

Commencement: 1 January 2003

REPUBLIC OF VANUATU

**VANUATU MARITIME AUTHORITY (AMENDMENT) ACT
NO. 29 OF 2002**

Arrangement of Sections

- 1. Amendments
- 2. Commencement

Assent 31 December 2002
Commencement 1 January 2003

REPUBLIC OF VANUATU

**VANUATU MARITIME AUTHORITY (AMENDMENT) ACT
NO. 29 OF 2002**

An Act to amend the Vanuatu Maritime Authority Act No. 29 of 1998.

Be it enacted by the President and Parliament as follows-

1 Amendments

The Vanuatu Maritime Authority Act No. 29 of 1998 is amended as set out in the Schedule.

2 Commencement

This Act commences on 1 January 2003.

SCHEDULE

**AMENDMENTS OF THE VANUATU MARITIME AUTHORITY ACT
NO. 29 OF 1998**

1 Section 1 (definition of Minister)

Repeal the definition, substitute

“Minister means the Minister responsible for the maritime transport industry.

Ministry means the Ministry responsible for the maritime transport industry.”.

2 Section 1 (definition of non-permanent member)

Repeal the definition.

3 Section 1 (definition of permanent member)

Repeal the definition.

4 Section 4

Repeal the section, substitute:

“4 Composition of the Authority

- (1) The Authority has 6 members who are to be appointed by the Minister in accordance with subsection (3).
- (2) The following persons are to be the members:
 - (a) a person with experience in the shipping or related industry;
 - (b) a person with experience in international maritime law;
 - (c) a person with experience in environmental sector;
 - (d) a person with experience in general administration;
 - (e) a representative of the Ministry;
 - (f) a person with experience in the finance or accounting sector.
- (3) The Minister must by order appoint:
 - (a) the members referred to in paragraphs (2)(a) to (e); and
 - (b) after consultation with the Minister responsible for finance, the member referred to in paragraph (2)(f).
- (4) The members referred to in subsection (2) are to be appointed for a period of 3 years and are eligible for reappointment.
- (5) A person may hold office as a member concurrently with any other office.
- (6) A member of the Authority may nominate another person to represent the member at any meeting of the Authority when the member is unable to attend the meeting.
- (7) A nomination under subsection (6) is of no effect unless it is approved in writing by the Minister.
- (8) To avoid doubt, any person who on 31 December 2002 was a non-permanent or permanent member of the Authority is deemed to be disqualified from continuing as a non-permanent or permanent member of the Authority on and after 1 January 2003.”.

5 Subsection 10(1)

Delete “60”, substitute “90”.

6 Subsection 10(3)

Delete “30”, substitute “60”.

7 Subsection 12(4)

Repeal the subsection, substitute

- “(4) The Commissioner is responsible to the Authority for the proper administration of this Act and the day to day running of the affairs of the Authority.”.

8 Subsection 13(3)

Delete “The Commissioner is not subject to the direction or control of any person or body in performing any functions, or exercising any powers, in relation to:”, substitute “The Commissioner, in performing any functions or exercising any powers under this or any other Act, is subject to the direct control of the Authority and the decisions of the Tribunal in relation to:”.

9 Paragraph 13(3)(c)

Delete “and any other Act”.

10 Subsection 13(4)

Repeal the subsection, substitute

- “(4) The Commissioner may by instrument in writing and with the written approval of the Authority make temporary rules to deal with emergencies involving the safety of vessels or the health or safety of crew members of the vessels.”.

11 Section 21

Repeal the section, substitute

“21 Revenues of the Authority

- (1) The revenues of the Authority consist of the following:
- (a) such amounts as are appropriated by the Parliament; and
 - (b) such grants as may be provided to the Authority by the government or from other sources.
- (2) The revenues of the Authority are limited to the amounts received under paragraphs (1)(a) and (b).
- (3) The Authority must pay all fees, charges and any other amounts received by the Authority under this Act or any other Act administered by the Authority into the Public Fund within the meaning of the Public Finance and Economic Management Act No. 6 of 1998 within 7 days after receiving such fees, charges or other amounts”.

12 Subsection 24(1)

Delete “Subject to subsection (2), all”, substitute “All”.

13 Subsection 24(2)

Repeal the subsection.

14 Subsection 26(3)

Repeal the subsection, substitute

- “(3) The Auditor General must for each financial year:
- (a) audit the accounts of the Authority in accordance with the requirements of the Expenditure Review and Audit Act No. 3 of 1998; or
 - (b) appoint a person holding the requisite licence and who is qualified as an auditor under section 166 of the Companies Act [CAP. 191] to audit and certify the accounts of the Authority on the behalf of the Auditor General.”.

15 Subsection 26(4)

After “auditor”, insert “ or Auditor General, as the case requires,”.

16 Section 27

Repeal the section, substitute

“27 Fees and allowances

- (1) Members of the Authority are entitled to such fees and allowances as are prescribed by the regulations.
- (2) Regulations made under subsection (1) are not to come into force, unless they have been approved in writing by the Minister in consultation with the Minister responsible for finance.”.

17 Subsection 28(1)

Delete “permanent”.

18 Section 30

Repeal the section, substitute:

“30 Resignation and removal of members

- (1) A person may resign from the Authority by notice in writing to the Minister.
- (2) The Minister may terminate the appointment of a member, after consultation with the other members of the Authority:
 - (a) for misbehaviour; or
 - (b) if the member is absent from 4 consecutive meetings of the Authority, unless the member is excused by the Minister for having been absent from those meetings; or
 - (c) if the member becomes bankrupt; or
 - (d) if the member has been convicted by a court for an offence involving dishonesty; or

- (e) if the performance of the member has been unsatisfactory or ineffective for a significant period of time; or
 - (f) if the member is incapacitated by physical or mental illness.
- (3) A person is disqualified from being appointed or continuing as a member of the Authority if the person:
 - (a) is or becomes a member of Parliament; or
 - (b) is or becomes a member of local government council; or
 - (c) is or becomes a member of a municipal council.
- (4) If the office of a member becomes vacant under subsection (1), (2) or (3), the Minister may, subject to subsection (5), appoint another person to act in that office for a period not exceeding 6 months.
- (5) The power provided for by subsection (4) is exercisable only subject to any conditions to which the exercise of the original power was or would be subject.”.

30A Secretary

- (1) The Authority must appoint a person to act as secretary.
- (2) The Secretary is responsible for the proper recording of the business taking place at each meeting of the Authority as provided for in section 32.
- (3) If the secretary is not in attendance at a meeting, the Authority must appoint a temporary secretary for that meeting to record the business taking place at that meeting.”.

19 Paragraph 32(2)(b)

Delete “permanent”.

20 Subsection 33(1)

Delete “permanent”.

21 Subsection 33(4)

Delete “and the non-permanent members”.

22 Paragraph 34(1)(a)

Delete “permanent”.

23 Subsection 35(1)

Delete “permanent”.

24 Subsection 39(1)

Delete “or the Commissioner”.

25 Subsection 39(2)

Delete “or the Commissioner”.

26 Paragraphs 39(2)(a) and (b)

Delete “or the Commissioner”.

27 Paragraphs 52(a) and (b)

After “taxes”, insert “(other than value added tax under the Value Added Tax Act No. 12 of 1998)”.
