

REPUBLIC OF VANUATU
BILL FOR THE
DECENTRALIZATION (AMENDMENT)
ACT NO. OF 2023

Explanatory Note

This Bill provides for consequential amendments to the Decentralization Act [CAP 230] arising from the new Electoral Act. Certain provisions that were previously in the Decentralization Act have been repealed because they are now in the new Electoral Act and others have been amended.

Minister of Internal Affairs



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REPUBLIC OF VANUATU

BILL FOR THE DECENTRALIZATION (AMENDMENT) ACT NO. OF 2023

An Act to amend the Decentralization Act [CAP 230].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Decentralization Act [CAP 230] 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 DECENTRALIZATION ACT [CAP 230]

1 Section 18A

Repeal the section, substitute

“18A Elected members of a Provincial Government Council

- (1) This section applies to members of a Provincial Government Council who are elected.
- (2) The election of members is to be held in accordance with the Electoral Act No. of 2023 and the Regulations made under that Act.

18AA Term of office of members of Provincial Government Councils

- (1) Members of Provincial Government Councils are elected or appointed, as the case may be, for a period of 4 years.
- (2) Members of Provincial Government Councils who are elected or appointed, including any councillor who fills a vacancy, cease to members of Provincial Government Council at the end of that period.”

2 Sections 18AB and 18AC

Repeal the sections.

3 Section 18B (Heading)

Delete “election or”

4 Subsections 18B(1) and 18B(3)

Delete “election or”

5 Subsection 18B(2)

Repeal the subsection.

6 Section 18BA

Repeal the section substitute

“18BA Disqualification for election as member of Provincial Government Council

A person is not qualified for election as a member of a Provincial Government Council if the person is:

- (a) a person referred to in subsection 44(1), (3), or (5) of the Electoral Act No. of 2023, unless the person complies with the requirements of that subsection; or
- (b) a person who is in the service of the Provincial Government Council.

18BB Vacation of seat by elected councillor

An elected member of a Provincial Government Council must vacate his or her seat if any circumstances arise that, if he or she were not a member of the Council would cause him or her to be disqualified from election under section 44 of the Electoral Act No. of 2023 or paragraph 18BA(b).”

7 Paragraph 18C(b)

After “election”, insert “under the Electoral Act No. of 2023”

8 Section 18D (Heading)

After “vacancies”, insert “of appointed councillors”

9 Subsections 18D(1), (2) and (3)

Repeal the subsections, substitute

- “(1) A person appointed under subsection (4) to fill a vacancy holds office until the date upon which the person in whose place he or she is appointed would ordinarily have retired, and the person must then retire.

10 Subsection 18D(4)

Delete “subsection (3), substitute “subsection (1)”