriate timeframe must be taken by the VS with full knowledge of the communications infrastructure available to livestock operators in Vanuatu.
- **Scope of application**: Section 4 (“Act binds the Republic”) states that “This Act binds the Republic, including every Government department and statutory authority and every person in the employment of the Government”. Unless standard practice in legislation in Vanuatu, such a statement seems unnecessary, as it is a fundamental component of the rule of law that law is binding on everyone, equally. Additionally, this language may be interpreted to suggest that the Act is only binding upon the Government of Vanuatu, and all Government employees – i.e. it is not binding upon private actors. This is obviously not the case, as the law would be ineffective if private actors (regardless of whether they are large industrial producers approved for export or small-scale producers participating only in national or local markets) were not required to abide by it. We would therefore suggest removing this provision.

- **Listing obligations and corresponding offences:** When a law requires a person to act in a specific way and declares it an offence to act in a contrary manner, it is generally recommended to have two corresponding legal provisions. First, the law should have a provision stating what someone must or must not do (e.g. “no person shall do X”). Second, this is then usually supplemented by a corresponding provision that makes it an offence to do X (e.g. “any person who does X is guilty of an offence”). If the law only contains the first part, then it is technically not creating an offence – it is simply asking someone to act in a specific manner, as there is no penalty for failing to do so. If only the second part is present, then the law is successfully creating an offence, but the language is less clear so it may not be as obvious to people what they are, or are not, supposed to do. There are a few instances in the Bill where only the second of the above components is present. For example, Section 14(2) simply state that “A person who imports or attempts to import a pest or disease which is prohibited under subsection 1(a) commits an offence”. Clarity of the Bill could be improved by having another provision before this that reads, “A person must not import or attempt to import a pest or disease which is prohibited under subsection (1)(a)”. While the value that this adds may seem minor, we believe that setting obligations out in this clear manner can make the law easier for everyone to understand.
- **Degree of intent or knowledge required to commit an offence:** Section 14(2) of the Bill provides that “A person who imports or attempts to import a pest or disease which is prohibited under subsection 1(a) commits an offence”. This language does not require intention or knowledge on the part of the person who enters the country. This means that, for example, if a tourist enters Vanuatu and unknowingly imports a pest (which could include an insect in their bag, or they may unknowingly suffer from or be carrying a regulated disease, given that “pest” is defined to include disease), then they are automatically guilty of an offence and liable to whatever punishment that may incur. The fact that knowledge or intent is not required here puts anyone entering Vanuatu at significant risk which, if enforced, could at worst significantly deter tourism in Vanuatu or trigger a diplomatic incident. The question of whether this offence may be committed without intention is one to be made by the Government of Vanuatu, based on a balancing of the various risks. However, the severity of this provision may be reduced by updating to read “a person who knowingly imports...”, thus requiring someone to intend to import a regulated pest in order to be guilty of an offence. The WOAHL VLIM team suggests that this language may be more appropriate in this instance. If Vanuatu wishes to also make it an offence to negligently import a regulated pest (i.e. when someone does not exercise due care and attention), then the language may be framed as “a person who knowingly or recklessly imports...” . Similar language is used in multiple places throughout the Bill (e.g. Sections 14(3), 15(5), 16(1), etc.), and in each instance the Department of Biosecurity should carefully consider which language they wish to use, taking account of the points made in this paragraph.
- **Powers of the Director:** Section 11 provides that the Director of Biosecurity “has all the powers reasonably necessary or convenient for the purpose of carrying out his or

her functions under this Act”. This is problematic as “reasonably necessary” and “convenient” are substantially different. The former suggests that the Director may only exercise powers that a reasonable person would consider appropriate. The word “reasonably” therefore places a limitation on the power of the Director, requiring them to exercise their power in a sensible manner. “Convenient” requires a much lower standard of care, and essentially enables the Director to take whatever steps are convenient/easy, regardless of whether they are objectively reasonable. To use a deliberately extreme example, an individual may consider it “convenient” (or easy) to control an animal disease outbreak by killing all animals in the country. However, this may not be reasonably necessary, and there may be less harmful actions that could be taken to achieve the same outcome. Therefore, the WOAHL VLIM team suggests removal of the words “or convenient” from this provision.

- **Delegation:** Section 13 of the Bill only seems to permit delegation of functions to public officials, because powers may only be delegated to biosecurity officers who, under Section 10, must be public officials. A key benefit of delegation is the power to delegate, when necessary, to non-private entities. This allows the competent authority, when facing particular resource constraints or other pressures, to delegate functions to non-public actors, and therefore increase the resources available for use. For this reason, in line with Article 3.4.5 of Chapter 3.4 of the WOAHL TAHC, the WOAHL VLIM team recommends that the Bill be amended to allow delegation of functions to private actors who are not in the employment of the Government.
- **Biosecurity points of departure:** Article 16(5) provides that “A master or captain who causes or permits a vessel or aircraft to leave Vanuatu except from a seaport or airport that is a biosecurity point of departure commits an offence”. This wording is likely too broad, as it requires that literally every vessel or aircraft, regardless of their purpose or cargo, must leave from a designated biosecurity port of departure. Unless this is the intended meaning of the provision, the WOAHL VLIM team suggests narrowing down the wording as necessary to refer to the entry and exit from Vanuatu of animals and goods which must be under veterinary border control.
- **Repeals:** Section 107(1) of the Bill states that “The following Acts and any items of subsidiary legislation [made under them] are repealed (...)”. Section 107(2) proceeds to state that “Subsidiary legislation made under the repealed laws that could be made under this Act (leaving aside any requirement for advice) continue in force as if made under this Act until amended, replaced or repealed under this Act (...)”. This is a good example of the importance of being very careful with drafting legal texts. In its current formulation, subsections (1) and (2) of Section 107 seem to contradict one another — the first subsection stating that all subsidiary legislation is also repealed, and the section subsection stating that such subsidiary legislation remains in force if aligned with the objective of the Bill, until it is amended, replaced or repealed. It has already been repealed under Subsection (1), therefore subsection (2) is redundant. This logic breakdown could be rectified simply by adding “Subject to subsection (2), (...)” at the beginning of Subsection 1 to show that it is not absolute, and that it must be read in conjunction with Subsection 2.

4.3.2. Livestock production and management

Livestock production and management in Vanuatu are regulated primarily under the recently promulgated Livestock Management Act (No.19 of 2018). Due to time constraints during the mission, it was not possible to review this instrument in plenary with national counterparts in the VS. However, the WOAHL VLIM team independently reviewed this Act in detail. During this review exercise, the WOAHL VLIM team identified several issues regarding both the internal quality (i.e., the quality of the legal text) and external quality (i.e., the practical impacts) of the Livestock Management Act. These are set out in the remainder of this section. The WOAHL VLIM team also understands that draft regulations are currently under development under this Act, pertaining to animal welfare standards during transport. However, the team was not able to review these draft regulations.

Key issues related to internal quality are as follows:

- **Definition of terms:** In general, the definitions used in the Act seem logical and appropriate. However, there are a few observations:
 - **“Livestock”** is defined to include, amongst other things, “(c) any animal prescribed as livestock”. This clause is inadequate as it does not clarify the meaning of the term livestock, nor does it specify precisely where, or by whom animals may be prescribed as livestock. If this is intended to mean that the Minister may prescribe, by regulation, animals that may be considered livestock, then this should be explicitly stated.
 - **“Person”** is defined to include “a partnership and an unincorporated body”. However, “person” is already defined in the Interpretation Act (Cap.132) as “any statutory body, company or association or body of persons incorporated or unincorporated”. While the presence of this definition is not a problem as such, it is unnecessary.
- **Conflict clause:** Section 2(1) of the Act provides that “If a provision of this Act conflicts with a provision of any other Act other than the Constitution, the provisions of this Act prevail.” The WOAHL VLIM team has several concerns with this provision. First, the wording of this provision suggests that it attempts to render invalid any conflicting provisions in other laws, including laws enacted after the enactment of the Livestock Management Act. This is entirely contrary to the rule of law, because it is a universal principle that no law may restrict the content of future laws. This is essential to uphold democratic values and to allow the law to evolve to meet the ever-changing needs of a country. On this basis, this provision would be deemed invalid by a court of law if anyone tried to use this provision to challenge the content of a more recent law. Second, the team has been unable to identify such a provision in any other legislation studied, suggesting that the inclusion of such a provision may not be consistent with the legislative drafting style in Vanuatu. There are usually established rules in countries’ legal frameworks concerning how to address conflicting legislation. While the WOAHL VLIM team has been unable to find any such provision in practice, the VS should consult with necessary legal expertise either within MALFFB or the OAG to understand how such conflicts are addressed in Vanuatu. In general,

potentially conflicting provisions in legislation are to be interpreted in a compatible manner as far as possible, and if any conflict remains, then usually the newer of the legal instruments supersedes the older one, but only to the extent necessary.

- In addition to the above issues regarding internal quality, the WOAHL VLM team also identified several concerns regarding external quality that are highlighted in the remainder of this section. To clearly explain these concerns regarding external quality, it is necessary to first give a brief overview of some of the main functions of the Livestock Management Act.

Overview of Livestock Management Act

Based on the WOAHL VLM team's understanding, the Livestock Management Act seems to bring about several significant changes related to livestock production practices, as follows:

- **Allows for the development of livestock management standards:** The Act provides that livestock management standards may be developed to govern the way in which livestock management activities are undertaken.³⁹ 'Livestock management activity' is defined broadly in the Act to mean "any activity that relates to the health, husbandry or biosecurity of livestock during any stage of the livestock's life, from birth to slaughter, including the transport and holding of livestock".⁴⁰ This therefore allows for the development of standards covering a large portion of the veterinary domain, including health provisions related to animal production and animal welfare. The Act grants these standards legally binding force by stating that "A livestock operator must comply with all applicable prescribed livestock management standards when engaging in a regulated livestock management activity". A 'regulated livestock management activity' is defined as "any livestock management activity to which a prescribed livestock management standard relates".
- **Establishes the Livestock Standards Committee:** While livestock management standards are officially prescribed by the Minister, the standards themselves are developed by an entity called the Livestock Standards Committee (LSC), which is established under the Act.⁴¹ The LSC is granted extensive power under the Act, including advising the Minister on a broad range of topics such as development of standards, development of guidelines related to any aspect of the Act, approval or suspension of livestock operators, defining the terms of appointment and dismissal of inspectors and developing regulations.⁴² The LSC is comprised of: the Director of the Livestock Department of MALFFB; six representatives of livestock operators from each province; a "representative of the butchers"; and "a suitable person", which is defined as "a person with qualifications and or expertise in different livestock activities".⁴³ It is essential to note that, depending on who is selected as the "suitable person", private sector representatives will make up between 78-89% of the LSC.

³⁹ Livestock Management Act (No.19 of 2018), Section 6.

⁴⁰ Livestock Management Act (No.19 of 2018), Section 1.

⁴¹ Livestock Management Act (No.19 of 2018), Section 7.

⁴² Livestock Management Act (No.19 of 2018), Sections 8, 25, 29 & 62.

⁴³ Livestock Management Act (No.19 of 2018), Section 10.

- **Requires livestock operators to undertake risk assessment:** All livestock operators who undertake an activity covered by any livestock management standards must undertake a risk assessment comprising “an assessment of the likely risks to animal welfare and biosecurity” arising from their activities, in addition to details of any control measures to ensure that the livestock management standards will be complied with and that any identified risks will be minimised.⁴⁴ The WOAHLIM team notes that this could impose a significant burden on some operators, such as small-scale or subsistence farmers, which may be impossible for them to fulfil without support.
- **Allows for ‘approved compliance arrangements’:** The Act allows for the creation of ‘compliance arrangements’, which operate like quality assurance schemes.⁴⁵ If a livestock operator carries out their regulated livestock activities under an approved compliance arrangement, then they are exempt from the requirement to conduct risk assessments since the compliance arrangement essentially guarantees that the operator’s practices meet all necessary risk control measures.⁴⁶ Approved compliance arrangements are operated by a ‘controlling authority’, which is a “person, statutory body, company or association or body of persons corporate or incorporated that is responsible for a compliance arrangement” (Section 1, Livestock Management Act). A person who wishes to establish and operate an approved compliance arrangement must make an application to the Minister. The Minister will either approve or reject an application scheme on advice from the LSC.⁴⁷

Extensive private sector engagement and potential conflicts of interest

The above summary of changes brought about by the Act, as understood by the WOAHLIM team, gives rise to several concerns. The first of these revolves around the fact that, as noted in the previous section and in section 4.1 above, the LSC is granted a broad range of powers including the power to develop the standards that private livestock operators must adhere to. The reason this is a problem is because the LSC is comprised of as many as eight private actors representing the livestock industry, with as few as one member from the public sector (the Director of Livestock, unless the one seat for a ‘suitable person’ is also held by a civil servant). Moreover, decisions within the LSC are made by majority and each member of the Committee is granted one vote; therefore, representatives of the private sector hold a significant majority.⁴⁸ This creates a conflict of interest because it is effectively handing private sector actors the power to set the standards by which their own industry will be regulated.

The avoidance of conflicts of interest is essential in the veterinary domain because otherwise it risks undermining, amongst other things, food safety and security, public health, animal health and international trade. The WOAHLIM team wishes to stress that they do not mean to suggest there is any ill intent on the part of the Committee members or that they have acted in anything other than good faith. However, a key purpose of legislation is to ensure

⁴⁴ Livestock Management Act (No.19 of 2018), Sections 4 & 5.

⁴⁵ Livestock Management Act (No.19 of 2018), Part 4.

⁴⁶ Livestock Management Act (No.19 of 2018), Section 14.

⁴⁷ Livestock Management Act (No.19 of 2018), Section 15.

⁴⁸ Livestock Management Act (No.19 of 2018), Section 13(5).

the development of regulatory frameworks that remove potential conflicts of interest, which is why the team feels it is important to raise this point.

The majority private-sector representation in the LSC is also concerning because, in addition to the power to develop livestock management standards, many provisions of the Act use the language “the Minister may, on advice of the Committee, (...)”. This language gives the LSC a strong voice in a range of areas within the law, including approving or rejecting applications for approved compliance agreements, or the terms relating to the appointment or dismissal of inspectors. It is unclear precisely how the language “The Minister may, on advice of the Committee (...)” is to be interpreted. On the one hand, it could be interpreted as meaning that the Minister may only act in a manner compatible with the advice of the LSC. Alternatively, it may be interpreted in a manner that allows the Minister to act contrary to the advice of the LSC, but must at least seek their advice before making a decision. The former would be particularly concerning as it would deepen the degree of control held by the LSC, and thus the potential conflict of interest. Crucially, the WOAHL VLIM team wishes to stress that consultation with public and private stakeholders is a hugely important component of decision-making, to promote high-quality outcomes and to ensure that all perspectives are heard and factored into decision-making. However, it is important that the Minister remains free to make their own decision, taking account of all views expressed. In the case at hand, this is why it is important that the Minister is not bound to make their decisions based solely on the input from the LSC, which predominantly represents the views of private-sector industry representatives, who are only one stakeholder group.

In light of the above, the WOAHL VLIM team recommends that this conflict of interest be removed by shifting membership of the LSC so that there is a majority representation of public sector actors. Such a system would still allow for strong representation from the private sector to ensure that their needs are fully understood and their expertise is taken into account, but it would ensure that the majority voting power in the LSC is held by civil servants obligated to act in the public interest. The WOAHL VLIM team therefore recommends that the Livestock Management Act be amended to make this change. It is key to stress in this context that the issue highlighted by the WOAHL team here is not private sector engagement in the LTC as such, but rather the fact that at present private sector actors hold the majority of the votes within the LTC.

Potential for reducing competitiveness in the livestock market

In addition to creating a conflict of interest by giving private sector actors a significant degree of control over regulation of the livestock industry, the Act also theoretically creates a system by which the members of the LSC could establish standards that are difficult for everyone except the most well-resourced and wealthy operators to comply with. This could have the practical effect of pushing smaller operators out of the market, and creating a monopoly operated by the best funded livestock operators in the country.

Again, the WOAHL VLIM team wishes to reiterate that they have no reason to believe that the Committee members are acting any way other than in good faith — the team simply wishes to highlight potential weaknesses in the Act so that these may be rectified. As above, the risks outlined in the above paragraph could be mitigated by shifting the balance of membership so that civil servants hold the majority voting power in the LSC.

Overlapping mandates

As already noted in section 4.1 above, another potential issue that arises through the Livestock Management Act is a potential overlap of mandates between the Biosecurity Department and the LSC. Specifically, the LSC is empowered to develop standards on a broad range of activities within the veterinary domain, including activities related to both the health and biosecurity of livestock during any stage of its life. These areas are also within the mandate of the Biosecurity Department. There is therefore a need for the Government to agree on appropriate coordination or division of responsibilities here.

5. Overall conclusions and recommendations

5.1 Conclusions

In conclusion, during the VLIM, the WOAHL VLIM team observed several notable strengths and accomplishments in Vanuatu in the realm of veterinary legislation. The WOAHL VLIM team witnessed a genuine motivation within the VS to strengthen veterinary legislation in Vanuatu – a sentiment that was mirrored by the Director General of MALFFB during the closing presentation. The presence of this motivation at all levels of government is the first key step to improving veterinary legislation. Moreover, actions to strengthen Vanuatu’s veterinary legislation will play a key role in helping to fulfil the national Livestock Policy 2015-2030 and the national Biosecurity Policy 2016-2030. The WOAHL VLIM team were also pleased to note that the VS has access to legal support in drafting veterinary legislation, through formal and structured processes in place with the OAG, in addition to the legal expertise of MALFFB’s Compliance Officer, Mr. Richard Kalses. Additionally, MALFFB is anticipating hiring three additional legal experts in the coming months.

In addition to the presence of motivated technical specialists with access to legal support, the WOAHL VLIM team notes that there are ongoing developments to improve and modernise veterinary legislation in Vanuatu. This includes draft legislation, such as the draft Biosecurity Bill and livestock transportation regulations being developed under the Livestock Management Act. It also includes several laws that have been enacted in recent years, including the Livestock Management Act and the Vanuatu Primary Producers Authority Act, both of which entered into force in 2018. Including these two relatively new instruments, Vanuatu has in place a body of veterinary legislation that covers a reasonable portion of the veterinary domain (with a few notable gaps summarised below).

In addition to the abovementioned strengths, several gaps and challenges were also noted during the VLIM. While there is a body of veterinary legislation in place, the VS is operating with very limited resources, which presents significant challenges to fully implementing and enforcing all aspects of existing veterinary legislation. These challenges may be due to limited technical resources, such as laboratory facilities, or limited physical resources, such as a limited number of veterinarians or other qualified personnel.

The WOAHL VLIM team also identified some internal and external quality concerns with some of the existing legislation. These are set out in detail in Subsection 4.3 with regard to the Livestock Management Act and the draft Biosecurity Bill. The main external quality concerns

with the Livestock Management Act are: (1) the extensive power that it grants to the private sector through the LSC, and the conflicts of interest that this gives rise to; and (2) the potential for the mandate of the LSC to overlap with the Biosecurity Department. The WOAHLIM team suggests that the first of these two issues may be resolved by amending the composition of the LSC to ensure that a majority of the members of the LSC are civil servants.

There are several other gaps in existing veterinary legislation, including: the absence of provisions to enable delegation of functions to non-civil servants; lack of a comprehensive AIT system; absence of detailed animal welfare standards; and weak regulation of the animal food production system. However, the WOAHLIM team notes that, at present, a comprehensive AIT system may not be necessary, given the costs involved in developing and maintaining such a system. In addition, while the Prevention of Cruelty to Animals Act creates basic animal welfare requirements, it does not contain any of the more detailed animal welfare requirements set out in Section 7 of the WOAHTAHC. The WOAHLIM team understands that the VS intends to use the Livestock Management Act as a basis for developing detailed animal welfare standards going forward. If doing so, the VS should exercise caution to avoid inconsistencies between the Prevention of Cruelty to Animals Act and regulations enacted under the Livestock Management Act.

Another gap in existing legislation relates to the regulation of the animal food production chain. At present, animal slaughter and production of animal food products are regulated by the Meat Industry Act. However, this only regulates approved slaughterhouses, which at present are those that are intended to produce foods of animal origin intended for export. It does not extend to the slaughterhouses that produce food for domestic consumption. Leaving domestic meat production unregulated presents food safety and public health risks. For this reason, the Meat Industry Act should be extended to apply to all slaughterhouses in Vanuatu.

Finally, in addition to the gaps in existing legislation mentioned in the above paragraphs, several areas of the veterinary domain are entirely unregulated in Vanuatu at present, namely: (1) regulation of the veterinary profession; (2) regulation of VMPs; (3) regulation of animal feed; and (4) veterinary laboratories.

5.2 Recommendations

Section 4 of this report, above, provides a comprehensive list of gaps and deficiencies in Vanuatu's legislation that the WOAHLIM team identified during the VLIM. Building on the issues outlined in section 4, this section serves two purposes: (1) to help prioritise which of the issues identified in section 4 require the most urgent corrective action; and (2) to provide recommendations on how these top priority gaps or deficiencies may be fixed.

Of the issues identified in Section 4, the WOAHLIM team considers the following issues to require the most urgent corrective action: (1) lack of legislation regulating the veterinary profession; (2) lack of legislation regulating VMPs; (3) lack of legislation regulating animal feed; (4) lack of power for the VS to delegate tasks to non-civil servants; and (5) allocation of excess power to the private sector under the Livestock Management Act.

1. Regulation of the veterinary profession: At present, Vanuatu does not have a VSB, or

any other system to ensure quality control in the practice of veterinary medicine. Establishing a VSB in Vanuatu is an essential step towards promoting and safeguarding public health, animal health and animal welfare through appropriate management of the veterinary profession. The functions of a VSB include: establishing and operating a system for compulsory licensing and registration of veterinarians and veterinary para-professionals; undertaking disciplinary actions; defining minimum standards of education (both initial and continuing) for veterinary specialists; setting required standards of professional conduct; and defining which functions may be performed by veterinarians and veterinary para-professionals, and under what conditions for the latter (e.g. supervision requirements for para-professionals). To this end, a VSB plays an essential role in ensuring that animals receive proper care and treatment, contributing to preventing and controlling the spread of infectious diseases, improving overall animal welfare conditions and protecting public health by minimising the risk of zoonotic disease.

It is important to note that it is *not* the role of a VSB to defend or advocate for the interests of veterinary professionals – this function would be performed by a Veterinary Association. The VSB is a regulatory body, and not a union of sorts. However, as noted during the VLIM, a VSB can support the interests of veterinary professionals by creating a system through which to officially recognise their profession, and to ensure that they satisfy all necessary educational requirements and competencies.

For the above reasons, the WOAHA VLIM team recommends that Vanuatu develop a VSB as a matter of priority. The precise components that should be included in legislation regulating the veterinary profession and creating a VSB can be found in Article 3.4.6 of the WOAHA TAHC. A VSB should be established through primary legislation (i.e. an Act of Parliament). The VSB should be granted all necessary powers that it needs to undertake its functions fully, as listed in TAHC Article 3.4.6, Section 1(d). The law should also include a clear definition of ‘veterinary medicine’, thus making it easier to identify what actions need to be performed only by appropriately registered and licensed veterinary professionals, which will be regulated by the VSB.

- 2. Regulation of VMPs:** VMPs have a direct impact not only on the health of the animals that they are intended to treat, but also on the health of humans because of the risks of VMP residues in foods of animal origin entering the human food chain. Moreover, foods of animal origin that contain excessive VMP residues may be deemed unsuitable for export, thus jeopardising international trade. Improper use of VMPs is also a primary driver of antimicrobial resistance, which poses a major threat to global public health. For these reasons, it is essential that the whole value chain of VMPs is appropriately regulated, including production, market authorisation, distribution, sale, use and disposal. The WOAHA VLIM team therefore suggests that development of such legislation be a high priority for Vanuatu.

The precise details of what should be included in legislation governing VMPs is set out in Article 3.4.11 of the WOAHA TAHC. Establishing a comprehensive framework to govern the entire VMP value chain can be costly and time consuming. For this reason, and considering the limited resources available to the VS in Vanuatu, there

are several ways that these overall costs can be reduced and spread out over time. First, a major part of VMP legislation is developing a framework to regulate which VMPs may be used in the country. Such a process often requires the development of an authority to receive applications to approve VMPs for use in the country, and to conduct all necessary tests that are required to determine whether the application should be approved or rejected. This process can be resource intensive. To reduce the burden of this process, Vanuatu may choose to include a provision in the law that allows for equivalence of authorisations. This means that Vanuatu may state in its law that if a VMP is authorised for use in specific other countries, then the VMP may be used in Vanuatu.

A similar approach can be used to specify other technical standards such as maximum residue limits and withdrawal periods for VMPs, linking permissible limits in Vanuatu to standards used in other countries. The precise country must be chosen by the VS, for example countries in the Pacific region that have a similar epidemiological situation and needs regarding VMPs. Crucially, using such an approach does *not* mean that Vanuatu must surrender its autonomy. For example, in its law, it may state that, *subject to specified exceptions*, VMPs approved for use, or maximum residue limits, are those specified in the regulations listing the identified countries. This allows Vanuatu to decide if it wants to deviate from the practices in a particular originating country at any point, and tailor the VMP requirements to suit Vanuatu's needs.

While Vanuatu may rely on equivalence for the authorisation process and other technical standards (e.g. market authorisation, maximum residue limits, withdrawal periods, labelling requirements etc.) to reduce the burden on Vanuatu's VS, the physical work of controlling all other aspects of the value chain (such as authorisation of manufacturers, importers/exporters or sellers of VMPs) must be done by Vanuatu itself. However, there are again ways to reduce the immediate burden on the Vanuatu VS, as follows. The overarching legal framework for regulating VMPs must be set out in primary legislation, including: the requirement that only approved VMPs be used in Vanuatu, and that manufacturers, importers/exporters and sellers of VMPs be authorised (licensed and/or registered); that failure to comply is an offence; any necessary financial provisions; and any administrative bodies that Vanuatu may wish to establish to regulate these areas. However, the primary Act may specify that the precise detail of many of these steps, such as the process for registration of VMP manufacturers etc., may be set out by the Minister in regulations. This allows the VS to undertake the complex and time-consuming work of setting out the detail at a later stage, as necessary. For example, it may be the case that there are currently no persons in Vanuatu that wish to manufacture VMPs. Therefore, while the legal basis to regulate manufacturers must be established in the primary law, the regulations setting out the precise details of *how* they will be registered etc. may be set out in regulations at a later stage, when it looks like there may be demand within the country to manufacture VMPs domestically. The primary legislation should also provide for the development of a system to facilitate traceability and recall of VMPs as necessary.

- 3. Regulation of animal feed:** Like VMPs mentioned above, adequate regulation of animal feed is essential to ensure not only animal health, but also human health by controlling

what enters the human food chain. It is therefore particularly important to ensure that the use of additives – particularly VMPs used in medicated feed – is adequately regulated. The core elements of legislation governing the animal feed value chain are outlined in Article 3.4.8, Section 4 of the WOAHA TAHC. More detailed standards on the control of hazards to animal health and public health from animal feed can be found in Chapter 6.4 of the WOAHA TAHC. As with many of the areas discussed in this report, a general framework for regulation must be set out in primary legislation, with details to be prescribed by regulation.

Given the time and resources required to implement a new regulatory framework, the WOAHA VLIM team suggests that medicated feed – one of the most important types of feed that needs close regulation due to the risks it presents to animals and humans – may be regulated under the regulatory framework for VMPs, discussed in the previous sections. This would allow the Vanuatu VS to prioritise development of a regulatory framework for VMPs as a higher priority than animal feed, and roll medicated feed into the regulatory framework for VMPs.

- 4. Powers of delegation:** Delegation is a framework that enables operations that are the responsibility of the State to be delegated to public or private actors. Veterinary legislation should give competent authorities the power to delegate specific official activities. Delegation (particularly to private actors) may be particularly valuable in countries that have limited public resources, where the Government would benefit from being able to enlist private actors to perform official public functions. For this reason, delegation could serve a particularly powerful role in Vanuatu where the resources of competent authorities in the veterinary domain are currently very limited. An important point to remember with delegation is that, even if a competent authority delegates a function or task to a private actor, responsibility for proper use of the power or completion of the task always lies with the delegator (i.e. the competent authority).

At present, the VS does not appear to have the legal power to delegate functions to private actors. The WOAHA VLIM team notes that Section 13 of the draft Biosecurity Bill allows for the Director of Biosecurity to delegate to biosecurity officers, who are civil servants. The WOAHA VLIM team suggests that the Bill should also allow for delegation of functions to private actors as necessary. The power to delegate specific functions must be established in primary legislation (e.g. the Biosecurity Bill). The primary legislation may allow for the precise details of delegation to be set out in regulation. As set out in WOAHA TAHC Article 3.4.5, Section 2, the law must require that the following conditions of delegation are specified: precisely which powers and/or tasks are being delegated; the competencies required by the deesee; the precise actors to which the powers and/or tasks are being delegated; the conditions of supervision for the delegation; and conditions under which delegation may be withdrawn.

- 5. Redistribute power under the Livestock Management Act:** As discussed at length in Section 4.3.2 above, the Livestock Management Act, through the LSC, currently grants a significant degree of power to private actors in the livestock sector. The degree of power allocated essentially grants the private sector representatives the power to regulate their own industry, thus creating a conflict of interest. For this reason, the WOAHA VLIM team

suggests revising the composition of the LSC to ensure that the majority of voting members are civil servants who are bound to act in the public interest.

6. Evaluation of capacity to undertake future work on legislation

Based on the VLIM, the WOAHL VLIM team believes there are several positive indications that there may be capacity for the VS to undertake future work on veterinary legislation. First, the staff that the WOAHL VLIM team met within the VS all demonstrated a strong awareness and understanding of the subject matter under discussion, including the importance and function of veterinary legislation. Second, the WOAHL VLIM team sensed enthusiasm to improve the quality of veterinary legislation in Vanuatu, as evidenced by the ongoing work on the draft Biosecurity Bill. Third, members of the VS all seemed ready and willing to critically assess the state of current legislation and identify faults where relevant. Collectively, these qualities of understanding, enthusiasm and self-reflection all point in favour of capacity to undertake future work. Importantly, this understanding and enthusiasm was also demonstrated by the Director General of MALFFB, with whom the WOAHL VLIM team met during the mission.

The main constraining factor that could limit capacity to undertake future work on veterinary legislation is the limited resources (both human and financial) available to the VS. However, the WOAHL VLIM team understands that Vanuatu has to date received support, in various forms, from several international donors, including the Governments of Australia and New Zealand, FAO and the SPC. Additionally, the WOAHL VLIM team learned during the VLIM that MALFFB is anticipating hiring three additional legal personnel (in addition to Mr. Richard Kalses who is already positioned within MALFFB) who, provided budget is available to pay for their time, would be able to support in development and revision of veterinary legislation.

Appendices

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Appendix 1. Correspondence between WOA and the country

1.1. Mission request from Vanuatu:

GOVERNMENT OF THE
REPUBLIC OF VANUATU



BIOSECURITY VANUATU
BIOSECURITÉ DE VANUATU
 PMB 9086, Port Vila Tel: (678)23519 / (678)33580
 P.O Box 271, Santo - Tel: (678) 33818 / (678) 36223
 Email: benquiry@vanuatu.gov.vu

GOUVERNEMENT DE LA
REPUBLIQUE DE VANUATU



Our ref: BV 100.5.131.7601/ip

16 December 2022

Dr Monique Eloit
 Director General
 World Organisation for Animal Health
 12, rue de Prony
 75017 Paris, France
 Tel: 33-(0)1 44 15 18 88
 e-m: m.eloit@woah.org / woah@woah.org

Re: Request for PVS targeted support – veterinary legislation review and veterinary workforce development

Dear Dr Eloit

Following the outcome of the PVS Gap Analysis for Vanuatu in 2017 and the workforce changes that have taken place in our Veterinary Services post-Covid-19, Biosecurity Vanuatu (within the Ministry of Agriculture, Livestock, Fisheries, Forestry and Biosecurity) is kindly requesting for follow up support to establish and/or review veterinary related legislations of Vanuatu to better meet the needs of the animal health and production sector and support constructive development of Vanuatu's veterinary workforce.

The main purpose of this targeted support will be to update the existing legislations related to animal health and production, in line with WOA standards published in the WOA Terrestrial Code to be more suited to contemporary needs and identify the way forward to enhance the veterinary services in the Vanuatu.

Should WOA be able to favourably consider this request, I would be grateful to receive details of the PVS experts and proposed mission dates for endorsement and approval via MALFFB executive. Please note that for return correspondence my e-mail address is: bvianp99@gmail.com until further notice due to breakdown of Vanuatu's Government e-mail service.

Yours sincerely,



Dr Ian Peebles
 Principal Veterinary Officer (WOAH Delegate)
 Biosecurity Vanuatu
 e-m: bvianp99@gmail.com

cc : Dr Hirofumi Kugita, WOA Regional Representative for Asia and the Pacific

1.2. WOAH response to mission request:



The Director General
Our Ref.: 23.104 DS/CL/KG

Dr Ian Peebles
Principal Veterinary Officer
Biosecurity Vanuatu
PMB 9086, Port Vila
P.O Box 271, Santo
VANUATU

Paris, 20 February 2023

**Subject: WOAH Veterinary Legislation Support Programme (VLSP)
Veterinary Legislation Identification Mission - Request received**

Dear Delegate,

I refer to your letter dated 16 December 2022 (Ref: BV 100.5.131.7601/ip) in which you requested WOAHP support to review your country's veterinary legislation. We propose to do so within the framework of the Veterinary Legislation Support Programme (VLSP), the first step of which is a Veterinary Legislation Identification Mission (VLIM). I am pleased to inform you that funds are available if the mission can be held before end of June 2023, and that a proposal for a team of experts and dates will be sent to you in the near future.

The aim of this mission will be to i) assess your veterinary legislation and its compliance with Chapter 3.4 on Veterinary Legislation of the WOAHP *Terrestrial Animal Health Code* ([Link](#)); ii) support the preparation of your national priorities in this area; iii) ascertain the resources available to produce quality legislation; and iv) develop recommendations to modernise your veterinary legislation. A VLSP Overview is attached for detailed information.

International travel costs, per diem allowances (to cover hotel and other accommodation costs and meals) and remuneration of the WOAHP experts that will participate in this mission will be covered by WOAHP. However, it is expected that your Government will take care of the expenses related to local travels, logistical support to the experts, the cost of the participation of the local team from your services, and any other expenses deemed appropriate to support the mission, including language translation or interpretation services, if needed. The mission will be conducted in English.

I thank you for your interest and will be pleased to come back to you with a mission proposal soon.

Yours sincerely,



Dr Monique Eloit

Copy: Dr J-P. Dop, Deputy Director General of Institutional Affairs and Regional Activities
Ms E. Tagliaro, Head of the Engagement and Investment Department
Ms B. Alessandrini, Head of the Capacity-Building Department
Dr D. Sherman, Coordinator of the Veterinary Legislation Support Programme
Dr H. Kugita, WOAHP Regional Representative for Asia and the Pacific

Encl.: VLSP Overview

1.3. WOAH mission proposal:



The Director General
Our Ref.: 23.186 DS/CL/KG

Dr Ian Peebles
Principal Veterinary Officer
Biosecurity Vanuatu
PMB 9086, Port Vila
P.O Box 271, Santo
VANUATU

Paris, 2 March 2023

**Subject: WOAH Veterinary Legislation Support Programme (VLSP)
Veterinary Legislation Identification Mission – Mission proposal**

Dear Delegate,

Following your letter dated 16 December 2022 (Ref: BV 100.5.131.7601/ip) requesting a Veterinary Legislation Identification Mission and my formal acknowledgement of receipt (Ref.: 23.104 DS/CL/KG), I am pleased to come back to you with a proposal of team and dates.

The proposed team comprises Mr Graham Hamley, as Team Leader and legal expert, Dr Sanja Separovic as veterinary expert, and Ms Christie Tiwoda, as legal trainee expert. The proposed dates for the mission are 17-21 April 2023.

WOAH favours field missions when they are possible, as this format allows better interactions. If the sanitary situation precludes international travel at the time of the mission, WOAHP may consider conducting it in a fully remote format, over several weeks – should the conditions be favourable at local level.

As you know, the aim of this mission will be to i) assess your veterinary legislation and its compliance with Chapter 3.4 on Veterinary Legislation of the WOAHP *Terrestrial Animal Health Code* ([Link](#)); ii) support the preparation of your national priorities in this area; iii) ascertain the resources available to produce quality legislation; and iv) develop recommendations to modernise your veterinary legislation. A *VLSP Overview* is attached for detailed information.

International travel costs, per diem allowances (to cover hotel and other accommodation costs and meals) and remuneration of the WOAHP experts that will participate in this mission will be covered by WOAHP. However, it is expected that your Government will take care of the expenses related to local travels, logistical support to the experts, the cost of the participation of the local team from your services, and any other expenses deemed appropriate to support the mission, including language translation or interpretation services, if needed. The mission will be conducted in English.

Should you accept this proposal, I invite you:

1. As a first step, to contact Ms Camille Loi, VLSP Programme Officer (c.loi@woah.org), copying Dr David Sherman, VLSP Coordinator (d.sherman@woah.org), to:
 - a. approve the proposed expert team and dates, as well as the terms of collaboration detailed in the present letter;
 - b. indicate a contact person (as well as his/her contact details), who will liaise with the Team Leader to prepare the mission;
 - c. share any official link where legislative documents might be available online.

2. As soon as possible, to:
 - a. provide a **nominative invitation letter** to the expert team once the Team Leader has provided scans of the expert team's passports; this is intended to facilitate the visa issuing process and other procedures;
 - d. **ensure the expert team is informed** (and receives any updates needed) about any national COVID-19 related travel restrictions, rules or health measures;
3. And no later than 3rd April 2023, to make available in the online folder (see link below):

WORKING DOCUMENTS

- a. the most current version of the Veterinary Services **organigram**;
- b. **all current or draft veterinary legislation** (e.g., laws, acts, codes, regulations), administrative instruments (e.g., guidelines, codes of good conduct), and any political/strategic guidance documents that you deem pertinent;
- c. the **Questionnaire**, fully answered. **Part I** aims to present the national legal framework (the text in italics defines key notions of veterinary legislation: it is important that you and your team know them); **Part II** aims to identify potential gaps in the current national veterinary legislation. Our experience suggests that the completion of the Questionnaire can be facilitated by enlisting the assistance of legal advisors with knowledge of the veterinary legislation. In addition, our experts are available to answer your questions (gijhamley@gmail.com; sanja.separovic@me.com; tiwodachristie@gmail.com).

Considering the tight deadline, I look forward to learning if you agree with our proposal and I thank you in advance for your collaboration to ensure the completion of the steps listed above in due time and the best conditions for the mission implementation. Ms Camille Loi remains at your disposal, should you have any questions all along the process.

Yours sincerely,



Dr Monique Eloit

Copy: Dr J-P. Dop, Deputy Director General of Institutional Affairs and Regional Activities
Dr N. Mapiise, Head of the Regional Activities Department
Ms E. Tagliaro, Head of the Engagement and Investment Department
Mr. R. Lemesnager, Budget Officer, Budget Unit
Ms B. Alessandrini, Head of the Capacity-Building Department
Dr D. Sherman, VLSP Coordinator
Dr H. Kugita, WOA Regional Representative for Asia and the Pacific
Dr M. Urabe, Regional Veterinary Officer, WOA Regional Representation for Asia

Encl.: VLSP Overview
VLSP Questionnaire (Parts I and II)

1.4. WOAH revised mission proposal:



World Organisation
for Animal Health
Founded as OIE

The Director General
Our Ref.: 23.278 DS/CL

Dr Ian Peebles
Principal Veterinary Officer
Biosecurity Vanuatu
PMB 9086, Port Vila
P.O Box 271, Santo
VANUATU

Paris, 23 March 2023

**Subject: WOAHP Veterinary Legislation Support Programme (VLSP)
Veterinary Legislation Identification Mission – New dates: 29 May - 2 June 2023**

Dear Delegate,

Following my mission proposal letter (dated 2 March 2023 – Ref. DS/CL/KG 23.186), and the recent natural disasters which occurred in Vanuatu, you have proposed in your email of 9 March to postpone the mission to the week of **29 May - 2 June 2023**, and confirmed these dates were suitable despite the WOAHP General Session the week before.

In addition, you met our concerns and were reassuring regarding the security of our experts, in your email dated 18 March. I am thus pleased to approve the new dates for a field mission, with the understanding that you will provide VSLP experts with any advice and assistance needed on this matter. We also kindly propose the addition of Dr Elva Borja, Consultant for the WOAHP Regional Representation for Asia and the Pacific, to the VLSP expert team as an observer on this mission. If you have any issues with this proposal, please kindly let us know through email reply.

I take this opportunity to thank you for your email of 21 March, approving the team of experts and the terms of collaboration proposed in the mission proposal letter, and indicating a contact person.

Finally, the **new deadline** for you to fill the online folder (Point 3 of the mission proposal) is **29 April**.

I am confident that you will ensure the best conditions for the mission implementation, and I wish you an excellent mission.

Yours sincerely,



Dr Monique Eloit

Copy: Dr J-P. Dop, Deputy Director General of Institutional Affairs and Regional Activities
Dr N. Mapipe, Head of the Regional Activities Department
Ms E. Tagliaro, Head of the Engagement and Investment Department
Mr. R. Lemesnager, Budget Officer, Budget Unit
Ms B. Alessandrini, Head of the Capacity-Building Department
Dr D. Sherman, VLSP Coordinator
Dr H. Kugita, WOAHP Regional Representative for Asia and the Pacific
Dr M. Urabe, Regional Veterinary Officer, WOAHP Regional Representation for Asia

Encl.: *Mission proposal letter*

1.5. Initial contact from WOA mission team:

Dr. Ian Peebles
Principal Veterinary Officer
Biosecurity Vanuatu
PMB 9086, Port Vila
P.O. Box 271, Santo
VANUATU

Portland Maine, 30 March 2023

Subject: Veterinary Legislation Identification Mission

Dear Dr. Peebles,

I have been informed by the Director General of WOA that you have agreed to a Veterinary Legislation Identification Mission being carried out in Vanuatu. The mission will take place from 29th May to 2nd June 2023 and will be conducted by myself (Dr. Graham Hamley), Dr. Sanja Šeparović, Ms. Christie Tiwoda and Dr. Elva Borja.

To help us to prepare for the mission, we would be grateful for your help with the following:

Visa acquisition: We would appreciate your support in acquiring visas necessary for our arrival in Vanuatu. The High Commission of Vanuatu in Australia has informed me that these must be arranged directly by the Ministry of Agriculture, Livestock, Forestry, Fisheries and Biosecurity in collaboration with the Ministry of Foreign Affairs (please find attached to the associated email photocopies of our passports to support this process).

Official invitation letters: In addition to your support acquiring necessary visas, could you please kindly provide us with official invitation letters to support our arrival in Vanuatu.

Preliminary Questionnaire: I understand Ms. Loi has already shared with you a two-part Questionnaire that you are kindly requested to complete and return to us at your earliest convenience (attached to the associated email). If you or your colleagues responsible for completing it have any questions about the process of completing either Part I or II, you are welcome to contact me by email at gjhamley@gmail.com. Our past experience suggests that the completion of Part I of the Questionnaire can be facilitated by enlisting the assistance of legal advisors with knowledge of the veterinary legislation.

Additional materials required: In addition to the completed Questionnaire, we would be grateful if you could please share with us the following materials:

- a copy or an internet link to the constitution of Vanuatu currently in effect;
- a list of the main laws and regulations relating to the organisation of the Veterinary Services;
- a list of the titles of all laws and regulations pertaining to the veterinary domain currently in effect;
- copies of or internet links to the full texts of key laws and regulations applying to the veterinary domain. The OIE defines the veterinary domain as '*all the activities that are directly or indirectly related to animals, their products and by-products, which help to protect, maintain and improve the health and welfare of humans, including by means of the protection of animal health and welfare, and food safety*'. These may include, for example, an Animal Health Law, Food Safety Law, Veterinary Pharmacy Law, Veterinary Professions Law, etc.; and
- a copy of any draft laws or regulations currently under development.

We would be grateful to receive the above-mentioned questionnaire and additional materials by **29 April**. After we have studied these documents, we shall be able to propose the key elements of the mission.

It would also be useful for you to identify senior staff in other administrations associated with the veterinary domain and let them know that this mission is being planned, as it may be worthwhile for the team to meet with them during the mission or for them to be involved in the preparation of the mission.

Finally, since legislation is a matter for political decisions, it will be important to arrange a meeting with the Minister in charge of the Veterinary Services. This of course will depend on the Minister's schedule, but a meeting at the end of the mission would be best as the team would then have some preliminary recommendations to share with the Minister.

We will update you with our precise arrival and departure times once our travel plans are finalised. We understand that your office is based in Port Vila, and we therefore intend to fly into Bauerfield International Airport. Please let us know if this is incorrect.

Thank you kindly in advance for your support with the above, and we look forward to working with you and your colleagues.

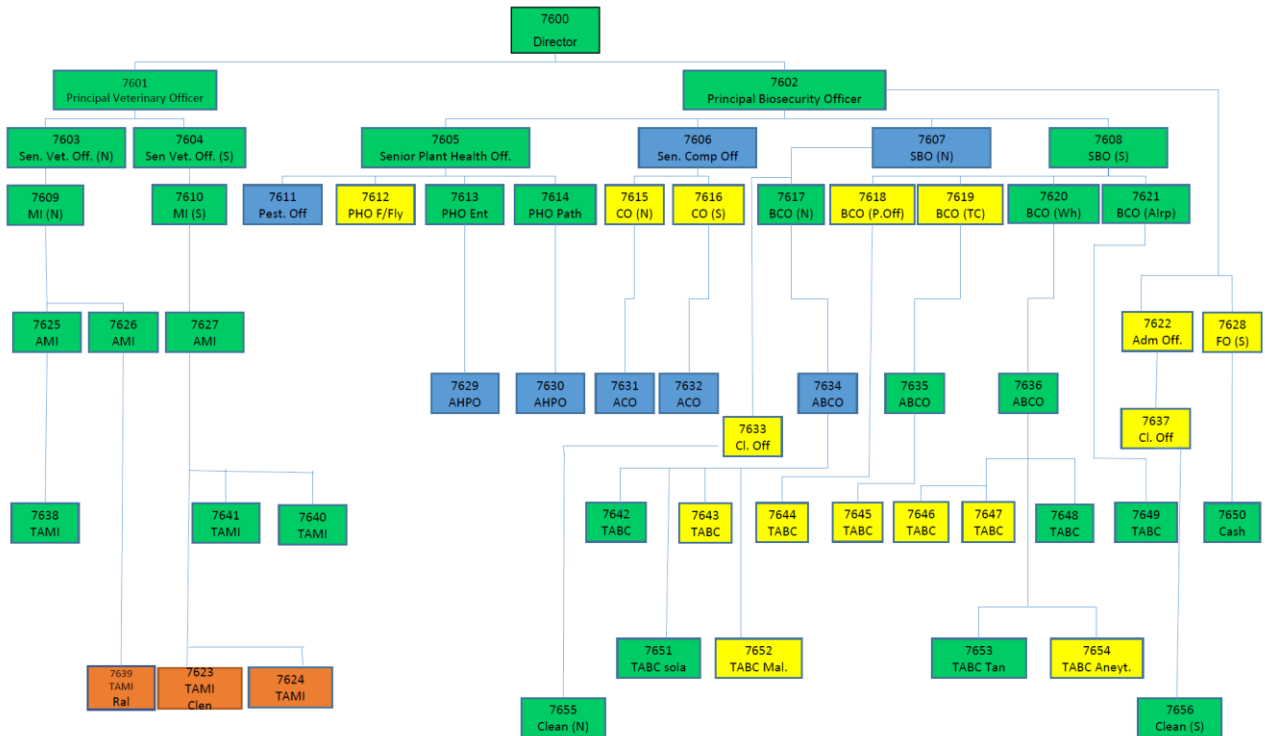
Yours sincerely,



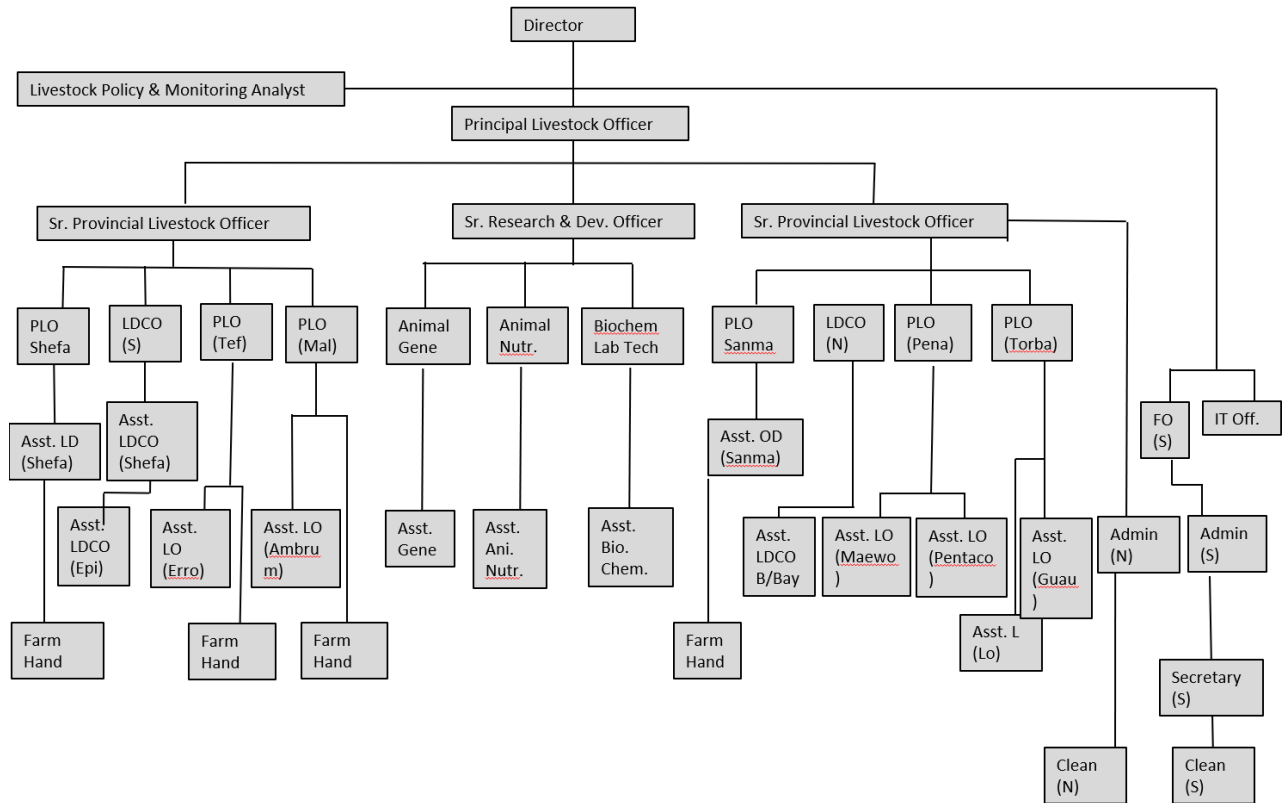
Dr. Graham Hamley

Appendix 2. Organigram of the Veterinary Services

2.1. Organigram of the Biosecurity Department of MALFFB



2.2. Organigram of the Livestock Department of MALFFB



Appendix 3. List of persons consulted

Day	Name	Title
Day 1	Dr. Ian Peebles	Principal Veterinary Officer and WOA National Delegate, Biosecurity Department, MALFFB
	Mr. Lindon Tari	Acting Principal Biosecurity Officer, Biosecurity Department, MALFFB
	Mr. Nambo Moses	Acting Director, Livestock Department, MALFFB
	Mr. Phillip Naros	Surveillance Officer, Biosecurity Department, MALFFB
Day 2	Dr. Ian Peebles	Principal Veterinary Officer and WOA National Delegate, Biosecurity Department, MALFFB
	Mr. Lindon Tari	Acting Principal Biosecurity Officer, Biosecurity Department, MALFFB
Day 3	Dr. Ian Peebles	Principal Veterinary Officer and WOA National Delegate, Biosecurity Department, MALFFB
	Mr. Lindon Tari	Acting Principal Biosecurity Officer, Biosecurity Department, MALFFB
Day 4	Dr. Ian Peebles	Principal Veterinary Officer and WOA National Delegate, Biosecurity Department, MALFFB
	Mr. Lindon Tari	Acting Principal Biosecurity Officer, Biosecurity Department, MALFFB
	Mr. Armstrong Sam	Director of Biosecurity, Biosecurity Department, MALFFB
	Mr. Richard Kalses	Compliance Officer, MALFFB
Day 5	Mr. Moses Amos	Director General, MALFFB

Appendix 4. Country's responses to the WOAH Questionnaire - Part I

Q1 – Information on the state's political, administrative and legal organisation

- 1.1. Identify the legal instrument in force relating to the distribution of powers (e.g. Constitution, or equivalent fundamental/organic law). Attach the document or provide the link.**

Constitution of the Republic of Vanuatu, available at: http://www.paclii.org/vu/legis/consol_act/cotrov406/

- 1.2. Describe the various administrative divisions in the country and their legal responsibilities with respect to the veterinary domain (see definition on page 2), from the central state to the local administrative divisions.**

With respect to the veterinary domain, most of the legal responsibilities are under Biosecurity in terms of ensuring safety and wholesomeness of meat and meat products distributed locally. This is enforced under the Meat Industry Act but this is only limited to two controlled areas which are Port Vila on Efate and Luganville in Santo. Focusing also on importation of animals and animal products to ensure freedom from exotic pests and diseases are implemented under the Animal Importation and Quarantine Act. However, one administration which also recognises the veterinary authority to ensure food safety of meat products is the Department of health under the Food (Control) Act (See google drive folder). The powers of Veterinary officers under the Food (Control) Act are based on appointment by the Minister of Health to ensure safety of meat products for human consumption.

- 1.3. Please indicate if the legal system is mainly based on civil law, common law, religious law or customary law.**

The legal system is a combination of the common law, civil law and customary law.

- 1.4. Describe how compliance with veterinary legislation is verified in your country (e.g. system of inspection, monitoring and/or surveillance).**

Various legal instruments under the veterinary domain allow for the appointment of officers and inspectors who are empowered to undertake inspections to ensure compliance with the law. In terms of international trade under SPS measures, the compliance is verified by inspections at the border.

- 1.5. Describe how veterinary legislation is enforced in your country, including the range of sanctions, whether administrative or penal.**

The enforcement of legislations is done by way of penalties. We have a Penalty Notice Regulation under which the offences under the primary legislation

are prescribed and used to penalise the offences. Administrative sanctions may also be used to suspend activities as necessary.

Q2 – List of the veterinary legislation

Please, first read about ‘veterinary domain’, ‘veterinary legislation’ ‘Veterinary Authority’ and ‘Competent Authority’ on page 2.

In the following tables, please provide the list of ALL the relevant primary legislation and of ALL the relevant secondary legislation (see definitions on page 1) covering the veterinary domain in your country (adding as many lines as needed).

2.1 Veterinary legislation issued BY THE CENTRAL STATE

The table below covers legal instruments created and adopted at the central state level and applicable throughout the country. Fill in the table from the highest hierarchical level to the lowest level. Do not list administrative instruments (such as guidelines, directives, instructions, codes of practice) here as they are not ‘legally binding’ by nature.

<u>Name of instrument</u> (Act / Regulation / Rule / Order / Decree / Other)	<u>Type of Instrument</u> 1. Primary legislation or 2. Secondary legislation <i>(see definitions on page 1)</i>	<u>Issuing Authority</u> (Parliament / National Assembly / Cabinet / Minister / Other)
--	---	---

Agricultural Fees Act (Cap.74)	Primary legislation	Parliament
Animal Disease (Control) Act 1992 (Cap.220)	Primary legislation	Parliament
Animal Disease (Control) (Miscellaneous Provisions) Regulations (Cap.220)	Secondary legislation	Minister
Animal Disease (Control) (Stock Feeds) Regulation (Cap.220)	Secondary legislation	Minister
Animal Importation and Quarantine Act (Cap.201)	Primary Legislation	Parliament
Animal Importation and Quarantine Regulations (Cap.201)	Secondary legislation	Minister
Animal Importation and Quarantine Regulations (Amendment) Order 2006 (No.32 of 2006)	Secondary legislation	Minister
Animal Importation and Quarantine Act – Penalty Notice Regulation Order No. 6 of 2014	Secondary legislation	Minister
Cattle (Export) Act (Cap.97)	Primary Legislation	Parliament
Cattle (Slaughter, Spaying and Castration) Act (Cap.103)	Primary Legislation	Parliament
Environmental Management and Conservation Act 2002 (Cap.283)	Primary Legislation	Parliament
Environmental Impact Assessment Regulations (Amendment) Order (No.102 of 2012)	Secondary legislation	Minister
Environmental Impact Assessment Regulations Order (No.175 of 2011)	Secondary legislation	Minister
Female Cattle (Prohibition of Slaughter and Spaying) Regulations (Cap.103)	Secondary legislation	Minister
Cattle Trespass Act (Cap.15)	Primary Legislation	Parliament
Control and Registration of Dogs Act (Cap.64)	Primary Legislation	Parliament

Dangerous Drugs Act (Cap.12)	Primary Legislation	Parliament
Fisheries Act No.10 of 2014	Primary Legislation	Parliament
Food (Control) Act 1993 (Cap.228)	Primary Legislation	Parliament
Food (Control) Regulation Order 2007 (No.37 of 2007)	Secondary legislation	Minister
Livestock Management Act No.19 of 2018	Primary Legislation	Parliament
Meat Industry Act 1991 (Cap.213)	Primary Legislation	Parliament
Meat Industry (Approved Establishments) Regulations (Cap.213)	Secondary legislation	Minister
Meat Industry (Ban on Defrosting of Poultry) Regulation Order No 2007 (No.25 of 2007)	Secondary legislation	Minister
Meat Industry Advisory Board (Cap.213) Order (No.3 of 2001)	Secondary legislation	Minister
Meat Industry Regulations (Cap.213)	Secondary legislation	Minister
Prevention of Cruelty to Animals Act (Cap.78)	Primary Legislation	Parliament
Public Health Act (Cap.234)	Primary Legislation	Parliament
Quarantine Act (Cap.1)	Primary Legislation	Parliament
Sale of Medicine (Control) Act (Cap.48)	Primary Legislation	Parliament
Vanuatu Primary Producers Authority Act No.18 of 2018	Primary Legislation	Parliament
Comments:		

2.2 Veterinary legislation issued BY DECENTRALISED AUTHORITIES

The table below covers legal instruments created and adopted by decentralised authorities, i.e. entities with their own competencies and powers, which they exercise autonomously without having to refer to the central state or another authority. Fill in the table from the highest hierarchical level to the lowest level.

(Do not list administrative instruments here either.)

<u>Name of instrument</u> (Act / Regulation / Order / Decree / By-law / Other)	<u>Type of Instrument</u> 1. Primary legislation or 2. Secondary legislation <i>(see definitions on page 1)</i>	<u>Issuing Authority</u> (Province / Department / District / Governor / Municipality / Town / Mayor / Other)

Comments: No identifiable veterinary legislation issued by decentralised authorities. In theory, municipal authorities could regulate various aspects of the veterinary domain, including control of stray dogs and prohibiting the keeping of livestock within municipal control areas.

2.3 Veterinary legislation issued by AUTHORITIES, IF ANY, HOLDING DELEGATED POWERS

E.g. Veterinary Statutory Body. (Do not list administrative instruments here either.)

<u>Name of instrument</u>	<u>Authority holding delegated powers</u>	<u>Source of delegation</u>

Comments: None

2.4 ADMINISTRATIVE INSTRUMENTS		
<p><i>Administrative instruments should be listed here. They are not 'legally binding' by nature and thus do not form part of the veterinary legislation, but they should be identified for information.</i></p>		
<u>Name of instrument</u> (e.g.: Guidelines / Directives / Instructions / Codes of practice)	<u>Issuing Authority</u> (e.g.: Government / Department / Ministry / Council / Industry Association)	<u>Only</u> if the administrative instrument is referenced in a legal instrument: <u>Legal Source</u> (e.g.: Act / Regulation / Other)
Standard operating procedures governing slaughterhouses	Department of Biosecurity	
Biosecurity Vanuatu Emergency Disease Pest Response – A Manual for Animal Incidents	Department of Biosecurity	
Comments:		

Q3 – Publication and management of legal documents

- **Transparency (Art. 3.4.3 - WOAHO Terrestrial Code):** ‘Veterinary legislation should be inventoried and be readily accessible and intelligible for use, updating and modification, as appropriate. Competent Authorities should ensure communication of veterinary legislation and related documentation to stakeholders.’
 → Supports awareness of and compliance with legal requirements.
- **Stakeholder (Art. 3.4.2 - WOAHO Terrestrial Code):** ‘a person, group, or organisation that can affect or be affected by the impacts of veterinary legislation’.

3.1. Legal publication

Title of the official publication(s): Republic of Vanuatu Official Gazette

Are the Veterinary Services subscribers? Yes No

3.2. Is there an official legal database relating to veterinary legislation?

For primary legislation? Yes No

For secondary legislation? Yes No

For the relevant administrative instruments (e.g. guidelines, directives, instructions, codes of practice)? Yes No

If the answer is ‘Yes’ to any of these questions, please describe the nature of the database and who has access:

If computerized, please provide the link.

If the answer is ‘No’, is there at least a compilation of veterinary domain legislation on a Competent Authority Website?

Yes No **If yes, provide the link(s).....** [All legislation in Vanuatu as well as the Pacific region can be accessed at the www.paclii.org](#)

3.3. Is there a system of consolidation?

*Depending on different legal systems ‘consolidation’ may lead to other interpretations, but here we mean it as the combining of the provisions of a basic legal instrument and all subsequent amendments into a single text – as an **unofficial simplification** of the legislation to ensure more transparency and greater accessibility.*

No Yes, computerised Yes, manual

Vanuatu legislation was last consolidated in 2006.

3.4. Is veterinary legislation codified?

‘Codification’ is the compilation – and systematic arrangement – in a single document of all or most of the primary legislation and secondary legislation that govern a specific area or subject of law or practice. Contrary to ‘consolidation’, it generates a new mandatory legal instrument.

Yes No Title of the Code:.....

Codification is rare in Vanuatu law (e.g. the Penal Code (Cap.135) and veterinary legislation is not codified.

3.5. Does other legislation contain legal tools that are used by the VS? If so, please provide examples.

- Administrative law
- Civil law
- Penal law: [Penal Code \(Cap.135\)](#)
- Public health law: [Public Health Act \(Cap.234\)](#)
- Consumer protection law.....
- Environmental law: [Environmental Management and Conservation Act 2002 \(Cap.283\)](#)
- Disaster management law: [Disaster Risk Management Act No.23 of 2019](#)
- Customs and finance law: [Customs Act No. 7 of 2013](#)
- Counter-terrorism law.....

3.6. Are there rules...

...for distributing veterinary legislation other than by legal publication? (e.g. bulletin, media, Internet)

- Within the Veterinary Services: Yes No
- To other administrations: Yes No
- To organised groups of stakeholders: Yes No
- To the public: Yes No

If you answered 'Yes' for at least one of the above categories, please specify if the rules come from a reference document or informal/unwritten practice, and describe them:..... [All legislation must be published in the Republic of Vanuatu Official Gazette. All published legislation is also uploaded to the Pacific Islands Legal Information Institute website: www.paccli.org.](#)

...for disseminating information on administrative instruments (e.g. guidelines, directives, instructions, codes of practice)?

- Within the Veterinary Services: Yes No
- To other administrations: Yes No
- To organised groups of stakeholders: Yes No
- To the public: Yes No

If you answered 'Yes' for at least one of the above categories, please specify if the rules come from a reference document or informal/unwritten practice, and describe them:

Comments:

Q4 – Creation and adoption of legal instruments

Quality of legislation and legal certainty (Art. 3.4.3 - WOAH Terrestrial Code): *legislation should be clear, coherent, stable and transparent and protect citizens against unintended adverse side effects of legal instruments. It should be technically relevant, acceptable to society, able to be effectively implemented and sustainable in technical, financial and administrative terms. A high quality of legislation is essential for achieving legal certainty.*

Contributing aspects:

- *Collaboration between experts in legal drafting and veterinary officials*
- *Procedures for consultation of the stakeholders*
- *Evaluation of the impact that the legal instrument will have, including the costs and feasibility of compliance*
- *To ensure effective implementation of the primary legislation: appropriate secondary legislation drafted, or at least designed, at the same time (in many countries laws are submitted to Parliament accompanied by the most relevant secondary legislation)*

4.1. Describe the process for implementing international instruments (conventions, standards, etc.) in national law, providing the constitutional basis, if any.

International instruments are implemented once they have been ratified (conventions, agreements). Once these have been approved, provisions of legislations, subsidiary legislations, standard operating procedures, can be amended, inserted or repealed to reflect the change and our obligation to implement.

4.2. List the international instruments related to the veterinary domain and which are considered in the development of the national legislation (e.g. WOAH *Terrestrial Code*, Codex Alimentarius, SPS Agreement, Biological Weapons Convention, UNSCR 1540). What is the legislative process for addressing international obligations in the veterinary domain? [WTO SPS Agreement](#)

4.3. Do you have any legislative obligations to regional organisations of which you are a member? If so, which regional organisation(s)? How are these obligations addressed in your national legislation? [No](#)

4.4. (For the two parts of the following question, identify all steps and the administrative divisions involved as well as the range of time from initial preparation to final adoption. This information may often be found in the Constitution, a Law on making legislation, a drafting manual, or unwritten practices.)

**In your country, what is the procedure for creating and approving...
...the primary veterinary legislation?**

The procedure for creating and approving legislations start by developing the Policy framework for the proposed legislation and conduct a nationwide consultation with everyone who will be impacted by this legislation. Then a Policy paper for the Council of Ministers is requested for their acknowledgement, endorsement and recommendations. The Department will then act on the recommendations and proceed to provide drafting instructions to the Office of the Attorney General (OAG) to draft the proposed legislation. On completion of the drafting, the bill will be translated and then listed for the next Parliamentary session. After tabling and debate of bill has been done and approved to be passed, the bill will be assented by the President of the Republic of Vanuatu. After that the OAG will publish the legislation in the official gazette.

...the secondary veterinary legislation?

The subsidiary legislations are requested to the OAG for drafting and the Minister signs. Once gazetted, the subsidiary legislation comes into force.

4.5. Are there formal rules for legal drafting?

Yes No

If 'Yes', please indicate the reference: [Legislation must be drafted in Plain English Text. All legislation must be drafted by official drafters in the Office of the Attorney General. The authority driving development of the legislation \(e.g. Biosecurity Department\) must provide detailed drafting instructions highlighting what the draft should include.](#)

4.6. For the creation or updating of veterinary legislation:

Are the legal instruments always an initiative of the Veterinary Services? Yes No

Are legal experts involved at the design stage? Yes No

Do veterinarians and other professionals qualified in the domain systematically work with legal experts? Yes No

4.7. Is consultation undertaken during legal drafting...

...with the general public? Yes No

Is there a formal procedure? Yes No

...with regulated parties?	Yes .. <input checked="" type="checkbox"/>No	<input type="checkbox"/>
Is there a formal procedure?	Yes .. <input type="checkbox"/>No	<input checked="" type="checkbox"/>
...with professionals?	Yes .. <input checked="" type="checkbox"/>No	<input type="checkbox"/>
Is there a formal procedure?	Yes .. <input type="checkbox"/>No	<input checked="" type="checkbox"/>
...with public administrations?	Yes .. <input type="checkbox"/>No	<input checked="" type="checkbox"/>
Is there a formal procedure?	Yes .. <input type="checkbox"/>No	<input checked="" type="checkbox"/>

If formal procedures are in place, please briefly describe... [Consultation is undertaken, but no explicit legal mandate to do so and no formal procedures required.](#)

4.8. Is there a formal evaluation of the applicability and impact of the legal instruments as part of their creation?

For primary legislation?Never Sometimes Always

For secondary legislation?Never Sometimes Always

If formal evaluations occur:

Please describe the process or give an example (e.g. cost-benefit analysis, assessment of the feasibility and of social/environmental impacts, identification of unintended consequences).....

What do these evaluations usually take into account (e.g. objective to be attained, time needed to attain it, human and financial resources needed, costs to stakeholders and the public of compliance)?

If a template exists for these evaluations, please attach a copy or provide the link.....

4.9. Are performance indicators developed in parallel with the legal instruments to monitor the success of the legal provisions when they are implemented? Yes No

4.10. Timetable for implementation:

- Does a legal instrument usually specify the date of its entry into force? Yes No
- Can it include transitional clauses or delayed entry into force for a number of provisions? (e.g. when time needed to introduce the necessary changes, particularly where there is a need for investment and training to meet new standards) Yes No

4.11. When primary legislation is drafted, is the relevant secondary legislation drafted at the same time?

Yes No

Or at least designed at the same time?

Yes No

Does the legal system require that the main secondary legislation is ready before the primary law is enacted?

Yes No

4.12. When new primary legislation is adopted, is the legal status of the pre-existing secondary legislation clear? (i.e. is it repealed, or does it remain in force with appropriate modification?)

It remains in force until a new secondary legislation is developed or modified to suit the new primary legislation.

Comments:.....

Q5 – Definition of veterinary domain and distribution of responsibilities

5.1. Is the ‘veterinary domain’ defined for official purposes?

Yes No

If you answered ‘Yes’, please state the definition and give the reference for the legal text:

.....

Appendix 5. Country's responses to the WOAHO Questionnaire - Part II

1. COMPETENT AUTHORITIES (ARTICLE 3.4.5)

1.1. Does the veterinary legislation define the Veterinary Authority as the power responsible for the implementation and enforcement of the legislation covering the veterinary domain?

Yes: No: Partially:

Pertinent legislation: [Animal Importation and Quarantine Act](#), [Animal Disease \(Control\) Act](#), [Meat Industry Act](#), [Public Health Act](#), [Livestock Management Act](#)

Comments: [Responsibility for implementation and enforcement of legislation covering the veterinary domain is spread across several competent authorities, including: Biosecurity Department, Livestock Department and Health Department.](#)

1.2. Does the Veterinary Authority have the legal mandate, capacity and organisational structure to ensure that all necessary actions are taken quickly and coherently to effectively address animal health, animal welfare and veterinary public health issues?-

Yes: No: Partially:

Pertinent legislation: [Animal Importation and Quarantine Act](#), [Animal Disease \(Control\) Act](#), [Meat Industry Act](#), [Public Health Act](#), [Livestock Management Act](#)

Comments: [Each of the competent authorities are mandated to regulate each of their respective areas of the veterinary domain.](#)

1.3. Are there Competent Authorities other than the Veterinary Authority that have a legal mandate to address issues in the areas of animal health, animal welfare and veterinary public health?-

Yes: No: Partially:

Pertinent legislation:

Comments: [As noted above, there are several competent authorities \(in addition to the Veterinary Authority\) that are mandated to address different areas of animal health, animal welfare and veterinary public health.](#)

1.4. Are the responsibilities and powers of the Veterinary Authority clearly defined in legislation, so that a clear chain of command is evident, from the central level to those responsible for the implementation of legislation in the field?

Yes: No: Partially:

Pertinent legislation: [See, for example, Meat Industry Act.](#)

Comments: [In terms of enforcement at the border, the Veterinary Authority gives the legal mandate under the border control officers to implement compliance activities in relation to animals, animal products etc.](#)

1.5. Where more than one Competent Authority is involved, e.g. in relation to environmental, food safety or other public health matters including biological threats and other disasters, is there a reliable system of coordination and cooperation in place?

Yes: No: Partially:

Pertinent legislation: [Food \(Control\) Act](#)

Comments: [In relation to food safety, the Veterinary Authority is referenced in the legislation; however, the Minister responsible for the Act, which is the Minister for Health, will appoint the Veterinary authority to implement activities related to food safety. Coordination is not formalized in written agreements or plans.](#)

1.6. Does the Veterinary Authority appoint technically qualified officials or authorize technically qualified personnel (i.e., delegation) to take any actions needed for implementation or verification of compliance with the veterinary legislation? (Note that the principles of independence and impartiality prescribed in Article 3.1.2 of the WOA *Terrestrial Code* are relevant here.)

Yes: No: Partially:

Pertinent legislation:

Comments: [In terms of border enforcement, the Veterinary authority can appoint a technically qualified personnel to address issues or take actions to ensure compliance.](#)

1.7. Necessary powers of the Veterinary Authority

Does the veterinary legislation ensure that:

a) officials have the legal authority to intervene in accordance with the legislation and the penal procedures in force?

Yes: No: Partially:

Pertinent legislation: [E.g. S.2 of Meat Industry Act; Ss.9-11 & 18 of Animal Disease \(Control\) Act; Ss.9, 10 & 20 Animal Importation and Quarantine Act.](#)

Comments:

b) while executing their legal mandate in good faith, officials are protected against legal action and physical harm?

Yes: No: Partially:

Pertinent legislation: S.20 of [Meat Industry Act](#); S.20(c) [Animal Importation and Quarantine Act](#)

Comments: [Provisions in place to make it an offence to attack officers in performance of their duties. No explicit provision that protects them from legal liability when acting in good faith however, such as S.128 of the Public Health Act.](#)

- c) the powers and functions of officials are explicitly and completely identified to protect the rights of stakeholders and the general public against an abuse of authority? This includes respecting confidentiality, as appropriate;

Yes: No: Partially:

Pertinent legislation: [Animal Disease \(Control\) Act](#); [Animal Importation and Quarantine Act](#), Ss.30-51 of [Livestock Management Act](#)

Comments:

- d) Confidential information is protected?

Yes: No: Partially:

Pertinent legislation:

Comments: [No explicit legal requirement can be found to require inspectors/officers to ensure protection of confidential information.](#)

- e) certain essential powers are specifically identified and made available through primary legislation? This is crucial as exercise of these powers can result in actions that may conflict with individual rights ascribed in fundamental laws. Thus, are at least the following powers available through the primary legislation:

- i) access to premises and vehicles for carrying out inspections?

Yes: No: Partially:

Pertinent legislation: [S.2\(a\) Animal Disease \(Control\) Act](#); [Animal Importation and Quarantine Act](#) Se.15(a)

Comments:

- ii) access to records?

Yes: No: Partially:

Pertinent legislation.: [Animal Disease \(Control\) Act](#) S.2(e); [Animal Importation and Quarantine Act](#) S.15(c) and (d)

Comments:

iii) taking samples?

Yes: No: Partially:

Pertinent legislation:

Comments: [Food \(Control\) Act S.13\(1\)\(a\)](#); [Livestock Management Act, S.43](#)

iv) retention (setting aside) of animals and goods, pending a decision on final disposition?

Yes: No: Partially:

Pertinent legislation: [Animal Disease \(Control\) Act S.2\(d\)](#)

Comments:

v) seizure and, when necessary, destruction of animals, products and food of animal origin?

Yes: No: Partially:

Pertinent legislation: [Animal Disease \(Control\) Act S.2\(d\)](#)

Comments:

vi) suspension of one or more activities of an inspected establishment?

Yes: No: Partially:

Pertinent legislation: [Meat Industry Act, S.11\(1\)\(f\)](#)

Comments:

vii) temporary, partial or complete closure of inspected establishments? and

Yes: No: Partially:

Pertinent legislation: [Meat Industry Act](#)

Comments:

viii) suspension or withdrawal of official authorisations or approvals?

Yes: No: Partially:

Pertinent legislation: [Meat Industry Act](#)

Comments:

ix) quarantine and other restrictions on animal movement

Yes: No: Partially:

Pertinent legislation: [Animal Disease \(Control\) Act](#)

Comments:

1.8. Delegation of powers by the Competent Authority

Does the veterinary legislation provide the possibility for Competent Authorities to delegate specific tasks related to official activities to veterinarians or veterinary paraprofessionals who are not civil servants?

Yes: No Partially:

Pertinent legislation:

Comments: [No legal basis to delegate functions to non-civil servants.](#)

2. VETERINARIANS AND VETERINARY PARAPROFESSIONALS (ARTICLE 3.4.6)

2.1. The regulation of veterinarians and veterinary paraprofessionals_

Veterinary legislation should provide a basis for the regulation of veterinarians and veterinary paraprofessionals in the public interest. To this end, does the veterinary legislation:

a) provide for the creation of a professional organisation such as a veterinary statutory body to regulate veterinarians and veterinary paraprofessionals?

Yes: No Partially:

Pertinent legislation:

Comments:

b) describe the prerogatives, the functioning and responsibilities of the professional organisation?

Yes: No Partially:

Pertinent legislation:

Comments:

c) describe the general system of regulation of veterinarians and veterinary paraprofessionals by the professional organisation?

Yes: No Partially:

Pertinent legislation:

Comments: [No system currently in place to regulation general veterinarians to practice in Vanuatu.](#)

d) give authority to the professional organisation to make secondary legislation or to otherwise deal with the following matters?

i) describe the various categories of veterinarians and veterinary paraprofessionals recognised in the country in accordance with its needs, notably in animal health and food safety;

Yes: No Partially:

Pertinent legislation:

Comments: [Currently there are no categories of veterinarians in Vanuatu. We have new graduates from the Fiji National University \(FNU\) but do not qualify as FNU is not an accredited University to be recognized regionally and internationally.](#)

ii) define the prerogatives of the various categories of veterinarians and veterinary paraprofessionals that are recognised in the country;

Yes: No Partially:

Pertinent legislation:

Comments:

iii) define the minimum initial and continuous educational requirements and competencies for the various categories of veterinarians and veterinary

paraprofessionals;

Yes: No Partially:

Pertinent legislation:

Comments:

iv) prescribe the conditions for recognition of the qualifications for veterinarians and veterinary paraprofessionals

Yes: No Partially:

Pertinent legislation:

Comments:

v) define the conditions to perform the activities of veterinary medicine/science, including the extent of supervision for each category of veterinary paraprofessional;

Yes: No Partially:

Pertinent legislation:

Comments:

vi) prescribe the powers to deal with conduct and competence issues, including licensing requirements, that apply to veterinarians and veterinary paraprofessionals

Yes: No Partially:

Pertinent legislation:

Comments:

vii) identify the exceptional situations, such as epizootics, under which persons other than veterinarians can undertake activities that are normally carried out by veterinarians

Yes: No Partially:

Pertinent legislation:

Comments:

2.2. If the veterinary legislation does not create a professional organisation for the regulation of veterinarians and veterinary paraprofessionals, then does the legislation at least address all the elements listed in paragraphs (d) (i) to (vii) to ensure quality in the conduct of veterinary medicine/science?

No

3. **LABORATORIES IN THE VETERINARY DOMAIN** (ARTICLE 3.4.7)

3.1. **Facilities**

a) Does the veterinary legislation define the role, responsibilities, obligations and quality requirements for:

i) reference laboratories? (These are responsible for controlling the veterinary diagnostic and analytical network, including the maintenance of reference methods);

Yes:

No:

Partially:

Pertinent legislation:

Comments:

ii) laboratories designated by the Competent Authority for carrying out the analysis of official samples?

Yes:

No

Partially:

Pertinent legislation:

Comments:

iii) laboratories recognised by the Competent Authority to conduct analyses required under the legislation, e.g. for the purposes of quality control?

Yes:

No

Partially:

Pertinent legislation:

Comments:

b) Does the veterinary legislation define the conditions for the classification, approval, operations and supervision of laboratories at each level?

Yes:

No

Partially:

Pertinent legislation:

Comments:

3.2. Reagents

Does the veterinary legislation provide a basis for actions to address:

a) procedures for authorising reagents that are used to perform official analyses?

Yes: No Partially:

Pertinent legislation:

Comments:

b) quality assurance by manufacturers of reagents used in official analyses?

Yes: No Partially:

Pertinent legislation:

Comments:

c) surveillance of reagents to ensure that they are not adversely affecting the quality of analyses required by the veterinary legislation?

Yes: No Partially:

Pertinent legislation:

Comments:

3.3. Laboratory containment of pathogenic agents

Does the veterinary legislation make provisions for the effective containment of pathogenic agents into, within and out of the laboratory as prescribed in Chapter 5.8. of the WOA *Terrestrial Code*?

Yes: No Partially:

Pertinent legislation:

Comments:

4. HEALTH PROVISIONS RELATING TO ANIMAL PRODUCTION (ARTICLE 3.4.8)**4.1. Identification and traceability**

Does the veterinary legislation provide a basis for actions to address all the elements in Article 4.3.3 (Point 6), identified as follows?

a) the purpose and scope of animal identification?

Yes: No Partially:

Pertinent legislation: [Meat Industry Act](#)

Comments:

b) the responsibilities of the Veterinary Authority and other parties (e.g. operators of food production premises)?

Yes: No Partially:

Pertinent legislation: [Meat Industry Act](#)

Comments: [It is a requirement that operators must have a register of all details of animals including number, species and sex of the animals entering the approved establishment, origin, destination, quantity, date of animals, age etc. This only applies to approved establishments, and does not apply to rural slaughterhouses.](#)

c) registration of animal holdings?

Yes: No Partially:

Pertinent legislation:

Comments:

d) management of animal movement?

Yes: No Partially:

Pertinent legislation: [Animal Disease \(Control\) Act and Regulation \(see Regulation 1\)](#).

Comments:

- e) the choice of technologies and methods used for the animal identification system and animal traceability?

Yes: No Partially:

Pertinent legislation:

Comments:

- f) Access to and confidentiality of data?

Yes: No Partially:

Pertinent legislation:

Comments:

4.2. Animal markets and other gatherings

Does the veterinary legislation address, for animal markets and other commercially or epidemiologically significant animal gatherings, the following elements:

- a) registration or other official approval?

Yes: No Partially:

Pertinent legislation:

Comments:

- b) measures to prevent disease transmission, including procedures for cleaning and disinfection and traceability of animals?

Yes: No Partially:

Pertinent legislation: [Animal Disease \(Control\) Act, S.10\(2\)](#)

Comments: [There are requirements to implement disinfection requirements and movement controls once a facility is placed under quarantine. However, there are no proactive requirements concerning cleaning, disinfection and traceability of animals at markets and other gatherings.](#)

- c) measures to address animal welfare?

Yes: No Partially:

Pertinent legislation: [Prevention of cruelty to Animals Act](#)

Comments:

d) provision for veterinary inspections?

Yes: No Partially:

Pertinent legislation: Animal Disease (Control) Act, S.2

Comments: [Veterinary officers are empowered to inspect animals. However, there are no routine inspections required for animals arriving at markets or other gatherings.](#)

4.3. Animal reproduction

Does the veterinary legislation provide a basis for actions to address the regulation of animal reproduction in relation to the risk of disease transmission? (Measures may be implemented at the level of animals, genetic material, establishments and operators.)

Yes: No Partially:

Pertinent legislation:

Comments:

4.4. Animal feed

Does the veterinary legislation provide a basis for actions to address the elements listed below:

a) standards for the manufacture, composition and quality control of animal feed in relation to the risk of disease transmission?

Yes: No Partially:

Pertinent legislation:

Comments:

b) standards for the manufacture, composition and quality control of animal feed in relation to the inclusion of veterinary medicinal products (e.g. antimicrobial agents and hormones)?

Yes: No Partially:

Pertinent legislation:

Comments:

- c) registration or other procedures for approval of establishments?

Yes: No Partially:

Pertinent legislation:

Comments:

- d) traceability and recall from the market of any product likely to present a hazard to human health or animal health?

Yes: No Partially:

Pertinent legislation:

Comments: [The current records required under the Operators SOPs currently provides a good traceability system that is able to trace back when issues arise.](#)

4.5. Animal by-products (not intended for human consumption, e.g. meat and bone meal, tallow)

Does the veterinary legislation:

- a) define the animal by-products subject to the legislation?

Yes: No Partially:

Pertinent legislation:

Comments: [No explicit definition of animal by-products in legislation.](#)

- b) provide for rules for collection, processing, storage, sale, use, disposal and import and export of animal by-products?

Yes: No Partially:

Pertinent legislation: [Meat Industry Act, Animal Importation and Quarantine Act](#)

Comments:

- c) provide for registration or other procedure for approval of establishments and the provision of health requirements for relevant operations?

Yes: No Partially:

Pertinent legislation: [Meat Industry Act](#)

Comments: [Legislation only provides for the approval of establishments involved in meat production. Doesn't, for example, regulate transporters, processors, etc.](#)

d) provide for rules to be followed by animal owners in preparation and handling of animal by-products.

Yes: No Partially:

Pertinent legislation:

Comments:

4.6. Disinfection

Does the veterinary legislation provide a basis for actions to address the regulation of disinfection products and their use, as well as of methods of disinfection, in the context of the prevention and control of animal diseases?

Yes: No Partially:

Pertinent legislation:

Comments:

5. ANIMAL DISEASES (ARTICLE 3.4.9)

5.1. Listing and notification of diseases

Does the veterinary legislation provide a basis for the Competent Authority to manage diseases of importance to the country and to list those diseases, guided by the recommendations in Chapters 1.1. and 1.2. of the WOA *Terrestrial Code*?

Yes: No Partially:

Pertinent legislation: [Animal Disease \(Control\) Act and \(Miscellaneous Provisions\) Regulation](#)

Comments: [Provides for notifiable diseases and controlled diseases](#)

5.2. Surveillance

Does the veterinary legislation provide a basis for the collection, transmission and utilisation of epidemiological data relevant to diseases listed by the Competent Authority?

Yes: No: Partially:

Pertinent legislation: [Animal Disease \(Control\) Act](#)

Comments:

5.3. Disease prevention and control

a) Does the veterinary legislation include general animal health (sanitary) measures applicable to the management of all animal diseases?

Yes: No: Partially:

Pertinent legislation: [Animal Disease Control Act](#)

Comments:

b) Does the veterinary legislation allow for establishment of regulatory programmes for specific notifiable diseases listed in the country and the application of additional animal health (sanitary) measures applicable to those diseases?

Yes: No: Partially:

Pertinent legislation: [Animal Disease \(Control\) Act and \(Miscellaneous Provisions\) Regulation](#)

Comments: [Section 17 of the Act allows for the Minister to enact regulations setting out regulatory programmes for control of specific diseases.](#)

c) Does the veterinary legislation provide a basis for contingency plans and an emergency response for use in disease control?

Yes: No: Partially:

Pertinent legislation: [Animal Disease \(Control\) Act S.17](#)

Comments: [Minister may by regulation establish control plans for specific diseases, but no explicit reference to contingency plans or emergency response. There is also an Animal Emergency Pest and Disease Response Plan.](#)

5.4. Financing and compensation

- a) Does the veterinary legislation provide for the financing of animal disease control measures, such as operational expenses?

Yes: No Partially:

Pertinent legislation: [Animal Disease \(Control\) Act S.17\(1\)](#)

Comments: [The cited provision allows the Minister to promulgate regulations on any issue necessary for implementation of the Act. However, there is no explicit provision concerning allocation of funds for disease control measures. In case of an Introduction of Animal Disease, the activation of the EDPR is link to the National Disaster Management Office \(NDMO\) who is has the power to request for State of Emergency if needed and can also provide funding to support eradication attempts.](#)

- b) Does the veterinary legislation provide for the compensation of owners in the event of killing or slaughtering of animals and seizure or destruction of carcasses, meat, animal feed or other things?

Yes: No Partially:

Pertinent legislation: [Animal Disease Control Act, S.12](#)

Comments: [The Provision in the Act provides that there will be no compensation; however, the Minister may by regulation provide for the payment of compensation for animals slaughtered under the provisions of the Act under circumstances that he may specify in the regulation.](#)

5.5. Emerging diseases and novel threats

Does the veterinary legislation provide for measures to investigate and respond to emerging diseases and novel threats?

Yes: No Partially:

Pertinent legislation: [Disease control Act](#)

Comments: [To be discussed further](#)

6. ANIMAL WELFARE (ARTICLE 3.4.10)

6.1. General provisions

The animal welfare requirements are found in Section 7 of the WOAH *Terrestrial Code*.

Does the veterinary legislation contain a legal definition of cruelty as an offence, and provisions for direct intervention of the Competent Authority in the case of cruelty or neglect by animal keepers?

Yes: No Partially:

Pertinent legislation: [Prevention of cruelty to Animals Act](#)

Comments: [Art.2 lists a variety of activities that shall be considered 'offences of cruelty to animals', but does not include an explicit definition of what constitutes cruelty to animals.](#)

6.2. Specific provisions

Does the veterinary legislation provide a basis for actions to address the animal welfare requirements of the WOAH Codes, notably in relation to:

a) transport (by sea, by land or by air) and handling?

Yes: No Partially:

Pertinent legislation: [Prevention of Cruelty to Animals Act; Livestock Management Act No.19 of 2018](#)

Comments: [Under both cited laws there is provision for the Minister to make regulations covering various aspects of animal welfare. Such regulations have not yet been developed, however. Draft regulations are currently under development, under the Livestock Management Act, to regulate animal welfare during transport.](#)

b) accepted practice in animal production (e.g. beef cattle production)?

Yes: No Partially:

Pertinent legislation: [Livestock Management Act No. 19 of 2018](#)

Comments: [Needs more Regulation to support implementation of the Act.](#)

c) stunning and slaughter for human consumption?

Yes: No Partially:

Pertinent legislation: [Meat Industry Act](#)

Comments:

d) killing for disease control purposes?

Yes: No Partially:

Pertinent legislation: [Animal Disease Control Act](#); [Prevention of cruelty to Animals Act](#)

Comments: [While the Animal Disease Control Act permits killing of animals for disease control purposes, there are no precise requirements concerning the manner in which this must be conducted. There is a legal basis to establish regulations on such an issue under the Prevention of Cruelty to Animals Act \(S.9\), but no such regulations have been developed.](#)

e) the use of animals in research and education?

Yes: No Partially:

Pertinent legislation:

Comments:

6.3. Stray dog population control

Does the veterinary legislation provide a basis for actions to effectively control stray dog populations?

Yes: No Partially:

Pertinent legislation: [Control and Registration of Dogs Act \(Cap.64\)](#)

Comments: [This Act has not been enforced for a long time.](#)

6.4. Abandoned animals

Does the veterinary legislation make provision for prohibition of the abandonment of animals, and management of abandoned animals, including transfer of ownership, veterinary interventions and euthanasia?

Yes: No Partially:

Pertinent legislation: [Control and Registration of Dogs Act](#)

Comments:

7. VETERINARY MEDICINAL PRODUCTS (ARTICLE 3.4.11)

This question seeks to determine whether the veterinary legislation provides a basis for assuring the quality of veterinary medicinal products and minimising the risk to human, animal and environmental health associated with their use.

7.1. General measures

Does the veterinary legislation provide:

- a) a definition of veterinary medicinal products, including any specific exclusions?

Yes: No Partially:

Pertinent legislation:

Comments:

- b) a basis for actions to address the regulation of the importation, manufacture, labelling, distribution, usage of, and commerce in veterinary medicinal products?

Yes: No Partially:

Pertinent legislation: [Animal Importation and Quarantine Act](#)

Comments: [Importation is covered under the Animal Importation and Quarantine Act, but no other aspects of the VMP value chain are regulated.](#)

7.2. Raw materials for use in veterinary medicinal products

Does the veterinary legislation provide a basis for actions to address:

- a) quality standards for raw materials used in the manufacture or composition of veterinary medicinal products and arrangements for checking quality?

Yes: No Partially:

Pertinent legislation:

Comments:

- b) requirements for substances in veterinary medicinal products that may affect the interpretation of diagnostic test results or the conduct of other veterinary checks?

Yes: No Partially:

Pertinent legislation:

Comments:

7.3. Authorisation of veterinary medicinal products

a) Does the veterinary legislation require that only authorised veterinary medicinal products may be placed on the market?

Yes:

No

Partially:

Pertinent legislation:

Comments:

b) Does the veterinary legislation establish the withdrawal periods and maximum residue limits for veterinary medicinal products, as appropriate?

Yes:

No

Partially:

Pertinent legislation:

Comments:

c) Does the veterinary legislation make special provisions for:

i) medicated feed?

Yes:

No

Partially:

Pertinent legislation:

Comments:

ii) compounding of veterinary medicinal products by authorised veterinarians or authorised pharmacists?

Yes:

No

Partially:

Pertinent legislation:

Comments:

iii) emergencies and temporary situations?

Yes: No Partially:

Pertinent legislation:

Comments:

d) Does the veterinary legislation address the conditions associated with the granting, renewal, refusal and withdrawal of authorisations?

Yes: No Partially:

Pertinent legislation:

Comments:

e) Does the veterinary legislation provide for the possibility of recognition of the equivalence of authorisations made by other countries?

Yes: No Partially:

Pertinent legislation:

Comments:

7.4. Establishments producing, storing and wholesaling veterinary medicinal products

Does the veterinary legislation provide a basis for actions to address:

a) registration or authorisation of all operators manufacturing, importing, storing, processing, wholesaling or otherwise distributing veterinary medicinal products or raw materials for use in making veterinary medicinal products?

Yes: No Partially:

Pertinent legislation:

Comments:

b) definition of the responsibilities of operators?

Yes: No Partially:

Pertinent legislation:

Comments:

c) establishment of good manufacturing practices?

Yes: No Partially:

Pertinent legislation:

Comments:

d) reporting on adverse effects to the Competent Authority?

Yes: No Partially:

Pertinent legislation:

Comments:

e) mechanisms for traceability and recall?

Yes: No Partially:

Pertinent legislation:

Comments:

7.5. Retailing, use and traceability of veterinary medicinal products

Does the veterinary legislation provide a basis for actions to address:

a) control over the distribution of veterinary medicinal products?

Yes: No Partially:

Pertinent legislation:

Comments:

b) arrangements for traceability and recall of veterinary medicinal products?

Yes: No Partially:

Pertinent legislation:

Comments:

c) conditions of use of veterinary medicinal products?

Yes: No Partially:

Pertinent legislation:

Comments:

d) establishment of rules for the prescription and provision of veterinary medicinal products to end users?

Yes: No Partially:

Pertinent legislation:

Comments:

e) obligation of persons authorized to dispense or prescribe relevant veterinary medicinal products (e.g. antimicrobial agents) to inform end users of any withdrawal periods associated with those products?

Yes: No Partially:

Pertinent legislation:

Comments:

f) obligation of end users of relevant veterinary medicinal products (e.g. antimicrobial agents) to observe the withdrawal periods of those products when administered to animals?

Yes: No Partially:

Pertinent legislation:

Comments:

- g) restriction to authorised veterinarians and other professionals and, as appropriate, authorised veterinary paraprofessionals of commerce in veterinary medicinal products that are subject to prescription?

Yes:

No

Partially:

Pertinent legislation:

Comments:

- h) the regulation of advertising, labelling and packaging claims and other marketing and promotional activities?

Yes:

No

Partially:

Pertinent legislation:

Comments:

- i) reporting on adverse effects to the Competent Authority?

Yes:

No

Partially:

Pertinent legislation:

Comments:

8. HUMAN FOOD PRODUCTION CHAIN (ARTICLE 3.4.12)

The role of the Veterinary Services in food safety is described in Chapter 6.2. of the WOA *Terrestrial Code*.

8.1. General provisions

Does the veterinary legislation provide a basis for:

- a) controls over all stages of the production, processing and distribution of food of animal origin?

Yes: No Partially:

Pertinent legislation: [Meat Industry Act](#), [Meat Industry \(Approved Establishment\) Regulation](#); [Food \(Control\) Act](#)

Comments: The Meat Industry Act and Food (Control) Act collectively cover all stages from [approval of facilities, processing and distribution for meat products](#), but [there is no legislation governing other animal products such as eggs or honey](#). Also notable that there is less regulation for rural slaughterhouses, and only [slaughterhouses intended to produce meat products for export](#) are subject to the most stringent controls.

- b) the conduct of veterinary ante- and post-mortem inspections at abattoirs and other slaughter facilities;

Yes: No Partially:

Pertinent legislation: [Meat Industry Act](#)

Comments: [Applies to slaughterhouses registered under the Meat Industry Act](#), but does not apply to rural slaughterhouses.

- c) recording all significant animal and public health events that occur during primary production and slaughter?

Yes: No Partially:

Pertinent legislation: [Meat Industry Act](#)

Comments: [Applies to slaughterhouses registered under the Meat Industry Act](#), but does not apply to rural slaughterhouses.

- d) giving operators of food production premises the primary responsibility for compliance with food safety requirements, including traceability?

Yes: No Partially:

Pertinent legislation: [Food \(Control\) Act, Section 2\(1\)](#)

Comments:

- e) prohibition of the marketing (i.e. sale) of products not fit for human consumption?

Yes: No Partially:

Pertinent legislation: [Meat Industry Act, S.17\(1\); Food \(Control\) Act S.2\(1\)](#)

Comments:

8.2. Premises and establishments pertaining to the food chain

Does the veterinary legislation provide a basis for actions to address:

a) registration of premises and establishments by the Competent Authority?

Yes: No Partially:

Pertinent legislation: [Meat Industry Act](#)

Comments: [Applies to slaughterhouses registered under the Meat Industry Act, but does not apply to rural slaughterhouses.](#)

b) the use of risk-based management procedures?

Yes: No Partially:

Pertinent legislation: [Meat Industry Act](#)

Comments: [Applies to slaughterhouses registered under the Meat Industry Act, but does not apply to rural slaughterhouses.](#)

c) prior authorisation of operations that are likely to constitute a significant risk to human or animal health?

Yes: No Partially:

Pertinent legislation: [Meat Industry Act](#)

Comments: [Applies to slaughterhouses registered under the Meat Industry Act, but does not apply to rural slaughterhouses.](#)

e) provision of the Competent Authority with the necessary powers and means to prescribe uses or treatments that ensure the safety of recalled products for human or animal health?

Yes: No Partially:

Pertinent legislation: [Meat Industry Act, S.11\(2\)](#)

Comments:

9. IMPORT AND EXPORT PROCEDURES AND VETERINARY CERTIFICATION (ARTICLE 3.4.13)

9.1. Does the country belong to the World Trade Organization?

Yes: No

Comments:

9.2. Does the veterinary legislation make reference to the Sanitary and Phytosanitary (SPS) Agreement?

Yes: No

Pertinent legislation:

Comments:

9.3. Does the veterinary legislation require the conduct of a risk analysis in order to establish import requirements in accordance with Chapters 2.1. and 5.3. of the WOA *Terrestrial Code*?

Yes: No Partially:

Pertinent legislation: [Animal Importation and Quarantine Act](#)

Comments: [Doesn't explicitly mention risk here, but the Principal Veterinary Officer has broad discretion of things to consider when granting provisional import permit.](#)

9.4. Does the veterinary legislation provide a basis for actions to address the elements relating to transit, import and export procedures and veterinary certification (all referred to in Section 5 of the WOA *Terrestrial Code*), including:

a) certification procedures, including e-certification?

Yes: No Partially:

Pertinent legislation: [Animal Importation and Quarantine Act](#)

Comments:

b) animal health measures applicable before and at departure?

Yes: No Partially:

Pertinent legislation:

Comments:

c) animal health measures applicable during transit?

Yes: No Partially:

Pertinent legislation:

Comments:

d) border posts and quarantine stations?

Yes: No Partially:

Pertinent legislation: [Animal Importation and Quarantine Act 19\(1\)\(b\)](#)

Comments:

e) animal health measures applicable on arrival?

Yes: No Partially:

Pertinent legislation:

Comments:

f) classification, importation and laboratory containment of animal pathogens?

Yes: No Partially:

Pertinent legislation:

Comments:

If the VLSP Identification mission includes a specific focus on biothreat reduction (BTR), please complete the following portion. If not, we welcome your interest in filling it for your information and awareness.

10. INTENTIONAL BIOLOGICAL THREATS

10.1. Is the country a State Party to the Biological Weapons Convention?

Yes:

No

Comments:

10.2. Are there existing national laws to implement the Biological Weapons Convention and the United Nations Security Council Resolution (UNSCR) 1540 or other legislation to address biological threats?

Yes:

No

Partially:

Pertinent legislation:

Comments:

10.3. Is there a national authority and/or national focal point for:

a) the Biological Weapons Convention? Yes: No

b) the UNSCR 1540? Yes: No

Comments:

10.4. Is the Veterinary Services or Ministry in charge of Veterinary Services represented in or liaising with the national authorities/entities/bodies identified in 10.3?

Yes: No Partially:

Pertinent legislation:

Comments: [Will discuss further](#)**10.5. Is there a national body or system for coordinating responses to biological emergencies? Are the Veterinary Services involved?**Yes: No Partially:

Pertinent legislation:

Comments:

10.6. Do formal arrangements (e.g. memorandum of understanding, SOPs, letters of agreement, etc.) exist between the Veterinary Services and other relevant agencies (e.g. law enforcement, public health, emergency management, etc) for response to biological emergencies?Yes: No Partially:

Pertinent legislation/arrangements:

Comments:

10.7. Is there a national list of controlled biological agents and toxins, including high risk animal and zoonotic disease agents that pose a biological threat?Yes: No Partially:

Pertinent legislation:

Comments:

10.8. If so, do the Veterinary Services have input into developing, approving and updating the list?Yes: No Partially:

Pertinent legislation:

Comments:

10.9. Is there corresponding legislation to control activities involving biological agents and toxins (e.g. possession, storage, use, transport, import/export,

disposal)?

Yes:

No

Partially:

Pertinent legislation:

Comments:

10.10. Are there criminal provisions for intentional violation of this legislation?

Yes:

No

Partially:

Pertinent legislation:

Comments:

10.11. Is there legislation that addresses veterinary laboratory biosafety and biosecurity?

Yes:

No

Partially:

Pertinent legislation:

Comments:

10.12. If not, what tools or procedures exist to address veterinary laboratory biosafety and biosecurity?

Appendix 6. List of acts and subordinate legislation consulted

The below constitutes a list of all legal instruments consulted in the preparation, delivery and/or follow-up to the VLIM. The list is divided into two sections: (1) legislation that is within the veterinary domain, and falls within the term ‘veterinary legislation’; and (2) legislation that falls outside the veterinary domain, but was otherwise relevant for the VLIM in some capacity.

LEGISLATION IN THE VETERINARY DOMAIN		
Legislation Name	Legislation Type	Enactment Date
Agricultural Fees Act (Cap.74)	Act	January 1, 1973
Agricultural Fees (Amendment) Act (No.6 of 2002)	Act	January 1, 2002
Agricultural Fees Regulations (Cap.74)	Regulation	January 1, 1973
Agricultural Fees Regulations Order (No.99 of 2012)	Regulation	July 26, 2012
Animal Disease (Control) Act 1992 (Cap.220)	Act	December 16, 1992
Animal Disease (Control) (Miscellaneous Provisions) Regulations (Cap.220)	Regulation	October 16, 2000
Animal Disease (Control) (Stock Feeds) Regulation (Cap.220)	Regulation	November 25, 2002
Animal Importation and Quarantine Act (Cap.201)	Act	June 13, 1988
Animal Importation and Quarantine (Amendment) Act (No.45 of 1989)	Act	July 12, 1989
Animal Importation and Quarantine (Amendment) Act 2014	Act	December 19, 2014
Animal Importation and Quarantine Regulations (Amendment) Order 2006 (No.32 of 2006)	Order	August 25, 2006
Animal Importation and Quarantine Regulations (Cap.201)	Regulation	June 13, 1994
Biosecurity Bill	Bill	N/A
Cattle (Export) Act (Cap.97)	Act	September 22, 1977
Cattle (Slaughter, Spaying and Castration) Act (Cap.103)	Act	November 30, 1979
Female Cattle (Prohibition of Slaughter and Spaying) Regulations (Cap.103)	Regulation	January 1, 1980
Cattle Trespass Act (Cap.15)	Act	January 1, 1941

Control and Registration of Dogs Act (Cap.64)	Act	October 1, 1971
Customs Act No.7 of 2013	Act	November 4, 2013
Customs (Prohibited Export) Regulations Order 2014 (No.114 of 2014)	Order	June 16, 2014
Environmental Management and Conservation Act 2002 (Cap.283)	Act	December 31, 2002
Environmental Impact Assessment Regulations (Amendment) Order (No.102 of 2012)	Order	July 17, 2012
Environmental Impact Assessment Regulations Order (No.175 of 2011)	Order	January 1, 2011
Environmental Management and Conservation (Amendment) Act (No.28 of 2010)	Act	December 30, 2010
Environmental Protection and Conservation (Amendment) Act (No.6 of 2019)	Act	June 24, 2019
Food (Control) Act 1993 (Cap.228)	Act	June 21, 1993
Food (Control) (Amendment) Act (No.27 of 2009)	Act	October 19, 2009
Food (Control) Act - Penalty Notice Regulation Order 2010 (No.54 of 2010)	Order	July 26, 2010
Food (Control) Regulation Order 2007 (No.37 of 2007)	Order	January 1, 2007
Import of Goods (Control) Act (Cap.176)	Act	June 18, 1984
Livestock Management Act No.19 of 2018	Act	August 28, 2018
Meat Industry Act 1991 (Cap.213)	Act	June 17, 1991
Meat Industry (Amendment) Act 1992 (No.27 of 1992)	Act	December 16, 1992
Meat Industry (Approved Establishments) Regulations (Cap.213)	Regulations	April 25, 1994
Meat Industry (Ban on Defrosting of Poultry) Regulation Order No 2007 (No.25 of 2007)	Order	July 13, 2007
Meat Industry Advisory Board (Cap.213) Order (No.3 of 2001)	Order	January 25, 2001
Meat Industry Regulations (Cap.213)	Regulation	June 15, 1992
Prevention of Cruelty to Animals Act (Cap.78)	Act	February 13, 1974

Prohibition on Import of Beef from Europe Order (No.53 of 2001)	Order	June 20, 2001
Prohibition on the Importation of Poultry Products Order 2012 (No.13 of 2012)	Order	February 7, 2012
Public Health Act (Cap.234)	Act	January 1, 1994
Public Health (Amendment) Act (No.11 of 2018)	Act	July 6, 2018
Quarantine Act (Cap.1)	Act	January 11, 1909
Vanuatu Primary Producers Authority Act No.18 of 2018	Act	August 28, 2018
Fisheries Act No.10 of 2014	Act	June 19, 2014
LEGISLATION OUTSIDE THE VETERINARY DOMAIN		
Legislation name	Legislation type	Enactment date
Constitution of Vanuatu	Constitution	July 30, 1980
Bill for the Dangerous Drugs (Amendment) Act No. X of 2021	Bill	N/A
Dangerous Drugs Act (Cap.12)	Act	December 1, 1939
Interpretation Act (Cap.132)	Act	Unknown
Pesticides (Control) Act (Cap.226)	Act	June 21, 1993
Public Service Act (Cap.246)	Act	July 31, 1998
Sale of Medicine (Control) Act (Cap.48)	Act	August 27, 1966
Statute Law (Miscellaneous Provisions) Act 2010 (No.2 of 2010)	Act	July 15, 2010

Appendix 7. List of reports consulted

Vanuatu Agriculture Sector Policy 2015-2030, *MALFFB* (2015)

Government of Vanuatu, *Public Service Staff Manual* (2008)

National Biosecurity Policy 2016-2030, *Department of Biosecurity Vanuatu*, *MALFFB* (2016)

National Livestock Policy 2015-2030, *Department of Livestock*, *MALFFB* (2015)

National Livestock Sector Policy Action Plan Monitoring and Evaluation Framework 2015-2030, *MALFFB* (2015)

Parliament of the Republic of Vanuatu, *Standing Orders of Parliament* (20 June 2020)

PVS-GFTAD Country Profile: Vanuatu (2023)

Review of the Dangerous Drugs Act [Cap 12] and the Penal Code [Cap 135] — Issue Paper No.01 of 2013, *Vanuatu Law Commission* (15 March 2013)

Vanuatu Country Profile, *World Bank* (2023)

Vanuatu Parliamentary Handbook, *Government of Vanuatu* (1999)

WOAH PVS Evaluation Report (August 2014)

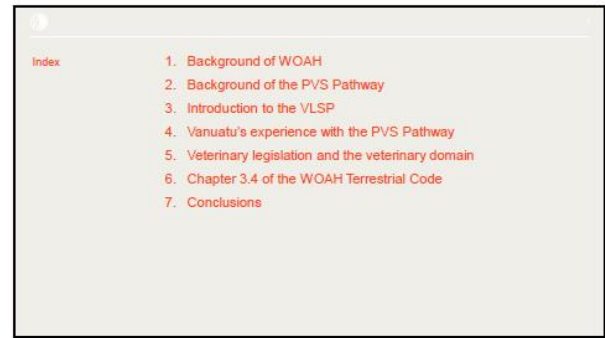
WOAH PVS Gap Analysis Report (2017)

Appendix 8. PowerPoint presentations used at entry/exit meetings

Opening presentation:



1



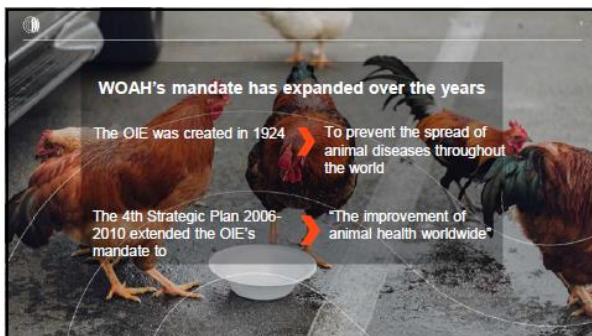
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4



5



6

The role of standards WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)

Article 2: Basic Rights and Obligations
"2. Members shall ensure that any sanitary or phytosanitary measure is applied only to the extent necessary to protect human, animal or plant life or health..."

Article 3: Harmonization
"3. Sanitary or phytosanitary measures which conform to international standards, guidelines or recommendations shall be deemed to be necessary to protect human, animal or plant life or health, and presumed to be consistent with the relevant provisions of this agreement."

Annex A: Definitions
"International standards, guidelines and recommendations... for animal health and zoonoses, (means) the Standards, guidelines and recommendations developed under the Auspices of the International Office of Epizootics (OIE)."

Compliance with WOA standards creates assumption that your SPS measures are adequate and not unduly burdensome.

7


Benefits of compliance with standards

- Increased international trade through control of animal disease
- Improved livestock health and productivity
- Increased animal protein for domestic consumption
- Improved food safety
- Reduction of zoonotic diseases
- Improved health and welfare of national public and animal health



8



Background of Performance of Veterinary Services (PVS) Pathway



9

Veterinary Services means the combination of governmental and non-governmental individuals and organisations that perform activities to implement the standards of the *Terrestrial Code*.

Definition of 'Veterinary Services'
Glossary, *Terrestrial Code*

10

Why does the PVS Pathway exist?

- Veterinary services are a global public good worthy of sustainable investment
- Veterinary Services make a vital contribution to global health by addressing "risk at source" (zoonoses, AMR and food safety)
- Veterinary Services make a vital global contribution to food security, nutrition, poverty alleviation and resilience
- Livestock and veterinary services are often chronically under-resourced
- WOAH is a unique organization with key attributes as a partner in strengthening Veterinary Services

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WOAH PVS Pathway

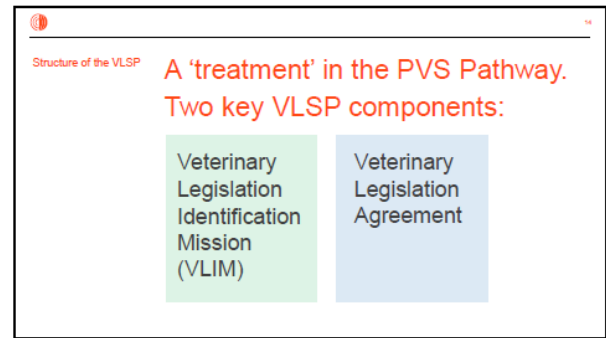
A continuous process aiming to sustainably improve compliance of Veterinary Services with international standards and strengthen their sustainable efficiency



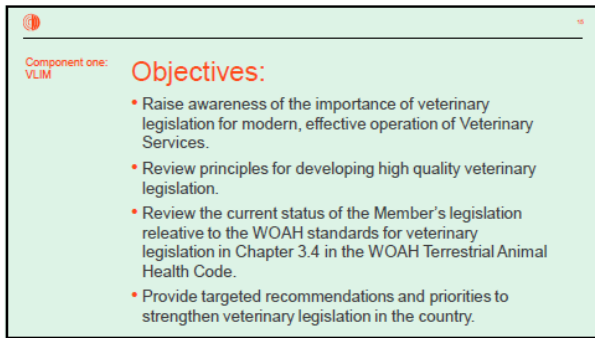
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13



14

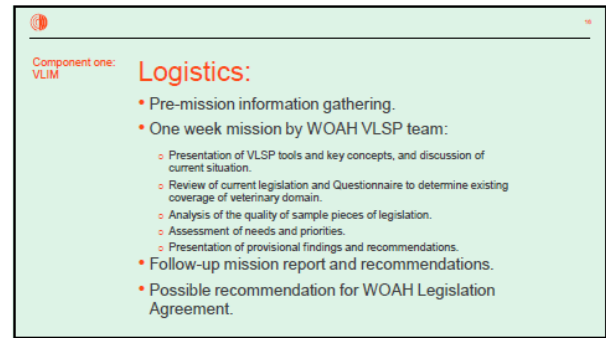


Component one: VLIM

Objectives:

- Raise awareness of the importance of veterinary legislation for modern, effective operation of Veterinary Services.
- Review principles for developing high quality veterinary legislation.
- Review the current status of the Member's legislation relative to the WOAHO standards for veterinary legislation in Chapter 3.4 in the WOAHO Terrestrial Animal Health Code.
- Provide targeted recommendations and priorities to strengthen veterinary legislation in the country.

15

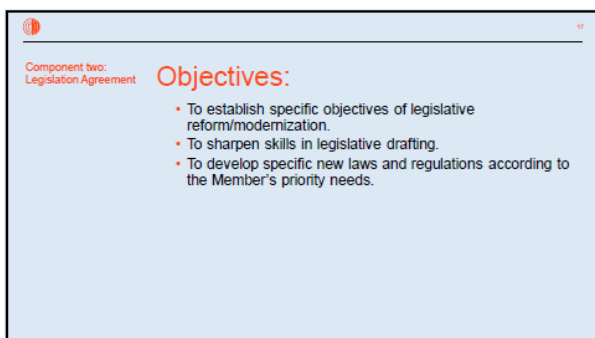


Component one: VLIM

Logistics:

- Pre-mission information gathering.
- One week mission by WOAHO VLSP team:
 - Presentation of VLSP tools and key concepts, and discussion of current situation.
 - Review of current legislation and Questionnaire to determine existing coverage of veterinary domain.
 - Analysis of the quality of sample pieces of legislation.
 - Assessment of needs and priorities.
 - Presentation of provisional findings and recommendations.
- Follow-up mission report and recommendations.
- Possible recommendation for WOAHO Legislation Agreement.

16

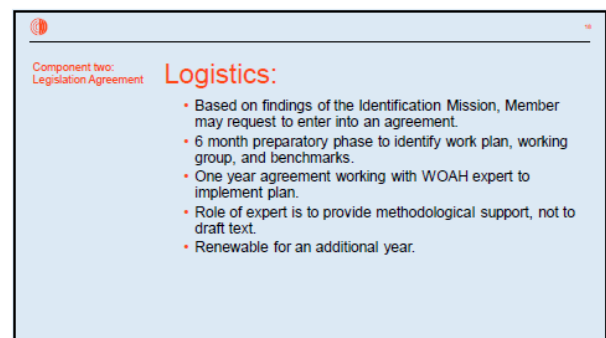


Component two: Legislation Agreement

Objectives:

- To establish specific objectives of legislative reform/modernization.
- To sharpen skills in legislative drafting.
- To develop specific new laws and regulations according to the Member's priority needs.

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Component two: Legislation Agreement

Logistics:

- Based on findings of the Identification Mission, Member may request to enter into an agreement.
- 6 month preparatory phase to identify work plan, working group, and benchmarks.
- One year agreement working with WOAHO expert to implement plan.
- Role of expert is to provide methodological support, not to draft text.
- Renewable for an additional year.

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Sample PVS Evaluation Results for Vanuatu in 2014

PVS Critical Competency*	PVS level (out of 5)
I.1.A Staffing: Veterinarians and other professionals	2
I.1.B Staffing: Veterinary paraprofessionals and other	2
I-5 Stability of structures and sustainability of policies	2
II-1.A Access to veterinary laboratory diagnosis	1
II-4 Quarantine and border security	4
II-9 Veterinary medicines and biologicals	2
II-11 Animal feed safety	1
III-2 Consultation with interested parties	2
III-4 Animal welfare	3

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Critical competencies IV-1 & IV-2 related specifically to legislation

IV-1 Preparation of legislation and regulations
The authority and capability of the VS to actively participate in the preparation of national legislation and regulations in domains that are under their mandate, in order to guarantee its quality with respect to principles of legal drafting and legal issues (internal quality) and its accessibility, acceptability, and technical, social and economical applicability (external quality).

IV-2 Implementation of legislation and regulations and compliance thereof
The authority and capability of the VS to ensure compliance with legislation and regulations under the VS mandate.

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Critical competency IV-1

IV-1 Preparation of legislation and regulations

The authority and capability of the VS to actively participate in the preparation of national legislation and regulations in domains that are under their mandate, in order to guarantee its quality with respect to principles of legal drafting and legal issues (internal quality) and its accessibility, acceptability, and technical, social and economical applicability (external quality).

This competency includes collaboration with relevant authorities, including other ministries and Competent Authorities, national agencies and decentralised institutions that share authority or have mutual interest in relevant areas.

Levels of advancement
1. The VS have neither the authority nor the capability to participate in the preparation of national legislation and regulations, which result in legislation that is lacking or is outdated or of poor quality in most fields of VS activity.
2. The VS have the authority and the capability to participate in the preparation of national legislation and regulations, and can largely ensure their internal quality but the legislation and regulations are often lacking in external quality.
3. The VS have the authority and the capability to participate in the preparation of national legislation and regulations, with adequate internal and external quality in some fields of activity, but lack the formal methodology to develop adequate national legislation and regulations regularly in all domains.
4. The VS have the authority and the capability to participate in the preparation of national legislation and regulations, with a relevant formal methodology to ensure adequate internal and external quality involving participation of interested parties in most fields of activity.
5. The VS regularly evaluate and update their legislation and regulations to maintain relevance to existing national and international contexts.

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Critical competency IV-2

IV-2 Implementation of legislation and regulations and compliance thereof

The authority and capability of the VS to ensure compliance with legislation and regulations under the VS mandate.

Levels of advancement
1. The VS have no or very limited programmes or activities to ensure compliance with relevant legislation and regulations.
2. The VS implement a programme or activities comprising inspection and verification of compliance with legislation and regulations and recording instances of non-compliance, but generally cannot or do not take further action in most relevant fields of activity.
3. Veterinary legislation is generally implemented. As required, the VS have the power to take legal administrative prosecution in instances of non-compliance in most relevant fields of activity.
4. Veterinary legislation is implemented in all domains of veterinary competence and the VS work to minimise instances of non-compliance.
5. The compliance programme is regularly subjected to audit by the VS or external agencies.

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Veterinary Legislation and the Veterinary Domain

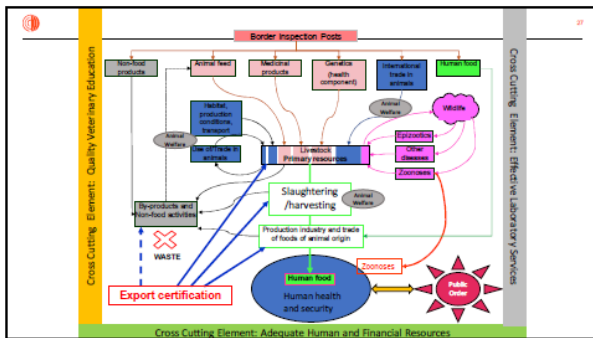


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Veterinary Domain means all activities that are directly or indirectly related to animals, their products and by-products which help to protect, maintain and improve animal health, animal welfare and veterinary public health.

Definition of 'Veterinary Domain'
Chapter 3.4 Terrestrial Code

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Veterinary Legislation means laws, regulations and all associated legal instruments that pertain to the veterinary domain.

Definition of 'Veterinary Legislation'
Glossary, Terrestrial Code

28

Objectives of veterinary legislation


To provide a legal basis for effective regulation of the **veterinary domain** in order to achieve:

- Food security through the protection of the primary resource (livestock health);
- Food safety (through involvement from farm to fork);
- Human health and safety (through control of dangerous animals and zoonoses);
- Human welfare through assurance of animal welfare and animal health;
- Safety of international trade in animals and animal products through compliance with the SPS.

To achieve these objectives, veterinary legislation must be high quality

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Chapter 3.4 of the WOAH Terrestrial Code



30

Brief history of Chapter 3.4

- In 2009, at Members' request, the OIE developed *Guidelines on Veterinary Legislation*, identifying the essential elements that should be covered by legislation to meet the OIE standards. These were posted on the OIE website.
- In December 2010, the first *OIE Global Conference on Veterinary Legislation* was held in Djerba, Tunisia.



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Brief history of Chapter 3.4

- A recommendation of the Djerba Conference was that the OIE propose the adoption & publication of the current *Veterinary Legislation Guidelines as standards in the Terrestrial Code*.
- In response to this recommendation, OIE convened an *Ad Hoc Group on Veterinary Legislation* to develop the draft chapter on veterinary legislation.
- The *draft chapter on veterinary legislation* was unanimously adopted by the World Assembly of Delegates at the 80th OIE General Session in May 2012.
- It is now **Chapter 3.4** of the *WOAH Terrestrial Animal Health Code*.

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Overview of Chapter 3.4

General matters


- Introduction & objectives
- Definitions
- General principles
- The drafting of veterinary legislation

Specific matters

- Competent authorities
- Veterinarians and veterinary paraprofessionals
- Laboratories in the veterinary domain
- Health provisions relating to animal production
- Animal diseases
- Animal welfare
- Veterinary medicinal products
- Human food production chain
- Import and export procedures and veterinary certification


33

Conclusions



34

- Veterinary legislation is necessary to provide a legal basis for the Competent Authority to properly and effectively regulate the veterinary domain.
- The WOAHL VLSP is a key component of the PVS Pathway, dedicated to supporting Members' Veterinary Services consistent with international standards.
- The VLSP provides assistance to Members in formulating or modernizing high quality legislation to comply with WOAHL standards, ensuring good governance of the veterinary domain.



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Thank you

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 Organisation mondiale de la santé animale
 Organización Mundial de la Salud Animal



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Closing presentation:



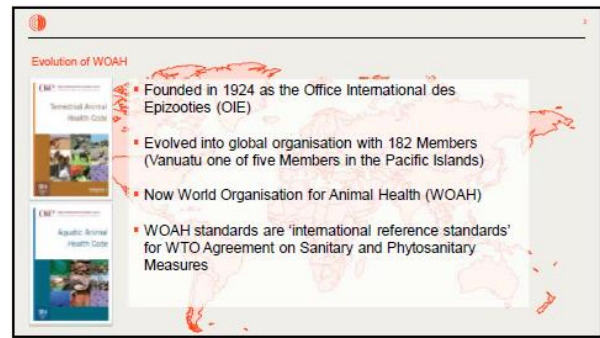
WOAH VETERINARY LEGISLATION SUPPORT MISSION
Overview, preliminary findings and recommendations

Dr. Sanja Šeparović (Veterinarian)
Dr. Elva Boja (Veterinarian)
Dr. Graham Hamley (Lawyer)

Port Vila, Vanuatu
29 May – 2 June, 2023

World Organisation for Animal Health
Terrestrial Animal Health Code
Aquatic Animal Health Code

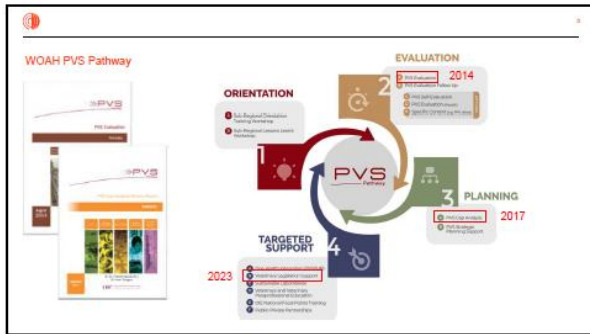
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Evolution of WOAHO

- Founded in 1924 as the Office International des Epizooties (OIE)
- Evolved into global organisation with 182 Members (Vanuatu one of five Members in the Pacific Islands)
- Now World Organisation for Animal Health (WOAH)
- WOAH standards are 'international reference standards' for WTO Agreement on Sanitary and Phytosanitary Measures

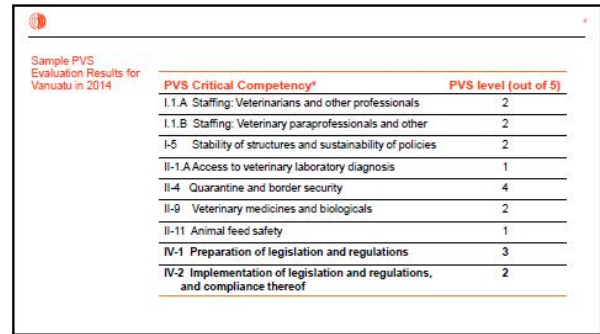
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WOAH PVS Pathway

The diagram shows a circular process with four main stages: 1. ORIENTATION (2023), 2. EVALUATION (2014), 3. PLANNING (2017), and 4. TARGETED SUPPORT (2023). Each stage includes specific activities and goals.

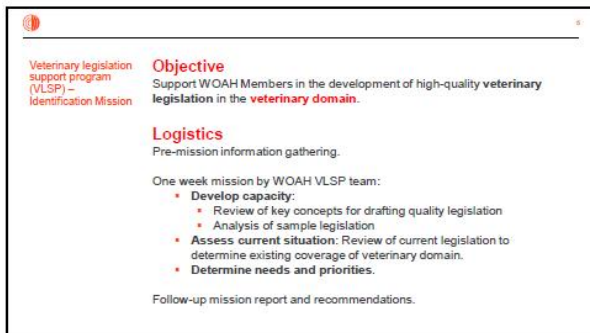
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Sample PVS Evaluation Results for Vanuatu in 2014

PVS Critical Competency*	PVS level (out of 5)
I.1.A Staffing: Veterinarians and other professionals	2
I.1.B Staffing: Veterinary paraprofessionals and other	2
I-5 Stability of structures and sustainability of policies	2
II-1.A Access to veterinary laboratory diagnosis	1
II-4 Quarantine and border security	4
II-9 Veterinary medicines and biologicals	2
II-11 Animal feed safety	1
IV-1 Preparation of legislation and regulations	3
IV-2 Implementation of legislation and regulations, and compliance thereof	2

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Veterinary legislation support program (VLSP) - Identification Mission

Objective
Support WOAHO Members in the development of high-quality veterinary legislation in the **veterinary domain**.

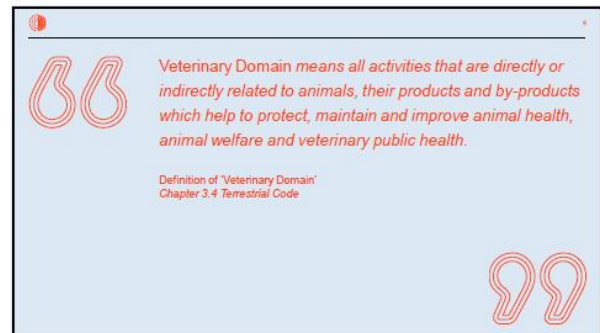
Logistics
Pre-mission information gathering.

One week mission by WOAHO VLSP team:

- Develop capacity:**
 - Review of key concepts for drafting quality legislation
 - Analysis of sample legislation
- Assess current situation:** Review of current legislation to determine existing coverage of veterinary domain.
- Determine needs and priorities.**

Follow-up mission report and recommendations.

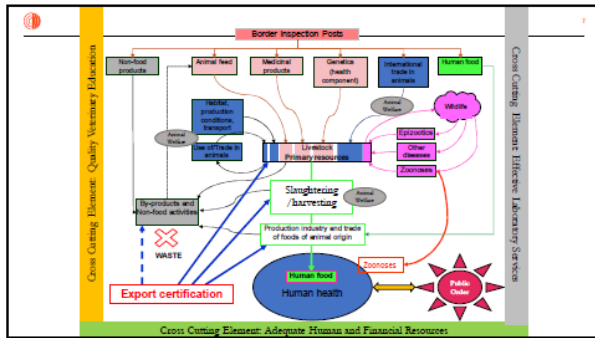
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Veterinary Domain means all activities that are directly or indirectly related to animals, their products and by-products which help to protect, maintain and improve animal health, animal welfare and veterinary public health.

Definition of "Veterinary Domain"
Chapter 3.4 Terrestrial Code

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Objectives of veterinary legislation

Veterinary legislation plays an important role in relation to:

- Food security
- Food safety
- Animal health
- Human health
- Environmental protection
- International trade

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Veterinary legislation in Vanuatu

Acts (and associated regulations and orders)

- Animal Disease (Control) Act (Cap.220)
- Animal Importation and Quarantine Act (Cap.201)
- Cattle (Slaughter, Spaying and Castration) Act (Cap.103)
- Control and Registration of Dogs Act (Cap.64)
- Environmental Management and Conservation Act (Cap.283)
- Food (Control) Act (Cap.228)
- Livestock Management Act (No.19 of 2018)
- Meat Industry Act (Cap.213)
- Prevention of Cruelty to Animals Act (Cap.78)
- Public Health Act (Cap.234)
- Quarantine Act (Cap.1)
- Vanuatu Primary Producers Authority Act (No.18 of 2018)

Draft legislation

- Draft Biosecurity Act
- Draft regulations concerning transportation of animals under the Livestock Management Act

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Strengths of veterinary legislation in Vanuatu

- There is already a strong body of legislation in place
- Recent legislation (Livestock Management Act 2018)
- Ongoing legislative developments (draft Biosecurity Act, etc)
- Strong technical and legal expertise available within MALFFB and OAG
- Existing relationships between competent authorities (Biosecurity, Livestock, Health etc.)

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Areas for further improvement

- Some notable **gaps in veterinary legislation:**
 - Regulation of the veterinary profession
 - Controls over the distribution, sale, handing and use of veterinary medicinal products
 - Quality control concerning animal feed
 - Delegation of powers to non-public actors
- **Limited enforcement capacity:** Implementation of legislation depends on human, technical and financial resources, which is a challenge.
- **Scope of application:** Legislation, and health and quality standards should be extended to the domestic market.

Advantages of addressing these issues:

- ✓ Protection of human and animal health
- ✓ Facilitation of international trade
- ✓ Strengthened national economy
- ✓ Alignment with international standards (WOAH Standards; Pacific Animal Health Framework)

Detailed recommendations to follow in upcoming mission report

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Acknowledgements

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