

REPUBLIC OF VANUATU

BILL FOR THE POLICE (AMENDMENT) ACT NO. OF 2020

Explanatory Note

This amendment amends the Police Act [CAP 105].

The current Act provides that the members of the Police Service Commission (“the Commission”) are nominated by different offices such as the Prime Minister, the Minister responsible for Police, the Chief Justice, the Minister of Justice, the Chairperson of the Public Service Commission and the Chairperson of the Malvatumauri Council of Chiefs.

Government has identified that these institutions responsible for nominating members of the Commission are nominating members based on their own preferences, not necessarily in the calibre required to deliberate and make decisions on Vanuatu Police Force issues.

As the Vanuatu Police Force issues are quite sensitive and complex, this amendment provides that at least 3 members of the Commission nominated by the Minister must be retired members of the Force as they would have the vast experience and understanding on these issues and are in a better position to deal with them.

Furthermore, this amendment also provides that persons nominated as members of the Commission must not have any past criminal records. This is to add to the value of the decisions and work of the Commission.

Deputy Prime Minister and Minister of Internal Affairs



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Arrangement of Sections

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BILL FOR THE POLICE (AMENDMENT) ACT NO. OF 2020

An Act to amend the Police Act [CAP 105].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Police Act [CAP 105] 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 THE POLICE ACT [CAP 105]

1 Subsections 9(2) and (3)

Repeal the subsections, substitute

- “(2) The Commission consists of 6 members nominated by the Minister and appointed in writing by the President for 4 years.
- (3) In making a nomination under subsection (2), the Minister must ensure that he or she nominates at least 3 persons who are retired members of the Force.
- (3A) Any person nominated under subsection (2) must not have a past criminal record.
- (3B) For the purposes of subsections (3), **retired members of the Force** means persons who have ceased employment with the Force by retirement and not on any other grounds.”