



**REPUBLIC OF VANUATU**

**MALVATUMAURI COUNCIL OF CHIEFS  
(AMENDMENT)  
ACT NO. 30 OF 2019**

**Arrangement of Sections**

<b>1</b>	<b>Amendment .....</b>	<b>2</b>
<b>2</b>	<b>Commencement.....</b>	<b>2</b>

# REPUBLIC OF VANUATU

**Assent:** 23/12/2019  
**Commencement:** 25/06/2020

## MALVATUMAURI COUNCIL OF CHIEFS (AMENDMENT) ACT NO. 30 OF 2019

An Act to amend the Malvatumauri Council of Chiefs Act No. 23 of 2006.

Be it enacted by the President and Parliament as follows-

### **1 Amendment**

The Malvatumauri Council of Chiefs Act No. 23 of 2006 is amended as set out in the Schedule.

### **2 Commencement**

- (1) Subject to subsection (2), this Act commences on the day on which it is published in the Gazette.
- (2) Item 10 commences on a date to be prescribed by the Minister by Order.

## SCHEDULE

### AMENDMENTS OF MALVATUMAURI COUNCIL OF CHIEFS ACT NO. 23 OF 2006

#### 1 Section 1 (Definition of “Custom chief”)

Repeal the definition, substitute

“**custom chief** means a person who is recognized by the custom governance structure or the custom practices of each custom area, to hold the position of a chief;”

#### 2 Section 1

Insert in their correct alphabetical positions:

“**Area Council of Chiefs** means the Area Council of Chiefs established under section 14B;

**custom area** means an island or part of an island:

- (a) that has the same language or the same custom; and
- (b) that has been approved by the Island Council of Chiefs as a custom area;

**Island Council of Chiefs** means the Island Council of Chiefs established under section 11;

**nakamal** has the same meaning as in the Custom Land Management Act No. 33 of 2013;

**Urban Council of Chiefs** means the Urban Council of Chiefs established under section 11;”

#### 3 Subsection 2(2)

After “Island Council of Chiefs”, insert “, the Area Council of Chiefs”

#### 4 Paragraphs 3(2)(b),(c),(d) and (e)

After “Island Council of Chiefs”, insert “, an Area Council of Chiefs”

#### 5 Subsection 7(3)

Delete “16”, substitute “20”

#### 6 Paragraph 10(1)(a)

Delete “VT5,000”, substitute “VT7,500”

**7 Paragraph 10(1)(c)**

Delete "VT30,000", substitute "VT103,468"

**8 After section 14**

Insert

**"14A Island Council of Chiefs and Urban Council of Chiefs sitting allowance**

The Minister may, by Order, prescribe sitting allowances for meetings of the Island Council of Chiefs and the Urban Council of Chiefs."

**9 After Part 3**

Insert

**"PART 3A AREA COUNCIL OF CHIEFS**

**14B Establishment of Area Council of Chiefs**

An Area Council of Chiefs is established within each custom area.

**14C Composition of an Area Council of Chiefs**

- (1) An Area Council of Chiefs consists of the custom chiefs nominated by each nakamal and any other custom governance structure recognised by the rules of custom located within the relevant custom area.
- (2) A meeting held and any decision made for the purposes of nominating a member under subsection (1), must be held and made in accordance with the accepted rules of custom of that nakamal or other custom governance structure.

**14D Functions of an Area Council of Chiefs**

The functions of an Area Council of Chiefs are:

- (a) to resolve disputes according to the custom of the relevant custom area; and
- (b) to prescribe the value of exchange of gifts for a custom marriage in the relevant custom area; and
- (c) to promote and encourage the use of custom and culture in the relevant custom area; and
- (d) to promote peace, stability and harmony in the relevant custom area; and

SCHEDULE

AMENDMENTS OF MALVATUMAURI COUNCIL OF CHIEFS ACT NO. 23 OF 2006

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- (e) to promote and encourage sustainable social and economic development in the relevant custom area; and
- (f) to undertake such other functions as are conferred on it under this Act or any other Act.

**14E Powers of an Area Council of Chief**

An Area Council of Chiefs has the power to do all things that are necessary or convenient to be done for or in connection with the performance of their functions.

**14F Area Council of Chiefs sitting allowance**

The Minister may, by Order, prescribe sitting allowances for meetings of an Area Council of Chiefs.”

**10 Schedule**

Repeal the Schedule, substitute

“SCHEDULE

<b>Island Council of Chiefs</b>	<b>Urban Council of Chiefs</b>	<b>Representative to the Council</b>
Torres/Ureparapara		2
Gaua/ Merig/ Merelava		2
Vanualava/Mota/Motalava		2
Santo		3
Malo		1
Ambae		2
Maewo		2
Pentecost		3
Ambrym		2
Malekula		3
Paama		1
Epi		2
Tongoa/Tongoariki/Buniga		2
Emae/Mataso/Makira		1
Efate		3
Erromango		2
Futuna		1
Aniwa		1

SCHEDULE

AMENDMENTS OF MALVATUMAURI COUNCIL OF CHIEFS ACT NO. 23 OF 2006

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Tanna		3
Aneityum		1
	Luganville	1
	Port Vila	1

”

**11 Transitional – member of an Area Council of Chiefs**

A custom chief nominated as a member of an Area Council of Chiefs before the commencement of this Act is to continue as member of that Area Council of Chiefs as if he or she was nominated under section 14C.