



**PARLIAMENT OF VANUATU
PARLEMENT DE VANUATU
PALEMEN BLONG VANUATU**



**COMMITTEE
ACTIVITY REPORT
2021**

**COMMITTEE ON INSTITUTIONAL AND CONSTITUTIONAL AFFAIRS
NOVEMBER 2021**

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COMMITTEE MEMBERSHIP

Committee on Institutional and Constitutional Affairs Current Members:

12th Legislature, 2021



*Hon. Sakaes LULU, Chairman (PPP), Hon. John R. NIL - Vice-Chairman (VNDP),
Hon. Nako NATUMAN - Member (UMP), Hon. Kenneth NATAPEI - Member (VP)
Hon. Alfred MAOH - Member (GJP), Hon. François BATICK - Member (RMC)
Hon. Silas DANNY - Member (GJP)*

Chairman's Foreword

The Standing Committee on Institutional and Constitutional Affairs would like to inform the Parliament of the Republic of Vanuatu that it has the pleasure of presenting its activity reports for its first and second meeting of 2021.

The First Extraordinary Session of 2021 on April 22, the Parliament had finally in alignment to the Constitution appointed the Committee on Institutional and Constitutional Affairs members. Thus, the Committee memberships is now legally constituted to perform the tasks entrusted to them. I myself became the new chair, replacing my predecessor, Hon John Still Tari Qwetu.

The Committee could not work on the work-plan that was tabled in the First ordinary session 2021, due to legal court cases being challenged at the courts concerning the work of the Committees and lack of time as well.

The Committee was able to transact two of its business agendas, which has approved by the committee. The first agenda was a ' Briefing exercise conducted with all the 12 institutions that are under the Committee on Institutional and Constitutional Affairs Jurisdiction', according to Standing Order 63 (d). Secondly was the approval of 2022 work-plan and Activity Reports.

Committee Mandate

The Constitution provided for Parliament to establish committees and appoint members to them (Constitution of the Republic of Vanuatu, 2006). The Parliament had appointed in the First Extraordinary Session of 2021, the members of the Committee on Institutional and Constitutional Affairs including the Chairperson to the Committee.

As per the Standing Orders of Parliament, a committee should have not less than seven (7) members (Standing Order 64 (a)).

The roles and functions of the Committees are clearly stated and specified in the Standing Orders 63 (d) and 68 (1), (2), (3) and (4) of the Standing Orders of Parliament.

Background and Objectives

In accordance to Standing Orders 63 (d), the Committee on Institutional and Constitutional Affairs is established at the commencement of each Parliament and its subjects are:

- 1) State Office
- 2) Parliament (Standing Orders Review, Privileges and Entitlements, Ethics and Integrity)
- 3) Judiciary
- 4) Public Service Commission
- 5) The Ombudsman Office
- 6) The Auditor General Office
- 7) The Public Prosecutor Office
- 8) The Public Solicitor Office
- 9) State Law Office
- 10) The Electoral Commission
- 11) National Council of Chiefs
- 12) Local Authorities
- 13) Matters related to the Constitution and its amendment

The Committee on Institutional and Constitutional Affairs under paragraph (1) of the Standing Orders 63 (2) is to consider, enquire into or examine and report to Parliament on Bills, Annual Reports of Government Ministries (Institutions) or any matter, business or question, as may be referred to the Committee by Parliament from time to time.

Introduction

The work of the Committee on Institutional and Constitutional Affairs is governed by the revised Standing Order 2020. Its fundamental role is to scrutinize the Government Institutions, Government Entities and Statutory Bodies on their activities and overall functioning...

This report outlines the uncompleted tasks of the Committee on Institutional and Constitutional Affairs since January 2021, due to the challenge on the legal appointment of the Committee members, constitutional court cases and lack of time.

As a result, the Committee on Institutional and Constitutional Affairs have not met earlier on, as required in the revised Standing Orders of 2020 and its 2021-work plan.

1 Standing Annual Program for the Committee 2021

The Committee on Institutional and Constitutional Affairs presents a standard work program for the year and is the guide for developing the 2021 work plan.

1.1 Aim of work program

The standard work program aims to:

- Provide for consistency in the meetings of Committee on Institutional and Constitutional Affairs each year.
- Ensure that the roles and responsibilities of CICA are attended to within a year and in a sustainable manner, and
- Ensure that CICA report to Parliament on both ordinary sessions of Parliament as required in the Standing Orders.

1.2 Standard Program

From the standard program, the Committee was supposed to conduct 4 to 5 session this year to ensure the main functions of the Committee (CICA) is attended as mention in section 63 (d) of the standing orders.

Base on the 2021-work plan the Committee aims to complete all activities through four normal sessions. Committee (CICA) intended to complete its work program and annual plan before the end of this year. As Chairman, unfortunately the timelines in this year's work program and plan was subject to changes due to the unforeseen circumstances prior to Government member's constitutional conflict with the former Speaker of Parliament. The last four months (June – September) of this year – 2021, CICA did not meet due to the legal cases before the courts, as majority of the member including the Chairman are from the Government block.

2021 Committee Activities

2. First Committee Meeting – 6th May to 10th of May 2021

The First Meeting of the Committee on Institutional and Constitutional Affairs was held on Thursday 6th of May until Monday 10th of May 2021. Unfortunately, there was no proceedings due to lack of quorum, According to Standing Order 69 (4) – “***if a meeting is adjourned for 3 consecutive times due to lack of quorum, the Chairperson must close the meeting***”.

However the Chairman was present during the 6th and 7th of May and on the 10th of May one of the Member joined the meeting for the closure of first Committee meeting.

However, arrangements were made and the committee was able to meet in an informal meeting on 1 of June 2021 to consider the Revised Work Plan and to approve it so that it may be table in the First Ordinary Session of 2021.

2.1 2121 Revised Work Plan

Meeting	Date	Agenda	Reporting date
First Meeting	May (3 Day) 06/05/2021, 07/05/2021 & 10/05/2021)	<i>Review 2021 Work Plan (Meeting was not commence due to no quorum)</i>	First Ordinary Session 2021
	June 1/06/2021	<ul style="list-style-type: none"> Review and Approval of the Reviewed 2021 Work Plan 	
19th May - First Ordinary Session 2021			
Second Meeting	June – July 25 days 21 June 2021- 14 July 2021	<ul style="list-style-type: none"> Review of Members of Parliament Privileges, Entitlements Review Members’ Ethics and Integrity 	Second Ordinary Session 2021
	15th July -15th August	Recess Period 2021	
Third Meeting	August – October 27 days 23 Augt 2021 – 17 Sept 2021	<ul style="list-style-type: none"> Review of Annual Report – Public Service Commission 	Second Ordinary Session 2021
Fourth Meeting	October 20 days 4 October – 22 October 2021	<ul style="list-style-type: none"> Finalize and Approval of Committee Activity Reports Finalize and Approval of Annual Work Plan 2022 	Second Ordinary Session 2021
	November	Second Ordinary Session 2021	

3. Second Meeting from Tuesday 21st of September – Friday 15th of October 2021

The Committee on Institutional and Constitutional Affairs would like to inform the Parliament of the Republic of Vanuatu and the readers of this report; that Committee on Institutional and Constitutional Affairs could not work on its agendas, mandated in their revised work plan for 2021 that was tabled in the First ordinary session of 2021, due to the legal court cases being challenged at the courts with regards to the work of Committees and lack of time as well.

Moreover, at the First Extraordinary Session of 2021 on Thursday 22 April 2021, the Parliament had finally in alignment to the Constitution appoint the members to the Committee on Institutional and Constitutional Affairs. Thus, the Committee memberships is now legally constituted to perform the tasks entrusted to them.

The committee was only able to work on two agendas, which was approved by the committee. The two agendas were to conduct briefings with all the institutions that are under the Committee's Jurisdictions according to Standing Order 63 (d).

Therefore, the Second meeting of the Committee on Institutional and Constitutional Affairs was held on Tuesday 21st of September until Friday 15th of October 2021 (total of 19 working days). The first agenda was the initiation of briefings/ awareness session with all the 12 government institutions that are under the Committee on Institutional and Constitutional Affairs as stated in the Standing Orders section 63(d) and the second agenda was the drafting and finalization of the 2022 work-plan and approval of committee activity report 2021.

The Heads of institutions in attendance were; Mr. Jacob KAUSIAMA (Public Solicitor), Mr. Tom Jean PIERRE (National Council of Chiefs), Mr. Johnsen IATI (Principal Electoral Officer), Mr. Josaia NAIGULEVU (Public Prosecutor), Mr. Junior NATUMAN (State Law Office), Mr. Celeb SANDY (Auditor General), Mr. Hamlison BULU (Ombudsman), Mr. Leith VEREMAITO (Director-DLA), Mrs. Jane BANI (Public Service Commission), Raymond K. MANUAKE (Clerk of Parliament), the State Office and Judiciary was not schedule for the briefing.

Key areas covered in this briefing exercise was the Legal and Constitutional framework, oversight function and scrutiny roles and the obligations for each ministry or government institution under Section 23 of Parliament Administration Act in relation to Annual Reports. The main objective was to reiterate the mandatory importance of Annual Reports submissions to enable committee to undertake its core functions of; oversight, legislative and representative functions and also given the opportunity to build a relationship between the committee and institutions, a common understanding on the functions of both parties. The attendees also were given humble time to respond and brief the committee on the institutional functions they represented.

Annual Reports

Out of the briefings, it shows that most of the Institutions Annual Reports are sent to their line Ministry responsible as required under their Acts/ legislations, to be compile into the overall Ministry's Annual Report.

Few of the institutions for instance the Office of Ombudsman still have some setbacks working on its Annual Reports, the challenge of not having qualifies individual, mention by the Ombudsmen Mr. Hamlison **BULU**, it was briefed by before the Committee that Advertisements for positions were made but because of the packages offered was not attractive in the market due to lack of funds, the office still demands qualified officers in reference to annual reports, due to this challenge it has an impact on the delays of Annual Reports. However he added that the office is preparing one and should be submitted at the end of the financial years 20210.

Institutions Appearing before the Committee for Briefing

National Council of Chiefs (Malvatumauri)

The Malvatumauri was established under the Constitution of the Republic of Vanuatu chapter 5 and operates under the Chiefs Act Number 23 of 2006 defines the composition of the Council as consisting of custom Chiefs elected by the Island Council of Chiefs and Urban Council of Chiefs. The Committee was very fortunate to meet with the CEO of Malvatumauri - National Council of Chiefs, Mr TOM JEAN **PIERRE** on 27 September 2021 for its briefing session. The Malvatumauri council of chiefs has a general competence to discuss all matters relating to land, custom and tradition and make recommendations for the preservation and promotion of in-Vanuatu culture and languages. Mr Jean Pierre highlights the Institutions major challenges such as; lack of funds (Financial Resources), lack of staffs (Human Resources), it has been recommended by the CEO, Mr JEAN **PIERRE**, that government should appropriate more funds into the institution as far as its core functions is concern, increase number of staffing through recruitment can only be done if the budget carters to accommodate such increase.

Public Solicitor Office

The Public Solicitor Mr Jacob **KAUSIAMA** was also part of the briefing. The institution itself is mandated under its legal framework (Constitution, Chapter 8, Article 56), that is to defend and provide legal assistance to needy people. Mr Kausiama also point out the challenges face by the institution, which is; lack of funds and human resource (lack of lawyers), salary scale must be increase to attract lawyers on the market. Mr Kausiama confirm that there is a high increase on domestic violence even though there is an Act for domestic violence in place. He reiterate on the awareness that the office should be more frequently involve in the activity of awareness, but due to financial constraints. He also point out the importance of consultation on each Parliamentary Bills among the Government agencies, CSOs, NGOs, different groupings [VCCI, Chiefs (Malvatumauri), Woman's and Youths).

Electoral Commission

Representing the Office of Electoral Commission, the Principal Electoral Officer, Mr Johnsen **IATI** was also part in the briefings. According to the institutional functions, the Electoral Commission shall have a general responsibility for and shall supervise the registration of electors and the conduct of elections to Parliament, Malvatumauri Council of chiefs, Provincial Government and municipal councils. He highlighted few challenges that still merge within the overall undertakings of the Office of Electoral Commission as such; the issue of registrations, the cost of traveling around and doing registration is a very costly exercise. In the events of By-Elections, the office viewed as a very expensive cause. The overall assessment by the office shows very low participations of our young youths, 18 years above who are eligible to vote in accordance by law (Representation of the People Act Section 9). He also stress the financial constraints and human resources still is a major challenge in the institution. Mr Iati recommended Governments considerations on these challenges for the effectivity of the office of Electoral Commission.

Office of Public Prosecutor

The Committee also had the presence of the Public Prosecutor, Mr Josaia **NAIGULEVU**. According to article 55 of the Constitution provides for the Office of the Public Prosecutor. The Article provides that the Office holder shall be completely independent from the rest of government.

The purpose of such 'independence' is to ensure that the Public Prosecutor can ensure that the rule of law is applied to everyone, be they important government officials or simple subsistence

farmers. The Public Prosecutor's role is to be fair, independent and objective. The Public Prosecutor may not let his or her personal views of the ethnic or national origin, gender, religious beliefs, political views or sexual preference or an offender, victim or witness influence his decisions. The Public Prosecutor should also not be affected by improper or undue pressure from any source whatsoever.

The Public Prosecutor also mention the importance of collaboration between the office of Public prosecutor and the Police Service Commission prior to the effectiveness and efficiency of the service delivered on its respected timeframe. He further elaborate on some possible initiatives suitable to apply to address the situation. For instance, a police officer is undertaking an investigation in relation to a case, the Public Prosecutor has no Power over that officer, if the police commissioner decides to repost that officer to another location, then it affects the process of the investigation and the case itself requires another new hands on the job for the same case and to repeat the same process over again. He prefers and recommended a unit under his supervision amalgamating some officers from the public prosecution office and some from the police commission under the unit of police prosecution and to name that unit National Prosecution Services.

State Law Office

A representative from the state Law Office was also part of the session, Principal Legal Officer, Mr Junior **NATUMAN**. Mr Natuman, highlights key objectives of the office, which is to Provide legal advice to their clients, draft legislation and represent their client in court. The office also has its major challenges as follows; human resources (not enough staffs need more staffs), financial resources.

Office of Auditor General

The Auditor General, Mr. Celeb **SANDY** was also an attendee during the briefing, apart from the presentation from the Committee about its scrutiny and oversight functions and the important of Annual Report submission to Parliament. The Auditor General likewise highlighted some key indicators in accordance to the institutional legal framework and its functions in relation with the Public Accounts Committee. The key objectives are to ensure, as a key player, in promoting accountability, good governance and transparency in public sector financial management and public sector management.

To provide assurance to Parliament and the public on: (a) The accuracy and completeness of the public accounts; (b) Whether the financial transactions of the Government and public bodies complies with the applicable law and accounting requirement. The main core responsibilities are Financial Audit, Compliance/Regulatory Audit, Performance Audit including NSDP audit, Investigative/Special Review Audit, Monitoring of contracted audits, Audit Quality Assurance and Support Services to above 6 and to PAC (Public Accounts Committee).

Some of the challenges face;

Independence: New Audit Act and Constitutional amendment have not yet passed, limiting the office mandate, operation and effectiveness

Audits: Need to continue to work on audit plans, quality control and quality assurance, need to improve audit arrears and audit coverage

Staffing: Structure is inadequate to cover audit needs,

Financial Resources: Budget support to assist the effective office service delivery

Office of the Ombudsman

The office of Ombudsman is established under Chapter 9, article 61 of the constitution. The functions as following; a) to enquire into any conduct on the part of any government agency; b) to enquire into any defects in any law or administrative practise appearing from any matter being enquired into; c) to enquire into any case of an alleged or suspected discriminatory practise by a government agency; d) in respect of conduct of a leader occurring on or before the 1st day of July 1998, to enquire into any case of alleged or suspected breach of Chapter 10 (Leadership Code) of the Constitution; e) in respect of conduct of a leader occurring after 1st July 1998, to conduct an investigation in accordance with Part 5 of the Leadership Code [Cap.240].

The Ombudsman also has three other functions, Mr. Bulu, said they come without support, *undertaking inspection of prisons (requirement under the human rights), monitor human rights across the globe and annual returns of Leaders*. There is no funding for these three additional functions said Mr. Bulu. He also points out challenges face by the office of the Ombudsman for instance; there are different rules as well such as the Limitation Act, which prohibits the Ombudsman to look through the case. The law allows the Ombudsman to look through it unless if the matter ends up in court, then the Ombudsman cannot look through the case, some functions of the Ombudsman does not allow the Ombudsman to investigate due to certain restrictions although it has certain powers of its own provided for in its Act, the Ombudsman does not have the right to have direct connection with the Judiciary. In regards to the annual returns and the clear definition of leaders in the Act.

He listed the weaknesses inside the Ombudsman's Institution as follows;

1. Human resource. The team is too small; it needs more staffs with experience and qualifications. The competency must be developed
2. Parliament to amend law and create staffs
3. Terms and conditions of employment, which means salary scale must increase, must attract lawyers in PS, PP and courthouse.
4. Only one Investigator and only one administrator, which means needs more funds and them, also run medical checkup every six months.
5. Ombudsman does not have the power to prosecute
6. Prosecution of Leaders
7. Weaknesses in law more specifically with the position of the Ombudsman, process of the constitution, no clarity under the act of the ombudsman, consult of president, appointment of ombudsman after two years, which means no clear guidance.
8. PSC – the ombudsman needs to be properly independent, there must be an amendment to remove the service and connection from PSC. The leadership Act needs to be determined
9. Registration for the leaders – still uncertain if they have reached all the leaders, the provision of law needs to inform the Ombudsman that such person is now a leader. It needs clear guidance and criteria to be clear.

Public Service Commission

The Public Service Commission shall be responsible for the appointment and promotion of public servants, and the selection of those to undergo training courses in Vanuatu or overseas. For such purposes, it may organise competitive examinations. The Commission shall also be responsible for the discipline of public servants. The Commission shall have no authority over the members of the judiciary, the armed forces, the police and the teaching services. The Commission shall not be subject to the direction or control of any other person or body in the exercise of its functions.

Mrs Jane Bani, Acting Secretary PSC, was also an attendee during the briefing conducted by the Committee, Mrs Bani highlight few challenges continually face by PSC such as; Political Interference, Managing senior performances such as DG's and Directors, Managing government fleet, Pending issue of the severance for the public servant retirees.

In 2018, an amendment was passed to change the status of DG's and Directors from permanent to contract basis. Therefore, they are on contracts but it remains a challenge as well whereas appointments of DGs and Directors sometimes are politically influenced. The Commission has made a decision that the severance payment would be backdated until October 2017, on that note the State Law Office opposed the said decision, PSC had seek another legal practitioner on this matter and submitted the instruction to Ministry of Finance, however the Ministry of Finance through the directions from the DG decides to stand with the State Law Office advise meanwhile, the issues still pending.

Depart of Local Authorities

Chapter 13, Article 82 and 83 of the Constiution of the Republic of Vanuatu, conscious of the importance of decentralization to enable the people fully to participate in the government of the Provincial Government Region, shall enact legislation necessary to realize that idea.

The committee was fortunate also to have Mr Leith Veremaito, DLA Director part of the briefing. DLA function is to strengthen Local Authorities and Municipal institution to enable decentralised service delivery to all citizens. As the rest of the institutions before the Committee he elaborate on some of the office challenges; limited financial resources is and always a majors challenges, human resources is also another one, since Vanuatu have 6 provinces and 82 islands comparing with the office staffs it is quite a huge challenge to deliver from the perspective of decentralisation. The overall performance said the director that Decentralization still remains a key challenge.

Parliament House

The legislature shall consist of a single chamber, which shall be known as Parliament. Parliament may make laws for peace, order and good governance of Vanuatu, according to Chapter 4, Article 15, 16 of the Constitution of the republic of Vanuatu. Parliament also has three core functions, which is;

- Representation Function;
- Legislative Function;
- and Oversight Functions.

The Parliament of Vanuatu is unicameral and has 52 members who are elected by popular vote every four years, unless earlier dissolved by a majority vote of a three-quarters quorum or by a directive from the President on the advice of the Prime Minister.

Vanuatu uses what is called "the Westminster model" of government. Like most Commonwealth countries, this is actually different in some important ways from the British system whose Parliament is at Westminster one of Parliament's most important functions is to approve the nation's budget, which is submitted annually.

Clerk highlighted several challenges that the Parliament continuously encounters, he confirms that the Parliament NPP for 2022 financial year was not approved, however he stresses that whenever during any year Parliament usually has financial constraints this forces the finance section to commit funds from other activities under the overall budget of Parliament, this exercise affects other activities of Parliament throughout the year leading to ineffectiveness of the Parliament. The issue of virtual meetings during this pandemic, if there is a lockdown and Parliament requires to sit, however there is still no provision or procedure provided for in the Standing Orders or Parliament Administration Act, he also added on the proper framework, alignments of all the acts/legislation and the process of the Parliament Bill currently under consultation.

Overview on the briefing exercise undertaken on the Committee's second meeting of 2021;

Government Institution	Representative & Date	Law	Function	Challenges	Way Forward	Annual Report (Y-Yes & N-No)	Annual Budget
Public Accounts	Chairman of PAC – Hon. Matai SEREMAIAH Monday 27 th September 2021	Standing Order 63, Expenditure Review Act	Consider, enquire into or examine and report to Parliament on the following types of business such as bills, audit reports, annual reports, receive briefings.	Failure of submission of annual reports Lack of audit Impress system is very weak Misuse of government vehicles Government contracts	According to act submit annual reports Policy for impress Director to give instructions for Deduction Government Machinery review must complete (PSC) Government fleet Management to complete one review	-	-
HEAD OF STATE	Ivan AMOS Monday 27 th of September					N	VT 76,885,632
MALVATUMAURI – NATIONAL COUNCIL OF CHIEFS	TOM JEAN PIERRE (CEO) – Monday 27 th of September	Constitution chapter 5, article 29	The Malvatumauri council of chiefs has a general competence to discuss all matters relating to land, custom and tradition and make recommendations for the preservation and promotion of ni-Vanuatu culture and languages	Lack of funds Lack of staffs Two area administrator (Province) and area secretary (Chief Rep) doing the same work	Appropriate more funds into the institution Increase number of staffs (Recruitments) One area administrator Alignment of Structures (National Level to Provincial Level and Traditional Governance/ Area Councils [Chief Jurisdictions]) – An efficient and effective functioning trench from the government down to Provincial level and Area councils.	N	VT 93000000
PUBLIC SOLICITOR	Jacob KAUSIAMA (PS) Tuesday 28 th September	Constitution chapter 8, article 56	Defend and provide legal assistance to needy people	Lack of lawyers Lack of funds A lot of cases Going to court is expensive especially from the island Increase of domestic violence even though there is an Act for domestic violence People from the village, under the chief still run to court 2778 cases to deal with and only 13 lawyers Constitutional rights for children and women	Increase number of lawyers Increase salary scale Establish offices at the area administrators Do more awareness Awareness as well that court is the last place (divides family into 2) Consultation of a bill must pass through every island of Vanuatu	N (Submit to MOJ ever since 2016)	VT 83 296 415 (including the additional NPP)
ELECTORAL COMMISSION	Johnson IATI Wednesday 29 th of September	Constitution chapter 4, article 18	The Electoral Commission shall have a general responsibility for and shall supervise the registration of	Issue with registration Expensive to travel around and do registrations	Use technology to register Runner up instead of a by election or National referendum	N/ Annual report goes to the	VT 267,835,809

CICA 2022 ACTIVITY REPORT

Government Institution	Representative & Date	Law	Function	Challenges	Way Forward	Annual Report (Y-Yes & N-No)	Annual Budget
			Malvatumauri Council of chiefs, Provincial Government and municipal councils.	Students 18 years above do not vote Registered voters the number is big but only few will vote Lack of funds Lack of staffs	Must become compulsory for students with 18 years above must vote Must check their cards with the EC Increase number of staffs to do registration in the island	Affairs	
PUBLIC PROSECUTORS OFFICE	Mr. Jossia Naigulevu Wednesday 29 th of September	Constitution Chapter 8, Article 55	Article 55 of the Constitution provides for the Constitutional Office of the Public Prosecutor. The Article provides that the Office holder shall be completely independent from the rest of government. The purpose of such 'independence' is to ensure that the Public Prosecutor can ensure that the rule of law is applied to everyone, be they important government officials or simple subsistence farmers. The Public Prosecutor's role is to be fair, independent and objective. The Public Prosecutor may not let his or her personal views of the ethnic or national origin, gender, religious beliefs, political views or sexual preference or an offender, victim or witness influence his decisions. The Public Prosecutor should also not be affected by improper or undue pressure from any source whatsoever.	<ul style="list-style-type: none"> Public Prosecutor cannot make decision about the Police officers in the investigating unit working with the PPO. If the Police Commissioner shifts them to another station, PP cannot say anything, because those officer report to Police Commissioner, the this exercise causes delay on cases and the same exercise is repeated again. Additional work from the government without funds to accommodate its activities. PP had to ask for funding outside from the European Union through UNDP. 	<ul style="list-style-type: none"> Merged or amalgamate the Public Prosecution with the Police Prosecution into one office and called it the National Prosecution Services, under the PP supervision, all the Police Prosecutors is to made into Civilian Prosecutors working under PP office. Government when tasking the PPO with additional work must consider financial resources as well. 	N	VT 108,796,974
STATE LAW	Principal Legal Officer- Junior NATUMAN Thursday 30 th of September	State Law Act	Provide legal advice to their clients, draft legislation and represent their client in court	Not enough staffs Laws and bills must be understandable for everyone to read and understand Lack of funds	<ul style="list-style-type: none"> Increase number of staffs Working on a bill that will pass on the second ordinary Increase or additional funds Tribunal court Amend the Standing Order 	N	VT 214,151,130

Government Institution	Representative & Date	Law	Function	Challenges	Way Forward	Annual Report	Annual Budget
AUDITOR GENERAL	Auditor General - Caleb ANDY Friday 1 st of October	Under Article 25 of the Constitution that deals with public finances by the following clauses: (4) ; (5) ; (6) and through the Expenditure Review and Audit Act [CAP 241]	The key objectives are to ensure, as a key player, in promoting accountability, good governance and transparency in public sector financial management and public sector management. To provide assurance to Parliament and the public on: (a) The accuracy and completeness of the public accounts; (b) Whether the financial transactions of the Government and public bodies complies with the applicable law and accounting requirement. The main responsibilities are Financial Audit, Compliance/Regulatory Audit, Performance Audit including NSDP audit, Investigative/Special Review Audit, Monitoring of contracted audits, Audit Quality Assurance and Support Services to above 6 and to PAC.	<p>Independence, Draft Legislative Framework needs approval Continued implementation of INTOSAI standards</p> <p>follow the money Budget Support incl. GFG funding, INTOSAI through PASAI and IDI, and Twinning arrangement</p> <p>stakeholder reception Stakeholder Engagement Strategy and PAC</p> <p>Independence: New Audit Act and Constitutional amendment have not yet passed, limiting mandate, operation and effectiveness</p> <p>Audits: Need to continue to work on audit plans, quality control and quality assurance, need to improve audit arrears and audit coverage</p> <p>Staffing: Structure is inadequate to cover audit needs,</p>	<p>Amendment to Constitution and New Audit Act Standing orders</p> <p>Budget support, GFG funding and PASAI Technical assistance</p> <p>Auditee's timely response and Effective follow up mechanism</p> <p>Need for effective control and governance.</p> <p>Need for compliance to PFEM Act, ER& A Act, Public Service Act, Vanuatu Government financial regulations and PSSM and related policies.</p> <p>Need for improvement in record keeping.</p> <p>Need for effective management of government properties and assets</p> <p>need for ongoing professional development and increased certification</p> <p>Stakeholders: Continue to increase awareness, communication, engagement and reporting, especially in the area of audit reports</p> <p>Need for expanded, safer office space</p>	N	VT 90,683,636
OMBUDSMAN Office	Ombudsman- Hamilson BULU Friday 1 st of October	Constitution, chapter 9, article 61, 62 & 63	Main function is to investigate conflicts	<p>Not enough staffs</p> <p>Lack of funds</p> <p>Additional and no funds</p> <p>No qualified investigators</p> <p>Challenge when advertising a position</p> <p>Ombudsman does not have the power to take a matter to court</p> <p>Additional work disturbs everyone's work</p> <p>Not enough time to prepare the annual report</p>	<p>Increase number of staffs</p> <p>Increase salary scales</p> <p>Amendment on the Constitution</p> <p>Remove Ombudsman from PSC, be independent</p>	N	VT 61,934,447

Weaknesses in laws more specifically with the position of the ombudsman

Government Institution	Representative & Date	Law	Function	Challenges	Way Forward	Annual Report	Annual Budget
PUBLIC SERVICE COMMISSION	Mrs Jane BANI - ACTING SECRETARY	Constitution Chapter 9, Article 60	<ul style="list-style-type: none"> The Public Service Commission shall be responsible for the appointment and promotion of public servants, and the selection of those to undergo training courses in Vanuatu or overseas. For such purposes it may organise competitive examinations. The Commission shall also be responsible for the discipline of public servants. The Commission shall have no authority over the members of the judiciary, the armed forces, the police and the teaching services. The Commission shall not be subject to the direction or control of any other person or body in the exercise of its functions. 	<ul style="list-style-type: none"> Political Interference Managing senior performances such as DG's and Directors Pending issues and severance. Severance is one of the pending issues in terms of action information decision. 	<ul style="list-style-type: none"> review of government machinery review government management fleet review of contract terms device a home-grown software to do staff performance appraisals expand the PSC circles by engaging with other commissions. PSC to approval deductions for civil servant with out-standing impress <u>acquittals</u> terms and conditions for contract senior staffs. 	N	VT 261,888,588
DEPARTMENT OF LOCAL AUTHORITIES	Mr Leith VEREMAITO (DIRECTOR)		Strengthen Local Authorities and Municipal institution to enable decentralised service	<ul style="list-style-type: none"> Limited Financial Resources Human Resources Office Space in remote areas 	<ul style="list-style-type: none"> To increase the funds to be able to complete the 71 area councils and to ensure that decentralization is felt in every island 	N (Annual report goes to the	VT 945,432,844

			delivery to all citizens.	<ul style="list-style-type: none"> Decentralization remains a key challenge 		Ministry of Internal Affairs)	
PARLIAMENT	Mr Raymond MANUAKE Clerk	Constitution Chapter 4 Article 15	<p>The legislature shall consist of a single chamber, which shall be known as Parliament. Parliament may make laws for peace, order and good governance of Vanuatu, according to Chapter 4, Article 15, 16 of the Constitution of the republic of Vanuatu. Parliament also has three core functions, which is;</p> <ul style="list-style-type: none"> Representation Function; Legislative Function; and Oversight 	<ul style="list-style-type: none"> Parliament New NPP was not approve. An issue is the salary structure, it does not attract the best employees in the market. When there is lack of funds, they will have to take funds elsewhere then it affects the activities of the Parliament through out the year Covid19 Pandemic, if there is lock down then Ordinary Sessions will be done virtually. There is no legal procedure provided for in the Standing Order or Parliament 	<ul style="list-style-type: none"> Approval of propose NPP, Need to appropriate the Parliament Budget in alignment with its new NPP for 2021 Remuneration on the salary structure to attract best employees in the market Amendments on the Standing Orders, <ul style="list-style-type: none"> Add provision to accommodate Virtual Meetings. others 	N	VT 949,767,131

			<p>Functions.</p> <p>The Parliament of Vanuatu is unicameral and has 52 members who are elected by popular vote every four years, unless earlier dissolved by a majority vote of a three-quarters quorum or by a directive from the President on the advice of the Prime Minister</p>	<p>Administration Act</p> <ul style="list-style-type: none"> Legal issues lead and proper legal frame work (alignment of all the Acts/Legislature) government parliamentary activities 			
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4. 2021 Budget

The revised estimates budget for the 2021 work plan for CICA is around Vt. 16 Million. The details of the revised 2021 budget are set out below:

1. CICA 3 session for total of 113 Calendar days	=Vt.9,711,600
2. Entitlement: Chair and Vice Chair	=Vt.5,314,884
3. CICA resources and related items	=Vt.1,973,516
Total Budget	<u>Vt. 17,000,000</u>

2021 Committee Expenditures

First Meeting 6 May 10 May 2021 (6 calendar days)

Actual Expenditure for First Meeting

Days	Attendees	Types of Allowances			Expenses	Refreshment	Air Ticket	Total Expense
		Subsistence	Accommodation	Sitting				
Day 1	One day before Meeting	7,500	5,000	-	12,500			
Day 2	1 person - Thursday 6 May 2021	7,500	5,000	7,500	20,000			
Day 3	1 person - Friday 7 May 2021	7,500	5,000	7,500	20,000			
Day 4	Weekend	7,500	5,000		12,500			
Day 5	Weekend	7,500	5,000		12,500			
Day 6	2 person - Monday 10 May 2021	7,500×2 15,000	5,000×2 10,000	7,500×2 15,000	40,000			
Total		52,500	35,000	30,000	117,500	15,000	209,700	342,200

Second Meeting 21 September 15 October 2021 (26 calendar days)**Actual Expenditure for Second Meeting**

No# of Days	Types of Allowances						
	Attendees	Subsistence	Accommodation	Sitting	Refreshment	Air Ticket	Total Expense
18 Sitting days (including Provincial Days)	7 Members			7,500×18 days = 135,000×7MPs = 945,000			945,000
8 Non-sitting days (weekends / Holidays+ 1 day before sitting)		7,500×26days = 195,000×7MPs = 1,365,000	5,000×26days = 130,000×7MPs = 910,000				2,275,000
					20,000	176,390	196,390
Total Expense		1,365,000	910,000	945,000	20,000	176,390	3,416,390

Challenges

I wish to stress out several challenges the Committee has faced with and for Parliament and the Government to assist resolve these challenges:

- I. The Committee on Institutional and Constitutional Affairs relies on the annual reports of certain Offices for which the heads of Institutions are responsible for, however, for 2021, only few of the institutions have provided their annual reports. Non-submission of the reports contravenes the Parliament Administration Act.
- II. The Issue of Communications between the Office of the Committees and its Committee Members. Most of our communication modes relies mainly on our three telecommunications providers (Digicel, Vodafone and Government network [OGCIO]), under some unforeseen circumstances in regards to technical problems, it results to Committee Members delay of attending the meetings.
- III. Quorum is one of the common challenge face by in committee meetings
- IV. Multiple Membership can disturb proceedings of other standing committees
- V. Response of witnesses to come before the committee.
- VI. Financial Resources – Committee roles always hindered by financial constraints. It dis-advance the committee to undertake its roles more effectively.
- VII. Lastly, lack of timing to cover all the work-plan for this year. This may require committee convening beyond meeting deadlines set in the work-plan, if the Committee decides to enquire into all of the listed activities.

Conclusion

As Chairperson of the Committee on Institutional and Constitutional Affairs, I am honored to acknowledge all the members support in legally constituting the Parliamentary Standing Committees as required under the Constitution, which now gives effect to the Committee work. The Committee is looking forward to working with all the stakeholders to implement the its work plan and in providing the necessary report required under its legal framework.

I am pleased to submit the Committee on Institutional and Constitutional activity report for 2021 to Parliament.

Hon. Sakaes LULU (Chairman)

11 / 11 / 2021

Date

Hon. John Nil ROY (Vice-Chairman)

11 / 11 / 2021

Date

Hon. Nako NATUMAN

11 / 11 / 2021

Date

Hon. Kenneth NATAPEI

11 / 11 / 2021

Date

Hon. Alfred MAOH

11 / 11 / 2021

Date

Hon. Francois BATICK

11 / 11 / 2021

Date

Hon. Danny SILAS

11 / 11 / 2021

Date

APPENDIX 1 - Attendance Sheets

TWELFTH LEGISLATURE
PARLIAMENT OF THE
REPUBLIC OF VANUATU



DOUZIÈME LÉGISLATURE
DU PARLEMENT DE LA
REPUBLIQUE DU VANUATU

COMMITTEE ON INSTITUTIONAL AND CONSTITUTIONAL AFFAIRS /
COMMISSION DES AFFAIRES INSTITUTIONNELLES ET
CONSTITUTIONNELLES

ATTENDANCE SHEET/ FEUILLE DE PRÉSENCE

SITTING OF / SÉANCE DU : MONDAY 27TH OF SEPTEMBER 2021

Hon. Sakaes LULU (Chairman)	
Hon. John R. NIL (Vice-Chairman)	
Hon. Nako NATUMAN (Member)	
Hon. Kenneth NATAPEI (Member)	
Hon. Alfred MAOH (Member)	
Hon. Francois BATICK (Member)	
Hon. Silas DANNY (Member)	A

P = Present

A = Absent

TWELFTH LEGISLATURE
PARLIAMENT OF THE
REPUBLIC OF VANUATU



DOUZIÈME LÉGISLATURE
DU PARLEMENT DE LA
REPUBLIQUE DU VANUATU

COMMITTEE ON INSTITUTIONAL AND CONSTITUTIONAL AFFAIRS /
COMMISSION DES AFFAIRES INSTITUTIONNELLES ET
CONSTITUTIONNELLES

ATTENDANCE SHEET/ FEUILLE DE PRÉSENCE

SITTING OF / SÉANCE DU : TUESDAY 28TH OF SEPTEMBER 2021

Hon. Sakaes LULU (Chairman)	
Hon. John R. NIL (Vice-Chairman)	
Hon. Nako NATUMAN (Member)	
Hon. Kenneth NATAPEI (Member)	
Hon. Alfred MAOH (Member)	
Hon. Francois BATICK (Member)	
Hon. Silas DANNY (Member)	

P = Present
A = Absent

TWELFTH LEGISLATURE
PARLIAMENT OF THE
REPUBLIC OF VANUATU



DOUZIÈME LÉGISLATURE
DU PARLEMENT DE LA
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COMMITTEE ON INSTITUTIONAL AND CONSTITUTIONAL AFFAIRS /
COMMISSION DES AFFAIRES INSTITUTIONNELLES ET
CONSTITUTIONNELLES

ATTENDANCE SHEET/ FEUILLE DE PRÉSENCE

SITTING OF / SÉANCE DU : WEDNESDAY 29TH OF SEPTEMBER 2021

Hon. Sakaes LULU (Chairman)	
Hon. John R. NIL (Vice-Chairman)	
Hon. Nako NATUMAN (Member)	
Hon. Kenneth NATAPEI (Member)	
Hon. Alfred MAOH (Member)	
Hon. Francois BATICK (Member)	
Hon. Silas DANNY (Member)	

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A = Absent

TWELFTH LEGISLATURE
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CONSTITUTIONNELLES

ATTENDANCE SHEET/ FEUILLE DE PRÉSENCE

SITTING OF / SÉANCE DU : THURSDAY 30TH OF SEPTEMBER 2021

Hon. Sakaes LULU (Chairman)	
Hon. John R. NIL (Vice-Chairman)	
Hon. Nako NATUMAN (Member)	
Hon. Kenneth NATAPEI (Member)	
Hon. Alfred MAOH (Member)	
Hon. Francois BATICK (Member)	
Hon. Silas DANNY (Member)	

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CONSTITUTIONNELLES

ATTENDANCE SHEET/ FEUILLE DE PRÉSENCE

SITTING OF / SÉANCE DU : FRIDAY 1ST OF OCTOBER 2021

Hon. Sakaes LULU (Chairman)	
Hon. John R. NIL (Vice-Chairman)	
Hon. Nako NATUMAN (Member)	
Hon. Kenneth NATAPEI (Member)	
Hon. Alfred MAOH (Member)	
Hon. Francois BATICK (Member)	
Hon. Silas DANNY (Member)	

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A = Absent

TWELFTH LEGISLATURE
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COMMITTEE ON INSTITUTIONAL AND CONSTITUTIONAL AFFAIRS /
COMMISSION DES AFFAIRES INSTITUTIONNELLES ET
CONSTITUTIONNELLES

ATTENDANCE SHEET/ FEUILLE DE PRÉSENCE

SITTING OF / SÉANCE DU : THURSDAY 07TH OF OCTOBER 2021

Hon. Sakaes LULU (Chairman)	
Hon. John R. NIL (Vice-Chairman)	
Hon. Nako NATUMAN (Member)	A
Hon. Kenneth NATAPEI (Member)	
Hon. Alfred MAOH (Member)	
Hon. Francois BATICK (Member)	
Hon. Silas DANNY (Member)	

P = Present
A = Absent

TWELFTH LEGISLATURE
PARLIAMENT OF THE
REPUBLIC OF VANUATU



DOUZIÈME LÉGISLATURE
DU PARLEMENT DE LA
REPUBLIQUE DU VANUATU

COMMITTEE ON INSTITUTIONAL AND CONSTITUTIONAL AFFAIRS /
COMMISSION DES AFFAIRES INSTITUTIONNELLES ET
CONSTITUTIONNELLES

ATTENDANCE SHEET/ FEUILLE DE PRÉSENCE

SITTING OF / SÉANCE DU : FRIDAY 8TH OF OCTOBER 2021

Hon. Sakaes LULU (Chairman)	A
Hon. John R. NIL (Vice-Chairman)	A
Hon. Nako NATUMAN (Member)	A
Hon. Kenneth NATAPEI (Member)	A
Hon. Alfred MAOH (Member)	A
Hon. Francois BATICK (Member)	A
Hon. Silas DANNY (Member)	A

P = Present

A = Absent

TWELFTH LEGISLATURE
PARLIAMENT OF THE
REPUBLIC OF VANUATU

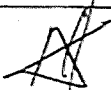



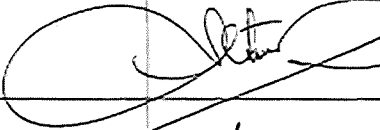

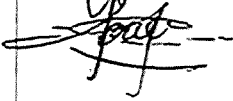


DOUZIÈME LÉGISLATURE
DU PARLEMENT DE LA
REPUBLIQUE DU VANUATU

COMMITTEE ON INSTITUTIONAL AND CONSTITUTIONAL AFFAIRS /
COMMISSION DES AFFAIRES INSTITUTIONELLES ET
CONSTITUTIONNELLES

ATTENDANCE SHEET / FEUILLE DE PRÉSENCE

SITTING OF / SÉANCE DU : TUESDAY 12TH OF OCTOBER 2021

Hon. Sakaes LULU (Chairman)	
Hon. John R. NIL (Vice-Chairman)	
Hon. Nako NATUMAN (Member)	
Hon. Kenneth NATAPEI (Member)	
Hon. Alfred MAOH (Member)	
Hon. Francois BATICK (Member)	
Hon. Silas DANNY (Member)	

P = Present

A = Absent

TWELFTH LEGISLATURE
PARLIAMENT OF THE
REPUBLIC OF VANUATU



DOUZIÈME LÉGISLATURE
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COMMITTEE ON INSTITUTIONAL AND CONSTITUTIONAL AFFAIRS /
COMMISSION DES AFFAIRES INSTITUTIONNELLES ET
CONSTITUTIONNELLES

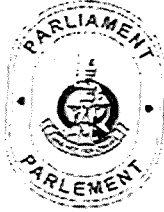
ATTENDANCE SHEET / FEUILLE DE PRÉSENCE

SITTING OF / SÉANCE DU : WEDNESDAY 13TH OF OCTOBER 2021

Hon. Sakaes LULU (Chairman)	
Hon. John R. NIL (Vice-Chairman)	
Hon. Nako NATUMAN (Member)	
Hon. Kenneth NATAPEI (Member)	
Hon. Alfred MAOH (Member)	
Hon. Francois BATICK (Member)	
Hon. Silas DANNY (Member)	

P = Present
A = Absent

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ATTENDANCE SHEET / FEUILLE DE PRÉSENCE

SITTING OF / SÉANCE DU : THURSDAY 14TH OF OCTOBER 2021

Hon. Sakaes LULU (Chairman)	
Hon. John R. NIL (Vice-Chairman)	
Hon. Nako NATUMAN (Member)	
Hon. Kenneth NATAPEI (Member)	
Hon. Alfred MAOH (Member)	
Hon. Francois BATICK (Member)	
Hon. Silas DANNY (Member)	

P = Present
A = Absent

TWELFTH LEGISLATURE
PARLIAMENT OF THE
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CONSTITUTIONNELLES

ATTENDANCE SHEET/ FEUILLE DE PRÉSENCE

SITTING OF / SÉANCE DU : FRIDAY 15TH OF OCTOBER 2021

Hon. Sakaes LULU (Chairman)	
Hon. John R. NIL (Vice-Chairman)	
Hon. Nako NATUMAN (Member)	
Hon. Kenneth NATAPEI (Member)	
Hon. Alfred MAOH (Member)	
Hon. Francois BATICK (Member)	
Hon. Silas DANNY (Member)	

P = Present
A = Absent

APPENDIX 2 – Photos of Sessions



Photo showing Mr. Junior Natuman representing the Office of the State Law during the Committee briefings.



Photo showing Mr. Hamlison BULU with one of his Senior Staff, representing the Office of the Ombudsman during the Committee briefings.



Photo showing Mr. Raymond K. MANUAKE, representing the Parliament during the Committee briefings.