Commencement: 1 April 1988

CHAPTER 186

VANUATU NATIONAL CULTURAL COUNCIL

Act 30 of 1985
Act 13 of 1992
Act 14 of 1992
Act 18 of 1995

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VANUATU NATIONAL CULTURAL COUNCIL

An Act to provide for the establishment of the Vanuatu National Cultural Council, for the preservation, protection and development of various aspects of the rich cultural heritage of Vanuatu, and for the provision of public libraries.

1. Interpretation

In this Act, unless the context otherwise requires –

"Council" means the Vanuatu National Cultural Council established under section 2;

"commercial filming" means the taking of motion pictures for reproduction on film, television, video cassette or any other means for profit or reward or in the course of a business;

"director" means the director of the Council appointed by the Minister under section 9;

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

"member" means a member of the Council appointed by the Minister under section 3;

"Minister" means the Minister responsible for cultural affairs.

2. Establishment of the Council

(1) There is hereby established a body corporate to be known as the Vanuatu National Cultural Council.

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

3. Composition of the Council

(1) The Council shall consist of the following members –

(a) six members appointed by the Minister of whom –

(i) one shall be a representative of the Ministry responsible for Cultural Affairs nominated by the Minister of Cultural Affairs;

(ii) one shall be a representative of the National Council of Chiefs nominated by the National Council of Chiefs;

(iii) one shall be a representative of the National Council of Women nominated by the National Council of Women;

(iv) one shall be a representative of the Vanuatu Cultural Centre;

(v) two shall be persons whom the Minister considers have relevant experience in matters relating to museums, public libraries or archives; and

(b) the director.

(2) Subject to subsections (3) and (4) members of the Council other than the director shall serve for a term of 3 years but may be eligible for re-appointment.

(3) If the Minister is satisfied that a member appointed under subsection (1)(a) –

(a) has been absent from 2 consecutive meetings of the Council 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 function of a member;

the Minister may by notice published in the Gazette declare the office of the member vacant.

(4) A member appointed by the Minister in accordance with subsection (1)(a) may resign by giving not less than 30 days' notice in writing to the Minister.

4. Chairman and deputy chairman

(1) The Minister shall appoint from among the members a chairman and a deputy chairman of the Council.

(2) The chairman and deputy chairman shall each serve as such until their term as a member expires and may be re-appointed.

(3) Where the chairman is absent or otherwise unable or unfit to discharge his functions, the deputy chairman shall have and exercise all the powers of the chairman under this Act.

5. Objects of the Council

The objects of the Council shall be –

(a) to support, encourage and make provision for the preservation, protection and development of various aspects of the cultural heritage of Vanuatu;

(b) (*repealed*);

(c) to support, encourage and make provision for the establishment, maintenance and development of public libraries;

(d) to establish, maintain, administer and make provision for such national institutions as the Council shall consider necessary and appropriate for the purposes of its objects including (but not limited thereto) the following national institutions –

(i) the Vanuatu Cultural Centre, including the National Museum, the National Library, the National Film and Sound Unit and the National Cultural and Historic Sites Survey; and

(ii) the National Archives.

(iii) (*repealed*)

(e) to initiate, encourage and support all services, matters or things which are conducive towards the proper and orderly development of any national institution set up in accordance with this Act;

(f) to initiate, encourage, support and conduct research and training programmes on any matters related to any national institution set up in accordance with this Act;

(g) to foster co-operation in matters related to the provision of museums, libraries and international relations between the Council and governments, organisations and bodies interested therein.

6. Powers of the Council

(1) The Council shall have the powers to do all the things which are necessary or conducive to the carrying out of its objects.

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

(a) acquire, hold and dispose of real and personal property including houses and other accommodation for occupation by employees and advisers;

(b) promote or finance any undertaking related to the provision and promotion of museums or libraries;

(c) borrow or lend money on such terms and conditions as it thinks fit;

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

(e) sponsor or regulate or carry out programmes of research;

(f) establish training programmes;

(g) sponsor cultural shows;

(h) publish printed or audio visual matter for sale or otherwise;

(i) acquire copyright;

(j) charge fees for the service rendered by it;

(k) enter into agreements with any government organisation or body or person for the better carrying out of its objects;

(l) regulate and control commercial filming concerning cultural subjects.

7. Secretary

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

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

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

8. Meetings of the Council

(1) The Council shall meet not less than 4 times in every 12 months.

(2) Subject to subsection (3) the chairman shall convene the meetings at such times and places as he thinks fit.

(3) The first meeting of the Council shall be convened by the Minister.

(4) The quorum at meetings shall be the chairman and two other members.

(5) The chairman or in his absence the deputy chairman shall preside at every meeting of the Council.

(6) The proceedings at any meeting shall not be invalidated by any defect in the appointment of any member.

(7) Decisions of the Council shall be made by a majority vote of members present and voting. The chairman shall have a casting vote.

(8) If a member has any pecuniary interest, direct or indirect, in any contract or other matter relating to the Council he shall as soon as practicable disclose to the chairman the fact and nature of his interest.

(9) The Council may invite any person to participate in its meetings but they shall have no vote.

(10) Subject to this Act, the Council may make internal rules regulating its procedure.

(11) Any rules made in accordance with subsection (10) shall be issued under the hand of the chairman.

9. Director of the Council

(1) The Minister may after consultation with the Council, appoint upon such terms and conditions as the Council thinks fit a director who shall be an employee of the Council.

(2) The director shall be the chief executive of the Council and of all its operations.

(3) The Council may delegate to the director, 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 Council.

10. Other officers and employees

The Council may appoint, at such remuneration and upon such terms and conditions as it thinks fit such other officers and employees as may be required for the proper and effective discharge of the objects of the Council.

11. Liability of members, officers and employees

No personal liability shall attach to any member, officer or employee of the Council in respect of anything done or omitted to be done in good faith and without negligence in the course of the operation of the Council.

12. Funds of the Council

The funds of the Council shall consist of –

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

(b) grants from other sources;

(c) monies borrowed by the Council;

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

13. Investment of funds

Any funds of the Council not immediately required for the carrying out of its objects may be invested in such manner as the Council may approve.

14. Guarantee of loans

The Government may guarantee any loans to the Council.

15. Control of borrowings

The Minister responsible for finance, may, after consultation with the Minister, by Order prescribe –

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

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

16. Accounts and audit

(1) The Council 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 Council shall be audited annually by the Auditor–General.

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

17. Annual report

(1) The Council shall submit an annual report of its activities to the Minister not less than 45 days prior to 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 16 and provisional accounts for the current financial year shall be attached to the annual report.

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

18. Submission of estimates for the purpose of grants

If the Council shall need a grant referred to in section 12(a), so that the Government may determine the amount thereof for inclusion in the Budget, the Council shall not less than 90 days before commencement of the financial year during which the grant is required submit to the Minister and to the Minister responsible for finance estimates of expenditure and receipts for that year and of unexpended funds carried forward.

19. Evidence of sealing of documents

The fact that a document bears the seal of the Council shall be *prima facie* evidence in any court or legal proceedings that the document has been properly executed by and on behalf of the Council.

20. Ministerial directions

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

21. Regulations

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

Table of Amendments (since the Revised Edition 1988)

Long Title	*Amended by Acts 13 of 1992, 14 of 1992*
1	*Amended by Act 18 of 1995*
3(1)(a)(iii)	*Amended by Acts 13 of 1992, 14 of 1992*
3(1)	*Substituted by Act 18 of 1995*
5(b)	*Repealed by Acts 13 of 1992, 14 of 1992*
5(d)(i),(ii)	*Substituted by Act 18 of 1995*
5(d)(iii)	*Repealed by Acts 14 of 1992, 18 of 1995*
5(g)	*Amended by Acts 13 of 1992, 14 of 1992*
6(2)(b)	*Amended by Acts 13 of 1992, 14 of 1992*
6(2)(l)	*Inserted by Act 18 of 1995*