

REPUBLIC OF VANUATU

BILL FOR THE RIGHT TO INFORMATION (AMENDMENT) ACT NO. OF 2018

Explanatory Note

This Bill amends the Right to Information Act No. 13 of 2016.

These amendments are necessary to comply with the Organisation for Economic Cooperation and Development Global Forum's ("OECD") requirements on Transparency and Exchange of Information for Tax Purposes.

As per these requirements, Vanuatu must ensure that all tax related information that is obtained through the exchange of information agreements are kept confidential from persons other than the Vanuatu Competent Authority who is responsible for administering international agreements made in relation to taxation and exchange of information relating to tax.

The current provisions of the Act override the confidentiality requirements provided by the International Tax Cooperation Act No. 7 of 2016 by giving Right to Information Officers, the discretionary power to release all information relating to tax that has been obtained through tax information exchange agreements with foreign authorities.

To address this deficiency, the proposed amendment prohibits the Right to Information Officers from disclosing any information obtained under an International Agreement that is required to be treated as confidential for the purpose of that agreement.

This will ensure that Vanuatu's Competent Authority maintains confidentiality to the standard expected by OECD.

Prime Minister



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Arrangement of Sections

1	Amendment	2
2	Commencement.....	2

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BILL FOR THE RIGHT TO INFORMATION (AMENDMENT) ACT NO. OF 2018

An Act to amend the Right to Information Act No.13 of 2016.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Right to Information Act No. 13 of 2016 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF RIGHT TO INFORMATION ACT NO. 13 OF 2016

1 Subparagraph 44(1)(b)(ii)

Delete “; or”, substitute “.”

2 Subparagraph 44(1)(b)(iii)

Repeal the subparagraph.

3 After section 50

Insert

“50A Information that is confidential under an International Agreement

(1) A Right to Information Officer must not grant access to any information that is required to be treated as confidential under an International Agreement.

(2) For the purposes of this section,

International Agreement means an agreement between the Government of Vanuatu and a foreign government or governments, international organisation;

international organisation means an organisation with an international membership, scope or presence.”

4 Subsection 51(2)

After “third party”, insert “or to information that is exempt under section 50A”