

REPUBLIC OF VANUATU

BILL FOR
THE NATIONAL TOURISM OFFICE ACT No. 4 OF 1982

Explanatory Note

The purpose of this law is to establish a National Tourism Office which will assist in an orderly development of tourism now an important industry in Vanuatu.

Section 2 establishes a National Tourism Office. It will have eleven members. Six of them will either be from Government or will be Government nominees and five of them will be appointed from nominees of the private tourist industry. One member will be the General Manager who is appointed by the Minister. The Chairman will be a representative of the Ministry responsible for Tourism.

Under section 3 the Office is required to encourage and assist in the orderly development of Tourism and ensure that the services the tourism industry provides are of as high a quality as is reasonably possible. The Office is particularly required amongst other matters to preserve and stimulate pride in the cultural heritage of Vanuatu, to as far as possible prevent developments harmful to the social and cultural right of the people and discourage development likely to disturb the daily life of the people or detract from their right to privacy.

The Office will also have a duty to encourage the greatest possible Ni-Vanuatu participation in the Tourism Industry.

Under section 4 the Office may among other matters establish training programmes and publish printed or audio visual matter. This means that it may publish books, pamphlets, films, sound tapes and video tapes about Vanuatu.

Under section 16 (4) the Annual Report and audited accounts of the Office must be laid before Parliament during the Budget Session.

Under section 23 all the assets and liabilities of the Chamber of Commerce will be vested in the Office.

K. KALSAKAU
Minister of Finance, Commerce
Industry and Tourism.

JANUARY, 1982.

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THE NATIONAL TOURISM OFFICE ACT No. 4 OF 1982

To provide for the establishment of the National Tourism Office, for the development of tourism and the improvement of standards in the tourism industry.

BE IT ENACTED by the President and Parliament as follows :-

- Interpretation. 1. In this Act, unless the context otherwise requires -
- "the Office" means the National Tourism Office established under section 2;
- "financial year" means the financial year of the Office and shall be the same as that of the Government financial year;
- "General Manager" means the General Manager provided for in section 9.
- Establishment of the Office. 2. (1) There is hereby established a body corporate to be known as the National Tourism Office.
- (2) The Office shall have perpetual succession and a common seal and may sue or be sued in its corporate name.
- Functions of the Office. 3. (1) The Office shall encourage and assist in an orderly development of the tourism industry within Vanuatu and ensure that the services the industry provides are of as high a quality as is reasonably possible.
- (2) Without limiting the function provided for in subsection (1) the office shall :-
- (a) coordinate the activities that provide services for visitors to Vanuatu and ensure that those services are of the highest possible standard;
- (b) endeavour to preserve and stimulate pride in the cultural heritage of Vanuatu;

- (c) use its best endeavours to prevent developments in tourism that, whether or not economic benefits may be gained, have a harmful affect on the social and cultural life of the people;
- (d) discourage development that is likely to intrude on or disturb the daily life of the people or detract from their right to privacy;
- (e) encourage the greatest possible Ni-Vanuatu participation in the tourism industry;
- (f) use its best endeavours to ensure that the largest possible financial benefit is obtained by Vanuatu from the tourism industry;
- (g) encourage people from other countries to visit Vanuatu as tourists.

Powers of
the Office.

- 4. (1) Subject to any orders made under section 21, the Office may do all things necessary and convenient for the carrying out of its functions.
- (2) Without derogating, from the generality of subsection (1) the Office may :-
 - (a) acquire hold and dispose of real and personal property including houses and other accommodation for occupation by employees and advisers;
 - (b) promote or finance any undertaking;
 - (c) subject to section 13, borrow money by the issue of debentures or in any other manner including bank overdraft;
 - (d) establish or participate in any pension and provident fund schemes for the benefit of its employees and their dependents;
 - (e) carry out programmes of research;
 - (f) establish training programmes;
 - (g) sponsor competitions;
 - (h) publish printed or audio visual matter for sale or otherwise;

- (i) acquire copyright;
- (j) charge fees for services rendered by it.

Composition of
the Office.

5. (1) The Office shall consist of eleven members, ten of whom shall be appointed by the Minister and who shall be :-
- (a) a representative of the Ministry responsible for tourism who shall be the chairman;
 - (b) a representative of the Ministry responsible for transport;
 - (c) a person who the Minister considers represents the interests of the island of Tanna;
 - (d) a person who the Minister considers represents the interests of the island of Espiritu Santo;
 - (e) a person from the public sector who the Minister considers has a connection with tourism;
 - (f) a person who the Minister considers represents the interests of the international airlines operating to and from Vanuatu;
 - (g) a person who the Minister considers represents the interests of the domestic airlines operating within Vanuatu;
 - (h) a person who the Minister considers represents the interests of the hotel industry in Vanuatu;
 - (i) a person who the Minister considers represents the interests of tour operators in Vanuatu;
 - (j) a person who the Minister considers represents sectors of tourism not otherwise represented on the Office.
- (2) The General Manager shall be a member of the Office ex-officio.
- (3) Subject to subsections (4) and (5) members of the Office other than the General Manager shall serve for a term of three years but may be eligible for reappointment.

- (4) Should the Minister be satisfied that a member of the Office appointed under subsection (1) :-
- (a) has been absent from two consecutive meetings of the Office without the consent of the Chairman;
 - (b) has become insolvent;
 - (c) is incapacitated by physical or mental illness;
 - (d) has been convicted of a crime involving moral turpitude; or
 - (e) is otherwise unable or unfit to discharge the functions of a member;

the Minister may by notice published in the Gazette declare the Office of the member vacant.

- (5) A member of the Office appointed by the Minister in accordance with subsection (1) may resign by not less than 30 days notice in writing to the Minister.

Deputy Chairman. 6.

The Deputy Chairman of the Office shall be appointed by the Minister from among its members.

Term of Office of Chairman and Deputy Chairman. 7.

The Chairman and Deputy Chairman shall each serve as such until their term as a member of the Office ends and may be reappointed.

Secretary.

8. (1) There shall be a Secretary to the Office who shall be an employee thereof and shall be appointed by the Office.
- (2) The Secretary or a person acting as such shall attend all meetings of the Office and prepare the minutes thereof.
- (3) The Secretary shall keep in safe custody the seal and all documents of the Office; receive all process served on the Office and carry out such other duties as the Office or General Manager shall direct.

Meetings of the Office.

9. (1) The Office shall meet not less than two times in every 12 months.
- (2) The first meeting of the Office shall be convened by the Minister.

- (3) Subject to subsection (4) the Chairman shall convene all other meetings.
- (4) The Minister after consultation with the Council of Ministers or not less than seven members by 30 days prior notice in writing signed by them may convene extraordinary meetings.
- (5) The quorum at meetings shall be six members.
- (6) The proceedings at any meeting shall not be invalidated by any vacancies in the membership of the Office provided the number of such vacancies does not exceed four.
- (7) Any member of the Office may appoint another member to be proxy for him and vote on his behalf at any meeting that he does not attend.
- (8) The Office may invite any persons to participate in meetings but they shall have no vote.
- (9) Subject to subsection (10) decisions of the Office shall be made by a majority vote of members present and voting, the chairman of the meeting having a casting vote.
- (10) No decision by the Office involving the expenditure of funds of the Office may be made unless the meeting at which the decision is made is presided over by the chairman of the Office.
- (11) Subject to this Act, the Office may make internal rules regulating its procedure for the chairmanship, calling, conducting and adjournment of meetings of the Office.

General
Manager of
the Office.

10. (1) The Minister after consultation with the Office shall appoint and remove the General Manager who shall be an employee of the Office.
- (2) The General Manager shall be the chief executive of the Office and of all its operations.
- (3) The Office may, by resolution or otherwise, delegate to the General Manager, with or without restrictions or conditions, such of its powers and functions as it may consider expedient for the day to day operation of the Office.

- Funds of the Office. 11. The funds of the Office shall consist of :-
- (a) grants from the Government out of monies appropriated by Parliament for such purposes;
 - (b) grants from other sources;
 - (c) monies borrowed by the Office;
 - (d) monies received by the Office in any other way in the course of the discharge of its functions.
- Temporary Investment of Funds. 12. Any funds of the Office not immediately required for the carrying out of its functions may be invested from time to time either in securities approved in writing by the Minister responsible for Finance or such other securities as may be authorised by law for the investment of trust funds.
- Guarantee of Loans. 13. The Government may guarantee any loans to the Office.
- Control of borrowings. 14. The Minister responsible for Finance shall by order prescribe:-
- (a) the aggregate maximum indebtedness that the Office may incur without his consent in writing; and
 - (b) the maximum individual sums that the Office may likewise borrow.
- Accounts and Audit. 15. (1) The Office 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 Office shall be audited annually by independent and properly qualified auditors approved in writing by the Minister responsible for Finance and appointed by the Office.
- (3) As soon as is reasonable after the end of each financial year the Office shall transmit to the Minister responsible for Finance and the Minister audited accounts together with any report made by the auditors thereon and such explanations as the Office may consider appropriate.

- Annual Report. 16. (1) The Office shall make an annual report of its activities to the Minister not less than 45 days before the commencement of the annual budget session of Parliament.
- (2) A copy of the audited accounts for the previous financial year provided for in section 15 and provisional accounts for the current financial year shall be attached to the report.
- (3) The Minister shall submit the annual report together with such comments as he may have thereon to Parliament during the annual budget session.
- (4) Upon submission to the Minister of :-
- (a) its Annual Report; and
 - (b) the audited accounts referred to in subsection (2),
- the Office shall cause copies thereof to be printed and made available to members of the public upon payment, in the discretion of the Office, of a charge to cover the costs of printing and making such copies available.
- Submission of estimates for purpose of grants. 17. If the Office shall need a grant referred to in section 11 (a), so that the Government may determine the amount thereof for inclusion in the Budget, the Office shall not less than 90 days before commencement of the financial year during which the grant is required submit to the Minister responsible for Finance estimates of expenditure and receipts for that year and of unexpended funds carried forward.
- Contracts. 18. A contract which is made between natural persons would by law be :-
- (a) required to be sealed shall be made, varied or discharged by the Office under seal;
 - (b) required to be in writing signed by the parties may be made, varied or discharged on behalf of the Office in writing signed by a person acting with its express or implied authority;
 - (c) valid if although made by parol only may be made, varied or discharged by parol on behalf of the Office by any person acting with express or implied authority.

- Evidence of sealing of documents. 19. The fact that a document bears the seal of the Office shall be prima facie evidence in any court or legal proceeding that the document has been properly executed on behalf of the Office.
- No personal liability to attach to members or employees of Office. 20. No personal liability shall attach to any member or employee of the Office in respect of anything done or not done in good faith, and without negligence under the provisions of this Act.
- Ministerial Directions. 21. The Minister may, after consultation with the Office give to the Office such directions of a general character with respect to the performance of any functions of the Office as appear to the Minister to be requisite in the public interest.
- Orders. 22. 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.
- vesting of assets and liabilities and substitution of contracts. 23. (1) Immediately on the coming into force of this Act the assets and liabilities of the Chamber of Commerce shall vest in the Office without further authority and without the necessity for further acts except the making of such entries as may be required in any registers kept in accordance with any laws.
- (2) Entries under subsection (1) shall be made by the appropriate registrar on receipt of a direction in writing made by the Minister.
- (3) All contracts and agreements subsisting before the coming into force of this Act to which the Chamber of Commerce is a party shall have effect against or in favour of the Office as if it and not the Chamber of Commerce is a party thereto.
- (4) As soon as practicable after the coming into force of this Act the Government shall cause a valuation to be made by persons it considers properly qualified of assets and liabilities vested in the Office by this section and such valuation shall be the book value of such assets and liabilities for the purpose of opening the statutory accounts of the Office.

