



## REPUBLIC OF VANUATU

# BILL FOR THE PUBLIC SERVICE (AMENDMENT) ACT NO. OF 2025

### Explanatory Note

The Bill amends the Public Service Act [CAP 246] (the Act).

The Public Service Commission (“the Commission”) plays a vital role in advancing decentralization priorities. As the largest employing agency within the Government, it is instrumental in ensuring Government services reach all provinces, including remote locations.

In addressing this matter, the Act provides for the appointment of the secretary general to a Provincial Government Council. Secretary generals have the same status as director generals and directors and there is the need to allow secretary generals to carry the same powers, such as the power to suspend an employee.

The Act further does not have provision for allowing the Commission to delegate any of its functions and powers, which the Commission acknowledges the need for such a provision so that it can delegate its functions and powers to director generals, directors and secretary generals to assist it to effectively carry out these functions and powers.

The Commission has also noted that there is less than a 50 percent rate in achieving the National Sustainable Development Plan by directors, therefore, the Commission is adopting a new employment approach to have directors’ employment status on fixed term. Director generals’ employment status is currently on fixed term, and indicators show a positive output, however, the Act needs to reflect this.

Key features of this Bill include:

- the Commission may delegate its functions and powers to a director-general, a director or a secretary general; and
- the power of the secretary general to suspend an employee; and
- the employment status of director generals and directors on a fixed 4 years’ contract and may be reappointed for 1 term only; and
- additional disciplinary actions of the Disciplinary Board.

**Prime Minister**



**REPUBLIC OF VANUATU**

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PUBLIC SERVICE (AMENDMENT) ACT  
NO. OF 2025**

**Arrangement of Sections**

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# REPUBLIC OF VANUATU

## **BILL FOR THE PUBLIC SERVICE (AMENDMENT) ACT NO. OF 2025**

An Act to amend the Public Service Act [CAP 246].

Be it enacted by the President and Parliament as follows-

### **1 Amendment**

The Public Service Act [CAP 246] 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 PUBLIC SERVICE ACT [CAP 246]

**1 After paragraph 8(1)(h)**

Insert

“(ha) to manage the use of government residential houses and vehicles; and”

**2 Subsection 11(1)**

Delete “or a director”, substitute “, a director or Secretary General”

**3 After section 13**

Insert

**“13A Secretariat**

The Secretary will provide a secretariat and administrative support services to the Commission and is the administrative head of the Office of the Public Service Commission.”

**4 Subsection 17A(1A)**

Repeal the subsection, substitute

“(1A) The director-general is to hold office for a period of 4 years and is eligible for re-appointment for 1 term only.

(1AA) The person who was appointed as the director-general before the commencement of this Act will continue to serve as the director-general for the period set out under subsection (1A).

(1AB) The Commission is to conduct performance appraisals annually for each director-general, in consultation with the Prime Minister and relevant Minister.”

**5 Subsection 18(1A)**

Repeal the subsection, substitute

“(1A) The director is to hold office for a period of 4 years and is eligible for re-appointment for 1 term only.

(1AA) The person who was appointed as the director before the commencement of this Act will continue to serve as the director for the period set out under subsection (1A).

(1AB) The Commission is to conduct performance appraisals annually for each director, in consultation with the Prime Minister and relevant Minister.”

**6 Paragraph 20(h)**

Repeal the paragraph, substitute

“(h) must within 3 months after the end of each financial year provide a report relating to the operations of the Office, including the financial statements for the preceding year.”

**7 Section 22**

Delete “, director or any other employee”, substitute “or director”

**8 Subsection 29A(2)**

Delete “as if the criminal offence were a disciplinary offence”

**9 Subsection 35(3)**

Repeal the subsection, substitute

“(3) An employee may, with the prior approval of the Commission, be suspended by a director-general, director or Secretary General.”

**10 Subsection 37(5)**

Delete “28 days”, substitute “14 days”

**11 Paragraph 37(9)(d)**

Repeal the paragraph.

**12 Paragraph 37(9)(f)**

Delete “.”, substitute “; or

(g) reinstate the offender with close supervision; or

(h) reinstate the offender with conditions; or

SCHEDULE  
AMENDMENTS OF PUBLIC SERVICE ACT [CAP 246]

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- (i) reinstate the offender with an order for recovery of costs through deduction from salaries; or
- (j) reinstate the offender with reimbursement of full salary arrears; or
- (k) reinstate the offender with no reimbursement of salary arrears; or
- (l) transfer the offender to another position at the same or similar level temporarily, pending the identification of a suitable permanent position.”