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CHAPTER 142

VANUATU TOURISM OFFICE

Act 4 of 1982
Act 21 of 1989
Act 7 of 1997
Act 10 of 2002
Act 34 of 2005

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VANUATU TOURISM OFFICE

To provide for the establishment of the Vanuatu Tourism Office, for the development of tourism and the improvement of standards in the tourism industry.

1. Interpretation

In this Act, unless the context otherwise requires –

"the Office" means the Vanuatu Tourism Office established under section 2;

"financial year" means the financial year of the Office which shall be the same as that of the Government financial year;

"General Manager" means the general manager provided for in section 10;

"Minister" means the Minister responsible for tourism.

2. Establishment of the Office

(1) There is hereby established a body corporate to be known as the Vanuatu Tourism Office.

(2) The Office shall have perpetual succession and a common seal and may sue or be sued in its corporate name.

3. Functions of the Office

(1) The Office shall encourage and assist the sustainable development of the tourism industry within Vanuatu by undertaking coordinated tourism marketing in overseas and domestic markets.

(2) Without limiting the function provided for in subsection (1) the Office shall:

(a) establish a partnership arrangement between government and the industry to coordinate the promotion of Vanuatu as a tourism destination in key international markets;

(b) operate on a commercial basis and seek to maximize the use of the Office budget for marketing purposes;

(c) seek to maximize the level of private sector funding for marketing and support this where possible with government funding;

(d) seek to improve the level of profitability and growth of the tourism industry through effective destinational marketing;

(e) coordinate the activities that provide information services for visitors to Vanuatu and ensure that those services are of the highest possible standard;

(f) endeavor to preserve and stimulate pride in the cultural heritage of Vanuatu; and

(g) encourage the greatest possible Ni-Vanuatu participation in the tourism industry.

4. Powers of the Office

(1) Subject to any regulations made under section 22, the Office may do all things necessary and convenient for the carrying out of its functions.

(2) Without derogating from the generality of subsection (1), the Office may –

(a) acquire, hold and dispose of property directly related to the function of the Office;

(b) promote or finance any undertaking;

(c) subject to the approval of the Director-General of the Department of Finance, borrow through the use of a bank overdraft;

(d) participate in any pension or provident fund for the benefit of its employees and their dependents;

(e) carry out programmes of research;

(f) (*repealed*)

(g) sponsor competitions;

(h) publish printed or electronic matter for sale or otherwise;

(i) acquire copyright;

(j) charge fees for services rendered by it.

5. Composition of the Office

(1) The Office shall consist of 16 members.

(1A) The Boards of the following industry associations and organizations shall each appoint a representative to be a member of the Office:

(a) Vanuatu Hotel and Resorts Association;

(b) Vanuatu Chamber of Commerce and Industry;

(c) Vanuatu Island Bungalows Association;

(d) Vanuatu Tour Operators Association;

(e) Vanuatu Scuba Operators Association;

(f) Air Vanuatu (Operations) Ltd.

(1B) In addition to subsection (1A) the Minister shall appoint the following persons to be members of the office:

(a) two representatives of the Ministry;

(b) the Chairperson of the Santo Tourism Association;

(c) the Chairperson of the Tafea Tourism Council;

(d) the Director of the National Tourism Development Office;

(e) the Chairperson of the Shefa Tourism Council;

(f) the Chairperson of the Malampa Tourism Council;

(g) the Chairperson of the Penama Tourism Council;

(h) the Chairperson of the Torba Tourism Council;

(2) Members of the Office appointed –

(a) by the airlines shall be at Marketing Director or general manager level;

(b) by associations shall be either at Chairman or general manager level.

(3) The Minister is to appoint a member to be the Chairman of the Office.

(4) The General Manager shall be a member of the Office ex-officio.

(5) Subject to subsections (7) and (8), members of the Office, other than the General Manager, shall serve for a term of three years and shall be eligible for re-appointment.

(6) Association and airline members shall only be eligible to be members of the Office while holding the positions identified in subsection (2).

(7) Where the Chairman or Deputy Chairman is satisfied that a member of the Office appointed under subsections (1) and (2) –

(a) has been absent from two consecutive meetings of the Office without the consent of the Chairman;

(b) has become insolvent;

(c) is incapacitated by physical or mental illness;

(d) has been convicted of a crime involving moral turpitude; or

(e) is otherwise unable or unfit to discharge the functions of a member,

the Chairman or Deputy Chairman may declare the office of the member vacant and the association and/or airline will appoint a replacement member.

(8) Members of the Office may resign by not less than 30 days notice in writing to the Chairman or Deputy Chairman.

(9) Members of the Office shall receive a sitting allowance.

(10) Members of the Office shall be entitled to recover expenses incurred in undertaking duties associated with the activities of the Office.

(11) The level of sitting allowance will be established by the Office.

6. Deputy Chairman

The Deputy Chairman is to be elected by the Office from amongst its members.

7. Term of office of Chairman and Deputy Chairman

(1) The Chairman and Deputy Chairman shall each serve as such until their term as a member of the Office ends and may be re-appointed.

(2) Subject to section 5(7) and (8), the Chairman and Deputy Chairman are eligible to stand for election at the end of their term in Office.

8. Secretary

(1) There shall be a secretary to the Office who shall be an employee thereof and shall be appointed by the Office.

(2) The secretary or a person acting as such shall attend all meetings of the Office and prepare the minutes thereof.

(3) The secretary shall keep in safe custody the seal and all documents of the Office; receive all process served on the Office and carry out such other duties as the Office or General Manager shall direct.

8A. Appointment to be Gazetted

Written notice of the appointment of a member of the Office appointed under section 5 shall be forwarded to the Attorney General for publication in the Gazette.

9. Meetings of the Office

(1) The Office shall meet once every month.

(2) The first meeting of the Office shall be convened by the Minister.

(3) Subject to subsection (4) the Chairman shall convene all other meetings.

(4) The Minister after consultation with not less than seven members by 30 days prior notice in writing signed by them may convene extraordinary meetings.

(5) The quorum at meetings shall be six members.

(6) The proceedings at any meeting shall not be invalidated by any vacancies in the membership of the Office provided the number of such vacancies does not exceed four.

(7) Any member of the Office may appoint another member to be proxy for him and vote on his behalf at any meeting that he does not attend.

(8) The Office may invite any persons to participate in meetings but they shall have no vote.

(9) Decisions of the Office shall be made by a majority vote of members present and voting, the Chairman of the meeting having a casting vote.

(10) (*Repealed*)

(11) Subject to this Act, the Office may make internal rules regulating its procedure for the chairmanship, calling, conducting and adjournment of meetings of the Office.

10. General Manager of the Office

(1) The Office shall appoint the General Manager who shall be an employee of the Office.

(2) The General Manager who shall be the chief executive of the Office and of all its operations shall be appointed for a term not exceeding five years and may be eligible for re-appointment.

(3) The Office may, by resolution or otherwise, delegate to the General Manager, with or without restrictions or conditions, such of its powers and functions as it may consider expedient for the day to day operation of the Office.

11. Funds of the Office

(1) The funds of the Office shall consist of –

(a) grants from the Government out of monies appropriated by Parliament for such purposes;

(b) grants and cooperative marketing funds from the tourism industry and other sources;

(c) monies borrowed by the Office;

(d) monies received by the Office in any other way in the course of the discharge of its functions.

(2) The funding of the Office provided by Parliament shall be established at approximately 50 percent of the total revenue received from the Hotel and Restaurants Tax.

(3) The Office shall each year prepare an annual business plan.

(4) The funding of the Office will be subject to the approval of the annual business plan by the Director-General of the Department of Finance and Minister responsible for Tourism.

(5) The annual business plan shall include the following:

(a) detailed estimates of expenditure and receipts for that year;

(b) detailed annual marketing program to be implemented;

(c) organizational structure, responsibilities and proposed staffing; and

(d) identified performances measures for each major Office activity.

(6) The business plan shall be submitted to the Department of Finance and the Minister responsible for Tourism not later than August each year.

(7) Funding for the Office shall be conditional upon financial support for the marketing activities identified in the business plan by the private sector.

(8) A base operating grant shall be provided by Government for the Office to cover administrative costs.

(9) Marketing activities identified in the business plan shall be funded by a government grant for up to two thirds of the total identified budget, subject to private sector funding being provided for the remaining one- third of the budget.

12. Temporary investment of funds

Any funds of the Office not immediately required for the carrying out of its functions may be invested from time to time either in securities approved in writing by the Minister responsible for finance or such other securities as may be authorised by law for the investment of trust funds.

13. Guarantee of loans

The Government may guarantee any loans to the Office.

14. Control of borrowings

The Minister responsible for finance shall by order prescribe –

(a) the aggregate maximum indebtedness that the Office may incur without his consent in writing; and

(b) the maximum individual sums that the Office may likewise borrow.

15. Accounts and audit

(1) The Office shall keep proper accounts and other records in respect of its receipts and expenditure and shall cause to be prepared an annual statement of accounts in respect of each financial year.

(2) The accounts of the Office shall be audited annually by independent and properly qualified auditors approved in writing by the Minister responsible for finance and appointed by the Office.

(3) As soon as is reasonable after the end of each financial year the Office shall transmit to the Minister responsible for finance and the Minister audited accounts together with any report made by the auditors thereon and such explanations as the Office may consider appropriate.

16. Annual report

(1) The Office shall make an annual report of its activities to the Minister not less than 45 days before the commencement of the annual budget session of Parliament.

(2) A copy of the audited accounts for the previous financial year provided for in section 15 and provisional accounts for the current financial year shall be attached to the report.

(3) The Minister shall submit the annual report together with such comments as he may have thereon to Parliament during the annual budget session.

(4) Upon submission to the Minister of –

(a) its annual report; and

(b) the audited accounts referred to in subsection (2),

the Office shall cause copies thereof to be printed and made available to members of the public upon payment, in the discretion of the Office, of a charge to cover the costs of printing and making such copies available.

17. Submission of estimates for purpose of grants

If the Office shall need a grant referred to in section 11(a), so that the Government may determine the amount thereof for inclusion in the budget, the Office shall not less than 90 days before commencement of the financial year during which the grant is required submit to the Minister responsible for finance estimates of expenditure and receipts for that year and of unexpended funds carried forward.

18. Contracts

A contract which if made between natural persons would by law be –

(a) required to be sealed shall be made, varied or discharged by the Office under seal;

(b) required to be in writing signed by the parties may be made, varied or discharged on behalf of the Office in writing signed by a person acting with its express or implied authority;

(c) valid if although made by parol only may be made, varied or discharged by parol on behalf of the Office by any person acting with express or implied authority.

19. Evidence of sealing of documents

The fact that a document bears the seal of the Office shall be prima facie evidence in any court or legal proceeding that the document has been properly executed on behalf of the Office.

20. No personal liability to attach to members or employees of Office

No personal liability shall attach to any member or employee of the Office in respect of anything done or not done in good faith, and without negligence under the provisions of this Act.

21. Ministerial directions

The Minister may, after consultation with the Office give to the Office such directions of a general character with respect to the performance of any functions of the Office as appear to the Minister to be requisite in the public interest.

22. Regulations

The Minister may by Order make regulations not inconsistent with this Act for the better carrying out of the objects and purposes of this Act.

Table of Amendments (since the Revised Edition 1988)

Titles (Act, Office)	*Amended by Act 10 of 2002*	*6*	*Substituted by Act 7 of 1997, then by Act 10 of 2002*
3	*Substituted by Act 7 of 1997*		
4(2)(a)	*Substituted by Act 7 of 1997*	*7(2)*	*Inserted by Act 7 of 1997*
4(2)(c)	*Substituted by Act 7 of 1997*	*8A*	*Inserted by Act 7 of 1997*
4(2)(d)	*Substituted by Act 7 of 1997*		
4(2)(f)	*Repealed by Act 7 of 1997*	*9(1)*	*Substituted by Act 7 of 1997*
4(2)(h)	*Amended by Act 7 of 1997*	*9(4)*	*Amended by Act 7 of 1997*
5	*Substituted by Act 7 of 1997*	*9(9)*	*Amended by Act 7 of 1997*
5(1)	*Amended by Act 10 of 2002; substituted by Act 34 of 2005*	*9(10)*	*Repealed by Act 7 of 1997*
		10(1)	*Substituted by Acts 21 of 1989 and 7 of 1997*
5(1A),(1B)	*Inserted by Act 34 of 2005*		
5(3)	*Substituted by Act 10 of 2002*	*10(2)*	*Substituted by Act 21 of 1989*
5(3A)	*Inserted by Act 10 of 2002; repealed by Act 34 of 2005*	*11(1)(b)*	*Substituted by Act 7 of 1997*
		11(2)-11(9)	*Inserted by Act 7 of 1997*