

REPUBLIC OF VANUATU
BILL FOR THE
OMBUDSMAN
(AMENDMENT) ACT NO. OF 2021

Explanatory Note

This Bill amends the Ombudsman Act [CAP 252] (“the Act”).

In 2019, the Act was amended to address the Ombudsman’s independency from the Public Service Commission (“the PSC”). This was to give effect to Article 65 of the Constitution of the Republic of Vanuatu, where the Ombudsman is not subject to the direction or control of any other person or body in the exercise of his or her functions. This amendment will remove the Council of Ministers and the PSC in the process of determining the conditions of employment of the Ombudsman, and to remove the PSC from the granting of leave to the Ombudsman.

This amendment will also increase the penalties for the offences of improper influence, giving false evidence and contempt of the Ombudsman. Currently, the penalties are low and in considering the current circumstances, there is need to increase the penalties to suit these circumstances.

Prime Minister



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BILL FOR THE OMBUDSMAN (AMENDMENT) ACT NO. OF 2021

An Act to amend the Ombudsman Act [CAP 252].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Ombudsman Act [CAP 252] 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 OMBUDSMAN ACT [CAP 252]

1 Subsection 4(1)

Delete “Council of Ministers given after receiving a report from the Public Service Commission”, substitute “Attorney General”

2 Paragraph 6(1)(a)

Delete “Public Service Commission”, substitute “President”

3 Subsections 24(4) and 28(1)

Delete “VT100,000”, substitute “VT500,000”

4 Sections 48, 50 and 51

Delete “VT100,000”, substitute “VT500,000”

5 Section 54

Repeal the section.

6 Subsection 56(3)

Delete “and”, substitute “or”