

# REPUBLIC OF VANUATU

**Assent:** 19/06/2014  
**Commencement:** 27/06/2014

## VANUATU NATIONAL SPORTS COMMISSION ACT NO. 14 OF 2014

An Act to provide for the establishment, operation and regulation of the Vanuatu National Sports Commission and for related matters.

Be it enacted by the President and Parliament as follows-

### PART 1 PRELIMINARY MATTERS

#### 1 Interpretation

In this Act, unless a contrary intention appears:

**Commission** means the Vanuatu National Sports Commission established under section 3;

**Council** means the Council of Ministers established under Article 40(1) of the Constitution;

**Director General** means the Director General of the Ministry of Youth, Sports Development and Training;

**Minister** means the Minister responsible for Youth, Sports Development and Training;

**National Federation** means National Sports Federations, duly recognized by their respective International Federations (IFs) as recognized by the International Olympic Committee (IOC);

**sports** means all forms of physical activity that contribute to physical fitness, mental wellbeing and social interaction such as play, recreation, organized or competitive sports and indigenous sports and games.

#### 2 Objectives of the Commission

The objectives of the Commission are:

- (a) to institute a clear and manageable framework to guide and enhance the delivery of sports programmes in Vanuatu through a coordinated and partnership approach at all levels of participation; and
- (b) to provide coordination, direction and support the development of sports in Vanuatu; and
- (c) to establish higher standards of excellence in all sports; and
- (d) to improve participation in structured physical activity at all levels of participation; and
- (e) to support and encourage excellence in the performance of athletes and coaches by developing sports science and encouraging research in high performance of athletes.

## **PART 2 VANUATU NATIONAL SPORTS COMMISSION**

### **3 Establishment of the Commission**

- (1) The Vanuatu National Sports Commission is established.
- (2) The Commission is:
  - (a) a body corporate with perpetual succession; and
  - (b) to have a common seal; and
  - (c) capable of suing and being sued.

### **4 Composition of the Commission**

The Commission consists of the following persons who are to be appointed by the Minister:

- (a) the Director General; and
- (b) the Director of the Department of Youth and Sports; and
- (c) the Chief Executive Officer (CEO) of the Vanuatu Association of Sports and National Olympic Committee (VASANOC); and
- (d) a Lawyer, nominated by the Vanuatu Law Society.

### **5 Chairperson and Deputy Chairperson of the Commission**

- (1) The Director General is the Chairperson of the Commission.
- (2) The members of the Commission are to elect from amongst themselves a Deputy Chairperson.
- (3) The Deputy Chairperson is to hold office for a period of 3 years and may be re-elected.

### **6 Functions of the Commission**

The Commission has the following functions:

- (a) to promote the development of sports in Vanuatu; and
- (b) to provide for facilities for sports and recreation; and
- (c) to promote the use of sporting facilities in the urban and rural areas of Vanuatu; and
- (d) to maintain Government owned sports facilities; and
- (e) to investigate developments in sports and disseminate knowledge and information about such developments; and
- (f) to promote athletes to professional levels in their respective National Federations; and
- (g) to be responsible for the promotion and advancement of National Federations; and
- (h) to advise the Minister on all matters relating to the development of sports; and
- (i) to co-ordinate and promote activities for the development of sports; and
- (j) to initiate, encourage and facilitate researches and development in sports; and
- (k) to encourage and support regular competition in all sports at all levels; and
- (l) to provide in partnership with National Federations specialised sports programmes; and
- (m) to assist with the organisation and funding of community sports development programmes; and
- (n) to establish standards for delivery at all levels of sports development; and
- (o) to assist the Ministry of Education to develop programmes for physical activities and sports in schools; and
- (p) to promote sports opportunities, provision of relevant equipment, programmes and personnel, for the training of people with disabilities; and

- (q) to support national sporting organizations and other related organizations in their planning, administration and development; and
- (r) to co-operate with national and international sporting organizations in aiming to foster a sporting environment that is free from the unsanctioned use of performance enhancing drugs and doping methods; and
- (s) to develop policies and make rules to ensure the safety and protection of all persons involved in any sports.

**7 Powers of the Commission**

- (1) The Commission 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.
- (2) Without limiting subsection (1), the Commission has the power to do all or any of the following:
  - (a) to acquire, purchase, hold, manage and dispose of real or personal property;
  - (b) subject to the prior approval of the Minister responsible for finance, to borrow or lend money on such terms and conditions as the Commission thinks fit;
  - (c) subject to the approval of the Minister, to formulate and implement policies in respect of the furtherance of and assistance to sports generally;
  - (d) to recommend to the Council that grants be made to any person or organization to undertake studies, assignments, commissions or investigations, or gain further appropriate experience, whether within Vanuatu or overseas, in respect of matters approved by the Commission;
  - (e) to recommend to the Council that grants be made or subsidies be paid to any person or organization engaged in the execution or promotion of any sporting activity, on such conditions as the Commission recommends;
  - (f) to collect, examine, disseminate, or publish any information relating to sports, or to any particular form of sports;

- (g) to examine and consider any existing or proposed policies or practices, or other matters, relating to sports, and with the approval of the Minister, to make recommendations to any appropriate person, organization or authority;
- (h) to carry out or encourage and support other persons or bodies in carrying out, research and studies into matters concerning sports and to disseminate knowledge and advice on such matters;
- (i) to advise, co-operate with or assist Government Departments, local authorities, voluntary organizations or other bodies or persons on any matters concerned with sports;
- (j) to develop any land or other property and to build and maintain buildings or other structures;
- (k) to enter into agreements with any local authority, corporation, society, firm or person for the management and maintenance of any land, buildings or facilities relating to sports;
- (l) to charge fees for admission to land or buildings vested in it or under its control, or in respect of any activity promoted, arranged or controlled by it, as the Commission thinks fit;
- (m) to establish or act as trustees of any charity, organization or body, the objects of which are in accordance with any of the Commission's objects.

## **8 Meetings of the Commission**

- (1) The Commission is to meet at least 2 times a year at a place and time to be determined by the Chairperson, and may hold such other meetings as are necessary for the performance of its functions under this Act.
- (2) The quorum for a meeting is 3 members of the Commission present at the meeting.
- (3) A member present at the meeting has 1 vote and questions arising at a meeting are to be decided by a majority of votes.
- (4) If the voting at the meeting is equal, the member chairing the meeting has a casting vote.

- (5) The Chairperson is to preside at all meetings of a Commission and if the Chairperson is absent, the Deputy Chairperson is to chair that meeting.
- (6) The Secretary after consultation with the Chairperson, is to notify the other members of the Commission of the venue, time and date of the meeting.
- (7) Subject to this Act, the Commission may determine and regulate its own procedures.

#### **9 Secretary of the Commission**

- (1) The Director of the Department of Youth and Sports is the Secretary of the Commission.
- (2) The Secretary has the following functions:
  - (a) to prepare and circulate agenda and issue papers for meetings of the Commission; and
  - (b) to take minutes of the meetings of the Commission and circulate the minutes to members of the Commission within 3 weeks after each meeting; and
  - (c) to organize general meetings of the Commission; and
  - (d) such other functions as are imposed on the Secretary by this Act or any other Act.

#### **10 Sitting allowances**

The members of the Commission including the Chairperson are entitled to a sitting allowance of VT5, 000 for each day in which the Commission sits for a meeting.

**PART 3 CHIEF EXECUTIVE OFFICER, FINANCE OFFICER AND OTHER STAFF**

**11 Chief Executive Officer of the Commission**

- (1) The Commission is to appoint a Chief Executive Officer of the Commission.
- (2) The Commission is to determine the remuneration and terms and conditions of employment of the Chief Executive Officer.
- (3) A person must not be appointed to the position of the Chief Executive Officer unless he or she:
  - (a) has had at least 5 years experience in managing an office or organisation; and
  - (b) has applied for this position and has gone through a fair and transparent selection process.
- (4) The Commission may determine other criteria required for the position of the Chief Executive Officer.
- (5) The appointment of the Chief Executive Officer under subsection (1) must follow a fair and transparent selection process and must be based on merit.
- (6) A person is disqualified from being appointed as the Chief Executive Officer if he or she:
  - (a) is or becomes a member of Parliament, of a Provincial 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 12 months or more, whether or not it is a suspended sentence.
- (7) Subject to subsection (8), the Chief Executive Officer is to hold office for a period of 5 years and is eligible for re-appointment for one term only.



- (8) A person ceases to hold office as Chief Executive Officer if:
- (a) he or she is disqualified for appointment under subsection (6); 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 Commission; or
  - (d) his or her appointment is terminated by the Commission for a serious breach of the terms and conditions of his or her employment.

## **12 Functions of the Chief Executive Officer**

The Chief Executive Officer has the following functions:

- (a) to be responsible for the proper administration and good management of the Commission and its affairs; and
- (b) to coordinate and facilitate the implementation of the decisions of the Commission; and
- (c) to coordinate the presentation of monitoring reports on the implementation of the decisions of the meetings of the Commission; and
- (d) to manage expenditure on behalf of the Commission.

## **13 Finance officer**

- (1) The Commission is to appoint a Finance Officer of the Commission.
- (2) The Commission is to determine the remuneration and terms and conditions of employment of the Finance Officer.
- (3) The Finance Officer has the following functions:
  - (a) to keep and maintain proper records of the income and expenditure of the funds of the Commission; and

- (b) to advise the Commission and the Chief Executive Officer on matters relating to the finances of the Commission; and
  - (c) to perform other tasks as may be directed by the Chief Executive Officer or the Commission relating to the finances of the Commission.
- (4) The appointment of Finance officer under subsection (1) must follow a fair and transparent selection process and must be based on merit.

**14 Other Staff of the Commission**

- (1) The Commission may employ other staff of the Commission as it considers necessary for the proper and efficient performance of the functions of the Commission.
- (2) The Commission is to determine the terms and conditions of employment of other staff of the Commission.
- (3) The appointment of other staff of the Commission must follow a fair and transparent selection process and must be based on merit.

## **PART 4 FINANCIAL, REPEAL AND MISCELLANEOUS PROVISIONS**

### **15 Funds of the Commission**

The funds of the Commission consists of the following:

- (a) monies appropriated to the Commission by Parliament; and
- (b) grants from aid donors or other international organisations; and
- (c) monies received from any other source.

### **16 Accounts of the Commission**

- (1) The Commission is to keep proper accounts and other records in respect of its receipts and expenditure and is to prepare an annual statement of accounts in respect of each financial year.
- (2) The accounts of the Commission are to be made up to the 31<sup>st</sup> day of December in each financial year and are to be audited by the Auditor-General.
- (3) Fees payable to the auditor appointed under subsection (2) is to be paid out of the funds of the Commission.
- (4) The Commission must provide the Minister with a copy of the audited accounts referred to in subsection (2).

### **17 Annual reports**

The Commission must within 3 months after the end of each financial year furnish a report to the Minister relating on the operations of the Commission for the preceding year.

### **18 Exemption from taxes, stamp duties, etc.**

The Commission is to be exempt from all taxes and stamp duties on its profits, operations, capital, property and all documents or transactions of any description, all business licence fees and all customs and import duties.

**18A Transfer of funds, assets, liabilities and contractual obligations**

- (1) The funds, assets, liabilities and contractual obligations of the Vanuatu National Sports Council immediately before the commencement of this Act, are transferred upon the commencement of this Act, to the Vanuatu National Sports Commission.
  
- (2) Any act or thing done in the name of the Vanuatu National Sports Council immediately before the commencement of this Act, is taken to have been done in the name of the Vanuatu National Sports Commission.

**19 Regulation**

The Minister may 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.

**20 Repeal**

The Vanuatu National Sports Council Act [CAP 208] is repealed.

**21 Commencement**

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

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