REPUBLIC OF VANUATU

CONSOLIDATION OF THE FRENCH AND ENGLISH TEXTS OF THE LAWS OF VANUATU ACT [CAP 295]

Approval of the English Text of the Parliamentary Services Consolidation Edition 2022 Order No. 151 of 2022

In exercise of the powers conferred on me by subsection 9(1) of the Consolidation of the French and English Texts of the Laws of Vanuatu Act [CAP 295], I, the Honourable ESMON SIMON, Minister of Justice and Community Services, make the following Order:

1 Approval of the English Text of the Parliamentary Services Consolidation Edition 2022

The English Text of the Parliamentary Services Consolidation Edition 2022 is approved.

2 Appointed day

The appointed day for the coming into operation of the Parliamentary Services Consolidation Edition 2022 is the day on which this Order is made.

3 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 21 **day of** September**, 2022.**

REPUBLIC OF VANUATU Ministry of Justice & Community Service MINISTER

Honourable ESMON ESAI SIMON
Minister of Justice and Community Services

Commencement: 27 March 2006

CHAPTER 306

PARLIAMENTARY SERVICES

Act 18 of 2005
Act 16 of 2016
Act 21 of 2021

ARRANGEMENT OF SECTIONS

PART 1 – PRELIMINARY MATTERS
1. Interpretation
2. Guiding Principles of the Parliamentary Service and the Parliamentary Management Board

PART 2 – OFFICE OF THE SPEAKER
3. Staff of the Office of the Speaker

PART 2A – OFFICE OF THE LEADER OF OPPOSITION
4. Leader of Opposition
5. Functions of the Leader of Opposition
6. Deputy Leader of Opposition
7. Functions of the Deputy Leader of Opposition
8. Staff of the Office of the Leader of Opposition

PART 2B – OTHER PARLIAMENTARY ROLES
8A. Leader of Government Business
8B. Government Whip
8C. Opposition Whip
8D. Representation of Parliament at national, regional and international organisations

PART 3 – PARLIAMENTARY MANAGEMENT BOARD
Division 1 – Establishment, functions and powers
9. Establishment of the Board
10. Functions of the Board
11. Powers of the Board

Division 2 – Membership of board and meetings
12. Composition of the Board
13. Meetings of the Board
14. Secretary of the Board

PART 4 – ADMINISTRATIVE STAFF
15. Clerk
15A. Exercise of the Clerk's functions and powers
16. Assistant Clerks
17. Other staff
18. Resignation and removal of the Assistant Clerks and other staff
19. Appointments on merit
20. *(Repealed)*
21. Staff manual and instructions

PART 5 – FINANCIAL MATTERS AND MISCELLANEOUS
22. Preparation of the estimate for the operation of Parliament
23. Annual reports by Ministers
24. Transitional arrangements

PARLIAMENTARY SERVICES

An Act to make provision for certain matters relating to the administration of Parliament.

PART 1 – PRELIMINARY MATTERS

1. Interpretation

In this Act, unless the contrary intention appears:

"Board" means the Parliamentary Management Board established under section 9;

"Clerk" means the Clerk of Parliament appointed under section 15;

"Parliamentary Service" means the administrative services provided to Parliament by the Clerk, the Assistant Clerks and other staff of Parliament;

"President" means His Excellency the President of the Republic of Vanuatu;

"Speaker" means the Speaker of Parliament.

2. Guiding Principles of the Parliamentary Service and the Parliamentary Management Board

The guiding principles of the Parliamentary Service and the Parliamentary Management Board are to:

(a) be independent and perform their functions in an impartial and professional manner;

(b) make employment decisions based on merit;

(c) provide a workplace that is free from discrimination and recognises the diverse background of employees;

(d) have the highest ethical standards;

(e) be accountable for their actions;

(f) be responsive to Parliament in providing timely advice and implementing Parliament's polices and programs;

(g) deliver services fairly, effectively, impartially and courteously to Parliament;

(h) provide leadership of the highest quality;

(i) establish co-operative workplace relations based on consultation and communication;

(j) focus on achieving results and managing performance;

(k) observe the law; and

(l) ensure transparency in the performance of their functions.

PART 2 – OFFICE OF THE SPEAKER

3. Staff of the Office of the Speaker

(1) The staff of the Office of the Speaker are to be appointed by the Speaker under a contract of employment.

(2) The terms and conditions of employment of the staff of the Office of the Speaker are to be determined under the Official Salaries Act [CAP 168].

(3) To avoid doubt, the Board does not deal with employment matters relating to the staff of the Office of the Speaker.

PART 2A – OFFICE OF THE LEADER OF OPPOSITION

4. Leader of Opposition

(1) The Leader of Opposition is to be nominated by members of Parliament forming the Opposition group in Parliament.

(2) The terms and conditions of employment of the Leader of Opposition are to be determined under the Official Salaries Act [CAP 168].

5. Functions of the Leader of Opposition

The Leader of Opposition has the following functions:

(a) to be the spokesperson for the Opposition group; and

(b) to lead the Opposition in parliamentary and policy debate; and

(c) to hold the Government accountable on matters perceived to not be of national interest; and

(d) to chair meetings of the Opposition group; and

(e) such other functions as may conferred on him or her by this Act or any other Act.

6. Deputy Leader of Opposition

(1) The Deputy Leader of Opposition is to be nominated by members of Parliament forming the Opposition group in Parliament.

(2) The terms and conditions of employment of the Deputy Leader of Opposition are to be determined under the Official Salaries Act [CAP 168].

7. Functions of the Deputy Leader of Opposition

The Deputy Leader of Opposition has the following functions:

(a) to assist the Leader of Opposition to develop and present policies for the Opposition group; and

(b) to assist the Leader of Opposition to manage the Opposition group; and

(c) to act as the Leader of Opposition when the Leader of Opposition is absent from Vanuatu or is for any reason unable to perform his or her functions.

8. Staff of the Office of the Leader of Opposition

(1) The staff of the Office of the Leader of Opposition are to be appointed by the Leader of Opposition under a contract of employment.

(2) The terms and conditions of employment of the staff of the Office of the Leader of Opposition are to be determined under the Official Salaries Act [CAP 168].

(3) To avoid doubt, the Board does not deal with employment matters relating to the staff of the Office of the Leader of Opposition.

PART 2B – OTHER PARLIAMENTARY ROLES

8A. Leader of Government Business

(1) The Speaker is to appoint the Leader of Government Business on the recommendation of the Prime Minister.

(2) The Leader of Government Business is responsible for managing and leading the Government's affairs in Parliament.

(3) The terms and conditions of employment of the Leader of Government Business are to be determined under the Official Salaries Act [CAP 168].

8B. Government Whip

(1) The Speaker is to appoint the Government Whip on the recommendation of the Prime Minister.

(2) The Government Whip is responsible for ensuring that the members of Parliament on the Government side are present at Parliament sittings.

(3) The terms and conditions of employment of the Government Whip are to be determined under the Official Salaries Act [CAP 168].

8C. Opposition Whip

(1) The Speaker is to appoint the Opposition Whip on the recommendation of the Leader of Opposition.

(2) The Opposition Whip is responsible for ensuring that the members of Parliament on the Opposition side are present at Parliament sittings.

(3) The terms and conditions of employment of the Opposition Whip are to be determined under the Official Salaries Act [CAP 168].

8D. Representation of Parliament at national, regional and international organisations

The Speaker is to appoint a member of Parliament to represent Parliament at a national, regional or international organisation.

PART 3 – PARLIAMENTARY MANAGEMENT BOARD

Division 1 – Establishment, Functions and Powers

9. Establishment of the Board

The Parliamentary Management Board is established.

10. Functions of the Board

The Board has the following functions:

(a) to oversee the efficient and effective management of Parliament;

(b) to determine the terms and conditions of appointment (including dismissal and suspension) of the Clerk, the Assistant Clerks and the other staff of Parliament;

(c) to oversee the management and operation of the Standing Committees and the Ad hoc Committees of Parliament;

(d) such other functions as are conferred on the Board by or under this Act.

11. Powers of the Board

The Board has power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.

Division 2 – Membership of Board and Meetings

12. Composition of the Board

(1) The board consists of 4 members.

(2) The members are:

(a) the Speaker of Parliament ; and

(b) the Prime Minister; and

(c) the Leader of Opposition; and

(d) the Parliamentary Counsel.

13. Meetings of the Board

(1) The Board may hold such meetings as are necessary for the proper performance of its functions.

(2) The Speaker is to Chair all the meetings of the Board. If the Speaker is absent the First Deputy Speaker will chair the meeting or in his or her absence the Second Deputy Speaker will chair the meeting.

(3) At a meeting of the Board a quorum consists of the Chairman and two other members present at that meeting. The Board may meet despite any vacancies in its membership so long as a quorum is present.

(4) If a member referred to in section 12(2)(b), (c) and (d) is absent, he or she may nominate a representative to represent him or her at the Board meeting.

(5) Each member present at a meeting has one vote and questions arising at a meeting are to be decided by a majority of votes.

(6) Subject to this Act, the Board may determine and regulate its own procedures.

14. Secretary of the Board

(1) The Clerk is to be the Secretary of the Board.

(2) If at a meeting of the Board, the Board deliberates on the performance of the Clerk or a matter affecting the Clerk, the Speaker is to nominate a senior officer of the administrative section of Parliament to be the Secretary of the Board at that meeting.

PART 4 – ADMINISTRATIVE STAFF

15. Clerk

(1) The Clerk is appointed by the President on the advice of the Board.

(2) The Clerk has the following functions:

(a) to perform all duties in the service of Parliament as are assigned to him or her by Parliament, the Board or by the office of the Speaker;

(b) to be responsible for the day to day administration of Parliament in accordance with the policies and direction of the Board and the provisions of this Act;

(c) to be responsible for keeping all records, Gazettes, books, Bills and any other documents laid before Parliament which are to be open for inspection by Members of Parliament at all reasonable times;

(d) to supervise the general administration of Parliament including allocating work to the Assistant Clerks and other staff of Parliament;

(e) such other functions as are conferred on the Clerk by the Standing Orders of Parliament or by or under this Act.

(3) No person is to be appointed to the position of Clerk unless he or she:

(a) has a law degree from a recognized institution or has 10 years or more work experience in Parliamentary Procedures and Practices; and

(b) has 5 years experience in administration; and

(c) is fluent in both the English and French language.

(4) A person is disqualified for appointment as Clerk if the person is:

(a) a member of Parliament or a candidate for election to Parliament;

(b) a member of a local government council or a municipal council or a candidate for election to a local government council or municipal council;

(c) a member of the National Council of Chiefs or a candidate for election to the National Council of Chiefs;

(d) a person who exercises a position of responsibility in a political party.

(5) The Clerk is appointed for a period not exceeding 5 years. However, a person may be reappointed to this position only once for a further period not exceeding 5 years.

(6) The Board may advise the President to suspend or remove the Clerk:

(a) for serious misconduct; or

(b) on account of physical or mental incapacity to carry out his or her duties of office efficiently; or

(c) for incompetence; or

(d) for bankruptcy; or

(e) for neglect of duty.

(7) The Clerk may resign in writing at any time by giving the Board the relevant notice as required under the Employment Act [Cap. 160].

15A. Exercise of the Clerk's functions and powers

The Board may appoint an Assistant Clerk to exercise the functions and powers of the Clerk if:

(a) the office of the Clerk is vacant; or

(b) the Clerk is unable to perform his or her functions and powers due to absence or illness.

16. Assistant Clerks

(1) There are to be 4 Assistant Clerks who are to be appointed by the Board.

(2) The Assistant Clerks have such duties and responsibilities as are assigned to them by the Clerk.

17. Other staff

(1) The other administrative staff of Parliament are to be appointed by the Board.

(2) The Board must conduct the selection process for staff in accordance with requirements under section 19.

(3) To avoid doubt, "other staff" in this section does not include staff of the Office of the Speaker.

18. Resignation and removal of the Assistant Clerks and other staff

(1) The Assistant Clerks and other staff of Parliament may resign at any time by giving the Board the relevant notice as is required under the Employment Act [Cap. 160].

(2) The Board may remove an Assistant Clerk or any other staff of Parliament on the following grounds:

(a) for serious misconduct; or

(b) on account of physical or mental incapacity to carry out his or her duties of office efficiently; or

(c) for incompetence; or

(d) for neglect of duty.

19. Appointments on merit

(1) Subject to subsection (3), all appointments under sections 15, 16 and 17 must be made on merit following a fair and transparent selection process.

(2) All vacancies must be advertised in such a way that informs and seeks applications from people throughout Vanuatu.

(3) In making an appointment, the Board must have regard to the person's qualifications, experience and suitability for the position concerned.

20. *(Repealed)*

21. Staff manual and instructions

(1) Subject to the provisions of this Act and any regulations prescribed, the Board may from time to time publish a staff manual to provide for:

(a) eligibility for appointment to the Parliament;

(b) procedure for such appointment (including probationary appointments and periods);

(c) salaries, allowances and payments in respect of overtime;

(d) mileage allowance and use of vehicles for official purposes;

(e) subsistence, posting and traveling allowances;

(f) travel allowances beyond Vanuatu;

(g) housing benefits;

(h) general conduct;

(i) discipline;

(j) leave entitlements;

(k) medical entitlements;

(l) training and courses;

(m) cessation of service;

(n) superannuation;

(o) employment of contract employees.

(2) Subject to the provisions of this Act, the Board may from time to time issue instructions relating to any matter in this Act and the staff manual and every instruction if lawfully made shall be complied with by every employee.

PART 5 – FINANCIAL MATTERS AND MISCELLANEOUS

22. Preparation of the estimate for the operation of Parliament

(1) Prior to each fiscal year, the Board must direct the Clerk of Parliament to prepare an estimate of the sums that Parliament will be required to provide for the payment of the expenses of Parliament and its Members during the fiscal year.

(2) The Clerk must prepare the estimate for Parliament within the ceiling established for Parliament for the fiscal year by the Council of Ministers.

23. Annual reports by Ministers

(1) Each Minister must prepare an annual report to Parliament to provide information required by subsections (4) and (5).

(2) A Minister must present the annual report to the Clerk no later than March 31 of the subsequent year.

(3) The Clerk shall, within two weeks of receipt of an annual report, transmit it to the appropriate standing committee of Parliament.

(4) The annual report is to cover the calendar year and is to include the following:

(a) a review of the operations of the Ministry;

(b) the major achievements;

(c) the principal challenges faced during the year;

(d) the prospects for the next three years.

(5) The annual financial report required by section 20(1)(h) of the Public Service Act [Cap. 246] shall be annexed to the Minister's annual report.

24. Transitional arrangements

(1) This section applies to any person who was employed at the Parliament either on a permanent, contractual or daily rated basis, immediately before the commencement of this Act.

(2) On and after that commencement, the person is to continue to be employed at the Parliament as an employee of the Board:

(a) on the same terms and conditions; and

(b) in the same position and/or with the same classification,

until such time as the person's employment lawfully ceases or the person's employment terms and conditions, position or classification lawfully changes.

(3) To avoid doubt, the person who occupied the position of Clerk before the commencement of this Act, is to continue to be employed at Parliament as an employee of the Board for a period of 5 years commencing from the date this Act comes into force.

(4) The transfer of the employment of a person under this section is a transfer from being employed by the Public Service Commission to being employed by the Board. The transfer is deemed to be a termination of the person's employment by the Public Service Commission.

(5) To avoid doubt, the person is to be paid any severance or redundancy payments or other entitlements to which the person is entitled under the Public Service Act [Cap. 246] or any other Act as a result of the termination.

Table of Amendments (since the Revised Edition 2006)

Title of Act	*Amended by Act 21 of 2021*
Part 2	*Substituted by Act 21 of 2021*
Part 2A and 2B	*Inserted by Act 21 of 2021*
15(3)(a)	*Amended by Act 6 of 2016*
15A	*Inserted by Act 16 of 2016*
20	*Repealed by Act 21 of 2021*