



REPUBLIC OF VANUATU

**CHARITABLE ASSOCIATIONS (INCORPORATION)
(AMENDMENT)
ACT NO. 8 OF 2015**

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REPUBLIC OF VANUATU

Assent: 04/08/2015
Commencement: 31/08/2015

CHARITABLE ASSOCIATIONS (INCORPORATION) (AMENDMENT) ACT NO. 8 OF 2015

An Act to amend the Charitable Association (Incorporation) Act [CAP 140].

Be it enacted by the President and Parliament as follows-

1 Amendments

The Charitable Association (Incorporation) Act [CAP 140] is amended as set out in the Schedule.

2 Commencement

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

SCHEDULE

AMENDMENTS OF CHARITABLE ASSOCIATION (INCORPORATION) ACT [CAP 140]

1 After section 8

Insert

“8A. Annual reports

- (1) A Committee must provide to the Registrar within 3 months after the anniversary of the incorporation of the Committee, a report on the operations of the Committee for the preceding year.
- (2) An Annual report under subsection (1) must be made to the Registrar in the prescribed form and must be accompanied by the prescribed annual report filing fee.
- (3) The Minister may by Regulation prescribe the form of an annual report and the amount of fee to be paid under subsection (2).
- (4) If a Committee fails to file an annual report required under subsection (2), the Registrar must at least 10 working days prior to the date that is 3 months after the anniversary of incorporation of the Committee, give notice to the Committee to comply with this section.
- (5) If a Committee fails to comply within 14 days after the expiry of a final notice issued by the Registrar under subsection (4), the Registrar is to appoint a Receiver for the purposes of rectifying all breach of the Committee or cancel the certificate of incorporation dissolving the Charitable Association and disposing of the assets according to the Constitution of the Committee.”
- (6) The Registrar may issue a fine to a Committee for failing to comply with a notice issued under subsection (4) and (5).
- (7) The Minister may by Regulation, prescribe the amount of fine to be paid under subsection (6).

- (8) For the purposes of this section **anniversary** means the annual recurrence of the date on which a Committee was registered in a previous year.”

2 After Section 15

Insert

“15A. Powers of the Registrar to inspect

- (1) The Registrar may, by notice in writing, require a person to do all or any of the following:
- (a) produce for inspection, any documents or records that the Registrar considers necessary or relevant to an investigation or audit under this Act;
 - (b) make copies of or extracts from any such documents or records;
 - (c) appear before the Registrar and answer all questions concerning:
 - (i) any matter that is the subject of an investigation; or
 - (ii) the documents or records that are relevant to an investigation.
- (2) For the purposes of this section, **a person** includes:
- (a) an officer employed in or in connection with any Government Department, Statutory Corporation, Statutory Entity, Constitutional Entity or Provincial Government Council; or
 - (b) an officer employed in or in connection with any financial institution or insurance company; or
 - (c) a Committee member; or
 - (d) any person that the Registrar considers to be in a position to assist him or her in the investigation.

- (3) A person who fails or refuses to comply with a requirement of the Registrar under this section, commits an offence punishable on conviction, to a fine not exceeding VT1,000,000.

15B. Offence and penalty

- (1) A Committee that contravenes any provisions of this Act commits an offence punishable on conviction by a fine not exceeding VT1,000,000.
- (2) Upon conviction under subsection (1), the Registrar is to cancel the certificate of Incorporation of the Committee under paragraph 10(1)(f) of the Act and is to dispose of the assets of the Committee according to the Constitution of the Committee.
- (3) In addition to subsection (2), if an asset is determined to be the proceed of crime under the Proceeds of Crimes Act [CAP 284], the Registrar is to produce a report on the asset and revert the same to the Attorney General to apply for forfeiture orders under that Act.”