

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) Citizenship Act [CAP 112];
- (b) Law Reform Commission Act [CAP 115];
- (c) Leadership Code [CAP 240]
- (d) Office of the Attorney General Act [CAP 242];
- (e) Shipping Act [CAP 112];
- (f) Vanuatu Maritime Safety Authority Act No.26 of 2016.

Item 1 amends the **Citizenship Act [CAP 112]**;

Currently section 13G of the Citizenship Act provides for the application for citizenship by an investor under the Investment - Government Bond Option (IGBO) With this IGBO it means that the Reserve Bank of Vanuatu (“the Bank”) is mostly involved with its correspondences and forums. Thus this puts the Bank in a high risk of damaging the corresponding banking relationship of the bank and the Sovereign Bonds of the bank as the bank mainly deals issuing government bonds in Vatu and the IGBO is to be issued in a foreign currency and this is a new area that the Bank has no experience in sovereign bond dealing. This therefore calls for a need to change the name of this program to “Capital Investment Budget Support”.

Item 2 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 3 amends the **Leadership Code Act [CAP 240]**;

Paragraph 27(2)(w) makes reference to the Representation of the People Act [CAP 146]. In effect to the Representation of the People Act [CAP 146] being repealed and the enactment of a new Electoral Act No. of 2024, all references in any Act to the Representation of the People Act [CAP 146] is to be replaced with the new Electoral Act No. of 2024.

Item 4 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 5 amends the **Shipping Act [CAP 53]**;

In the Schedule of the Shipping Act [CAP 53] (“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 6 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



REPUBLIC OF VANUATU

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

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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) Citizenship Act [CAP 112];
- (b) Law Reform Commission Act [CAP 115];
- (c) Leadership Code [240];
- (d) Office of the Attorney General Act [CAP 242];
- (e) Shipping Act [CAP 112];
- (f) 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 CITIZENSHIP ACT [CAP 112]

Section 13G

Delete “Investment Government Bond Option” (wherever occurring), substitute “Capital Investment Budget Support”

2 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”

3 LEADERSHIP CODE ACT [CAP 240]

Paragraph 27(2)(w)

Repeal the paragraph, substitute

“(w) any of the offences under Part 11 of the Electoral Act No. 16 of 2023;””

4 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;”

5 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

6 Vanuatu Maritime Safety Authority Act No. 26 of 2016

Subsection 14(3)

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