

Vanuatu Chamber of Agriculture Act 2010

REPUBLIC OF VANUATU

VANUATU CHAMBER OF AGRICULTURE ACT NO. 19 OF 2010

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Assent: 30/12/2010
Commencement: 07/02/2011

THE VANUATU CHAMBER OF AGRICULTURE ACT NO. 19 OF 2010

An Act to provide for the establishment of the Vanuatu Chamber of Agriculture and for related matters.

Be it enacted by the President and Parliament as follows:

PART 1 PRELIMINARY

1 Interpretation

In this Act, unless the contrary intention appears:

agricultural activity means the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, floriculture, forestry, livestock, poultry fishery, aquaculture and the necessary accessory uses for packing, treating or storing the produce of such activity;

Chamber means the Vanuatu Chamber of Agriculture established under section 2 of this Act;

Board means the Board of the Chamber of Agriculture established under section 10;

employee means a person employed to work on a farm;

farmers means persons who are engaged in an agricultural activity;

Local Government Region has the same meaning as in the [Decentralization Act](#) [CAP 230];

member means a person, group of persons or a member of a Producer Organization who is a member of the Chamber;

Minister means the Minister responsible for Agriculture, Quarantine, Livestock, Forestry and Fisheries;

Producers Organization means a group of at least 10 farmers, who have been registered by the Chamber;

PART 2 ESTABLISHMENT, FUNCTIONS AND POWERS OF THE CHAMBER

2 Establishment of the Chamber

(1) The Vanuatu Chamber of Agriculture is established.

(2) The Chamber:

(a) is a body corporate with perpetual succession; and

(b) is to have a common seal; and

(c) is capable of suing and being sued.

3 Functions of the Chamber

(1) The Chamber has the following functions:

(a) to represent farmers in dealings with persons or organisations in the public or private sector whether nationally or internationally; and

(b) to collect and disseminate information on all matters of interest to farmers and Producers Organisations; and

(c) to provide services, including delivery of goods to farmers and Producers Organisations; and

(d) to promote agricultural activity and agro-industry in each Local Government Region; and

(e) to provide information and advice the Government and other public authorities on matters affecting agricultural activity in Vanuatu; and

(f) to assist potential investors in agricultural activity and agro-industry.

(2) In carrying out the functions under subsection (1), the Chamber must have regard to the cultural traditions and natural environment of Vanuatu.

(3) In this section:

agro-industry means the operations and businesses that are associated with the industrial processing of the produce of agricultural activities.

4 Powers of the Chamber

The Chamber has the power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.

5 Membership of the Chamber

(1) The following persons are eligible to be members of the Chamber:

- (a) a farmer; or
- (b) a member of a Producers Organisation; or
- (c) a person who is employed by a farmer.

(2) A person referred to in subsection (1) must pay the prescribed annual membership fee to the Chamber.

(3) Despite subsection (2), a farmer is to pay the prescribed annual membership fee for his or her employee to the Chamber.

(4) The payment of membership fees under subsections (2) and (3) are to be made on or before 1st of January each year.

6 General directions by Minister

The Minister may, after consulting the Board, give the Chamber directions not inconsistent with this Act as to the exercise of the functions and policies of the Chamber.

Part 3 Sectors of Agricultural Activities

7 Establishment of sectors of agricultural activities

There shall be sectors of different agricultural activities established in Vanuatu as set out in the Schedule.

8 Composition of a sector of agricultural activity

A sector of agricultural activity consists of the members of the chamber who are carrying out the same agricultural activities within the sector.

9 Function of a sector of agricultural activity

The function of a sector of agricultural activity is to group the farmers within the sector and develop the agricultural activity of the sector.

PART 4 BOARD OF THE VANUATU CHAMBER OF AGRICULTURE

10 Establishment of the Board of the Vanuatu Chamber of Agriculture

The Board of the Vanuatu Chamber of Agriculture is established.

11 Functions of the Board

The Board is responsible to ensure that the policies of the Chamber are implemented in an efficient and effective manner.

12 Composition of the Board

(1) The Board consists of the following persons :

- (a) 3 representatives of the fisheries sector; and
- (b) 3 representatives of the coconut sector; and
- (c) 3 representatives of the kava sector; and
- (d) 3 representatives of the forestry sector; and
- (e) 5 representatives of the spices and food crops sector; and
- (f) 3 representatives of livestock sector; and
- (g) 3 representatives of cocoa sector; and
- (h) 2 representatives of the coffee sector.

(2) The members of the board are to be elected by the members of their respective sectors at an annual general meeting held under section 20.

(3) The Director General of the Ministry responsible for Agriculture is to nominate a person with qualification in agriculture or a related field from a recognized institution as observer in the Board.

(4) To avoid doubt, the member nominated under subsection (3) has no right to vote at a meeting of the Board.

(5) A person is disqualified from being appointed or for continuing as a member of the Board if he or she:

- (a) is or becomes a member of Parliament, of a Local Government Council or a member of a Municipal Council; or
- (b) is bankrupt or has made an arrangement in the nature of composition or assignment with his or her creditors; or
- (c) fails to attend 3 consecutive meetings of the Board without the permission of the Board; or
- (d) has been convicted of an offence and sentenced to a term of imprisonment of 6 months or more, whether or not it is a suspended sentence.

(6) A person elected under subsection (1) holds office for a period of 2 years and may be re-elected.

13 Chairperson and Deputy Chairperson

The Board is to appoint, from amongst its members, a Chairperson, a Deputy Chairperson and a Treasurer of the Board, who are to hold office for a period of 2 years.

14 Members not entitled to remuneration

A member of the Board is not entitled to any remuneration for performing his or her functions under this Act.

15 Meetings of the Board

(1) The Board is to meet, at least twice annually, at such time and place as the Chairperson, or in his absence the Deputy Chairperson, directs.

(2) At a meeting of the Board a quorum consists of 13 members.

(3) The Chairperson, or in his or her absence, the Deputy Chairperson is to preside at all meetings of the Board.

(4) Each member present at a meeting has one vote and questions arising at the meeting are to be decided by a majority of votes. If the voting is equal, the Chairperson has a casting vote.

(5) Subject to this Act, the Board may determine and regulate its own procedures.

16 Disclosure of interest by members of the Board

(1) A member who:

(a) has a financial or personal business interest in a matter under consideration or a matter which is to be considered by the Board; or

(b) is likely to have a conflict of interest in relation to the matter,

must disclose that interest to the Board.

(2) The member must not be part of any discussion in relation to such matter and may be requested by the Chairperson or Deputy Chairperson to absent himself or herself while the matter is being considered by the Board.

PART 5 GENERAL MANAGER OF THE CHAMBER

17 General Manager of the Chamber

(1) The Board is to appoint a General Manager of the Chamber, by a resolution of the Board.

(2) The Board is to determine the terms and conditions of employment of the General Manager.

(3) A person must not be appointed to the position of the General Manager unless he or she:

(a) has at least 5 years of experience in the field of agriculture or any other relevant experience; and

(b) has applied for this position and has gone through a fair and transparent selection process.

(4) The Board may determine other criteria required for the position of the General Manager.

(5) A person is disqualified from being appointed as the General Manager if the person:

(a) is or becomes a member of Parliament, of a Local Government Council or a member of a Municipal Council; or

(b) is bankrupt or has made an arrangement in the nature of composition or assignment with his or her creditors; or

(c) has been convicted of an offence and sentenced to a term of imprisonment of 6 months or more, whether or not it is a suspended sentence.

(6) Subject to subsection (8), the General Manager is to hold office for a period of 2 years and is eligible for re-appointment.

(7) The General Manager is the chief executive officer of the Chamber and, subject to this Act and the general directions of the Board, is responsible for the day-to-day management of the business of the Chamber.

(8) The General Manager ceases to hold office if:

(a) he or she is disqualified for appointment under subsection (5); or

(b) he or she becomes permanently incapable of performing his or her functions under this Act; or

(c) he or she resigns from his or her office by notice in writing addressed to the Board; or

(d) his or her appointment is terminated by the Board for a serious breach of the terms and conditions of his or her employment.

18 Other Staff of the Chamber

(1) The Board may employ such officers, servants, agents and advisers as it considers necessary for the proper and efficient performance of the functions of the Chamber.

(2) The Board is to determine the terms and conditions of employment of the persons referred to in subsection (1).

(3) The appointment of officers, servants, agents and advisors under subsection (1) must follow a fair and transparent selection process and must be based on merit.

PART 6 ANNUAL AND EXTRAORDINARY GENERAL MEETINGS CHAMBER

19 Annual general meeting of the Chamber

(1) The Board must call an annual general meeting for the members of the Chamber on or before 30th April each year.

(2) The members of the Chamber at an annual general meeting are to meet and receive:

- (a) the annual reports and statements of accounts of the Chamber and the auditor's report; and
- (b) any matter required by notice in writing addressed to the Board to be submitted to the meeting by any member.

20 Annual general meeting of each sector

Each sector of agricultural activity must hold an annual general meeting of that sector prior to the annual general meeting of the Chamber.

21 Extraordinary general meeting

The Board may call an extraordinary general meeting for the members if:

- (a) the Board considers it necessary to do so; or
- (b) such meeting is required by notice in writing addressed to the Board by 13 members.

22 Resolutions and voting at annual and extraordinary general meetings

Resolutions of an annual or extraordinary general meeting are to be carried by a simple majority of votes of the members present.

23 Quorum

(1) The quorum at an annual general meeting or an extraordinary general meeting of the Chamber is a simple majority of the Board members present at the meeting.

(2) If there is no quorum at the first annual general meeting or extraordinary general meeting of the Chamber, the chairperson is to call a second meeting after three days and the quorum is a simple majority of the board members present at the meeting.

(3) If there is no quorum at the second meeting of the Chamber, the chairperson is to call a third meeting after three days and the members present at the meeting constitute the quorum.

24 Board to regulate procedures at annual general meetings and extraordinary general

meetings

The Board may make rules, not inconsistent with this Act, to regulate the procedures at an annual or extraordinary general of the Chamber meeting, and in particular, with respect to the following matters:

- (a) the giving of notices of the time, place and business of an annual or extraordinary general meeting;
- (b) proxies in relation to voting at these meetings, not more than 2 by members;
- (c) persons to preside over an annual or extraordinary general meeting and powers and functions to be exercised by such persons;
- (d) the keeping and approval of minutes.

PART 7 FINANCIAL MATTERS

25 Grants and donations

(1) The Chamber may receive grants or other donations in kinds from the Government, or any organisation or body within or outside of Vanuatu.

(2) Subject to subsection (4), a grant received under subsection (1) is to be governed by an agreement between the grantor and the Chamber.

(3) Without limiting subsection (2), the agreement is to specify:

- (a) the respective rights and obligations of the parties; and
- (b) the allocation of funds; and
- (c) the means of making a report on the use of funds; and
- (d) the frequency of producing a report; and
- (e) the person who is entitled to receive the report.

(4) The Chamber must not enter into an agreement with a grantor unless it has obtained prior approval of the Board to do so.

26 Bank account

The Board is to open and maintain such bank accounts on behalf of the Chamber.

27 Estimates of annual income and expenditure

(1) The Board must, not later than 2 months before the commencement of each financial year, prepare estimates of income and expenditure of the Chamber in respect of that year.

(2) The Board must, as soon as practicable, give the Minister a copy of the estimates for each financial year referred to in subsection (1).

28 Accounts and Audits

(1) The Board must keep proper accounts and records of all its transactions and must prepare in respect of each financial year a statement of account in accordance with generally accepted accounting principles and practices.

(2) The accounts and statement of accounts of the Chamber for each financial year must be audited by a qualified external auditor who is to be appointed by the Board for a term of not more than 1 year.

(3) The Board must as soon as practicable after the accounts and statement of accounts for each financial year have been audited according to subsection (2), give the Minister a copy of the statement of account and a copy of the auditor's report.

29 Annual Report

(1) The Board must give the Minister prior to the annual general meeting of each year, an annual report dealing with the operations of the Chamber during the preceding financial year.

(2) The Minister is to present the report referred to under subsection (1) at the next sitting of Parliament.

PART 8 MISCELLANEOUS

30 Regulations

(1) The Minister may by Order make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations made under subsection (1) may provide for a penalty of not more than VT 100,000 for the contravention of any such regulations.

(3) In addition to subsection (1), the Minister may by Order make regulations to regulate procedures of meetings at sector levels;

31 Transitional

(1) On or after the commencement of the Act, the members of the interim committee appointed by the Minister are to hold office until a new Board is elected pursuant to subsection 12 (2).

(2) For the purpose of subsection 19 (1), the interim committee appointed by the Minister is to call the first annual general meeting on or after the commencement of this Act.

(3) On or after the commencement of this Act, all monies held under the name of the Vanuatu Chamber of Agriculture before the commencement of this Act are to be transferred to the

account of the Chamber.

32 Commencement

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

SCHEDULE

Section 7

SECTORS OF AGRICULTURAL ACTIVITIES

List of sectors of agricultural activities

- 1 Coffee sector;
- 2 Cocoa Sector;
- 3 Coconut Sector;
- 4 Fisheries Sector;
- 5 Forestry Sector;
- 6 Kava Sector;
- 7 Livestock Sector;
- 8 Spices and food crop sector