



## REPUBLIC OF VANUATU

### STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. 1 OF 2020

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# REPUBLIC OF VANUATU

**Assent:** 30/06/2020  
**Commencement:** 11/07/2020

## STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. 1 OF 2020

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) Civil Status (Registration) Act [CAP 61];
- (b) Disaster Risk Management Act No. 23 of 2019;
- (ba) Education Act No. 9 of 2014;
- (bb) Employment Act [CAP 160];
- (c) Government Act [CAP 243];
- (ca) Government Contracts and Tenders Act [CAP 245];
- (d) Land Reform Act [CAP 123];
- (e) Leadership Code Act [CAP 240];
- (f) Maritime (Conventions) Act No. 39 of 2017;
- (g) Meteorology, Geological Hazards and Climate Change Act No. 25 of 2016;
- (ga) Ombudsman Act [CAP 252];
- (h) Protection of Traditional Knowledge and Expressions of Culture Act No. 21 of 2019;

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- (i) Public Solicitor Act [CAP 177];
  - (j) Representation of the People Act [CAP 146];
  - (k) Reserve Bank of Vanuatu Act [CAP 125];
  - (l) State Law Office Act [CAP 242];
  - (m) Teaching Service Act No. 38 of 2013;
  - (n) Trademarks Act No. 1 of 2003;
  - (o) United Nations Financial Sanctions Act No. 6 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- (1) This Act is repealed on the day following the day on which all provisions of this Act have commenced.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) Subject to subsections (2), (3) and (4), this Act commences on the day on which it is published in the Gazette.
- (2) Item 3 is taken to have commenced on 24 September 2004.
- (3) Item 9 commences on the date on which the Public Solicitor (Amendment) Act No. 9 of 2011 is published in the Gazette.
- (4) Item 13 is taken to have commenced on 24 January 2020.

**SCHEDULE**  
**MINOR AMENDMENTS**

**1 CIVIL STATUS (REGISTRATION) ACT [CAP 61]**

**Subsection 14A(2)**

Delete “under” (first occurring)

**2 DISASTER RISK MANAGEMENT ACT NO. 23 OF 2019**

**Subsection 34(3)**

Delete “ends 30 days after the day on which it is made”, substitutes “is for a period as recommended by the Committee and approved by the Council of Ministers”

**2A EDUCATION ACT NO. 9 OF 2014**

**(a) Paragraph 64(2)(a)**

Delete “who is the Chairperson of the Board”

**(b) Paragraph 64(2)(e)**

Repeal the paragraph, substitute

“(e) a person appointed by the Minister by Order for a term of 2 years.”

**(c) After subsection 64(4)**

Insert

“(4A) The Minister is to appoint the Chairperson of the Board from amongst the members.”

**2B EMPLOYMENT ACT [CAP 160]**

**(a) Section 14**

Repeal the section, substitute

**“14 Probationary period**

(1) Every contract of employment for an unspecified period is to be subject to a probationary period of 3 months.

- (2) During the probationary period, a contract of employment may be terminated by either party without notice at any time.
- (3) An employee is deemed to be a permanent employee on the expiry of the probation period.
- (4) To avoid doubt, the probationary period cannot be extended or renewed for a further period on the expiry of the probation period.”

**(b) Sections 32 and 34**

Delete “6 months”, substitute “3 months”

**(c) Paragraphs 54(b) and (c) and 57(1)(a)**

Delete “55 years”, substitute “60 years”

**(d) Subparagraphs 57(1)(a)(i), (ii), (iii) and (iv)**

Delete “55 years”, substitute “60 years”

**3 GOVERNMENT ACT [CAP 243]**

**Subsection 17(2)**

Repeal the subsection, substitute

- “(2) The number of political advisors for the Prime Minister, Deputy Prime Minister and each Minister is limited to 6 political advisors each.”

**3A GOVERNMENT CONTRACTS AND TENDERS ACT  
[CAP 245]**

**Subsection 11(5)**

Delete “Subject to subsection (6), the”, substitute “The”

**4 LAND REFORM ACT [CAP 123]**

**(a) Section 1 (Definition of “custom owners” (first occurring))**

Repeal the definition.

**(b) Section 1 (Definition of “the Minister”)**

Repeal the definition.

**5 LEADERSHIP CODE ACT [CAP 240]**

**(a) Subsection 4(1) (Definition of “Clerk”)**

Repeal the definition.

**(b) Subsection 31(2)**

Delete “clerk of the Parliament”, substitute “Ombudsman”

**(c) Section 32**

Delete “Clerk” (wherever occurring), substitute “Ombudsman”

**(d) Paragraph 33(a)**

Delete “Clerk”, substitute “Ombudsman”

**6 MARITIME (CONVENTIONS) ACT NO. 39 OF 2017**

**Schedule - Paragraph (l)**

Delete “.”, substitute “; and

- (m) International Convention on Maritime Search and Rescue, 1979 (SAR 1979); and
- (n) Convention of the Intergovernmental Maritime Consultative Organization; and
- (o) Amendments to the Convention on the International Maritime Organization (Institutionalization of the Facilitation Committee); and
- (p) Amendments to the Convention on the International Maritime Organization; and
- (q) Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto; and
- (r) Convention on the Prevention of Marine Pollution by Dumping Wastes and other Matter, 1972 (LC 1972); and
- (s) 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (LC PROT 1996); and

SCHEDULE  
MINOR AMENDMENTS

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- (t) International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (INTERVENTION 1969); and
- (u) Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973, (INTERVENTION PROT 1973); and
- (v) Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 92); and
- (w) Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND PROT 92); and
- (x) Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC 1976).”

**7 METEOROLOGY, GEOLOGICAL HAZARDS AND CLIMATE CHANGE ACT NO. 25 OF 2016**

**After paragraph 8(1)(n)**

Insert

- “(na) Director of the Department of Education; and
- (nb) Director of the Department of Health; and
- (nc) Director of the Department of Agriculture; and
- (nd) Director of the Department of Water Resource;”

## **7A OMBUDSMAN ACT [CAP 252]**

### **(a) Section 49**

Delete “VT100,000”, substitute “VT500,000”

### **(b) At the end of section 56**

Add

“(3) The Prime Minister may, on the advice of the Ombudsman, by Regulation, add to, vary and replace the Schedule.”

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

### **Section 1 (Definition of Minister)**

Repeal the definition, substitute

“**Minister** means the Minister responsible for culture;”

## **9 PUBLIC SOLICITOR ACT [CAP 177]**

### **(a) Subsection 2(3A)**

Delete “4 years”, substitute “5 years”

### **(b) Subsection 2(4)**

Repeal the subsection, substitute

“(4) The Public Solicitor may be assisted by legal officers, who are to be appointed by the Judicial Service Commission.”

### **(c) Transitional Provision**

The person who was appointed as the Public Solicitor before the commencement of this Act will continue to serve as the Public Solicitor for the period set out under subsection 2(3A).

### **(d) Transitional Provision – Legal officers**

A person who was appointed as a legal officer before the commencement of the Public Solicitor (Amendment) Act No. 9 of 2011, is deemed to have been appointed as a legal officer by the Judicial Service Commission under subsection



2(4) of the Act on the same terms and conditions with the same accrued and accruing entitlements.

## **10 REPRESENTATION OF THE PEOPLE ACT [CAP 146]**

### **(a) Section 1**

Insert in its correct alphabetical position:

““national ID card” means the national identification card issued to a person by the Department of Civil Registry and Vital Statistics;”

### **(b) Paragraph 25(1)(b)**

Delete “100,000”, substitute “of VT100,000”

### **(c) Section 31(heading)**

After “cards”, insert “or national ID cards”

### **(d) Subsection 31(2)**

After “card”, insert “or national ID card”

### **(e) After paragraph 69(1)(c)**

Insert

“(ca) the procedures for the use of national ID cards in an election;

(cb) the duties of the polling clerk in respect of the use of national ID cards for voting;”

### **(f) Subclauses 3(2) and 8(2) of Schedule 5**

Delete “identification card”, substitute “national ID card”

## **11 RESERVE BANK OF VANUATU ACT [CAP 125]**

### **(a) After subsection 8(4A)**

Insert

“(4B) The Minister is to appoint the Chairperson of the Board from amongst the members of the Board (other than the Governor) referred to under subsection (3).”

### **(b) Subsection 8(5)**

Delete “The Governor who is the Chairperson”, substitute “The Chairperson”

## **12 STATE LAW OFFICE ACT [CAP 242]**

### **(a) Subsection 9(1)**

Delete “3 years”, substitute “5 years”

### **(aa) Paragraphs 24A(4)(a) and (b)**

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

### **(ab) After paragraph 24A(4)(d)**

Insert

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

### **(b) Subsection 25A(1)**

After “may,”, insert “on the recommendation of the Attorney General,”

### **(c) Transitional Provision**

The person who was appointed as the Attorney General before the commencement of this Act will continue to serve as the Attorney General for the period set out under subsection (9)(1).

## **13 TEACHING SERVICE ACT NO. 38 OF 2013**

### **(a) Section 4 (Definition of “Institute”)**

Repeal the definition.

### **(b) Paragraph 9(c)**

Delete “teachers in institutes and”

### **(c) Subsection 37(1)**

Delete “and Institutes”

### **(d) Subsection 37(2)**

Delete “Institutes and”

### **(e) Subsection 42(2)**

Delete “and Institute”

**(f) Subsection 54(3)**

- (i) Delete “or Institute”
  
- (ii) Delete “If the minor disciplinary issue concerns a principal of an Institute, it is to be dealt with by the Commission.”

**14 TRADEMARKS ACT NO. 1 OF 2003**

**Section 102**

Repeal the section, substitute

**“ADDRESS FOR SERVICE**

102. (1) An applicant must ensure that the address for service provided in an application must be:
- (a) in the case where the applicant operates from outside of Vanuatu – the address of an approved agent, authorised by the applicant to act on the applicant’s behalf; or
  - (b) in the case where the applicant operates from Vanuatu:
    - (i) the residential address of the applicant in Vanuatu; or
    - (ii) the address of the place of operations of the applicant in Vanuatu; or
    - (iii) the address of an approved agent authorised by the applicant to act on the applicant’s behalf.
- (2) For the purposes of paragraph (1)(a) and subparagraph (b)(iii), an “approved agent” means a person approved by the Registrar as an approved agent under subsection 102A(1).
- (3) The applicant must ensure that the Registrar is informed of any changes to the address of service.

- (4) The Registrar is to register the address of service of the applicant in the Register of Trademarks.

**APPROVED AGENTS**

- 102A. (1) The Registrar may approve persons as approved agents to be engaged by a person who intends to register a trademark.
- (2) An applicant must not authorise any person to act on his or her behalf unless that person is an approved agent.
- (3) The Register may by Regulations set out the process and criteria for the selection of approved agents.”

**15 UNITED NATIONS FINANCIAL SANCTIONS ACT NO.  
6 OF 2017**

**Whole of the Act**

Delete “National Security Advisory Committee” (wherever occurring), substitute “National Sanctioning Committee”