

REPUBLIC OF VANUATU

BILL FOR THE PUBLIC PRIVATE PARTNERSHIPS (CONSEQUENTIAL AMENDMENTS) ACT NO. OF 2024

Explanatory Note

This Bill makes consequential amendments to 11 Acts following the enactment of the Public Private Partnerships Act No. of 2024 (“the Public Private Partnerships Act”). The Bill is similar to a Statute Law Miscellaneous Provisions Bill, but it only contains consequential amendments resulting from the enactment of the Public Private Partnerships Act No. of 2024. The consequential amendments have been made to the following Acts:

- (a) Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014;
- (b) Aviation Security Act No. 10 of 2007;
- (c) Building Act No. 36 of 2013;
- (d) Business Licence Act No. 19 of 1998;
- (e) Business Names Act [CAP 211];
- (f) Charitable Associations (Incorporation) Act [CAP 140];
- (g) Civil Aviation Act [CAP 258];
- (h) Companies Act No. 25 of 2012;
- (i) Foreign Investment Act No. 25 of 2019;
- (j) Industrial Development Act No. 19 of 2014;
- (k) Right to Information Act No. 13 of 2016.

Item 1 amends the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014 to provide that a government agency and a private partner operating as a public private partnership under the Public Private Partnerships Act must comply with anti-money laundering and counter-terrorism financing requirements.

Item 2 amends the Aviation Security Act No.10 of 2007 to provide that it applies to an airport that is operating as a public private partnership as defined under the Public Private Partnerships Act No. of 2024.

Item 3 of the Bill amends the Building Act No.36 of 2013 to provide that it applies to the construction of a building operating as a public private partnership as defined under the Public Private Partnerships Act.

Item 4 amends the Business Licence Act No. 19 of 1998 to provide that it applies to a business operating as a public private partnership as defined under the Public Private Partnerships Act.

Item 5 amends the Business Names Act [CAP 211] to provide that it applies to a business name operating as a public private partnership as defined under the Public Private Partnerships Act.

Item 6 amends the Charitable Associations (Incorporation) Act [CAP 140] to provide that it applies to an association operating as a public private partnership as defined under the Public Private Partnerships Act.

Item 7 amends the Civil Aviation Act [CAP 258] to provide that it applies to an airport operating as a public private partnership as defined under the Public Private Partnerships Act.

Item 8 amends the Companies Act No. 25 of 2012 to provide that an overseas company that is a private partner under a public private partnership in Vanuatu as defined under the Public Private Partnerships Act, is taken to be carrying on business in Vanuatu.

Item 9 amends the Foreign Investment Act No. 25 of 2019 to provide that it applies to an investment or an investment activity carried out by a foreign investor under a public private partnership as defined under the Public Private Partnerships Act.

Item 10 amends the Industrial Development Act No.19 of 2014 to provide that it applies to an industrial undertaking and an internationally traded services undertaking in Vanuatu under a public private partnership as defined under the Public Private Partnerships Act.

Item 11 amends the Right to Information Act No 13 of 2016 to provide that the definition of a relevant private entity in section 3 of that Act includes a private partner under a public private partnership as defined under the Public Private Partnerships Act.

Prime Minister



REPUBLIC OF VANUATU

**BILL FOR THE
PUBLIC PRIVATE PARTNERSHIPS
(CONSEQUENTIAL AMENDMENTS)
ACT NO. OF 2024**

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REPUBLIC OF VANUATU

BILL FOR THE PUBLIC PRIVATE PARTNERSHIPS (CONSEQUENTIAL AMENDMENTS) ACT NO. OF 2024

An Act to provide for consequential amendments to certain Acts following the enactment of the Public Private Partnerships Act No. of 2024.

Be it enacted by the President and Parliament as follows-

1 Consequential Amendment

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

- (a) Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014;
- (b) Aviation Security Act No. 10 of 2007;
- (c) Building Act No. 36 of 2013;
- (d) Business Licence Act No. 19 of 1998;
- (e) Business Names Act [CAP 211];
- (f) Charitable Associations (Incorporation) Act [CAP 140];
- (g) Civil Aviation Act [CAP 258];
- (h) Companies Act No. 25 of 2012;
- (i) Foreign Investment Act No. 25 of 2019;
- (j) Industrial Development Act No. 19 of 2014;
- (k) Right to Information Act No. 13 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
CONSEQUENTIAL AMENDMENTS

**1 Anti-Money Laundering and Counter-Terrorism Financing Act
No. 13 of 2014**

After paragraph 2(k)

Insert

“(ka) a government agency and a private partner operating under the Public Private Partnerships Act No. of 2024;”

2 Aviation Security Act No. 10 of 2007

After Section 1

Insert

“1A Application of the Act to public private partnerships

To avoid doubt, this Act applies to an airport that operates as a public private partnership as defined under the Public Private Partnerships Act No. of 2024.”

3 Building Act No. 36 of 2013

After section 3

Insert

“3A Application of the Act to public private partnerships

To avoid doubt, this Act applies to the construction of a building that operates as a public private partnership as defined under the Public Private Partnerships Act No. of 2024.”

4 Business Licence Act No. 19 of 1998

After section 1

Insert

“1A. Application of the Act to public private partnerships

To avoid doubt, this Act applies to a business that operates as a public private partnership as defined under the Public Private Partnerships Act No. of 2024.”

5 Business Names Act [CAP 211]

After section 1

Insert

“1A. Application of the Act to public private partnerships

To avoid doubt, this Act applies to a business name if the business concerned operates as a public private partnership as defined under the Public Private Partnerships Act No. of 2024.”

6 Charitable Associations (Incorporation) Act [CAP 140]

After section 1A

Insert

“1B. Application of the Act to public private partnerships

To avoid doubt, this Act applies to an association that operates as a public private partnership as defined under the Public Private Partnerships Act No. of 2024.”

7 Civil Aviation Act [CAP 258]

At the end of section 3

Add

“(5) To avoid doubt, this Act applies to an airport that operates as a public private partnership as defined under the Public Private Partnerships Act No. of 2024.”

8 Companies Act No. 25 of 2012

After section 153

Insert

“153A. Application of this Part to public private partnerships

For the purposes of this Part, an overseas company that is a private partner under a public private partnership in Vanuatu as defined under the Public Private Partnerships Act No. of 2024 is taken to be carrying on business in Vanuatu.”

9 Foreign Investment Act No. 25 of 2019

After section 1

Insert

“1A Application of the Act to public private partnerships

To avoid doubt, this Act applies to an investment or an investment activity carried out by a foreign investor under a public private partnership as defined under the meaning of the Public Private Partnerships Act No. of 2024.”

10 Industrial Development Act No.19 of 2014

After section 1

Insert

“1A Application of the Act to public private partnerships

To avoid doubt, this Act applies to an industrial undertaking and an internationally traded services undertaking in Vanuatu under a public private partnership as defined under the Public Private Partnerships Act No. of 2024.”

11 Right to Information Act No 13 of 2016

Section 3 - After paragraph (b) (definition of “relevant private entity”)

Insert

“(ba) that is a private partner under a public private partnership as defined under the Public Private Partnerships Act No. of 2024; or”