Commencement: 17 April 1990

CHAPTER 208

VANUATU NATIONAL SPORTS COUNCIL

Act 43 of 1989
Act 12 of 2003

ARRANGEMENT OF SECTIONS

1. Interpretation
2. Establishment of Council
3. Composition of the Council
3A. Removal and resignation of members
3B. Acting member
4. Functions of the Council
5. Powers of the Council
6. Limitation of powers
7. Meetings of the Council
7A. Sitting allowance
8. Secretary and Treasurer of the Council, other officers and employees
9. Delegation of powers and functions of the Council
10. Employees' liability
11. Funds of the Council
12. Surplus funds to be invested
13. Accounts of the Council
14. Annual reports
15. Dissolution of the Council
16. Exemption from taxes, stamp duties, etc.
17. Orders
18. Directions by Director-General

VANUATU NATIONAL SPORTS COUNCIL

An Act to provide for the establishment of the Vanuatu National Sports Council and for matters connected therewith.

1. Interpretation

In this Act, unless the context otherwise requires –

"Chairman" means the person appointed by the Minister to be the Chairman of the Council under section 3(2);

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

"Deputy Chairman" means the person appointed by the Minister to be the Deputy Chairman of the Council under section 3(2);

"Director-General" means the Director-General of the Ministry responsible for youth development and training;

"Minister" means the Minister for the time being responsible for sports;

"Secretary" means the Secretary of the Council appointed under section 8(a).

2. Establishment of Council

There is hereby established a Council to be known as the "Vanuatu National Sports Council" (hereinafter referred to as the "Council") which shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

3. Composition of the Council

(1) The Council consists of 5 members.

(2) The members are:

(a) a representative of the Ministry responsible for youth development and training; and

(b) a person with legal qualifications; and

(c) a person with architecture or engineering qualifications.

(3) The Secretary and the Treasurer of the Council are members of the Council by virtue of holding those offices (see section 8).

(4) The members in subsection (2) are to be appointed by the Minister on the recommendation of the Director-General.

(5) The Minister is to appoint the Chairman and Deputy Chairman from the members appointed under subsection (2);

(6) An appointed member of the Council holds office for a term of two years and can be reappointed.

(7) All appointments made under this section are to be published in the Gazette.

3A. Removal and resignation of members

(1) The Minister, may, after consultation with the Council, remove a member if he or she:

(a) in the case of a member being a representative of the Ministry responsible for youth development and training – ceases to be an employee of that Ministry or the Minister; or

(b) is a person having professional qualifications and is disqualified or suspended from practicing his or her profession; or

(c) fails to attend 3 consecutive meetings without the permission of the Council; or

(d) is convicted of an offence; or

(e) in the Minister's opinion is not performing in a satisfactory way.

(2) A member may resign at any time by giving his or her resignation in writing to the Minister.

3B. Acting member

(1) If a member of the Council (including the Chairman or Deputy Chairman) is absent from Vanuatu or is for any reason unable to perform his or her duties as a member of the Council, the Council may:

(a) in the case of the Chairman or Deputy Chairman – appoint a member to act as the Chairman or Deputy Chairman; or

(b) in any other case – appoint a person to act as a member.

(2) A person who is appointed to act is entitled to all the rights and to exercise all the powers, functions and duties of the member he or she represents.

4. Functions of the Council

The functions of the Council shall be as follows –

(a) to foster and promote the development of amateur sport and recreation Vanuatu;

(b) to foster, support and undertake the provision of facilities for sport and recreation;

(c) to promote the utilization of sporting and recreation facilities in Vanuatu;

(d) to investigate developments in sport and recreation and disseminate knowledge and information about such developments;

(e) to advise the Director-General on any matters relating to sport and recreation facilities.

5. Powers of the Council

In carrying out its functions under this Act, the Council shall have the following powers –

(a) to acquire, purchase, hold, manage and dispose of real or personal property;

(b) subject to the prior approval of the Minister responsible for finance, to borrow or lend money on such terms and conditions as the Council thinks fit;

(c) to establish pension schemes or any other welfare schemes for the benefit of its officers and employees;

(d) subject to the approval of the Minister, to formulate and implement policies in respect of the furtherance of and assistance to sport and recreation generally;

(e) to recommend to the Director-General that grants be made to any person or organization to undertake studies, assignments, commissions or investigations, or gain further appropriate experience, whether within Vanuatu or overseas, in respect of matters approved by the Council;

(f) to recommend to the Director-General that grants be made or subsidies be paid to any person or organization engaged in the execution or promotion of any sporting or recreational activity, on such conditions as the Council recommends;

(g) to collect, examine, disseminate, or publish any information relating to sport and recreation, or to any particular form of sport or recreation;

(h) to examine and consider any existing or proposed policies or practices, or other matters, relating to sport and recreation and the utilization of land for recreational purposes, and with the approval of the Minister to make recommendations thereon to any appropriate person, organization or authority;

(i) to carry out itself, or encourage and support other persons or bodies in carrying out, research and studies into matters concerning sport and recreation and to disseminate knowledge and advice on such matters;

(j) to advise, co-operate with or assist Government Departments, local authorities, voluntary organizations or other bodies or persons on any matters concerned with sport and recreation;

(k) with the approval of the Director-General, to develop any land or other property and to erect and maintain buildings or other structures;

(l) with the approval of the Director-General, to enter into agreements with any local authority, corporation, society, firm or person for the management and maintenance of any land, buildings or thing for the purposes of this Act;

(m) with the approval of the Director-General, to charge fees for admission to land or buildings vested in it or under its control, or in respect of any activity promoted, arranged or controlled by it, as the Council thinks fit;

(n) to establish or act as trustees of any charity, organization or body, the objects of which are in accordance with any of the Council's objects;

(o) after consultation with the Public Service Commission, to employ and fix the remuneration and terms and conditions of service of a Secretary and such other employees as the Council considers necessary for the administration of this Act and the performance of the functions of the Council;

(p) to make rules to regulate its own procedure for the dispatch of business at meetings;

(q) to do all that is necessary or required to be done in respect of its functions under this Act.

6. Limitation of powers

Nothing in this Act shall be so construed as in any way to authorize the Council to interfere with or give any direction relating to the aims, objects or operations of any other sporting or recreational organizations.

7. Meetings of the Council

(1) Meetings of the Council shall be held at such times and places as the Chairman or in his absence the Deputy Chairman, may from time to time appoint.

(2) The quorum at meetings of the Council shall be three members, including the Chairman or in his absence, the Deputy Chairman.

(3) The Chairman, or in his absence the Deputy Chairman, shall preside at every meeting of the Council. Where neither the Chairman nor the Deputy Chairman is present at a meeting of the Council, the Council shall elect one of its members to be Chairman for that meeting and such member acting as Chairman shall have and exercise all the powers of the Chairman under this Act.

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

(5) Decisions of the Council shall be made by a majority vote of members present and voting. The Chairman or the Deputy Chairman, as the case may be, shall have a casting vote.

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

(7) The Council may invite any person or persons to participate in meetings of the Council but they shall have no vote.

(8) Subject to this Act, the Council may make internal rules regulating its procedures for the chairmanship, calling, conducting and adjournment of meetings of the Council.

(9) Any rule made in accordance with subsection (8) shall be issued under the hand of the Chairman or the Secretary of the Council.

7A. Sitting allowance

The members of the Council including the Chairman and Deputy Chairman are entitled to a sitting allowance of VT 3000 for each meeting of the Council.

8. Secretary and Treasurer of the Council, other officers and employees

Subject to this Act, the Council is to appoint, at such remuneration and upon such terms and conditions as it thinks fit:

(a) a Secretary to the Council who is to manage the day to day administration of the Council; and

(b) a Treasurer to the Council; and

(c) such other officers and employees as may be required for the proper and efficient discharge of the functions of the Council.

9. Delegation of powers and functions of the Council

The Council may, by resolution, delegate to the Secretary with or without restrictions or conditions, such of its powers and functions as it deems expedient for the efficient discharge of the day to day operations of the Council.

10. Employees' liability

No personal liability shall attach to any member, officer or employee of the Council in respect of anything done or not done in good faith and without negligence in the course of the operation of the Council.

11. Funds of the Council

The funds of the Council shall consist of the following –

(a) monies borrowed by the Council;

(b) all sums received by or falling due to the Council in respect of the repayment of any loan made by the Council or the interest receivable in respect of any such loan;

(c) grants from the Government;

(d) grants from other sources;

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

12. Surplus funds to be invested

Any surplus funds of the Council not required for immediate use may be invested in such manner as the Minister responsible for finance may approve.

13. Accounts of the Council

(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 made up to the thirtieth day of December in each financial year and shall be audited by an independent and properly qualified auditor approved by the Director-General and appointed by the Council.

(3) Fees payable to the auditor appointed under subsection (2) shall be paid out of the funds of the Council.

(4) The Council shall provide the Director-General and the Auditor-General each with a copy of the audited accounts and report thereon by the auditor referred to in subsection (2).

14. Annual reports

(1) The Council must prepare an annual report of its operations within 3 months after the end of each year and provide a copy of the report to the Director-General.

(2) The Local Government Councils and Municipal Councils must prepare an annual report to the Council of their operations within 3 months after the end of each year.

15. Dissolution of the Council

In the event of the dissolution of the Council, any funds remaining at the disposal of the Council after the discharge of all debts and liabilities, shall be distributed in such manner as prescribed by the Director-General.

16. Exemption from taxes, stamp duties, etc.

The Council shall be exempt from all taxes and stamp duties on its profits, operations, capital, property and all documents or transactions of any description, all business licence fees and all customs and import duties.

17. Orders

(1) 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.

(2) Without derogating from the generality of subsection (1), regulations made under that subsection may provide for –

(a) any thing that may be prescribed;

(b) a penalty of not more than VT 100,000 for the contravention of any such regulations.

18. Directions by Director-General

The Director-General, after consultation with the Council, may give to the Council such directions of a general character with respect to the performance of any functions of the Council as appear to the Director-General to be requisite in the public interest and the Council shall carry out such directions.

Table of Amendments

1	Amended by Act 12 of 2003	7A	Inserted by Act 12 of 2003
3	Substituted by Act 12 of 2003	8	Substituted by Act 12 of 2003
3A, 3B	Inserted by Act 12 of 2003	13(2),(4)	Amended by Act 12 of 2003
4(e)	Amended by Act 12 of 2003	14	Substituted by Act 12 of 2003
5(e),(f),(k),(l),(m)	Amended by Act 12 of 2003	15	Amended by Act 12 of 2003
7(2)	Amended by Act 12 of 2003	18 & heading	Amended by Act 12 of 2003