

REPUBLIC OF VANUATU

VANUATU NATIONAL LANGUAGE COUNCIL ACT NO. 32 OF 2005

Arrangement of Sections

- 1 Purpose of the Act**
- 2 Definitions**
- 3 Establishment of the Vanuatu National Language Council**
- 4 Composition of the Council**
- 5 Resignation and removal of members**
- 6 Chairperson and Deputy Chairperson**
- 7 Chief Executive Officer of the Council**
- 8 Functions and powers of the Chief Executive Officer**
- 9 Disqualification or removal of the Chief Executive Officer**
- 10 Staff of the Council**
- 11 Functions of the Council**
- 12 Powers of the Council**
- 13 Meetings of the Council**
- 14 Funds of the Council**
- 15 Annual report**

16 Regulations

17 Commencement

REPUBLIC OF VANUATU

Assent: 30/12/2005
Commencement: 10/04/2006

VANUATU NATIONAL LANGUAGE COUNCIL ACT NO. 32 OF 2005

An Act to provide for an expert advisory panel on language issues in Vanuatu, to promote and safeguard linguistic diversity in Vanuatu and for related purposes.

Be it enacted by the President and Parliament as follows-

1 Purpose of the Act

The purpose of this Act is to:

- (a) safeguard linguistic diversity in Vanuatu; and
- (b) raise awareness of language issues in Vanuatu.

2 Definitions

In this Act, unless the contrary intention appears:

Council means the Vanuatu National Language Council established under section 3.

member means the members of the Council appointed under section 4.

Minister means the Minister responsible for language services.

3 Establishment of the Vanuatu National Language Council

- (1) The Vanuatu National Language Council is established.
- (2) The Council:
 - (a) is a body corporate with perpetual succession; and
 - (b) is to have an official seal; and

(c) may sue and be sued in its corporate name.

4 Composition of the Council

(1) The Council consists of 12 members who are to be appointed by the Minister by Order.

(2) The following persons are to be members of the Council:

(a) a person nominated by the Vanuatu Institute of Education;

(b) a person nominated by the Division of Primary Education;

(c) a person nominated by the Language Services Department;

(d) a person nominated by the Malvatumauri Council of Chiefs;

(e) a person nominated by the Ombudsman's Office;

(f) a person nominated by the Vanuatu Cultural Centre;

(g) a person nominated by the Pacific Languages Unit of the University of the South Pacific;

(h) a person nominated by the Vanuatu Christian Council;

(i) a person nominated by the Media Asosiesen Blong Vanuatu;

(j) a person nominated by the Summer Institute of Linguistics;

(k) a person nominated by the Vanuatu National Council of Women;

(l) a person nominated by World Vision.

(3) The members referred to in subsection (2) are to be appointed for a period of 3 years and are eligible for reappointment.

5 Resignation and Removal of members

(1) A member may resign from the Council by giving 21 days notice in writing to the Minister.

(2) The Minister may remove a member under section 4 if the Minister is satisfied that the member:

- (a) has been absent from 3 consecutive meetings of the Council without the consent of the Chairperson; or
- (b) becomes bankrupt; or
- (c) is incapacitated by physical or mental illness; or
- (d) has been convicted by a court for an offence involving dishonesty; or
- (e) has performed unsatisfactorily or ineffectively for a significant period of time.

6 Chairperson and Deputy Chairperson

- (1) The Council must appoint from amongst the members a Chairperson and Deputy Chairperson.
- (2) The Chairperson and the Deputy Chairperson are to be appointed each year by the Council and may be reappointed.
- (3) The Deputy Chairperson may exercise all the powers of the Chairperson under this Act if the Chairperson is absent or otherwise unable to perform the functions of the Chairperson under this Act.

7 Chief Executive Officer of the Council

- (1) The Minister may with the prior approval of the Council, appoint a Chief Executive Officer who is to be an employee of the Council, upon such terms and conditions as may be determined by the Council.
- (2) The Chief Executive Officer is to be appointed for a period of not less than 3 years and may be reappointed.
- (3) An appointment made under this section must follow a fair and transparent selection process and must be based on merit.

8 Functions and Powers of the Chief Executive Officer

- (1) The Council may delegate all or any of its powers and functions to the Chief Executive Officer, as it considers necessary, for the day to day operation of the Council.
- (2) The Chief Executive Officer must attend all meetings of the Council and prepare the minutes of the meetings.

- (3) The Chief Executive Officer is the head of the staff of the National Language Council and is responsible to the National Language Council for the efficient carrying out of the functions of the Council.
- (4) Without limiting subsection (3), the Chief Executive Officer must:
 - (a) manage the activities of the Council in accordance with the policies and directions of the Council; and
 - (b) advise the Council on any matter concerning the Council referred to him or her by a member of the Council; and
 - (c) cause the proceedings of the Council meetings to be recorded; and
 - (d) manage the staff of the Council; and
 - (e) generally assist the Council in the performance of its functions; and
 - (f) carry out other functions conferred on him or her by this Act or delegated to him or her by the Council.

9 Disqualification or Removal of the Chief Executive Officer

- (1) A person is disqualified from being appointed as Chief Executive Officer if the person:
 - (a) is or becomes a member of Parliament, a local government council or a municipal council; or
 - (b) is or becomes a member of the National Council of Chiefs; or
 - (c) is convicted, or at any time in the previous 10 years has been convicted of any offence punishable by a term of imprisonment for 3 months or more; or
 - (d) is or becomes an undischarged bankrupt; or
 - (e) in the case of a person having professional qualifications - is disqualified or suspended from practising his or her profession on the grounds of professional misconduct.
- (2) The Chief Executive Officer may resign his position by giving written notice to the Minister and the Council.
- (3) The period of the notice specified in subsection 9(2) is:

- (a) where the Chief Executive Officer has been in continuous employment with the Council for not less than 3 years – not less than 3 months; or
- (b) where the Chief Executive Officer has been in continuous employment with the Council for less than 3 years – not less than 14 days.

10 Staff of the Council

The staff of the Council are to be appointed by the Council upon such terms and conditions as may be determined by the Council.

11 Functions of the Council

The Council has the following functions:

- (a) to advise the Minister on language issues and language policy;
- (b) to advise and assist the Ministry responsible for education to implement the use of vernacular languages in education;
- (c) to assist the office of the Ombudsman to report annually on the status of the use of languages and the observance of multilingualism;
- (d) to promote awareness and the increased use of standardized Bislama;
- (e) to provide advice to the media on the use of Bislama;
- (f) to establish national priorities and guidelines for research work on languages;
- (g) to coordinate funding by international agencies of language work in Vanuatu;
- (h) to promote the publication of literature in vernacular languages and Bislama;
- (i) to maintain a database of languages and language resources in Vanuatu;
- (j) such other functions as are conferred on the Council by or under this Act.

12 Powers of the Council

- (1) The Council has the power to do all things that are necessary or conducive to the carrying out of its functions under this Act.
- (2) Without limiting subsection (1), the Council may do all or any of the following-

- (a) enter into contracts relevant to the functions of the Council;
- (b) spend funds of the Council for the purpose of carrying out its objectives and functions;
- (c) employ other staff as are necessary for the Council to perform its functions having regard to the budget of the Council.

13 Meetings of the Council

- (1) The Council is to meet at least 4 times in a year.
- (2) The Chairperson or in his or her absence the Deputy Chairperson may call a meeting of the Council.
- (3) The Chairperson or in his or her absence, the Deputy Chairperson must preside in all meetings of the Council;
- (4) The quorum at a meeting of the Council is 7 members.
- (5) If a decision cannot be reached by consensus in a meeting, the matter is to be determined by a majority vote of the members who are present and voting.
- (6) If the vote is equal, the Chairperson presiding at the meeting has a casting vote.
- (7) The Council may invite any person to attend and participate in its meeting, however, the person cannot cast a vote in any meetings of the Council.

14 Funds of the Council

The funds of the Council are to consist of:

- (a) grants appropriated by Parliament; and
- (b) money received by the Council from any other source.

15 Annual report

The Council must submit an annual report of its activities for a particular year within 3 months after the end of that year to the Minister.

16 Regulations

The Minister may make regulations:

- (a) for or with respect to any matter that by this Act is required or

permitted to be prescribed; or

- (b) that is necessary or convenient to be prescribed for carrying out or giving effect to the Act.

17 Commencement

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