

Statute Law (Miscellaneous Provisions) Act 2016 (No. 16)

REPUBLIC OF VANUATU

STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. 16 OF 2016

Arrangement of Sections

REPUBLIC OF VANUATU

Assent: 20/12/2016

Commencement: 14/02/2017

STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. 16 OF 2016

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:

- (1) [Customs Act](#) No.7 of 2013;
- (2) [Employment Act](#) [CAP 160];
- (3) [Forestry Act](#) [CAP 276];
- (4) Government Remuneration Tribunal [CAP 250]
- (5) [Police Act](#) [CAP 105];
- (6) [Proceeds of Crime Act](#) [CAP 284]
- (7) [Vanuatu Financial Services Commission Act](#) [CAP 229];

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(1) This Act is repealed on the day following the day on which all provisions of this Act have commenced.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 1 of the [Interpretation Act](#) [CAP 132], affect any amendments made by this Act.

3. **Commencement**

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

SCHEDULE

MINOR AMENDMENTS

1. **[CUSTOMS ACT NO.7 OF 2013](#)**

(a) Paragraph 17(1)(a)

Delete “prescribed”, substitute “approved”

(b) Paragraph 32(2)(b)

Delete “crafts”, substitute “craft’s”

(c) Paragraphs 68(1)(c) After the word “abets”, substitute “or conspires, to”

(d) Paragraph 68(1)(g)

After the word “abets”, substitute “or conspires,”

(e) Subsections 68(2) and (3)

Repeal the subsections, substitute

“(2) A person who commits any offence under subsection (1), is punishable on conviction by a fine not exceeding VT10,000,000 or by a term of imprisonment of not more than 10 years or both.”

(f) Subsection 73(6)

Delete “45(1)”, substitute “51(1)”

(g) Subsection 77(1)

After “75(1)”, insert “or an assessment amended under subsection 76(1)”

(h) Paragraph 82(2)(a)

Delete “81”, substitute “80”

(i) Subsection 94(3)

Delete “Schedule 4”, substitute “Schedule 1”

(j) Paragraph 97(1)(d)

Delete “Schedule 3”, substitute “Schedule 1”

(k) Section 173 (Heading)

Delete “168”, substitute “169”

(l) Section 174

Delete “does not act”, substitute “acts”

(m) Paragraph 180(1)(c)

Delete “126 or 128”, substitute “124”

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

(a) Subsection 78(1)

Delete the word, “shall be guilty of an offence”, insert “is guilty of an offence punishable on conviction by a fine not exceeding VT100,000.”

(b) After section 79

Insert

“80 Penalty notices

(1) The Commissioner of Labour may serve a penalty notice on a person if it appears to the Commissioner that the person has committed an offence under this Act or the

Regulations and the offence is one that is stated by the Regulations to be an offence to which this section applies.

(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person must pay within a time and to the Commissioner of Labour the amount of penalty stated in the penalty notice.

(3) A penalty notice may be served personally or by post.

(4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, that person is not liable to any further proceedings for the alleged offence.

(5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any proceeding arising out of the same occurrence.

(6) The Regulations may:

(a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence; and

(b) prescribe the amount of penalty payable for the offence if dealt with under this section; and

(c) prescribe different amounts of penalties for different offences or classes of offences.

(7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty prescribed in this Act.

(8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.”

3. FORESTRY ACT NO. 26 OF 2001

After paragraph 71(2)(d)

Insert

“(da) the requirements for the importation of sawn timber and wood products.”

4. **GOVERNMENT REMUNERATION TRIBUNAL ACT [CAP 250]**

(a) After section 13

Insert

13A Responsibility of the Tribunal

The Tribunal must consult the Council of Ministers, the Minister and the Director General of the Ministry of Finance before making any determination.

(b) Subsection 27(1)

Delete “A”, substitute “Subject to section 13A, a”

5. **POLICE ACT** [CAP 105]

Part 3AA – APPOINTMENT, ENROLMENT, SERVICE AND DISCHARGE

Repeal the Part.

6. **PROCEEDS OF CRIME** [CAP 284]

(a) Section 2 -Definitions of “Authority” and “Unit”

Delete “Financial Transactions Reporting Act [Cap. 268]”, substitute “Anti-Money Laundering Counter-Terrorism Financing Act No. 13 of 2014”

(b) Section 2-Definition of “financial institution”

Delete “Financial Transactions Reporting Act [Cap. 268]”, substitute “Financial Institutions Act [CAP 254]”

7. **VANUATU FINANCIAL SERVICES COMMISSION ACT** [CAP 229]

(a) Subsections 18(3), (4) and (5)

Repeal the subsections.

(b) After subsection 18(2)

Insert

“(3) The accounts of the Commission are to be audited annually by an external auditor to be approved by the Minister.”