

REPUBLIC OF VANUATU
BILL FOR THE
PUBLIC SERVICE ACT (AMENDMENT)
ACT NO. OF 2026

Explanatory Note

This Bill amends the Public Service Act [CAP 246] (“the Act”).

The amendments to the Act will ensure that there is a fair, transparent, merit-based system for appointing the Chairperson and members of the Public Service Commission. This amendment builds on the proposed Constitutional amendment by introducing clear qualification criteria, strengthening recruitment processes, and ensuring that appointments are made openly, competitively, and in full alignment with constitutional principles. Just as importantly, they establish firm and enforceable grounds for removal, reinforcing accountability and protecting the integrity of the Commission.

These reforms are designed to restore and strengthen public confidence in the Public Service Commission. The amendments will ensure that appointments are based on merit, not discretion, and that the Commission is equipped to uphold the highest standards of professionalism while supporting the effective and accountable delivery of Government priorities.

This Bill will provide for the following amendments:

- Criteria for the qualification of appointments as members.
- Criteria for the disqualification of appointments as members.
- The President to remove member of the Commission on the recommendation of the Minister.
- Additional grounds a member may be removed as a member of the Commission.
- The Commission must comply with a transfer made by the Prime Minister under subarticle 58(2) of the Constitution.

Prime Minister



REPUBLIC OF VANUATU

BILL FOR THE PUBLIC SERVICE (AMENDMENT) ACT NO. OF 2026

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REPUBLIC OF VANUATU

BILL FOR THE PUBLIC SERVICE (AMENDMENT) ACT NO. OF 2026

An Act to amend the Public Service Act [CAP 246].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Public Service Act [CAP 246] 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 PUBLIC SERVICE ACT [CAP 246]

1 After section 7A

Insert

“7B Qualification of appointments as members

A person appointed as a member must:

- (a) have a degree or higher qualification in public administration, governance, human resource, law or finance from a recognised tertiary institution; and
- (b) have at least 5 years’ experience in a senior management position in an organisation with similar functions as the Commission; and
- (c) have public confidence and good standing in the community and is of good character.”

7C Disqualification of appointment as members

A person is disqualified from his or her appointment as a member if he or she:

- (a) is a member of Parliament; or
- (b) is a member of the Malvatumauri Council of Chiefs; or
- (c) is a member of a Provincial Government Council; or
- (d) is a member a Municipal Council; or
- (e) has been convicted of an offence and sentenced to a term of imprisonment of 12 months or more, whether or not it is a suspended sentence; or
- (f) holds an executive position within a political party; or
- (g) is a public servant; or

(h) has not met the requirements under section 7B.””

2 Section 9

Repeal the section.

3 Subsection 9B(2)

Delete “after consultation with the Minister may”, substitute “on the recommendation of the Minister is to”

4 Paragraph 9B(2)(d)

Repeal the paragraph, substitute

“(d) is convicted of an offence and sentenced to a term of imprisonment
, whether or not it is a suspended sentence; or”

5 Paragraph 9B(2)(e)

Delete “.”, substitute “; or

(f) commits a serious misconduct; or

(g) is suspended from his or her profession; or

(h) fails to comply with a policy or lawful direction of the Council of Ministers; or

(i) becomes a member of Parliament, a Provincial Government Council or a Municipal Council.”

6 Subsection 8(4)

Repeal the subsection.

7 After section 15

Insert

“16 Implementation of transfer of senior public servants

The Commission must ensure that a senior public servant is transferred to the relevant public office in compliance with a transfer made by the Prime Minister under subarticle 58(2) of the Constitution.”

SCHEDULE
AMENDMENTS OF PUBLIC SERVICE ACT [CAP 246]
