

REPUBLIC OF VANUATU

BILL FOR THE STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. OF 2023

Explanatory Note

The Bill provides for the amendments to the following Acts:

- (a) Law Reform Commission Act [CAP 115];
- (b) Office of the Attorney General Act [CAP 242];
- (c) Shipping Act [CAP 112];
- (d) Vanuatu Maritime Safety Authority Act No.26 of 2016.

Item 1 amends the **Law Reform Commission Act [CAP 115]**;

It is currently provided in the Act that the Commission is to meet 4 times a year or once every 3 months. The legislative review process normally takes more than 6 months, therefore, the current requirement for the Commission to meet does not fit well with the legislative review process.

The amendment to reduce the number of meetings of the Commission to twice a year is more practical and will make it consistent with the legislative review process. Given that the number of meetings of the Commission has been reduced, the sitting allowance will increase from VT10,000 to VT20,000.

Item 2 amends the **Office of the Attorney General Act [CAP 242]**;

The Financial Intelligence Unit (“the FIU”) use to be a Unit that was established within the Office of the Attorney General under the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014. The FIU is being reinstated as a Unit under Office of the Attorney General, therefore, this amendment is to include the Director of the FIU as a member of the Heads of Units Committee.

Item 3 amends the **Shipping Act [CAP 112]**;

In the Schedule of the Shipping Act [CAP 112] (“the Act”) there are certain references made to the Standards of Training, Certification and Watchkeeping Convention (STCW) (“the Convention”). The Convention was then amended in 1995 and later in 2010. The 2010 amendment repealed the 1995 amendment, however, the Act still makes reference to the 1995 amendment. The references to the 1995 amendment need to be removed.

There is also the amendment to delete the reference to “As Mate Pacific Isl. Vanuatu” as this course is no longer offered in the Vanuatu Maritime College.

Item 4 amends the Vanuatu **Maritime Safety Authority Act No. 26 of 2016**;

It is a main function of the Vanuatu Maritime Safety Authority (“the Authority”) to regulate the system of aids to navigation and the designation of channels and approaches. The Authority may enter into contract with a person to install aids to navigation in an area that is not within a port. The Act currently provides that any aids to navigation installed is to be maintained and operated by the Department of Ports and Harbour. This contradicts the main function of the Authority, therefore, this amendment is to ensure it should be the Authority to maintain and operate any aids to navigation installed.

Prime Minister



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STATUTE LAW (MISCELLANEOUS PROVISIONS)
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REPUBLIC OF VANUATU

BILL FOR THE STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. OF 2023

An Act to provide for the amendments to certain Acts.

Be it enacted by the President and Parliament as follows-

1 Amendment

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

- (a) Law Reform Commission Act [CAP 115];
- (b) Office of the Attorney General Act [CAP 242];
- (c) Shipping Act [CAP 112];
- (d) Vanuatu Maritime Safety Authority Act No.26 of 2016.

2 Repeal of the Act

- (1) This Act is repealed on the day following the day on which all 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 amendments made by this Act.

3 Commencement

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

SCHEDULE

MINOR AMENDMENTS

1 LAW REFORM COMMISSION ACT [CAP 115]

(a) Subsection 6(1)

Repeal the subsection, substitute

“(1) The Committee is to meet at least 2 times in a year and may hold such other meetings as are necessary for the proper performance of its functions under this Act.”

(b) Section 8

Delete “VT10,000”, substitute “VT20,000”

2 OFFICE OF THE ATTORNEY GENERAL ACT [CAP 242]

(a) Paragraph 20(2)(e)

Delete “.”, substitute “; and

(f) the Director of the Financial Intelligence Unit.”

(b) Paragraphs 24A(4)(a) and (b)

After “Office”, insert “and the Director and staff of the Financial Intelligence Unit”

(c) After paragraph 24A(4)(d)

Insert

“(da) additional staff of the Financial Intelligence Unit;”

3 SHIPPING ACT [CAP 53]

(a) Schedules 1, 4 and 5

Delete “in 1995” (wherever occurring)

(b) Schedule 2- paragraph (a)

Delete “As Mate Pacific Is. Vanuatu”

(c) Schedule 3- Part 1

Repeal the Part, substitute

“Part 1

Fees for certificate for competency

Subsection 4(3)

Column 1	Column 2 VATU
Coxswain 3 rd Class	1,500
Coxswain 2 nd Class	2,000
Coxswain 1 st Class	2,000
Mate Vanuatu	3,000
Master Vanuatu	3,000
Mate Pacific Is. Vanuatu	4,000
Mechanic 3 rd Class	1,000
Mechanic 2 nd Class	2,000
Mechanic 1 st Class	2,000
Engineer 300 B.H.P	3,000
Engineer 500 B.H.P	5,000

”

4 Vanuatu Maritime Safety Authority Act No. 26 of 2016

Subsection 14(3)

Delete “Department of Ports and Harbour”, substitute “Authority”