

REPUBLIC OF VANUATU

BILL FOR THE STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. OF 2024

Explanatory Note

The Bill provides for the amendments to the following Acts:

- (a) Consolidation of the French and English Texts of the Laws of Vanuatu Act [CAP 295];
- (b) Designs Act No. 3 of 2003;
- (c) Electoral Act No. 16 of 2023;
- (d) Family Protection Act No. 28 of 2008;
- (e) Financial Dealers Licensing Act [CAP 70];
- (f) Import Duties (Consolidation) Act [CAP 91];
- (g) Marriage Act [CAP 60];
- (h) Office of the Attorney General Act [CAP 242];
- (i) Ombudsman Act [CAP 252];
- (j) Patents Act No. 2 of 2003;
- (k) Police Act [CAP 105];
- (l) Political Parties Registration Act No. 15 of 2023;
- (m) Protection of Traditional Knowledge and Expressions of Culture Act No. 21 of 2019;
- (n) Trade Unions Act [CAP 161];

- (o) Trademarks Act No. 1 of 2003;
- (p) Vanuatu Copyright Management Society Act No. 46 of 2017.

Item 1 amends the **Consolidation of the French and English Texts of the Laws of Vanuatu Act [CAP 295]**.

This amendment provides that the Attorney General is to appoint the French Consolidator and the English Consolidator to consolidate the French and English texts of the Laws of Vanuatu.

Item 2 amends the **Designs Act No. 3 of 2003**.

This amendment changes the reference of Registrar to Registrar General. The Registrar General is responsible for the registration for designs and is appointed under the Vanuatu Intellectual Property Office Act No. of 2024.

Item 3 amends the **Electoral Act No. 16 of 2023**.

This amendment provides that the term “electoral officials” used in the Act includes the Chairperson and the members of the Electoral Commission.

Item 4 amends the **Family Protection Act No. 28 of 2008**.

This amendment corrects the French text of the Act only to correspond to the English text of the Act.

Item 5 amends the **Financial Dealers Licensing Act [CAP 70]**.

This amendment corrects the French text of the Act only to correspond to the English text of the Act.

Item 6 amends the **Import Duties (Consolidation) Act [CAP 91]**.

This amendment corrects errors in the Act. The Act provides for exemptions to excise tax which are not provided for under the Excise Act [CAP 290]. This amendment repeals these errors.

Item 7 amends the **Marriage Act [CAP 60]**.

This amendment clarifies that marriage is the union of a male and female.

Item 8 amends the **Office of the Attorney General Act [CAP 242]**.

This amendment reinstates the Financial Intelligence Unit (“the FIU”) as a Unit under the Office of the Attorney General. This amendment further removes the elected members of Parliament comprising the Government (Government back-benchers) as clients of the Attorney General.

Item 9 amends the **Ombudsman Act [CAP 252]**

This amendment corrects the French text of the Act only to correspond to the English text of the Act.

Item 10 amends the **Patents Act No. 2 of 2003**.

This amendment changes the reference of Registrar to Registrar General. The Registrar General is responsible for the registration for patents and is appointed under the Vanuatu Intellectual Property Office Act No. of 2024.

Item 11 amends the **Police Act [CAP 105]**.

This amendment empowers the Commissioner of Police to designate certain officers of the police force as detectives. The purpose of this amendment is to allow the Vanuatu Police Force to recognise certain police officers who have highly developed skills, competence, and training as criminal investigators.

Item 12 amends the **Political Parties Registration Act No. 15 of 2023**.

This amendment provides for a screening committee that is responsible for the screening of all applications for the registration of political parties. This committee consists of the Principal Electoral Officers, a representative of the Attorney General and a representative of the Vanuatu Financial Services Commission.

This amendment further provides that a custom movement intending to field a candidate to contest an election may do so without having to register as a political party. However, that custom movement must not field candidates in more than 1 constituency.

Lastly the amendment removes the requirement for political parties to submit annual financial reports to the Commission as grounds for deregistering that political party. Political parties will now be left to the Financial Intelligence Unit to scrutinize the funds of its members.

Item 13 amends the **Protection of Traditional Knowledge and Expressions of Culture Act No. 21 of 2019**.

This amendment changes the reference of Registrar to Registrar General. The Registrar General is responsible for registration under this Act and is be appointed under the Vanuatu Intellectual Property Office Act No. of 2024.

Item 14 amends the **Trade Unions Act [CAP 161]**.

This amendment provides that the Commissioner of the Vanuatu Financial Service Commission is responsible for registering trade unions. This amendment is necessary as the Act is not clear on who is responsible for registering trade unions.

Item 15 amends the **Trademarks Act No. 1 of 2003**.

This amendment changes the reference of Registrar to Registrar General. The Registrar General is responsible for the registration of Trademarks and is appointed under the Vanuatu Intellectual Property Office Act No. of 2024.

Item 16 amends the **Vanuatu Copyright Management Society Act No. 46 of 2017**.

This amendment changes the reference of Registrar to Registrar General. The Registrar General is responsible for the registration under this Act and is appointed under the Vanuatu Intellectual Property Office Act No. of 2024.

Prime Minister



REPUBLIC OF VANUATU

**BILL FOR THE
STATUTE LAW (MISCELLANEOUS PROVISIONS)
ACT NO. OF 2024**

Arrangement of Sections

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REPUBLIC OF VANUATU

BILL FOR THE STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. OF 2024

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) Consolidation of the French and English Texts of the Laws of Vanuatu [CAP 295];
- (b) Designs Act No. 3 of 2003;
- (c) Electoral Act No. 16 of 2023;
- (d) Family Protection Act No. 28 of 2008;
- (e) Financial Dealers Licensing Act [CAP 70];
- (f) Import Duties (Consolidation) Act [CAP 91];
- (g) Marriage Act [CAP 60];
- (h) Office of the Attorney General Act [CAP 242];
- (i) Ombudsman Act [CAP 252];
- (j) Patents Act No. 2 of 2003;
- (k) Police Act [CAP 105];
- (l) Political Parties Registration Act No. 15 of 2023;

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- (m) Protection of Traditional Knowledge and Expressions of Culture Act No. 21 of 2019;
 - (n) Trade Unions Act [CAP 161];
 - (o) Trademarks Act No. 1 of 2003;
 - (p) Vanuatu Copyright Management Society Act No. 46 of 2017.

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

- (1) This Act commences on the day on which it is published in the Gazette.
- (2) Amendments in Item 5 relating to the Financial Dealers Licensing Act [CAP 70], commence on the date on which the Financial Dealers Licensing (Amendment) Act No. 5 of 2024 commences.
- (3) Amendments in Items 2,10,13,15 and 16 commence on the date on which the Vanuatu Intellectual Property Office Act No. of 2024 commences.

SCHEDULE

MINOR AMENDMENTS

1 CONSOLIDATION OF THE FRENCH AND ENGLISH TEXTS OF THE LAWS OF VANUATU [CAP 295]

(a) Subsections 2(1) and (2)

Delete “Minister”, substitute “Attorney General”

(b) Transitional provision - Consolidation of the French and English Texts of the Laws of Vanuatu [CAP 295]

(1) A person appointed as the French Consolidator under subsection 2(1) of the Consolidation of the French and English Texts of the Laws of Vanuatu [CAP 295] immediately before the commencement of this Act, is to continue as the French Consolidator on the same terms and conditions of appointment, with the same accrued or accruing entitlements.

(2) A person appointed as the English Consolidator under subsection 2(2) of the Consolidation of the French and English Texts of the Laws of Vanuatu [CAP 295] immediately before the commencement of this Act, is to continue as the English Consolidator on the same terms and conditions of appointment, with the same accrued or accruing entitlements.

2 DESIGNS ACT NO. 3 OF 2003

(a) Whole of the Act (except for section 1)

Delete “Registrar”, substitute “Registrar General”

(b) Section 1 (Definitions of “approved form” and “file”)

Delete “Registrar”, substitute “Registrar General”

(c) Section 1 (Definition of “Registrar”)

Repeal the definition.

(d) Section 1

Insert in its correct alphabetical position:

““Registrar General” means the Registrar General appointed under the Vanuatu Intellectual Property Office Act No. of 2024;”

(e) Section 70 (Heading)

Repeal the heading, substitute

“REGISTRAR GENERAL”

(f) Subsection 70(1)

Repeal the subsection.

3 ELECTORAL ACT NO. 16 OF 2023

(a) Whole of the Act (except for paragraph 44(1)(d))

Delete “Chairperson”, substitute “Chairman”

(b) Section 2 (Definition of “electoral official”)

Delete “Commission”, substitute “Chairman and members of the Commission”

(c) Paragraph 125(b)

Delete “the Commission or”

(d) Paragraph 138(3)(a)

Repeal the paragraph.

(e) Paragraph 142(b)

Repeal the paragraph.

4 FAMILY PROTECTION ACT NO. 28 OF 2008

(Amendment to the French text of the Act only)

5 FINANCIAL DEALERS LICENSING ACT [CAP 70]

(Amendment to the French text of the Act only)

6 IMPORT DUTIES (CONSOLIDATION) ACT [CAP 91]

Schedule 3 – Column 5

Repeal the Column.

7 MARRIAGE ACT [CAP 60]

Section 1 (Definition of “marriage”)

Repeal the definition, substitute

“**marriage** means the union of a male and a female celebrated in a:

- (a) a civil marriage; or
- (b) a religious marriage; or
- (c) a custom marriage;”

8 OFFICE OF THE ATTORNEY GENERAL ACT [CAP 242]

(a) Section 2 (definition of “Government”)

Delete “and includes, for the purposes of this Act, those elected members of Parliament comprising the Government”

(b) Paragraph 20(2)(e)

Delete “.”, substitute “; and

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

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

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

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

Insert

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

9 OMBUDSMAN ACT [CAP 252]

(Amendment to the French text of the Act only)

10 PATENTS ACT NO. 2 OF 2003

(a) Whole of the Act (except for section 1)

Delete “Registrar”, substitute “Registrar General”

(b) Section 1 (Definitions of “examiner”)

Delete “Registrar”, substitute “Registrar General”

(c) Section 1 (Definition of “Registrar”)

Repeal the definition.

(d) Section 1

Insert in its correct alphabetical position:

““Registrar General” means the Registrar General appointed under the Vanuatu Intellectual Property Office Act No. of 2024;”

(e) Section 51(Heading)

Delete “Registrar of Patents”, substitute “Registrar General”

(f) Subsection 51(1)

Repeal the subsection.

11 POLICE ACT [CAP 105]

Paragraph 6(1)(b)

Delete “.”, substitute “; and

- (c) designate officers as detectives and determine the conditions which must be met before such designation is made.”

12 POLITICAL PARTIES REGISTRATION ACT NO. 15 OF 2023

(a) Section 2

Insert in its correct alphabetical position

“**Screening Committee** means the Screening Committee for political party application established under subsection 6A(1)”

(b) Subsection 7(3)

Delete “island”, substitute “constituency”

(c) At the end of section 8

Add

“(3) The Principal Electoral Officer must provide the Screening Committee with all applications received by him or her under subsection (1).”

(d) After section 8

Insert

“8A Screening Committee

- (1) The Screening Committee for political party application is established.
- (2) The Screening Committee consists of the following persons:
 - (a) the Principal Electoral Officer; and
 - (b) 1 legal officer from the Office of the Attorney General nominated by the Attorney General; and
 - (c) 1 officer from the Vanuatu Financial Service Commission nominated by the Commissioner.
- (3) The quorum of a meeting of the Committee is 2 members present at that meeting.”

(e) Section 9 and subsection 10(1) (wherever occurring)

Delete “Principal Electoral Officer”, substitute “Screening Committee”

(f) Subsection 9(1)

Delete “his or her”, substitute “it”

(g) Subsection 10(3) (first occurring)

Delete “Principal Electoral Officer”, substitute “Screening Committee”

(h) Paragraph 12(1)(b)

Repeal the paragraph.

**13 PROTECTION OF TRADITIONAL KNOWLEDGE AND
EXPRESSIONS OF CULTURE ACT NO. 21 OF 2019**

Paragraph 13(2)(d)

Delete “Registrar”, insert “Registrar General”

14 TRADE UNIONS ACT [CAP 161]

(a) Whole of the Act (except for section 1)

Delete “Registrar”, substitute “Commissioner”

(b) Section 1 (Definition of “register”)

Delete “Registrar”, substitute “Commissioner”

(c) Section 1 (Definition of “Registrar”)

Repeal the definition.

(d) Section 1

Insert in its correct alphabetical position

““ Commissioner” means the Financial Services Commissioner appointed under section 9 of the Vanuatu Financial Services Commission Act [CAP 229];”

(e) Section 2

Repeal the section, substitute

“2. Registration of Trade Unions before the commencement of the Statute Law (Miscellaneous Provisions) Act No. of 2024

All Trade Unions registered by the Commissioner before the commencement of Statute Law (Miscellaneous Provisions) Act No. of 2024 are taken to have been registered in accordance with the requirements of this Act.”

15 TRADEMARKS ACT NO. 1 OF 2003

(a) Whole of the Act (except for section 1)

Delete “Registrar”, substitute “Registrar General”

(b) Section 1 (Definitions of “approved form” and “file”)

Delete “Registrar”, substitute “Registrar General”

(c) Section 1 (Definition of “Registrar”)

Repeal the definition.

(d) Section 1

Insert in its correct alphabetical position:

““Registrar General” means the Registrar General appointed under the Vanuatu Intellectual Property Office Act No. of 2024;”

(e) Section 95 (Heading)

Delete “REGISTRAR OF TRADEMARKS”, substitute “REGISTRAR GENERAL”

(f) Subsection 95(1)

Repeal the subsection.

**16 VANUATU COPYRIGHT MANAGEMENT SOCIETY
ACT NO. 46 OF 2017**

(a) Section 1 (Definition of “Registrar”)

Repeal the definition.

(b) Section 1

Insert in its correct alphabetical position:

SCHEDULE
MINOR AMENDMENTS

“**Registrar General** means the Registrar General appointed under the Vanuatu Intellectual Property Office Act No. of 2024;”

(c) Paragraphs 3(k) and 9(2)(c) and subsection 33(3)

Delete “Registrar”, substitute “Registrar General”