

REPUBLIC OF VANUATU

BILL FOR THE GOVERNMENT CONTRACTS AND TENDERS (AMENDMENT) ACT NO. OF 2024

Explanatory Note

This Bill amends the Government Contracts and Tenders Act [CAP 245] ("the Act").

Currently the Act does not provide for an immunity provision to prevent a civil or criminal proceeding being brought against the Minister or the Director General for anything done or omitted to be done in good faith in carrying out his or her functions or in exercising his or her powers under the Act.

Therefore, the Government intends to amend the Act to provide for an immunity provision to prevent a civil or criminal proceeding being brought against the Minister or the Director General.

However, the immunity provision will not apply if the Minister or the Director General acted in bad faith in carrying out his or her functions or in exercising his or her powers under the Act. This is to ensure that the Government contracts awarded under the Act must follow a fair and transparent process as required by the Act.

Minister of Finance and Economic Management



REPUBLIC OF VANUATU

**BILL FOR THE
GOVERNMENT CONTRACTS AND TENDERS
(AMENDMENT)
ACT NO. OF 2024**

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REPUBLIC OF VANUATU

BILL FOR THE GOVERNMENT CONTRACTS AND TENDERS (AMENDMENT) ACT NO. OF 2024

An Act to amend the Government Contracts and Tenders Act [CAP 245].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Government Contracts and Tenders Act [CAP 245] 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 GOVERNMENT CONTRACTS AND TENDERS ACT [CAP 245]

1 Before section 17 in Part 7

Insert

“16A Immunity

- (1) A civil or criminal proceeding must not be brought against the Minister or the Director General, for anything done or omitted to be done in good faith by him or her in carrying out his or her functions or in exercising his or her powers under this Act.

- (2) Subsection (1) does not apply if the Minister or the Director General acted in bad faith by him or her in carrying out his or her functions or in exercising his or her powers under this Act.”