

**REPUBLIQUE
DE
VANUATU**



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OF
VANUATU**

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FONCTION PUBLIQUE (MODIFICATION)

LOI NO. 9 DE 2001 RELATIVE AU CABINET
JURIDIQUE DE L'ETAT (MODIFICATION)

LOI NO. 10 DE 2001 RELATIVE A LA FORME
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- CORRECTION NOTICE

NATIONAL DISASTER ACT NO. 31 OF 2000

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REPUBLIC OF VANUATU

NATIONAL DISASTER ACT NO. 31 OF 2000

CORRECTION NOTICE

1. The National Disaster Act No. 31 of 2000

The National Disaster Act No. 31 of 2000 (the Act) which was published in the Official Gazette No. 29 of 20th November, 2000 is not the correct version of the Act.

The correct version of the Act is published in this Official Gazette.

State Law Office

31st January 2002

REPUBLIC OF VANUATU

NATIONAL DISASTER ACT NO. 31 OF 2000

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REPUBLIC OF VANUATU

Assent 12/09/2000

Commencement 20/11/2000

NATIONAL DISASTER ACT NO. 31 of 2000

An Act relating to the management of disasters

BE IT ENACTED by the President and Parliament as follows:

PART 1 - PRELIMINARY

Interpretation

1 In this Act, unless the contrary intention appears:

“agency” means a government agency or a non-government agency;

“Center” means the National Disaster Operations Center established under section 8;

“Committee” means the National Disaster Committee established under section 4;

“Director” means the Director of the National Disaster Management Office referred to in section 7;

“disaster” has the meaning given by section 2;

“disaster area” means the area in which a state of emergency is declared under section 13, and includes a part of a disaster area;

“emergency services officer” means:

- (a) a police officer; or
- (b) a person appointed by the Director under section 7 to be an emergency services officer;

“government agency” means:

- (a) a ministry or department of the government; or
- (b) any body established by or under an Act for a public purpose; or
- (c) a provincial council; or

(d) a municipal council;

“Minister” means the Minister responsible for disaster management;

“municipal council ” means a council established under the Municipal Councils Act [CAP. 126];

“non-government agency” means:

- (a) a voluntary organisation or any other private body within Vanuatu; or
- (b) an international body or agency; or
- (c) a foreign government or a body or agency of a foreign government;

“Office” means the National Disaster Management Office established under section 6;

“preparation” in relation to a disaster includes arrangements or plans to deal with a disaster or the effects of a disaster;

“prevention” in relation to a disaster includes the identification of hazards, the assessment of threats to life and property and the taking of measures to reduce potential loss to life or property;

“property” includes land, places, buildings, vehicles, vessels or aircraft;

“province” means a local government region within the meaning of the Decentralization and Local Government Regions Act No. 1 of 1994;

“provincial council” means a council established under the Decentralization and Local Government Regions Act No. 1 of 1994;

“recovery” in relation to a disaster includes the process of returning an affected community to its proper level of functioning after a disaster;

“resources” includes food, water, tents, fuel, vehicles, aircraft, plant, implements or equipment;

“responding agency” means:

- (a) the Vanuatu Police Force; or
- (b) the Ministry responsible for health; or
- (c) the Ministry responsible for public works; or
- (d) the Department of Civil Aviation; or
- (e) such other agencies as are specified by the Director under section 7;

“response” in relation to a disaster includes the process of combating a disaster and of providing immediate relief for people affected by a disaster;

“volunteer” means a person who:

- (a) assists a government or non-government agency or an emergency services officer in response to a disaster; or
- (b) assists, on his or her own initiative, in response to a disaster in circumstances in which the assistance was reasonably given.

Meaning of disaster

2 A disaster is an actual or imminent occurrence of one of the following:

- (a) an earthquake, tsunami, cyclone, storm, flood, volcanic eruption, drought, bush fire or other natural happening;
- (b) an explosion, fire, oil spill, chemical spill, air disaster, maritime disaster or accident of any other kind;
- (c) an infestation, plague or epidemic;

being an occurrence that:

- (d) endangers, or threatens to endanger, the safety or health of people in Vanuatu; or
- (e) destroys or damages, or threatens to destroy or damage, property in Vanuatu.

Act does not apply in certain circumstances

- 3 (1) This Act authorises the taking of civil defence measures, but not if such measures are actual military combat or preparations for military combat.
- (2) This Act does not authorise the taking of action:
 - (a) to bring an industrial dispute to an end; or
 - (b) to control a riot or other civil disturbance (other than a riot or civil disturbance resulting from and occurring during a state of emergency declared under section 13).

PART 2 - NATIONAL DISASTER COMMITTEE

Establishment and functions of the National Disaster Committee

- 4 (1) The National Disaster Committee is established.
- (2) The functions of the Committee are:
- (a) to develop strategies and policies for the prevention of, preparation for, response to and recovery from disasters; and
 - (b) to ensure that such strategies and policies are implemented by the National Disaster Management Office, other government agencies and non-government agencies; and
 - (c) to advise the Minister on the need for aid to counter the effects of a disaster and on any agreement proposed to be entered into by the Government in relation to such aid; and
 - (d) to advise the Minister on the declaration of states of emergencies; and
 - (e) subject to the approval of the Commission of Police, to determine the number of members of the Vanuatu Police Force to be deployed in the prevention of, preparation for, response to and recovery from a particular disaster; and
 - (f) to ensure that government agencies comply with directions given by the Minister under section 16; and
 - (g) to advise the Minister on all other matters relating to disasters.

Membership of the National Disaster Committee

- 5 (1) The National Disaster Committee consists of:
- (a) the Director General of the Ministry responsible for disaster management who is the chairperson of the Committee; and
 - (b) the Commissioner of Police; and
 - (c) the Director of the National Disaster Management Office who is to provide secretarial support to the Committee; and
 - (d) 3 representatives (1 of whom must be a woman) of such non-government agencies as the Committee may from time to time determine.

- (2) The representative of a non-government agency is to be nominated by that agency.
- (3) If a member of the Committee (including the chairperson) is absent from Vanuatu or is for any reason unable to perform his or her duties as a member of the Committee, the Committee may appoint a person to act as the member.
- (4) The Committee is to meet as often as is necessary for the efficient performance of its functions. The Committee may adopt its own rules of procedure

PART 3 - NATIONAL DISASTER MANAGEMENT OFFICE AND DISASTER PLANS

Establishment and functions of National Disaster Management Office

- 6 (1) The National Disaster Management Office is established.
- (2) The Office has the following functions:
- (a) to implement the strategies and policies of the National Disaster Committee;
 - (b) to advise the Committee in relation to disasters;
 - (c) to ensure that aid for disasters is used for the purpose for which it was provided;
 - (d) to establish clear communication networks between government and non-government agencies at all levels;
 - (e) to develop disaster education programs for the community and to organise disaster training exercises;
 - (f) to perform such other functions as are conferred on it by or under this Act.

Director, Deputy Director and staff

- 7 (1) Subject to subsection (2), the Director of the National Disaster Management Office is to be appointed by the Public Service Commission.
- (2) The person undertaking the duties of the Director immediately before the commencement of this Act is to be seconded to the office of the Director by the Police Services Commission for a period of 2 years.
- (3) The Director has the following duties:
- (a) to ensure the National Disaster Management Office performs its functions properly, efficiently and effectively;
 - (b) to ensure that clear directions are given to all government and non-government agencies responsible for taking action in relation to disasters;
 - (c) to establish operational committees to assist the Office in relation to the prevention of, preparation for, response to and recovery from disasters;

- (d) to develop a Standard Operational Procedure for the National Disaster Emergency Center;
 - (e) to appoint in writing persons with appropriate qualifications or expertise to be emergency services officers for the purposes of this Act;
 - (f) to specify in writing agencies to be responding agencies for the purposes of this Act;
 - (g) such other functions as are conferred on the Director by this Act.
- (4) The Deputy Director of the Office is to be appointed by the Public Service Commission.
 - (5) During the absence or a vacancy in the office of the Director, the Deputy Director must undertake the duties of the Director.
 - (6) The Office is to have such staff as are necessary for the Office to perform its functions having regard to the budget of the Office.
 - (7) Staff of the Office are to be:
 - (a) appointed by the Public Service Commission in accordance with the Public Service Act No.11 of 1998; or
 - (b) seconded to the Office by ministries, departments or other government agencies; or
 - (c) provided to the Office by non-government agencies and funded by those agencies.
 - (8) The Public Service Act No.11 of 1998 does not apply to staff referred to in paragraph (7)(c).

National Disaster Operations Center

- 8 (1) The National Disaster Operations Center is established.
- (2) The Center is to become operational in the event of a disaster (“the current disaster”) in accordance with the instructions of the Director. The Center can be operational whether or not a state of emergency has been declared.

- (3) The Director is in charge of the Center while it is operational during the current disaster and must ensure that the Center undertakes its functions in accordance with the Standard Operational Procedure.
- (4) The Center has the following functions in relation to the current disaster:
 - (a) to coordinate the actions of all government and non-government agencies;
 - (b) to control and direct the allocation of aid provided by government and non-government agencies;
 - (c) to coordinate requests for aid;
 - (d) to prepare situation reports and disseminate such reports and other information through public broadcasting networks, other media outlets and other communication facilities so as to keep members of the public throughout Vanuatu well informed.
- (5) The Center is to be staffed on a 24 hour basis while it is operational by officers of the Vanuatu Police Force agreed to by the Director and the Commissioner of Police, and such other officers of government agencies as the Director determines.

National disaster plan

- 9 (1) The National Disaster Management Office is to prepare a National Disaster Plan ("the Plan") in consultation with government and non-government agencies within 6 months or such longer period as the Director allows after this Act commences.
- (2) The Plan does not come into force until the Minister approves it.
- (3) The objective of the Plan is to provide for nationally coordinated actions by government and non-government agencies in the prevention of, preparation for, response to and recovery from disasters.
- (4) The Plan is to:
 - (a) specify the actions to be taken by government agencies in the event of disasters; and
 - (b) specify the actions to be taken by non-government agencies in the event of disasters; and
 - (c) contain such other matters as are specified by the National Disaster Committee.

- (5) The Director must ensure that the Office reviews the Plan annually and makes such amendments as are necessary to keep the Plan up to date.
- (6) The Minister must approve any such amendment before it comes into force.

National disaster support plans

- 10 (1) The National Disaster Management Office is to prepare a National Disaster Support Plan for each kind of disaster in consultation with government and non-government agencies within 6 months or such longer period as the Director allows after the commencement of this Act (e.g. there will be National Disaster Support Plan for cyclones and a National Disaster Support Plan for earthquakes).
- (2) A National Disaster Support Plan does not come into force until the Minister approves it.
- (3) The objective of a National Disaster Support Plan is to provide for nationally coordinated actions by government and non-government agencies in the prevention of, preparation for, response to and recovery from the kind of disaster that the Plan covers.
- (4) A National Disaster Support Plan is to:
 - (a) identify the government agency ("the primary agency") that is primarily responsible for taking actions in relation to the kind of disaster that the Plan covers and specify such actions; and
 - (b) specify the actions to be taken by other government and non-government agencies to assist the primary agency in relation to that kind of disaster; and
 - (c) contain such other matters as are specified by the National Disaster Committee.
- (5) Each responding agency must prepare an agency support plan for the kind of disaster covered by a National Disaster Support Plan. Each agency support plan must be submitted to the Director for his or her approval.

Provincial disaster plans

- 11 (1) Each provincial council and the municipal council (if any) within that province must in consultation with the Director prepare a Provincial Disaster Plan for that province within 6 months or such longer period as the Director allows after the commencement of this Act.

- (2) Each provincial council must submit its Provincial Disaster Plan to the Director for approval.
- (3) The Director may refuse to approve a Provincial Disaster Plan if it is inconsistent with the National Disaster Plan or a National Disaster Support Plan. A Provincial Disaster Plan does not come into force until it is approved by the Director.
- (4) The objective of each Provincial Disaster Plan is to provide for coordinated actions by provincial councils, municipal councils, government and non-government agencies in the prevention of, preparation for, response to and recovery from disasters in that province.
- (5) Each Provincial Disaster Plan must:
 - (a) identify the actions to be taken by provincial councils and municipal councils in the event of a disaster in that province; and
 - (b) specify the activities to be undertaken by government and non-government agencies to assist the provincial council and municipal council in the event of a disaster in that province; and
 - (c) contain such other matters as are specified by the Director.
- (6) A provincial council and municipal council must review its Provincial Disaster Plan annually and make such amendments to it as are necessary to keep it up to date. The Director must approve any such amendment before it comes into force.

Activation of Plans

- 12 (1) The Minister may, on the advice of the National Disaster Committee, activate the National Disaster Plan, a National Disaster Support Plan or a Provincial Disaster Plan.
- (2) Such a Plan may be activated without the need for a declaration of a state of emergency.
- (3) On the activation of such a Plan, the Director is responsible for ensuring that the Plan is put into effect.

PART 4 - STATE OF EMERGENCY

Declaration of state of emergency

- 13 If the President is, on the advice of the Council of Ministers, satisfied that a disaster:
- (a) constitutes a significant and widespread danger to life or property in Vanuatu; and
 - (b) exceeds the affected community's capabilities to deal with that disaster;

the President may, by order in writing, declare that a state of emergency exists in the whole, or a specified part or parts, of Vanuatu in relation to that disaster.

Broadcasting of declaration

- 14 As soon as practicable after the President makes a declaration of a state of emergency, the Minister must cause notice of the declaration to be broadcast throughout Vanuatu by public broadcasting networks and other media outlets.

Duration of declaration

- 15 (1) A declaration of a state of emergency has effect immediately on its being made.
- (2) The declaration of a state of emergency does not prevent the declaration of a further state of emergency in relation to the same or a different disaster.

Minister's power to direct government agencies

- 16 (1) While a declaration of a state of emergency is in force, the Minister may, on the advice of the National Disaster Committee, direct any government agency to do or refrain from doing any act, or to exercise or refrain from exercising any function.
- (2) If a direction is given to a government agency under this section, the government agency must comply with the direction despite any other Act or law to the contrary.
- (3) The Minister must as soon as possible inform the Council of Ministers of any direction given.
- (4) Officers, employees and agents of government agencies must exercise due care in using any government or non-government property (eg motor vehicles) to carry out any direction given by the Minister.

Director to activate National Disaster Operations Center

- 17 Upon a declaration of a state of emergency in relation to a disaster, the Director must as soon as possible cause the National Disaster Operations Center to become operational in relation to that disaster.

Other special powers while declaration is in force

- 18 (1) The powers in this section apply only during a state of emergency.
- (2) If the Director is satisfied that it is necessary in the interest of safety, he or she may authorise an emergency services officer (other than a police officer) or a volunteer:
- (a) to direct a person to do any or all of the following:
 - (i) to leave particular premises and to move out of a disaster area;
 - (ii) to take any children or adults present in particular premises who are in the person's care and to move them out of a disaster area;
 - (iii) not to enter a disaster area; or
 - (b) to close to traffic any street, road, lane, thoroughfare or footpath or place open to or used by the public in a disaster area; or
 - (c) to close any other public or private place in a disaster area; or

- (d) to order any wall or premises that have been damaged or rendered insecure in a disaster area to be pulled down or repaired at the expense of the owner; or
 - (e) to shut off or disconnect the supply of any water, gas or electricity in a disaster area; or
 - (f) to take possession of, and remove, any material or thing in a disaster area that may be dangerous to life or property.
- (3) If the person does not comply with the direction, an emergency services officer or volunteer may do all such things as are reasonably necessary to ensure compliance with it, using such force as is reasonably necessary in the circumstances.
- (4) The Commissioner of Police has the same powers in relation to a police officer and a volunteer as the Director does under subsection (2) in relation to an emergency services officer and a volunteer.

Offence to obstruct disaster operations

- 19 (1) A person must not obstruct or hinder an emergency services officer, a volunteer or a police officer in the carrying out of activities authorised under this Part.
- (2) A person who contravenes subsection (1) is guilty of an offence punishable on conviction by a fine not exceeding VT 500,000 or imprisonment for 2 years, or both.

PART 5 - MISCELLANEOUS

Immunity from liability

- 20 A person ("the first mentioned person") may not bring legal proceedings against the State, a Minister or any other person or body for any damage, loss, death or injury sustained by the first mentioned person if it was sustained:
- (a) during a state of emergency; and
 - (b) because of anything done or omitted to be done in good faith under this Act by an emergency services officer, a volunteer, a police officer or any other person acting in accordance with this Act.

Reports

- 21 (1) The Director must, within 2 months after the end of each year, provide the Director-General of the Ministry responsible for disaster management with a report of the activities of the National Disaster Management Office for that year.
- (2) The Director must provide the Director-General with any additional information he or she requires about a matter contained in a report.
- (3) The Director-General must include the contents of the Director's report in the annual report required under the Public Service Act No. 11 of 1998.

Delegation of functions and powers

- 22 (1) The Director may, by instrument in writing, delegate all or any of his or her functions and powers under this Act to another person with appropriate qualifications or expertise, except this power of delegation.
- (2) The delegation:
- (a) may be made either generally or as otherwise provided by the instrument of delegation; and
 - (b) does not prevent the performance or exercise of the function or power so delegated by the Director.

This Act does not limit other Acts and laws

- 23 This Act does not limit the operation of any other Act or law, except as expressly provided by this Act.

Presumption of death

- 24 (1) The common law presumption of death is reduced from 7 years to 2 years in relation to deaths arising out of or suffered in the course of a disaster.
- (2) If the Supreme Court is satisfied that there is sufficient evidence to establish that a person's death arose out of or was suffered in the course of a disaster, the Court may, at any time before the 2 years has expired, make a declaration to that effect for the purposes of this Act or any other Act or law specified in the order.
- (3) Any member of the person's immediate family may apply for a declaration under subsection (2).
- (4) The presumption of death referred to in subsection (1) is rebuttable by evidence to the contrary.

Regulations

- 25 The Minister may make regulations not inconsistent with this Act for the better carrying out or to give effect to the provisions of this Act.

Repeal of Search and Rescue Act

- 26 The Search and Rescue Act [CAP 89] is repealed.

Commencement

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

REPUBLIC OF VANUATU

**PUBLIC SERVICE (AMENDMENT) ACT
NO. 8 OF 2001**

Arrangement of Sections

- 1. Amendments**
- 2. Commencement**

REPUBLIC OF VANUATU

Assent: 30/12/2001

Commencement: 11/02/2002

PUBLIC SERVICE (AMENDMENT) ACT NO. 8 OF 2001

An act to amend the Public Service Act No. 11 of 1998

Be it enacted by the President and Parliament as follows-

1 Amendments

The Public Service Act No. 11 of 1998 Act is amended as set out in the Schedule.

2 Commencement

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

SCHEDULE

AMENDMENTS OF THE PUBLIC SERVICE ACT NO. 11 OF 1998

1. Section 5 (definition of Employee)

Repeal the definition, substitute

“**employee** means a person employed in the Public Service on a permanent basis.”

2. Subsection 29 (1)

Delete “and subject to that employee having the right to have that decision reviewed in accordance with section 38”.

3. After subsection 29(1)

Insert

“(1A) If the Commission dismisses an employee under subsection (1), the matter is not to be referred to the Board for hearing and determination under section 37.”

4. After subsection 30 (2)

Insert

“(2A) To avoid doubt, a temporary salaried employee is not a person employed in the Public Service on a permanent basis.”.

5. Subsection 37(1)

Delete “all”, substitute “, subject to subsections 29(1A) and 26(2),”.

RÉPUBLIQUE DE VANUATU

LOI NO. 8 DE 2001 RELATIVE À LA FONCTION PUBLIQUE (MODIFICATION)

Sommaire

1. Modifications.
2. Entrée en vigueur.

Promulguée: 30/12/2001
Entrée en vigueur: 11/02/2002

RÉPUBLIQUE DE VANUATU

LOI NO. 8 DE 2001 RELATIVE À LA FONCTION PUBLIQUE (MODIFICATION)

Modifiant la Loi No. 11 de 1998 relative à la Fonction publique.

Le Président de la République et le Parlement promulguent le texte suivant :

- 1. Modification**
La Loi No. 11 de 1998 relative à la fonction publique est modifiée conformément à l'Annexe de la présente Loi.
- 2. Entrée en vigueur**
La présente Loi entre en vigueur à la date de sa publication au Journal officiel.

ANNEXE

MODIFICATION DE LA LOI NO. 11 DE 1998 RELATIVE À LA FONCTION PUBLIQUE

1. **Article 5 (définition de "employé")**
Supprimer la définition et remplacer par :
"employé désigne une personne employée dans la fonction publique à titre permanent."
2. **Paragraphe 29.1)**
Supprimer "et du droit de l'employé de demander que la décision soit reconsidérée, conformément aux dispositions de l'article 38".
3. **Après le paragraphe 29.1)**
Insérer
"1A) Si la Commission licencie un employé en application du paragraphe 1), l'affaire ne doit pas être soumise au Conseil pour être entendue et jugée en application de l'article 37."
4. **Après le paragraphe 30.2)**
Insérer
"2A) Pour éviter le doute, un employé temporaire n'est pas une personne employée dans la fonction publique à titre permanent."
5. **Paragraphe 37.1)**
Supprimer "sur tous" et remplacer par ", sous réserve des paragraphes 29.1A) et 26.2), sur".

REPUBLIC OF VANUATU

STATE LAW OFFICE (AMENDMENT) ACT NO.9 OF 2001

Arrangement of Sections

1. Amendments
2. Commencement

REPUBLIC OF VANUATU

Assent: 30/12/2001

Commencement: 11/02/2002

STATE LAW OFFICE (AMENDMENT) ACT NO.9 OF 2001

An Act to amend the State Law Office Act No. 4 of 1998

Be it enacted by the President and Parliament as follows-

1 Amendments

The State Law Office Act No. 4 of 1998 is amended as set out in the Schedule.

2 Commencement

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

Schedule

Amendments of the State Law Office Act No. 4 of 1998

1 Section 2

Insert in its correct alphabetical position

“**Trust Fund** means the State Law Office Trust Fund established by section 24A.”.

2 Paragraph 17(2)(c)

Repeal the paragraph, substitute

“(c) is approved by a committee consisting of a private legal practitioner appointed by the Attorney-General, and a representative from the State Law Office, the Public Solicitors Office and the Public Prosecutors Office.”.

3 After section 24

Insert

“24A State Law Office Trust Fund

- (1) An account to be known as the State Law Office Trust Fund is established.
- (2) There is to be paid into the Trust Fund:
 - (a) any amounts recovered by the Office for legal or professional costs, or disbursements, arising from proceedings in any court within or outside Vanuatu including for any cases settled out of court; and
 - (b) interest from the investment of moneys standing to the credit of the Trust Fund.
- (3) Amounts standing to the credit of the Trust Fund are to be paid out of the Fund only for the purposes of the Office.
- (4) Without limiting subsection (3), amounts may be used for all or any of the following:
 - (a) providing financial incentives to legal and support staff within the Office;
 - (b) training and development of legal and support staff within the Office;
 - (c) the purchase of equipment and furniture for the Office;
 - (d) additional legal and support staff for the Office;
 - (e) such other matters related to the functions of the Office that the Attorney-General authorises in writing.

- (5) Money standing to the credit of the Trust Fund can be invested only with the National Bank of Vanuatu.

24B Accounts and auditing, and annual report

- (1) The Office must keep proper accounting records in relation to the Trust Fund, and must cause annual statements of account to be prepared for the Trust Fund.
- (2) The Trust Fund for each financial year must be audited within 3 months after the end of the financial year by the Auditor General or a person authorised by the Auditor General.
- (3) Details of monies paid into and out of the Trust Fund must be included in the annual report for the Office.”.

RÉPUBLIQUE DE VANUATU

LOI NO. 9 DE 2001 RELATIVE AU CABINET JURIDIQUE DE L'ÉTAT (MODIFICATION)

Sommaire

- 1. Modifications**
- 2. Entrée en vigueur**

Promulguée: 30/12/2001
Entrée en vigueur: 11/02/2002

RÉPUBLIQUE DE VANUATU

LOI NO. 9 DE 2001 RELATIVE AU CABINET JURIDIQUE DE L'ÉTAT (MODIFICATION)

Portant modification de la Loi No. 4 de 1998 relative au Cabinet Juridique de l'État.

Le Président de la République et le Parlement promulguent le texte suivant :

1 Modifications

La Loi No. 4 de 1998 relative au Cabinet Juridique de l'État est modifiée conformément à l'Annexe.

2 Entrée en vigueur

La présente Loi entre en vigueur à la date de sa publication au Journal officiel.

Annexe

Modifications de la Loi No. 4 de 1998 relative au Cabinet Juridique de l'État

1 Article 2

Insérer dans l'ordre alphabétique approprié

"Fonds en fiducie désigne le Fonds en fiducie du Cabinet Juridique de l'État créé aux termes de l'article 24A .".

2 Alinéa 17.2) c)

Abroger l'alinéa et le remplacer par :

"c) être approuvé par un comité comprenant un auxiliaire de justice du secteur privé nommé par l'Attorney général, un représentant du Cabinet juridique de l'État, un du bureau de l'Avocat public et un du bureau du Procureur général.".

3 Après l'article 24

Insérer

"24A Fonds en fiducie du Cabinet Juridique de l'État

- 1) Il est créé un compte connu sous le nom de Fonds en fiducie du Cabinet Juridique de l'État.
- 2) Doivent être versés au Fonds en fiducie :
 - a) toutes sommes recouvrées par le Cabinet à titre de frais de justice ou d'honoraires, ou de dépens à l'issue d'une poursuite auprès d'une juridiction de Vanuatu ou étrangère, y compris dans le cadre transigés avant jugement ; et
 - b) tous intérêts provenant de placements de fonds portés au crédit du Fonds en fiducie.
- 3) Les sommes portées au crédit du Fonds de fiducie ne doivent être déboursées qu'aux fins déterminées par le Cabinet.
- 4) Sans limiter la portée des dispositions du paragraphe 3), les sommes peuvent servir aux fins suivantes :
 - a) à l'incitation financière visant les agents juridiques et non juridiques du Cabinet ;
 - b) à la formation et au perfectionnement du personnel juridique ou d'encadrement au sein du Cabinet ;
 - c) à l'achat de matériel et de mobilier de bureau ;
 - d) à recruter des effectifs juridiques et d'encadrement supplémentaires pour le Cabinet ;
 - e) à toutes autres fins se rapportant aux fonctions du Cabinet que l'Attorney général autorise par écrit.
- 5) Les sommes restant au crédit du Fonds en fiducie ne peuvent être investies qu'à la Banque Nationale de Vanuatu.

24B Comptes, Vérification des comptes, et rapport annuel

- 1) Le Cabinet doit tenir des livres de comptes appropriés relativement au Fonds en fiducie, et faire préparer des comptes annuels à cet égard.
- 2) Les comptes du Fonds en fiducie doivent être vérifiés dans un délai de trois mois après la fin de chaque exercice par le Contrôleur général des comptes ou une personne autorisée par ce dernier.
- 3) Les détails des sommes versées au ou prélevées du Fonds doivent être inclus dans le rapport annuel du Cabinet Juridique de l'État."

REPUBLIC OF VANUATU

**ACTS OF PARLIAMENT AMENDMENT
ACT NO. 10 OF 2001**

Arrangement of Sections

- 1. Amendments**
- 2. Commencement**

REPUBLIC OF VANUATU

Assent: 30/12/2001

Commencement: 11/02/2002

ACTS OF PARLIAMENT AMENDMENT ACT NO. 10 OF 2001

An act to amend the Acts of Parliament Act [CAP 116]

Be it enacted by the President and Parliament as follows-

1 Amendments

The Acts of Parliament Act [CAP 116] is amended as set out in the Schedule.

2 Commencement

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

SCHEDULE

AMENDMENTS OF THE ACTS OF PARLIAMENT ACT [CAP 116]

1. Subsection 12(1)

After "Act"(first occurring), insert "or the Constitution".

2. At the end of section 12

Add

"(3) If the Constitution is reprinted under subsection (1), it is to be published by notification in the Gazette and on publication it is to be judicially noted as an authentic copy of the Constitution as amended."

RÉPUBLIQUE DE VANUATU

**LOI NO. 10 DE 2001 RELATIVE À LA FORME ET À LA
FORMULATION DES LOIS DU PARLEMENT (MODIFICATION)**

Sommaire

- 1. Modifications**
- 2. Entrée en vigueur**

Promulguée: 30/12/2001
Entrée en vigueur: 11/02/2002

RÉPUBLIQUE DE VANUATU

**LOI NO. 10 DE 2001 RELATIVE À LA FORME ET À LA
FORMULATION DES LOIS DU PARLEMENT (MODIFICATION)**

Portant modification du Règlement conjoint No. 23 de 1980 relatif à la Forme et à la Formulation des Lois du Parlement.

Le Président de la République et le Parlement promulguent le texte suivant :

- 1 Modifications**
Le Règlement conjoint No. 23 de 1980 relatif à la Forme et à la Formulation des Lois du Parlement est modifié tel qu'exposé à l'Annexe.
- 2 Entrée en vigueur**
La présente Loi entre en vigueur à la date de sa publication au Journal officiel.

ANNEXE

MODIFICATION DU RÈGLEMENT CONJOINT NO. 23 DE 1980 RELATIF À LA FORME ET À LA FORMULATION DES LOIS DU PARLEMENT

1. Paragraphe 12. 1)

Après "Loi", insérer "ou de la Constitution".

2. À la fin de l'article 12

Ajouter

"3) Si la Constitution est réimprimée aux termes du paragraphe 1), elle doit être publiée par avis au Journal officiel et être judiciairement certifiée copie authentique de la Constitution telle que modifiée, sur la publication."



REPUBLIC OF VANUATU

EMPLOYMENT (AMENDMENT) ACT NO. 16 OF 2001

Arrangement of sections

1. Amendments
2. Commencement

REPUBLIC OF VANUATU

Assent: 31/12/2001

Commencement: 11/02/2002

EMPLOYMENT (AMENDMENT) ACT NO. 16 OF 2001

An Act to amend the Employment Act [CAP 160].

Be it enacted by the President and Parliament as follows -

1. Amendment

The Employment Act [CAP 160] is amended as set out in Schedule and any other item in the Schedule has effect according to its terms.

2. Commencement

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

SCHEDULE

AMENDMENTS OF THE EMPLOYMENT ACT [CAP 160]

1. **Paragraph 65(2)(a)**
Repeal the paragraph, substitute
“(a) that such person must apply in the prescribed form for an employment agency licence and be the holder of a valid current employment agency licence;”.
2. **Paragraph 65(2)(b)**
Repeal the paragraph, substitute
“(b) an application must be accompanied by the prescribed fee;”.
3. **After subsection 65(2)**
Insert
“(2A) A licence under paragraph (2)(a) is to be issued by the Commissioner”.
4. **After section 65**
Insert
“65A Licence fee
(1) The holder of an employment agency licence must pay to the Commissioner the prescribed annual fee for the issue and renewal of the licence on or before the prescribed date.

(2) If the holder fails to pay the annual fee by the due date the Commissioner may, by notice in writing to the holder, cancel the holder’s licence.

(3) In this section and section 65:
“prescribed” means prescribed by order of the Minister .”.
5. **After section 77**
Insert
“77A Regulations
The Minister may make regulations so as to give effect to all or any of the purposes of this Act.”.

6. **Applications of amendments**

- (1) A person who immediately before the commencement of this Act carried on the business of an employment agency must be issued with an employment agency licence under section 65 as soon as possible after that commencement and must pay the licence fee under section 65A.
- (2) To avoid doubt the person does not have to apply for a licence under section 65.”.

RÉPUBLIQUE DE VANUATU

LOI NO. 16 DE 2001 SUR LE TRAVAIL (MODIFICATION)

Sommaire

1. Modifications
2. Entrée en vigueur

RÉPUBLIQUE DE VANUATU

Promulguée: 30/12/2001
Entrée en vigueur: 11/02/2002

LOI NO. 16 DE 2001 SUR LE TRAVAIL (MODIFICATION)

Portant modification de la Loi No. 1 de 1983 sur le Travail.

Le Président de la République et le Parlement promulguent le texte suivant:

1. Modification

La Loi No. 1 de 1983 sur le Travail est modifiée tel qu'indiqué dans l'Annexe et tout autre article de l'Annexe s'applique conformément à ses termes.

2. Entrée en vigueur

La présente Loi entrera en vigueur à la date de sa publication au Journal officiel.

ANNEXE

MODIFICATIONS DE LA LOI NO. 1 DE 1983 SUR LE TRAVAIL

1. **Alinéa 65.2)a)**
Supprimer l'alinéa, remplacé par
"a) l'exploitant doit faire la demande d'une licence d'agence de placement dans la forme prescrite et être titulaire d'une licence d'agence de placement valide;"
2. **Alinéa 65.2)b)**
Supprimer l'alinéa, remplacé par
"b) la demande doit être accompagnée des droits prescrits ;".
3. **Après le paragraphe 65.2)**
Insérer
"2A) La licence visée à l'alinéa 2.a) doit être accordée par l'Inspecteur général".
4. **Après l'article 65**
Insérer
"65A Licence
(1) Le titulaire d'une licence d'agence de placement doit payer à l'Inspecteur général le droit annuel prescrit pour l'octroi et le renouvellement de la licence le ou avant la date prescrite".
(2) Si le détenteur omet de régler le droit annuel à la date d'échéance, l'Inspecteur général peut, par avis écrit adressé au détenteur, annuler la licence de ce dernier".
(3) Dans le présent article et à l'article 65 :
" prescrit " désigne prescrit par arrêté du Ministre."
5. **Après l'article 77**
Insérer
"77A Règlements
Le Ministre peut prendre des règlements aux fins de rendre exécutoire toutes ou l'une quelconque des fins de la présente loi."
6. **Application des modifications**
(1) Toute personne qui, immédiatement avant l'entrée en vigueur de la présente loi, entreprend une affaire d'agence de placement doit obtenir une licence d'agence de placement conformément à l'article 65 aussitôt après l'entrée en vigueur et s'acquitter des droits relatifs à la licence conformément à l'article 65A.
(2) Par mesure de clarté, l'exploitant ne doit faire aucune demande de licence en vertu des dispositions de l'article 65.



REPUBLIC OF VANUATU

**LEGAL PRACTITIONERS AMENDMENT
ACT NO 18 OF 2001**

Arrangement of Sections

1. Amendments
2. Commencement

REPUBLIC OF VANUATU

Assent: 30/12/2001

Commencement: 11/02/2002

LEGAL PRACTITIONERS AMENDMENT ACT NO. 18 OF 2001

An Act to amend the Legal Practitioners Act [CAP 119].

Be it enacted by the President and Parliament as follows –

1 Amendments

The Legal Practitioners Act [CAP 119] is amended as set out in the Schedule.

2 Commencement

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

Schedule

Amendments of the Legal Practitioners Act [CAP 119]

1 At the end of section 15

Add

- “(3) The Law Council may by order make regulations necessary or convenient for the carrying out or giving effect to Part VI of this Act”.

2 At the end of Part V

Add

“Part VI Registration of Academic Lawyers

16 Application of Part VI

This part applies to academic lawyers.

17 Definition

In this Part:

Law School means the Law School of the University of the South Pacific, or any other recognized tertiary institution offering legal courses, located in Vanuatu.

academic lawyer means a person who provides teaching services at the Law School.

18 Application for registration

- (1) An academic lawyer may apply in writing to the Law Council to be registered as a legal practitioner.
- (2) The Law Council must consider all applications.
- (3) The Law Council must not approve any application unless:
 - (a) the applicant is:
 - (i) employed by the Law School as a law lecturer or a tutor of the Law Programme at the Law School; or
 - (ii) attached to the Law School as a law lecturer or a tutor of the Law Programme at the Law School; and
 - (b) the applicant is admitted to practice law in another jurisdiction.

- (4) An application must be made for purposes related to transferring practical legal skills to students.

19 Cancellation of registration

The registration of an academic lawyer as a legal practitioner must be cancelled by the Law Council if the academic lawyer ceases to be employed by, or attached to, the Law School.

20 Academic lawyers registered before commencement of this Part

- (1) This Part also applies to an academic lawyer who is registered as a legal practitioner in Vanuatu immediately before the commencement of this Part.
- (2) The academic lawyer must, within 3 months after that commencement, apply under this Part to the Law Council for registration.
- (3) If the academic lawyer does not so apply, his or her registration lapses at the end of the 3 month period, subject to the order of the Law Council.

21 Engagement in private legal practice

The registration of an academic lawyer as a legal practitioner does not confer on the academic lawyer the right to engage in private practice for personal gain.”

RÉPUBLIQUE DE VANUATU

**LOI NO. 18 DE 2001 SUR LE RÈGLEMENT RELATIF AUX AUXILIAIRES DE JUSTICE
(MODIFICATION)**

Sommaire

1. Modifications
2. Entrée en vigueur

Promulguée: 30/12/2001
Entrée en vigueur: 11/02/2002

RÉPUBLIQUE DE VANUATU

**LOI NO. 18 DE 2001 SUR LE RÈGLEMENT RELATIF AUX AUXILIAIRES DE JUSTICE
(MODIFICATION)**

Portant modification du règlement conjoint No. 26 de 1980 relatif à l'inscription des auxiliaires de justice, à leurs qualifications, discipline et questions connexes.

Le Président de la République et le Parlement promulguent le texte suivant :

1. Modifications

Le Règlement conjoint No. 26 de 1980 relatif à l'inscription des auxiliaires de justice, à leurs qualifications, discipline et questions connexes est modifié selon l'Annexe.

2. Entrée en vigueur

La présente Loi entre en vigueur à la date de sa publication au Journal officiel.

Annexe

Modifications du Règlement conjoint No. 26 de 1980 relatif aux auxiliaires de justice

1 A la fin de l'article 15

Ajouter

"3) Le Conseil de l'Ordre des Avocats peut par arrêté prendre des règlements nécessaires ou qui conviennent pour l'application du Titre VI de la présente Loi".

2 A la fin du Titre V

Ajouter

"Titre VI Inscription des professeurs juristes

16 Application du Titre VI

Le présent Titre s'applique aux professeurs juristes.

17 Définitions

Dans le présent Titre :

Faculté de droit désigne la faculté de droit de l'Université du Pacifique Sud, ou toute autre institution universitaire agréée qui dispense des cours de droit, établies à Vanuatu ;

Professeur de droit désigne une personne qui enseigne le droit à la Faculté de droit.

18 Demande d'inscription

- 1) Un professeur de droit peut adresser au conseil de l'Ordre, par écrit, une demande d'inscription en qualité d'auxiliaire de justice.
- 2) Le Conseil de l'Ordre doit étudier toutes les demandes soumises.
- 3) Le Conseil de l'Ordre ne doit approuver une demande que si:
 - a) le requérant est :
 - i) employé par la faculté de droit comme maître de conférences en droit ou enseignant du programme de droit à la faculté; ou
 - ii) détaché auprès de la faculté de droit comme maître de conférences en droit ou enseignant du programme de droit à la faculté.
 - b) le requérant est habilité à exercer le droit dans une autre juridiction.
- 4) Une demande doit être faite aux fins de transfert aux étudiants des compétences pratiques de droit.

19 Révocation d'une inscription

Le Conseil de l'Ordre doit révoquer l'inscription d'un professeur de droit comme auxiliaire de justice lorsque le professeur de droit cesse d'être employé par ou détaché auprès de la Faculté de droit.

20 Les professeurs de droit inscrits avant l'entrée en vigueur du présent Titre

- 1) Le présent Titre s'applique également à un professeur de droit inscrit comme auxiliaire de justice à Vanuatu immédiatement avant l'entrée en vigueur du présent Titre.
- 2) Le professeur de droit doit, dans les trois mois qui suivent cette entrée en vigueur, déposer sa demande d'inscription auprès du Conseil de l'Ordre.

3) Si le professeur de droit ne dépose pas sa demande d'inscription comme requis, son inscription devient caduque à la fin de la période des trois mois, sous réserve de l'arrêt du Conseil de l'Ordre.

21 Exercice dans le secteur privé

L'inscription d'un professeur de droit comme auxiliaire de justice ne lui confère pas le droit d'exercer dans le secteur privé en vue de gain personnel."

REPUBLIC OF VANUATU

WORK PERMIT AMENDMENT ACT NO. 19 OF 2001

Arrangement of Sections

1. Amendments
2. Commencement

REPUBLIC OF VANUATU

Assent: 30/12/2001

Commencement: 11/02/2002

WORK PERMIT AMENDMENT ACT NO. 19 OF 2001

An Act to amend the Work Permit Act [CAP 187].

Be it enacted by the President and Parliament as follows –

1. Amendment

The Work Permit Act [CAP 187] is amended as set out in the Schedule.

2. Commencement

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

SCHEDULE

AMENDMENTS OF THE WORK PERMIT ACT [CAP 187]

- 1. Subsection 3(1)**
Delete "VT 50,000", substitute "VT 100,000".
- 2. Subsection 3(4)**
Repeal the subsection.

RÉPUBLIQUE DE VANUATU

LOI NO. 19 DE 2001 RELATIVE À LA RÉGLEMENTATION DE L'EMPLOI (PERMIS DE TRAVAIL) (MODIFICATION)

Sommaire

- 1. Modifications
- 2. Entrée en vigueur

RÉPUBLIQUE DE VANUATU

Promulguée: 30/12/2001
Entrée en vigueur: 11/02/2002

**LOI NO.19 DE 2001 RELATIVE À LA RÉGLEMENTATION DE L'EMPLOI
(PERMIS DE TRAVAIL) (MODIFICATION)**

Modifiant la Loi No. 36 de 1985 relative à la réglementation de l'emploi (permis de travail).

Le Président de la République et le Parlement promulguent le texte suivant :

- 1. Modification**
La Loi No. 36 de 1985 relative à la réglementation de l'emploi (permis de travail) est modifiée conformément à l'Annexe de la présente Loi.
- 2. Entrée en vigueur**
La présente Loi entre en vigueur à la date de sa publication au Journal officiel.

ANNEXE

MODIFICATION DE LA LOI NO. 36 RELATIVE À LA RÉGLEMENTATION DE L'EMPLOI (PERMIS DE TRAVAIL)

1. **Paragraphe 3(1)**
Supprimer et remplacer "50 000 VT" par "100 000 VT"
2. **Paragraphe 3(4)**
Abroger ce paragraphe.

Company NO. 4351



REPUBLIC OF VANUATU

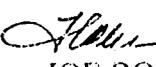
THE BANKING ACT [CAP. 63]

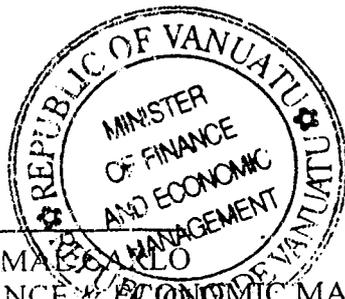
IN EXERCISE of the powers conferred upon me by Section 4(4)(a) of the Banking Act [CAP 63], I hereby order the licence to carry on banking business as an exempted bank of

GLOUCESTERSHIRE BANK LIMITED

granted on 03 May 1991 shall be and the same is hereby revoked

Given under my hand and seal at Port Vila this twenty eighth day of January 2002.


JOE BOMA
MINISTER OF FINANCE AND ECONOMIC MANAGEMENT


REPUBLIC OF VANUATU
MINISTER OF FINANCE AND ECONOMIC MANAGEMENT



Notice of Final Meeting

SELB Pacific Limited

(in voluntary liquidation)

Notice is hereby given in accordance with section 286 of the Companies Act 1986 [CAP 191] that a final meeting of the members of SELB Pacific Limited will be held at the offices of KPMG, KPMG House, Rue Pasteur, Port Vila on 28 February 2002 at 9:00am.

The purpose of the meeting is to receive the liquidator's account of the winding up of the Company and the giving of any explanation thereof.

Dated: 29 January 2002

A handwritten signature in black ink, appearing to be 'Jonathan Law', written over a set of horizontal lines.

Jonathan Law
Liquidator

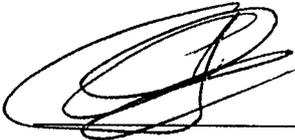
AGC FINANCE (VANUATU) LIMITED
(In Voluntary Liquidation)

**NOTICE OF RESOLUTION TO VOLUNTARILY WIND UP COMPANY AND
APPOINTMENT AND ADDRESS OF OFFICE OF LIQUIDATOR**

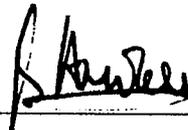
We, Jonathan G Law and Bill L Hawkes of KPMG give notice that:

- (a) The abovenamed company resolved to be wound up voluntarily by way of a special resolution of members passed on 1 February 2002.
- (b) We were appointed joint liquidators of the above company by a special resolution of members passed on 1 February 2002.
- (c) The address for all communications is C/- KPMG, P.O. Box 212, Port Vila, Vanuatu.

Dated: 1 February 2002.



Jonathan G Law
Liquidator



Bill L Hawkes
Liquidator

AGC Finance (Vanuatu) Limited
(In Voluntary Liquidation)

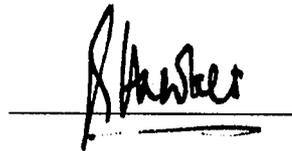
Notice to submit particulars of debts or claims

Take notice that the creditors of the company, whose debts or claims have not already been admitted, are required on or before 28 February 2002 to submit particulars of their debts or claims and of any security held by them to us and, if subsequently required by notice in writing by us, shall formally prove their debts or claims and establish any title they may have to priority by statement in writing. In default of complying with this notice they will be excluded from the benefit of any distribution made before their debt or claims are proved or their priority is established and from objecting to the distribution.

Dated: 1 February 2002.



Jonathan Law
Liquidator



Bill L Hawkes
Liquidator

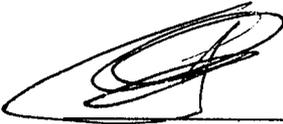
AGC Finance (Vanuatu) Limited
(In Voluntary Liquidation)

Notice of Final Meeting

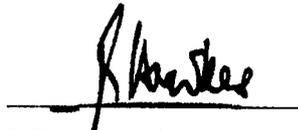
Notice is hereby given in accordance with section 286 of the Companies Act 1986 [CAP 191] that a final meeting of the members of AGC Finance (Vanuatu) Limited will be held at the offices of KPMG, KPMG House, Rue Pasteur, Port Vila, Vanuatu on 11 March 2002 at 8:00am.

The purpose of the meeting is to receive the liquidators' account of the winding up of the Company and the giving of any explanation thereof.

Dated: 1 February 2002.



Jonathan Law
Liquidator



Bill L Hawkes
Liquidator

