



## REPUBLIC OF VANUATU

### STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. 2 OF 2010

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# REPUBLIC OF VANUATU

**Assent:** 15/07/2010  
**Commencement:** 17/09/2010

## STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. 2 OF 2010

An Act to provide for amendments of certain Acts.

Be it enacted by the President and Parliament as follows:

### **1 Amendments**

The following Acts are amended as set out in the Schedule:

- 1 Government Act [CAP 243];
- 2 Public Service Act [CAP 246];
- 3 Value Added Tax Act [CAP 247];
- 4 Public Finance and Economic Management Act [CAP 244];
- 5 Vanuatu Foreign Investment Promotion Act [CAP 248];
- 6 Valuation of Land Act [CAP 288];
- 7 Reserve Bank of Vanuatu Act [CAP 125];
- 8 Taxis Act [CAP 49];
- 9 Vanuatu National Training Council [CAP 255];
- 10 Vanuatu Interactive Gaming Act [CAP 261];
- 11 Workmen's Compensation Act [CAP 202];
- 12 Quarantine Act [CAP 1];
- 13 Road Traffic (Control) Act [CAP 29];
- 14 Water Resources Management Act [CAP 281];

- 15 Water Supply Act [CAP 24];
- 16 Expenditure Review and Audit Act [CAP 241];
- 17 Archives Act [CAP 216];
- 18 Leadership Code Act [CAP 240];
- 19 Censorship of Films Act [CAP 72];
- 20 Credit Union Act [CAP 256];
- 21 Electronic Transactions Act [CAP 263];
- 22 Environmental Management and Conservation Act [CAP 283];
- 23 Fisheries Act [CAP 315];
- 24 Land Valuers Registration Act [CAP 289];
- 25 Nurses Act [CAP 262];
- 26 National Disasters Act [CAP 267];
- 27 Official Secrets Act [CAP 111];
- 28 Ombudsman Act [CAP 252];
- 29 Legal profession Act No. 49 of 2005;
- 30 National Bank of Vanuatu Act [CAP 209];
- 31 Cocoa Act [CAP 139];
- 32 Local Produce Cess Act [CAP 207].

## **2 Repeal of Act**

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 11 of the Interpretation Act [CAP 132], affect any amendment made by this Act.

### **3 Commencement**

- (1) Subject to subsection (2), this Act commences on the date on which it is published in the Gazette.
- (2) Items 30, 31 and 32 commence on the date on which the Vanuatu Commodities Marketing Board (Repeal) Act No.7 of 2010 comes into force.

# SCHEDULE

## AMENDMENTS TO CERTAIN ACTS

### 1 GOVERNMENT ACT [CAP 243]

#### (a) Section 3 (definition of “Ministry or department”)

Repeal the definition.

#### (b) Section 3 (definition of “Public Service”)

Delete the words from and including “means” to and including “section 9”, substitute “shall have the same meaning as in section 2 of the Public Service Act [CAP 246];”

#### (c) Section 3 (definition of “relevant Minister”)

Delete “of Council”

#### (d) Subsection 7(2)

Repeal the subsection, substitute

“(2) Decisions of the Council must be recorded in writing and a copy is to be provided to:

- (i) each Minister and every Ministry and department; and
- (ii) such other Constitutional Entities, Statutory Entities, Statutory Corporations or other persons or bodies as may be affected by or charged with the responsibility of implementing the decision.”

### 2 PUBLIC SERVICE ACT [CAP 246]

#### (a) Section 2

Repeal the section, substitute,

“(2) The Public Service comprises those persons employed in the Government and as are designated by the Prime Minister pursuant to an enactment”.

#### (b) Section 5 (definition of “ministry”)

Repeal the definition, substitute

““ministry” means a ministry of the Government and includes a department within the ministry and other administrative units of a ministry, however, described, but not Constitutional Entities, Statutory Entities or Statutory Corporations unless designated by the Prime Minister under the Government Act [CAP 243] or section 51 of this Act;”

**(c) Section 48**

- (i) Delete “Notwithstanding”, substitute “Subject to”
- (ii) Delete “in redundancy matters”
- (iii) Delete “Government agency, corporation, company or body whatsoever”, substitute “Constitutional Entity, Statutory Entity or Statutory Corporation”

**(d) Section 51 (heading)**

Delete “Ministries and the”, substitute “Designation of”

**(e) Section 51**

- (i) Delete “The” (first occurring), substitute “the”
- (ii) Before “the” (first occurring), substitute “Subject to the provisions of any other Act,”
- (iii) Delete “ministries, departments, State appointed offices, agencies, instruments, authorities, commissions and corporations,” substitute “Constitutional Entities, Statutory Entities and Statutory Corporations”

**3 VALUE ADDED TAX ACT [CAP 247]**

**(a) Subsection 2 (1) (definition of “approved aid project” and “approved project”)**

Delete “of the Republic of Vanuatu”

**(b) Schedule 3- clause 7**

Delete “or the Government of the Republic of Vanuatu”, substitute “, the State, a Constitutional Entity, a Statutory Entity or a Statutory Corporation.”

**4 PUBLIC FINANCE AND ECONOMIC MANAGEMENT ACT [CAP 244]**

**(a) Paragraphs 2(1)(c) and 2 (1) (d) (definition of “agency”)**

Repeal the paragraphs, substitute

- “(c) a Constitutional Entity; or
- (d) a Statutory Entity;

**(b) Subsection (2)(1) (definition of “Government”)**

Repeal the definition.

**(c) Subsection 2(1) (definition of “head of an agency”)**

- (i) Paragraph (c)

Delete “an office or body established by or under the Constitution”, substitute “Constitutional Entity”

- (ii) Paragraph (d)

Delete “an office or body established by or under the Constitution”, substitute “Statutory Entity”

**(d) Subsection 2(1) (definition of “prescribed agency”)**

After “a”, insert “Statutory Corporation”

**(e) Subsection 2 (1) (definition of “State”)**

Repeal the definition.

**(f) Subsection 2(1) (definition of “State debt”)**

Repeal the definition.

**(g) Paragraph 22(2)(a)**

Delete “total State” (wherever occurring)

**(h) Subsection 57(1)**

Repeal the subsection, substitute

“(1) Subject to any other Act, the State is not liable to contribute towards the payment of any debt or liabilities of a Statutory Corporation.”

**(i) Subsection 57(2)**

Repeal the subsection, substitute

“(2) Nothing in subsection (1) renders the State liable to contribute towards the payment of any debt or liabilities which are not otherwise properly the debt or liabilities of the State.”

**(j) At the end of section 57**

Add

“(3) No proceeding may be commenced or maintained against the State in respect of any debt or liability arising on or before 31 May 2010 unless:

(a) such proceeding is commenced within 6 months from that date;  
and

(b) the proceeding is not otherwise precluded by any limitation arising under any other written law.”

**(k) Subsection 60(1)**

(i) After “any” insert, “Constitutional Entity, Statutory Entity, Statutory Corporation or other”

(ii) After “person”, insert “or”

**(l) Subsection 60(4)**

Delete “person, organisation, or Government agency” substitute “Constitutional Entity, Statutory Entity, Statutory Corporation or other person or organisation”

**5 VANUATU FOREIGN INVESTMENT PROMOTION ACT [CAP 248]**

**(a) Paragraph 1(d)**

Delete “Ministries, Departments and other government bodies”, substitute “the Government”

**(b) Section 14B**

Delete “other relevant government bodies”, substitute “the Government”

**6 VALUATION OF LAND ACT [CAP 288]**

**(a) Subsection 1(1) (paragraph (a)- definition of “rating and taxing authority”)**

Delete “Government”

**7 RESERVE BANK OF VANUATU ACT [CAP 125]**

**(a) Paragraph 35 (1) (a)**

Delete “or department of Government or any statutory corporation”, substitute “, Constitutional Entity, Statutory Entity or Statutory Corporation”

**8 TAXIS ACT [CAP 49]**

**(a) Subsection 1(2)**

Delete all the words from and including “Government” (first occurring), to and including “council” (second occurring), substitute “State, a Constitutional Entity, Statutory Entity or a Council”

**9 VANUATU NATIONAL TRAINING COUNCIL ACT [CAP 255]**

**(a) Paragraph 28(2)(b)**

Delete “ministries, departments or agencies of the government” substitute “the Government”

**10 VANUATU INTERACTIVE GAMING ACT [CAP 202]**

**(a) Subsection 7(4)**

Delete “Government” substitute “State”

**11 WORKMEN’S COMPENSATION ACT [CAP 202]**

**(a) Paragraph 3(3)(a)**

Delete “government”, substitute “State or any Constitutional Entity or Statutory Entity;”



## **12 QUARANTINE ACT [CAP 1]**

### **(a) Section 37 (heading)**

Delete “Government”, substitute “State”

### **(b) Section 37**

Delete “Government”, substitute “State”

## **13 ROAD TRAFFIC (CONTROL) ACT [CAP 29]**

### **(a) Subsection 41(4)**

Delete “Government of Vanuatu”, substitute “State”

### **(b) Section 57A**

Delete “Government”, substitute “State”

## **14 WATER RESOURCES MANAGEMENT ACT [CAP 281]**

### **(a) Subsection 14(7)**

Delete “Government, Department, Agency”

### **(b) Subsection 23(6)**

Delete all the words from and including “Every” to and including “authority”, substitute “The Government and every Statutory Entity, Statutory Corporation”

## **15 WATER SUPPLY ACT [CAP 24]**

### **(a) Section 17 (heading)**

Delete “Government”, substitute “State”

### **(b) Section 17**

Delete “Government”, substitute “State”

## **16 EXPENDITURE REVIEW AND AUDIT ACT [CAP 241]**

### **(a) Subsection 2(1) (definition of “agency”)**

Delete all the words from and including “an” (first occurring) to and including “the” (second occurring) substitute “a Constitutional Entity, Statutory Entity, Statutory Corporation and any other body, whether corporate or not and any subsidiary of a corporation where the body”

### **(b) Subsection 2 (1) (definition of “Government Contract”)**

Repeal the definition, substitute

““Government contract has the same meaning as in the Government Contracts and Tenders Act [CAP 242];”

### **(c) Subsection 2(1) (definition of “Ministry”)**

Repeal the definition

**(d) Subsection 2(1)(definition of “Office”)**

Delete “of Vanuatu”

**(e) Subsection 2 (1) (definition of “public money”)**

Repeal the definition, substitute

““public money” has the same meaning as in the Public Finance and Economic Management Act [CAP 244];”

**(f) Subsection 2(1) (definition of “State”)**

Repeal the definition.

**(g) Section 3**

Delete “Executive”

**17 ARCHIVES ACT [CAP 216]**

**(a) Section 1 (definition of “Government office”)**

Repeal the definition.

**(b) Section (1) (definition of “public archives”)**

- (i) Delete “Government” (wherever occurring), substitute “State”
- (ii) Delete “office” (second occurring), substitute “Office”

**(c) Section 1 (definition of “public records”)**

- (i) Delete “Government office” substitute “State Office”
- (ii) After “employee” insert “or officer”
- (iii) Delete “Government” (second occurring), substitute “State or any Constitutional Entity or Statutory Entity”

**(d) Section 1**

Insert the definition in its correct alphabetical order:

“State Office” means any place at which the affairs of the State or any Constitutional Entity or Statutory Entity are or have been conducted or otherwise declared to be a State Office under section 3.”

**(e) Sections 2, 3, 10, 11 and 13- Subsections 7(1), 7(3), 7(4), 8(2) and 9(1)- Paragraphs 7(1)(a), 7(2)(a), 7(2)(b), 7 (2)(c), 7(2)(d) 9(2)(b), 13(b) and 21(2)(a)**

Delete “Government Office” (wherever occurring), substitute “State Office”

## **18 LEADERSHIP CODE ACT [CAP 240]**

### **(a) Subsection 4(1) (definition of “Government”)**

Repeal the definition, substitute,

““Government” includes for the purposes of this Act:

- (a) a local government or Municipal Council; or
- (b) a Constitutional or Statutory Entity;”

### **(b) Subsection 4(1) (definition of “public money”)**

Repeal the definition, substitute

““ public money” means for the purposes of this Act, all the resources and entitlements owned by, owed to, or held by the State or any other person for or on behalf of the State and includes money under the control of the Government;”

### **(c) Subsection 4(1) (definition of “statutory body”)**

Repeal the definition.

### **(d) Paragraph 16(1)(c)**

- (i) After board, insert “or”
- (ii) Delete “or other statutory body”

### **(e) Section 25**

- (i) Delete “government or a statutory body”
- (ii) After “the” (first occurring), insert “State or the Government”

### **(f) Paragraph 26(b)**

Delete “Statutory body”, insert “Statutory Corporation”

## **19 CENSORSHIP OF FILMS ACT [CAP 72]**

### **(a) Paragraph 1(2)(a)**

Delete “a department of the Government” substitute “the State, a Constitutional Entity or a Statutory Entity”

## **20 CREDIT UNION ACT [CAP 256]**

### **(a) Paragraph 66 (2)(a)**

Delete “ministries, departments or agencies of the government”, substitute “the Government”

## **21 ELECTRONIC TRANSACTIONS ACT [CAP 263]**

### **(a) Section 4**

Delete “any ministry, department or agency of the government”, substitute “the State”

**(b) Section 5**

Delete “department or agency of the government”, substitute “Constitutional Entity or Statutory Entity”

**22 ENVIRONMENTAL MANAGEMENT AND CONSERVATION ACT [CAP 283]**

**(a) Subsection 4(3)**

Delete “Government Ministry, Department, Agency,” substitute “Ministry, Constitutional Entity, Statutory Entity,”

**(b) Subsections 14 (1), 14(2), 14(3), 14(4), 15(1), 15(3) and 16(1)**

Delete “Department, Government Agency”, (wherever occurring) substitute “Constitutional Entity, Statutory Entity,”

**23 FISHERIES ACT [CAP 315]**

**(a) Paragraph 3 (3)(a)**

Delete “government ministries and departments”, substitute “ministries”

**(b) Paragraph 47(2)(a)**

Delete “with relevant Government departments”

**24 LAND VALUERS REGISTRATION ACT [CAP 289]**

**(a) Subsection 1(1) (definition of land valuer)**

Delete “Government or an instrumentality or agency of the Government” substitute “State”

**25 NURSES ACT [CAP 262]**

**(a) Paragraph 14 (2)(b)**

Delete “ministries, departments or agencies of the government” substitute “ the Government”

**26 NATIONAL DISASTERS ACT [CAP 267]**

**(a) Paragraph 1(a)**

Delete “or department of the Government”

**(b) Paragraph 1(b) (definition of “government agency”)**

Delete “any body established by or under an Act for a public purpose”, substitute “a Constitutional Entity or Statutory Entity”

**27 OFFICIAL SECRETS ACT [CAP 111]**

**(a) Subsection 1(1) (definition of “Government”)**

Repeal the definition.

**28 OMBUDSMAN ACT [CAP 252]**

**(a) Paragraph 1(d) (definition of “government agency”)**

Delete “the Government or”

**(b) Paragraph 1(e) (definition of “government agency”)**

Delete “a ministerial department”, substitute “a ministry”

**(c) Paragraph 1(f) (definition of “government agency”)**

Delete “public authority”, substitute “Constitutional Entity or Statutory Entity”

**29 LEGAL PROFESSION ACT NO. 49 OF 2005**

**(a) PART 7 – CONTINUING LEGAL EDUCATION**

Repeal the Part.

**30 NATIONAL BANK OF VANUATU ACT [CAP 209]**

**(a) Paragraph 4(3)(c)**

Repeal the Paragraph.

**31 COCOA ACT [CAP 139]**

**(a) Section 2 – definition of “cocoa exporter”**

Repeal the definition.

**32 LOCAL PRODUCE CESS ACT [CAP 207]**

**(a) Section 1 – definition of “prescribed commodity”**

Repeal the definition.

**(b) Section 1 – definition of “Vanuatu Commodities Marketing Board”**

Repeal the definition.

**(c) Section 4**

Repeal the section.