

REPUBLIC OF VANUATU
BILL FOR THE DECENTRALIZATION (AMENDMENT)
ACT NO. OF 2025

Explanatory Note

This Bill amends the Decentralization Act [CAP 230] (“the Act”).

This amendment supports the Government’s broader policy objective to strengthen local governance, promote accountability, and ensure that decentralized institutions operate effectively to deliver services and represent communities across all provinces.

This Bill provides for the following:

- ensuring consistency of terminology across the Act and replacing outdated expressions;
- removing provisions for appointed members in Provincial Government Councils to ensure governance powers rest solely with elected members, thus streamlining the structure of provincial governance;
- introducing a requirement for representation of persons with disabilities in each Area Council, as recommended by the relevant Provincial Government Council;
- clarifying the purpose and timing of ordinary Council meetings;
- requiring that the standing orders of Area Councils be approved by a majority vote of members and published in the Gazette;
- inserting a new section 8A to require the Secretary General to record and sign the minutes of Provincial Government Council meetings and send a signed copy to the Department. This provides a formal and accountable record-keeping process; and
- consolidating and reorganizing provisions relating to by-laws to improve clarity and transparency in the approval process and to align with current provincial governance practices.

Minister of Internal Affairs



REPUBLIC OF VANUATU

**BILL FOR THE
DECENTRALIZATION (AMENDMENT)
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REPUBLIC OF VANUATU

BILL FOR THE DECENTRALIZATION (AMENDMENT) ACT NO. OF 2025

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 Whole of the Act

- (a) Delete “Local Government Region”, substitute “Provincial Government Region”
- (b) Delete “Local Government Council”, substitute “Provincial Government Council”

2 Paragraphs 4AA(b) and (c)

Delete “area council Strategic Development Plan”, substitute “Area Council Development Plan”

3 Subsection 4AB(1)

Delete “, upon the recommendation of the relevant Local Government Council,”

4 Paragraphs 4AB(2)(a), (b), (c), (d) and (e)

Delete “appointed”, substitute “recommended”

5 Paragraph 4AB(2)(e)

Delete “.”, substitute “; and

- “(f) a person nominated by representative bodies for persons with disabilities within the relevant area council division or district, selected from among persons without disabilities and recommended by the relevant Provincial Government Council.”

6 Subsection 4AC(3)

Repeal the subsection, substitute

- “(3) An area council must hold at least 2 ordinary meetings in a year.
- (3A) The first ordinary meeting, as the administrative meeting, is to commence on the first working day of March and must not exceed a period of 3 days.
- (3B) The second ordinary meeting, as the budgetary meeting, is to commence on the first working day of September and must not exceed a period of 3 days.”

7 After subsection 4AC(11)

Insert

“(12) The area council must approve the standing order by a vote of a majority of its members present and voting.

(13) The standing order must be published in the Gazette.”

8 Section 4D (Heading)

After “of”, insert “Provincial”

9 Subsection 4D(1)

After “The”, insert “Provincial”

10 Paragraphs 4D(3)(b) and (c)

Delete “Provincial Government Region Strategic Development Plan”, substitute “Provincial Government Council Development Plan”

11 Subsection 4D(7)

Delete “Provincial Government Region Strategic Development Plan”, substitute “Provincial Government Council Development Plan”

12 Section 5

Delete “and appointed members”

13 Section 7

Repeal the section.

14 After section 8

Insert

“8A Minutes of Provincial Government Council

(1) The minutes of each meeting of a Provincial Government Council must be:

- (a) recorded in a book kept for that purpose; and
- (b) signed at the next meeting of the Provincial Government Council by the person presiding at that meeting; and
- (c) sent, as a signed copy, to the Department by the Secretary General.

- (2) Any minute or extract of a minute from the minute book that purports to be a signed and certified in writing by the Secretary General is taken as a true copy of the original minute or extract.”

15 Subsection 8(2)

- (a) Delete “meting”, substitute “meeting”
(b) Delete “budgetary meeting”, substitute “administrative meeting”

16 Subsection 8(3)

Delete “administrative meeting”, substitute “budgetary meeting”

17 Subsection 8(6)

- (a) Delete “by right on the first Thursday”, substitute “7 days”
(b) Delete “three”, substitute “2”

18 Subsection 9(2)

Delete “after having heard the opinion of the appointed members”

19 Subsection 10(2)

Delete “after having heard the views of the appointed members”

20 At the end of section 10

Add

- “(3) The standing orders must be published in the Gazette.”

21 Sections 15, 16, 17 and 18

Repeal the sections.

22 After section 22

Insert

“22A. Approved by-laws

- (1) The President of the Provincial Government Council must:
- (a) submit a copy of all approved by-laws to the Provincial Government Region Executive Officer; and

- (b) ensure that a copy of each approved by-law is publicly displayed on the notice board at the headquarters of the Provincial Government Region.
- (2) The Provincial Government Region Executive Officer, or any person within the relevant Provincial Government Region, may submit a complaint in writing to the President of the Provincial Government Council within 30 days of the notice being displayed.
- (3) If a complaint is not received within the 30 days period, the President of the Provincial Government Council must submit the by-law to the Minister for publication in the Gazette.
- (4) If a complaint is received within the 30 days period, the President of the Provincial Government Council may:
 - (a) convene a meeting of the Council to consider and debate the complaint; or
 - (b) if the President of the Provincial Government Council determines that the complaint is not justified or relates to the matters that have already been substantially considered, notify the complainant in writing of that decision and submit the by-law to the Minister for publication in the Gazette.

22B. By-laws not to conflict with any other Acts or Regulations

A by-law that is inconsistent with, or derogates from, any Act or Regulation is void and of no legal effect.”

23 Subsections 24(1) and (2)

Delete “and appointed”