REPUBLIC OF VANUATU

BILL FOR THE STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. OF 2026

Explanatory Note

This Bill provides for amendments to the following Acts:

(a) Decentralization Act [CAP 230];

(b) Foreign Investment Act No. 25 of 2019;

(c) Leaders (President, Prime Minister and Chairman of the National Council of Chiefs) Entitlements Act [CAP 259];

(d) Liquor Licensing Act [CAP 52];

(e) Nurses Act [CAP 262];

(f) Oaths Act [CAP 37];

(g) Office of the Attorney General Act [CAP 242];

(h) Ports Act [CAP 26];

(i) Public Finance and Economic Management Act [CAP 244];

(j) Right to Information Act No. 13 of 2016.

Item 1 amends the **Decentralization Act [CAP 230].**

This amendment increases the provincial borrowing limit from VT100,000,000 to VT500,000,000 , which removes an outdated financial bottleneck, and gives the Provincial Government Councils the fiscal capacity to fund large-scale, revenue-generating investments and capital infrastructure. This structural shift empowers Provincial Government Councils to drive development and achieve long-term financial self-reliance and to fulfil the mandate of the Provincial Government Councils to their constituents.

Item 2 amends the **Foreign Investment Act No. 25 of 2019.**

The Vanuatu Investment Board comprises ex-officio members and representatives from the Chamber of Commerce, associations and the Minister.

This amendment is to clarify that the representative of the Minister under paragraph 4(2)(k) is to be appointed by the Minister by Order, and that the Order is to be published in the Gazette.

Item 3 amends the **Leaders (President, Prime Minister and Chairman of the National Council of Chiefs) Entitlements Act [CAP 259].**

The Act currently provides that if a former leader dies, a bereavement payment and a former leader's allowance will be paid to the former leader's widow or widower. This amendment removes the bereavement payment and the former leader's allowance payable to a former leader's widow or widower.

Item 4 amends the **Liquor Licensing Act [CAP 52].**

This amendment defines "nightclub" as a soundproof building or structure primarily used for musical entertainment for listening or dancing, where food and alcoholic beverages may also be sold and consumed. The requirement for soundproofing is intended to reduce noise and annoyance to nearby residents.

Item 5 amends the **Nurses Act [CAP 262].**

The Act currently provides that the funds of the Council consist of fees, charges and money received from any other source. This creates financial difficulties for the Council to receive funds such as donor grants to assist the Council in carrying out its functions.

This amendment expressly allows the Council's funds to include money appropriated to it by Parliament.

Item 6 amends the **Oaths Act [CAP 37].**

The Act currently provides that a person declared by the Electoral Commission as a member of Parliament must take an oath of allegiance. This requirement also applies to a candidate declared elected in a by-election. The amendment clarifies its application to a candidate declared elected to fill a vacant seat under the Electoral Act No. 16 of 2023.

A candidate declared elected to fill a vacant seat will therefore also be required to take the oath of allegiance.

Item 7 amends the **Office of the Attorney General Act [CAP 242].**

It is a principal function of the Office of the Attorney General to represent the State and Government on legal matters. The State is defined to include members of the Parliamentary Standing Committees.

In considering the functions of Parliamentary Committees to examine bills and legislative proposals or policies and government expenditures, audits and financial accounts, this amendment is necessary for the Office of the Attorney General to be able to properly represent the Government and to avoid any conflict that may arise if Parliamentary Standing Committees remain clients of the Office of the Attorney General.

Item 8 amends the **Ports Act [CAP 26].**

This amendment replaces section 13 to make it an offence if a master of a vessel takes a harbourmaster, port officer or pilot out to sea or beyond the limit of Vanuatu without the person's consent.

This is to ensure that consent must be given before taking a harbourmaster, port officer or pilot out to sea or beyond the limit of Vanuatu, except in circumstances of unavoidable necessity. The master must also pay the salary, subsistence allowance and passage money of a harbourmaster, port officer or pilot taken without consent.

Item 9 amends the **Public Finance and Economic Management Act [CAP 244].**

This amendment extends the standing appropriation framework to a national cyber emergency declared under the Cybersecurity Act No. of 2026, a casualty under the Shipping Act [CAP 53], or an accident under the Civil Aviation Act [CAP 258]. It enables the Council of Ministers to use that framework, subject to the existing statutory conditions, where there is no appropriation or an insufficient appropriation and an Appropriation Act cannot be passed in time to alleviate the effects of the emergency, casualty or accident.

Item 10 amends the **Right to Information Act No. 13 of 2016.**

The Act currently provides that all decisions of the Council of Ministers are exempted from disclosure and must be kept secret.

This amendment creates an exception allowing the Council of Ministers, if it considers it necessary, to disclose any of its decisions in whole or in part.

Prime Minister



REPUBLIC OF VANUATU

BILL FOR THE STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. OF 2026

Arrangement of Sections

1 Amendment 2

2 Repeal of the Act 2

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REPUBLIC OF VANUATU

BILL FOR THE STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. OF 2026

An Act to provide for amendments to certain Acts.

Be it enacted by the President and Parliament as follows-

1 Amendment

The following Acts are amended as set out in the Schedule:

(a) Decentralization Act [CAP 230];

(b) Foreign Investment Act No. 25 of 2019;

(c) Leaders (President, Prime Minister and Chairman of the National Council of Chiefs) Entitlements Act [CAP 259];

(d) Liquor Licensing Act [CAP 52];

(e) Nurses Act [CAP 262];

(f) Oaths Act [CAP 37];

(g) Office of the Attorney General Act [CAP 242];

(h) Ports Act [CAP 26];

(i) Public Finance and Economic Management Act [CAP 244];

(j) Right to Information Act No. 13 of 2016.

2 Repeal of the Act

(1) This Act is repealed on the day following the day on which all provisions of this Act have commenced.

(2) The repeal of this Act does not, because of the operation of section 11 of the Interpretation Act [CAP 132], affect any amendments made by this Act.

3 Commencement

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

SCHEDULE

MINOR AMENDMENTS

1 DECENTRALIZATION ACT [CAP 230]

Subsection 27E(1)

Delete "VT100,000,000(one hundred million)", substitute "VT500,000,000"

2 FOREIGN INVESTMENT ACT NO. 25 OF 2019

Subsection 4(3)

Delete "and (g)", substitute ",(g) and (k)"

3 LEADERS (PRESIDENT, PRIME MINISTER AND CHAIRMAN OF THE NATIONAL COUNCIL OF CHIEFS) ENTITLEMENTS ACT [CAP 259]

(a) Section 1 (Definitions of "bereavement payment", "widow or widower", "widow" and "widower")

Repeal the definitions.

(b) Section 3

Repeal the section.

(c) Subparagraph 4(1)(b)(ii)

Repeal the subparagraph.

(d) Subsection 4(1)

Delete ", or the person's widow, as the case requires"

(e) Subsection 4(3)

After "he", insert "or she"

(f) Section 5

Repeal the section.

(g) Subsection 5A(1)

Delete "or the leader's widow or widower"

4 LIQUOR LICENSING ACT [CAP 52]

Section 1

Insert in its correct alphabetical position:

"nightclub means a soundproof building or structure whose primary function is to provide musical entertainment for listening or dancing and includes the sale and consumption of food and alcoholic beverages on the premises;"

5 NURSES ACT [CAP 262]

After paragraph 33(1)(a)

Insert

"(aa) money appropriated to the Council by Parliament; and"

6 OATHS ACT [CAP 37]

Subsection 5(2A)

After "by-election", insert "or the filling of a vacant seat as declared under the Electoral Act No. 16 of 2023"

7 OFFICE OF THE ATTORNEY GENERAL ACT [CAP 242]

Section 2 (Definition of "State")

Delete ", staff of the Parliamentary service and Members of the Parliamentary Standing Committees", substitute "and staff of the Parliamentary service"

8 PORTS ACT [CAP 26]

Section 13

Repeal the section, substitute

"13 Taking of harbourmaster, port officer or pilot out to sea without consent

(1) A master of a vessel commits an offence if he or she takes a harbourmaster, port officer or pilot out to sea or beyond the limit of Vanuatu, without the consent of the harbourmaster, port officer or pilot.

(2) A master of a vessel who commits an offence under subsection (1) is liable to pay the salary, subsistence allowance and passage money of the harbourmaster, port officer or pilot.

(3) Despite subsection (1), the master of a vessel may take a harbourmaster, port officer or pilot out to sea or beyond the limit of Vanuatu in circumstances of unavoidable necessity."

9 PUBLIC FINANCE AND ECONOMIC MANAGEMENT ACT [CAP 244]

Section 2 (Definition of 'financial emergency')

After paragraph (c), insert

""(d) a situation where a national cyber emergency has been declared under subsection 15(1) of the Cybersecurity Act No. of 2026; or

(e) a situation where a casualty under the Shipping Act [CAP 53] has occurred; or

(f) a situation where an accident under the Civil Aviation Act [CAP 258] has occurred; "

10 RIGHT TO INFORMATION ACT NO. 13 OF 2016

After subsection 40A(1)

Insert

"(1A) Despite subsection (1), the Council of Ministers may, if it considers it necessary, disclose any of its decisions, in whole or in part."