

REPUBLIC OF VANUATU

THE VANUATU NATIONAL CULTURAL COUNCIL
ACT No. 30 OF 1985

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REPUBLIC OF VANUATU

THE VANUATU NATIONAL CULTURAL COUNCIL
ACT No. 30 OF 1985

An Act to provide for the establishment of the Vanuatu National Cultural Council, for the preservation, protection and development of various aspects of the rich cultural heritage of Vanuatu, for the provision of public libraries and for the preservation of public records and archives.

BE IT ENACTED by the President and Parliament as follows:-

INTERPRETATION

1. In this Act, unless the context otherwise requires -

"Council" means the Vanuatu National Cultural Council established under section 2;

"Director" means the director of the Council appointed by the Minister under section 9;

"financial year" means the financial year of the Council and shall be the same as that of the Government;

"Member" means a member of the Council appointed by the Minister under section 3;

"Minister" means the Minister responsible for administering the Act.

ESTABLISHMENT OF THE COUNCIL

2. (1) There is hereby established a body corporate to be known as the Vanuatu National Cultural Council.

(2) The Council shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

COMPOSITION OF THE COUNCIL

3. (1) The Council shall consist of -

(a) Four Members appointed by the Minister and who shall be:-

(i) a representative of the Ministry responsible for Cultural Affairs;

(ii) a representative of the National Council of Chiefs;

(iii) two persons who the Minister considers have relevant experience in matters related to museums, public libraries or archives; and

(b) The Director, ex-officio Member.

- (2) Subject to subsections (3) and (4) Members of the Council other than the Director shall serve for a term of three years but may be eligible for reappointment.
- (3) If the Minister is satisfied that a Member appointed under subsection (1)(a):-
 - (a) has been absent from two consecutive meetings of the Council without the consent of the Chairman;
 - (b) has become insolvent;
 - (c) is incapacitated by physical or mental illness;
 - (d) has been convicted of a crime involving moral turpitude; or
 - (e) is otherwise unable or unfit to discharge the function of a member;the Minister may by notice published in the Gazette declare the office of the Member vacant.
- (4) A Member appointed by the Minister in accordance with subsection (1)(a) may resign by not less than 30 days notice in writing to the Minister.

CHAIRMAN AND DEPUTY CHAIRMAN

4. (1) The Minister shall appoint from among the Members a Chairman and a Deputy Chairman of the Council.
- (2) The Chairman and Deputy Chairman shall each serve as such until their term as a Member expires and may be reappointed.
- (3) Where the Chairman is absent or otherwise unable or unfit to discharge his functions the Deputy Chairman shall have and exercise all the powers of the Chairman under this Act.

OBJECTS OF THE COUNCIL

5. The objects of the Council shall be:-
 - (a) to support, encourage and make provision for the preservation, protection and development of various aspects of the cultural heritage of Vanuatu;
 - (b) to support, encourage and make provision for the maintenance, protection and preservation of public records and archives;
 - (c) to support, encourage and make provision for the establishment, maintenance and development of public libraries;
 - (d) to establish, maintain, administrater and make provision for such National Institutions as the Council shall consider necessary and appropriate for the purposes of its objects including (but not limited thereto) the following National Institutions-
 - (i) the National Museum,
 - (ii) the National Library, and
 - (iii) the National Archives,

- (e) to initiate, encourage and support all services, matters or things which are conducive towards the proper and orderly development of any National Institution set up in accordance with this Act;
- (f) to initiate, encourage, support and conduct research and training programmes on any matter related to any National Institution set up in accordance with this Act;
- (g) to foster co-operation in matters related to the provision of museums, libraries and archives and international relations between the Council and Governments, organisations and bodies interested therein.

POWERS OF THE COUNCIL

- 6. (1) The Council shall have the powers to do all the things which are necessary or conducive to the carrying out of its objects.
- (2) Without derogating from the generality of subsection (1) the Council may:-
 - (a) acquire hold and dispose of real and personal property including houses and other accommodation for occupation by employees and advisers;
 - (b) promote or finance any undertaking related to the provision and promotion of museums libraries or archives;
 - (c) borrow or lend money on such terms and conditions as it thinks fit;
 - (d) establish or participate in any Pension and Provident Fund Schemes for the benefit of its employees and their dependents;
 - (e) sponsor or regulate or carry out programmes of research;
 - (f) establish training programmes;
 - (g) sponsor cultural shows;
 - (h) publish printed or audio visual matter for sale or otherwise;
 - (i) acquire copyright;
 - (j) charge fees for the services rendered by it;
 - (k) enter into agreements with any Government organisation or body or person for the better carrying out of its objects.

SECRETARY

- 7. (1) There shall be a Secretary to the Council who shall be an employee thereof and shall be appointed by the Council.
- (2) The Secretary or a person acting as such shall attend all meetings of the Council and prepare the Minutes thereof.
- (3) The Secretary shall keep in safe custody the seal and all documents of the Council; receive all process served on the Council and carry out such other duties as the Council or the Director shall direct.

MEETING OF THE COUNCIL

8. (1) The Council shall meet not less than four times in every 12 months.
- (2) Subject to subsection (3) the Chairman shall convene the meetings at such times and places as he thinks fit.
- (3) The first meeting of the Council shall be convened by the Minister.
- (4) The quorum at meetings shall be the Chairman and two other Members.
- (5) The Chairman or in his absence the Deputy Chairman shall preside at every meeting of the Council.
- (6) The proceedings at any meeting shall not be invalidated by any defect in the appointment of any Member.
- (7) Decisions of the Council shall be made by a majority vote of Members present and voting. The Chairman shall have a casting vote.
- (8) If a Member has any pecuniary interest, direct or indirect in any contract or other matter relating to the Council he shall as soon as practicable disclose to the Chairman the fact and nature of his interest.
- (9) The Council may invite any person to participate in its meetings but they shall have no vote.
- (10) Subject to this Act, the Council may make internal rules regulating its procedure.
- (11) Any rules made in accordance with subsection (10) shall be issued under the hand of the Chairman.

DIRECTOR OF THE COUNCIL

9. (1) The Minister may after consultation with the Council, appoint upon such terms and conditions as the Council thinks fit a Director who shall be an employee of the Council.
- (2) The Director shall be the chief executive of the Council and of all its operations.
- (3) The Council may delegate to the Director, with or without restrictions or conditions, such of its powers and functions as it may consider expedient for the day to day operation of the Council.

OTHER OFFICERS AND EMPLOYEES

10. The Council may appoint, at such remuneration and upon such terms and conditions as it thinks fit such other officers and employees as may be required for the proper and effective discharge of the objects of the Council.

LIABILITY OF MEMBERS, OFFICERS AND EMPLOYEES

11. No personal liability shall attach to any Member, officer or employee of the Council in respect of anything done or omitted to be done in good faith and without negligence in the course of the operation of the Council.

FUNDS OF THE COUNCIL

12. The funds of the Council shall consist of:-
- (a) grants from the Government out of monies appropriated by Parliament for such purposes;
 - (b) grants from other sources;
 - (c) monies borrowed by the Council;
 - (d) monies received by the Council in any other way in the course of the discharge of its objects.

INVESTMENT OF FUNDS

13. Any funds of the Council not immediately required for the carrying out of its objects may be invested in such manner as the Council may approve.

GUARANTEE OF LOANS

14. The Government may guarantee any loans to the Council.

CONTROL OF BORROWINGS

15. The Minister responsible for finance, may, after consultation with the Minister, by order prescribe:-
- (a) the aggregate maximum indebtedness that the Council may incur without his consent in writing; and
 - (b) the maximum individual sums that the Council may likewise borrow.

ACCOUNTS AND AUDIT

16. (1) The Council shall keep proper accounts and other records in respect of its receipts and expenditure and shall cause to be prepared an annual statement of accounts in respect of each financial year.
- (2) The accounts of the Council shall be audited annually by the Auditor General.
- (3) As soon as it is reasonable after the end of each financial year the Council shall submit to the Minister responsible for finance and the Minister audited accounts together with any report made by the Auditor General thereon and such explanations as the Council may consider appropriate.

ANNUAL REPORT

17. (1) The Council shall submit an annual report of its activities to the Minister not less than 45 days prior to the commencement of the annual budget session of Parliament.
- (2) A copy of the audited accounts for the previous financial year provided for in section 16 and provisional accounts for the current financial year shall be attached to the annual report.
- (3) The Minister shall table the annual report together with such comments as he may have thereon before Parliament during its annual budget session.

SUBMISSION OF ESTIMATES FOR THE PURPOSE OF GRANTS

18. If the Council shall need a grant referred to in section 12(a), so that the Government may determine the amount thereof for inclusion in the Budget, the Council shall not less than 90 days before commencement of the financial year during which the grant is required submit to the Minister and to the Minister responsible for finance estimates of expenditure and receipts for that year and of unexpended funds carried forward.

EVIDENCE OF SEALING OF DOCUMENTS

19. The fact that a document bears the seal of the Council shall be prima facie evidence in any court or legal proceedings that the document has been properly executed by and on behalf of the Council.

MINISTERIAL DIRECTIONS

20. The Minister, may, after consultation with the Council, give to the Council such directions of a general character with respect to the performance of any objects of the Council as appear to the Minister to be requisite in the public interest.

ORDERS

21. The Minister may by order make regulations not inconsistent with this Act for the better carrying out of the provisions of this Act.

VESTING OF ASSETS AND LIABILITIES AND SUBSTITUTION OF CONTRACTS

22. (1) Immediately on the coming into force of this Act the assets and liabilities of the Vanuatu Cultural Centre shall vest in the Council without further authority and without the necessity for further acts except the making of such entries as may be required in any registers kept in accordance with any laws.
- (2) Entries under subsection (1) shall be made by appropriate registrar on receipt of a direction in writing made by the Minister.
- (3) All contracts and agreements subsisting before the coming into force of this Act to which the Vanuatu Cultural Centre is a party shall have effect against or in favour of the Council as if it and not the Vanuatu Cultural Centre is a party thereto.
- (4) As soon as practicable after the coming into force of this Act the Government shall cause a valuation to be made by persons it considers properly qualified of assets and liabilities vested in the Council by this section and such valuation shall be the book value of such assets and liabilities for the purposes of opening the statutory accounts of the Council.
- (5) For the purposes of this section, "the Vanuatu Cultural Centre" means the Cultural Centre established and operated in accordance with the provisions of Joint Standing Order No. 1 of 1971.

REPEAL

23. The Joint Standing Order No. 1 of 1971 is repealed.

COMMENCEMENT

24. This Act shall come into force on such day as the Minister shall appoint by Order published in the Gazette.

REPUBLIC OF VANUATU

BILL FOR
THE VANUATU NATIONAL CULTURAL COUNCIL
ACT No. 30 OF 1985

Explanatory Note

The purpose of this Act is to set up the Vanuatu National Cultural Council. This Council will take over the operations of the present Vanuatu Cultural Centre. The present Vanuatu Cultural Centre was set up under a Joint Standing Order made by the former Condominium Government. It is proposed that the legal status of the Cultural Centre should be strengthened in order for the Centre to discharge its functions in a more effective manner.

Section 2 provides for the establishment of the Vanuatu National Cultural Council. The Council will be a statutory corporation.

Section 3 says that the Council will consist of the Director of the Council as ex-officio member and four (4) other members appointed by the Minister. One of the members will be a representative of the National Council of Chiefs.

The objects and functions of the Council are set out in section 5. Among other things, the Council will initiate, encourage and support all matters things or services pertaining to the preservation, protection and development of various aspect of the cultural heritage of Vanuatu and her peoples. In this regard, the Council may set up appropriate National Institutions including (but not limited thereto) a National Museum, a National Library and a National Archives.

Section 6 sets out the powers of the Council. The Council will have all powers to do all the things which are necessary or conducive to the carrying out of its objects.

Section 7 provides for the appointment of a Secretary to the Council.

Section 8 sets out the rules concerning meetings of the Council.

Section 9 provides for the appointment of the Director of the Council. The Director will be the chief executive of the Council. He is appointed by the Minister after consultation with the Council. The Director will be responsible to the Council.

Section 10 provides for the recruitment of other employees and officers.

Section 12 provides for the funds of the Council. Section 13 allows the Council to invest funds not immediately required for the carrying out of its objects. Section 14 says that the Government may guarantee any loans made to the Council. Section 15 provides for the control of borrowings by the Council.

Section 16 sets out the rules regarding accounts and audits. The accounts of the Council will be audited annually by the Auditor General.

Section 17 requires the Council to submit an annual report of its activities to the Minister. On receipt of such report the Minister will arrange for such report to be tabled in Parliament during its Budget Session.

Section 18 requires the Council to make submissions to the Government for the purposes of obtaining grants from the Government.

Section 20 allows the Minister to give directions of a general nature with respect to the performance of any objects of the Council. The Minister is required to consult the Council before he can issue such general directions.

Section 21 makes provisions for subsidiary legislation for the purposes of the better carrying out of the objects of the Act.

Section 22 vests all liabilities and assets of the Vanuatu Cultural Centre in the Council. Section 23 repeals the Joint Standing Order No. 1 of 1977. Section 24 provides for the commencement of the Act.

OCTOBER, 1985

S J REGENVANU
Minister of Home Affairs