REPUBLIC OF VANUATU

BILL FOR THE
POLICE ACT NO. OF 2026

Explanatory Note

This Bill repeals and replaces the Police Act [CAP 105] (the "Act").

The Government aims to provide a modern and clear legal framework for the organization, administration, accountability and powers of the Vanuatu Police Force.

This Bill provides for the following:

(a) establishes the Police Service Commission and sets out its membership, functions and role in senior appointments and employment oversight; and

(b) clarifies the structure and functions of the Force, including general duties police, the Vanuatu Mobile Force and the Police Maritime Wing; and

(c) gives a clear legal basis to specialist units, including the Police Training College, Community Policing Team, National Intelligence Unit, Professional Standards Unit, Close Protection Unit and Police Animal Unit; and

(d) modernizes the appointment, promotion, training, transfer, retirement and discipline of police members; and

(e) strengthens integrity and accountability through clear disciplinary procedures and alcohol and drug testing; and

(f) updates police powers relating to crime scenes, searches, warrants, seizure and the use of force; and

(g) creates offences for tampering with a crime scene, impersonating a police officer and obstructing a lawful search, and provides transitional arrangements for the new Act.

This Bill will give the Vanuatu Police Force a clear, modern and accountable legal framework to protect people, maintain law and order, and respond to current security needs.

Minister of Internal Affairs

REPUBLIC OF VANUATU

BILL FOR THE POLICE ACT NO. OF 2026

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REPUBLIC OF VANUATU

BILL FOR THE POLICE ACT NO. OF 2026

An Act to provide for the establishment, organisation, administration, governance and powers of the Vanuatu Police Force and for related matters.

Be it enacted by the President and Parliament as follows-

PART 1 PRELIMINARY MATTERS

1 Interpretation

In this Act, unless a contrary intention appears:

authorised officer means a person appointed under section 99;

Commission means the Police Service Commission established under section 6;

Commissioner means the Commissioner of Police appointed under section 36;

Community Safety Team means a Community Safety Team established under section 120;

contiguous zone means the contiguous zone of Vanuatu as defined in the Maritime Zones Act No. 6 of 2010;

Deputy Commissioner means the Deputy Commissioner of Police appointed under section 46;

EEZ means the exclusive economic zone of Vanuatu as defined in the Maritime Zones Act No. 6 of 2010;

Force means the Vanuatu Police Force established by section 21;

internal waters means the internal waters of Vanuatu as defined in the Maritime Zones Act No. 6 of 2010;

judicial officer means a person authorised by law to issue a warrant or other judicial authority;

member means a person who is a member of the Force under section 22;

minor misconduct or **serious misconduct** have the meanings given by section 204;

Minister means the Minister responsible for Police;

police officer means a sworn member appointed as a police officer under this Act;

police power includes a power of arrest, search, seizure, detention, direction, entry, use of force or other coercive power conferred by this Act or any other Act;

specialist employee means a person employed by the Force to provide specialist technical, professional or support services who is not a sworn police officer;

territorial waters means the territorial waters of Vanuatu as defined in the Maritime Zones Act No. 6 of 2010;

unsworn officer means a member who is not a sworn member and whose functions and powers are prescribed by this Act or Regulations;

2 Objective of the Act

The objectives of this Act are:

(a) to establish an efficient, effective, professional and accountable Vanuatu Police Force to maintain public safety, uphold the law and protect the people of the Republic of Vanuatu; and

(b) to determine the powers and responsibilities of the Commissioner as the most senior member of the Force; and

(c) to establish the Police Service Commission and to ensure that the Commission is able to assist with the functions of the Force and its members, including the Commissioner; and

(d) to provide a legal framework for the appointment, powers, duties and discipline of members of the Force; and

(e) to establish the rights and obligations of members of the Force; and

(f) to establish the operational elements of the Force and provide for their respective roles, functions and responsibilities; and

(g) to provide for the effective, lawful and accountable exercise of policing functions and powers; and

(h) to provide for the establishment of the Vanuatu Police Training College, and its functions and governance.

3 Government to provide adequate funding

The Government is to provide a sufficient budget to the Force and the Commission to perform its functions efficiently, effectively and properly.

4 Values of the Force

The Force is to perform its functions and exercise its powers in accordance with the following core values:

(a) integrity; and

(b) accountability; and

(c) professionalism; and

(d) respect; and

(e) discipline; and

(f) impartiality; and

(g) teamwork; and

(h) service to the community; and

(i) excellence.

5 Application of Public Service Act

(1) This Act is the principal legislation governing the establishment, administration and management of the Force and the employment and conditions of service of members of the Force.

(2) The Public Service Act [CAP 246] applies to a member of the Force only to the extent that a matter relating to that member is not expressly provided for by:

(a) this Act; or

(b) the regulations made under this Act.

(3) If there is any inconsistency between this Act or the Regulations made under this Act and the Public Service Act [CAP 246] in relation to a member of the Force, this Act or the Regulations made under this Act prevail to the extent of the inconsistency.

PART 2 POLICE SERVICE COMMISSION

Division 1 Establishment and Membership

6 Establishment of the Police Service Commission

The Police Service Commission is established.

7 Membership of the Commission

(1) The Commission consists of 6 members appointed in writing by the President, after consultation with the Minister.

(2) The Minister must nominate only persons who are independent of the operational command of the Force for appointment as members of the Commission.

(3) A person appointed under subsection (1) is to hold office for a term of 4 years and is not eligible for reappointment.

(4) A person may be appointed as a member of the Commission only if that person:

(a) is of good character and integrity; and

(b) has knowledge, skills or experience relevant to the functions of the Commission.

8 Disqualification for appointment

(1) A person must not be nominated for appointment as a member of the Commission if the person:

(a) is a member of Parliament; or

(b) is a member of a Provincial Government Council; or

(c) is a member of a Municipal Council; or

(d) holds a position of responsibility in a political party; or

(e) is a member of the Force; or

(f) holds an office, employment or other interest that is incompatible with the independent and impartial performance of the functions of a member of the Commission.

(2) A person appointed as a member of the Commission must perform his or her functions independently, impartially and in the public interest.

9 Resignation and removal of members

(1) A member ceases to hold office if the member is disqualified under section 8.

(2) A member may resign by giving 1 month written notice to the President.

(3) The Minister, after consultation with the Prime Minister, may remove a member from office if the member:

(a) is physically or mentally incapable of performing the functions of the office; or

(b) is convicted of a criminal offence; or

(c) becomes bankrupt; or

(d) fails, without the permission of the Commission, to attend 3 consecutive meetings of the Commission.

(4) Before removing a member under subsection (3), the Minister must:

(a) give the member written notice of the proposed removal and the reasons for it; and

(b) give the member a reasonable opportunity to respond.

(5) The Minister must consider any response received under subsection (4) before making a decision to remove the member.

Division 2 Functions and Powers

10 Functions and powers of the Commission

(1) The Commission has the following functions:

(a) to advise the President on the appointment of the Commissioner in accordance with this Act and the Constitution; and

(b) to appoint Deputy Commissioners in accordance with this Act; and

(c) to appoint Assistant Commissioners in accordance with this Act; and

(d) to appoint other senior officers prescribed by this Act or Regulations; and

(e) to determine promotions of senior officers where required by this Act; and

(f) to exercise disciplinary powers in relation to senior officers where jurisdiction is conferred on the Commission by this Act; and

(g) to determine appeals in employment matters where jurisdiction is conferred on the Commission by this Act; and

(h) to advise the responsible Minister on police employment and governance matters; and

(i) to monitor workforce planning and senior leadership succession within the Force; and

(j) to review organisational capability and leadership development within the Force; and

(k) to oversee employment governance and the integrity of employment processes within the Force; and

(l) to oversee employment practices across the Force in accordance with this Act; and

(m) to perform any other function conferred on the Commission by this Act or another written law.

(2) The Commission is responsible for the strategic governance of police employment matters, including:

(a) employment governance; and

(b) senior executive appointments; and

(c) senior executive performance management where prescribed by this Act or Regulations; and

(d) senior leadership succession planning; and

(e) workforce governance policies; and

(f) organisational integrity in employment processes; and

(g) oversight of employment practices across the Force.

(3) The functions of the Commission under subsection (2) do not extend to the operational command or management of the Force.

(4) The Commission must perform its functions in a timely manner and in accordance with this Act.

(5) The Commission may:

(a) make inquiries if it considers necessary in relation to a matter within its statutory functions; and

(b) require information or documents reasonably necessary for the performance of its functions; and

(c) conduct hearings where authorised or required by this Act; and

(d) establish committees to assist it in performing its functions; and

(e) receive or prepare reports relating to a matter within its statutory functions; and

(f) issue employment-related guidelines consistent with this Act.

(6) The Commission has all powers necessary or convenient to perform its functions under this Act, subject to any limitation imposed by this Act or any other Act.

11 Independence of the Commission

(1) Subject to this Act, the Commission is not subject to the direction or control of any other person or body in relation to the exercise of its powers and functions under this Act.

(2) In exercising its powers and functions under this Act, the Commission must have regard to the policies of the Government as communicated in writing to the Commission from time to time by the Minister.

Division 3 Chairperson, Deputy Chairperson, meetings and remuneration of the Commission

12 Chairperson and Deputy Chairperson

(1) The Minister, after consulting the Prime Minister, must appoint a Chairperson from among the members of the Commission for a term of 4 years.

(2) The Chairperson is responsible for ensuring the effective governance and administration of the Commission.

(3) The Chairperson holds office for the term of the appointment unless the appointment ends earlier under this Act.

(4) The Minister may remove the Chairperson from office after consulting the Prime Minister if the Minister is satisfied that there are grounds for removal under section 8.

(5) Before removing the Chairperson from office, the Minister must:

(a) give the Chairperson written notice of the proposed removal and the reasons for it; and

(b) give the Chairperson a reasonable opportunity to respond.

(6) The Minister must consider any response received from the Chairperson before making a decision under subsection (4).

(7) The Commission must elect a Deputy Chairperson from among its members.

(8) The Deputy Chairperson acts as Chairperson if:

(a) the office of Chairperson is vacant; or

(b) the Chairperson is absent or otherwise unable to perform the functions of the office.

13 Functions of Chairperson

In addition to any other function conferred on the Chairperson by this Act, the Chairperson has the following functions:

(a) to convene meetings of the Commission; and

(b) to preside over meetings of the Commission; and

(c) to exercise a casting vote if there is an equality of votes; and

(d) to oversee the effective governance and administration of the Commission; and

(e) to ensure that proper written records of the meetings, deliberations and decisions of the Commission are kept; and

(f) to ensure that conflicts of interest are properly disclosed and managed; and

(g) to ensure that the Commission performs its functions independently, impartially and in the public interest; and

(h) to prepare or approve the annual report of the Commission under section 19; and

(i) to perform any other function conferred on the Chairperson by this Act or any other law.

14 Meetings of Commission

(1) The Commission may hold meetings as necessary to perform its functions under this Act.

(2) The Chairperson, or in the Chairperson's absence, the Deputy Chairperson:

(a) may call a meeting of the Commission at any time; and

(b) must call a meeting if at least 2 members make a written request to the Chairperson.

(3) A quorum for a meeting of the Commission is 4 members, including the Chairperson or, if the Chairperson is absent, the Deputy Chairperson.

(4) The Commission must keep written records of its meetings, proceedings and decisions.

(5) The Chairperson must preside at a meeting of the Commission. If the Chairperson is absent, the Deputy Chairperson must preside.

(6) A member, including the Chairperson, must not take part in the consideration or decision of a matter before the Commission if the member has a conflict of interest in relation to the matter.

(7) A member who has a conflict of interest in relation to a matter must disclose the conflict and must not:

(a) take part in any discussion or deliberation on the matter; or

(b) vote on the matter.

15 Remuneration and allowances

A member of the Commission, including the Chairperson, is entitled to the remuneration and allowances determined in writing by the Minister.

Division 4 Administration

16 Secretary to Commission

(1) The Commission, after consulting the Minister, must appoint a person as Secretary to the Commission.

(2) The appointment must be made on merit.

(3) The Commission must determine in writing the terms and conditions of the Secretary’s appointment

(4) The Secretary is responsible to the Chairperson for the performance of the functions of the Secretary and must act in accordance with any lawful decision of the Commission.

17 Functions of Secretary

(1) The Secretary must provide secretariat and administrative support to the Commission.

(2) The Secretary has the following functions:

(a) to attend and assist at meetings of the Commission, including preparing and keeping minutes and records of meetings and circulating agendas and relevant documents; and

(b) to provide administrative support to the Commission as directed by the Chairperson or a person acting as Chairperson; and

(c) to liaise, as necessary, with the Minister, the Commissioner and the Deputy Commissioner; and

(d) liaising, as necessary, with the Professional Standards Unit and other relevant authorities on matters within the statutory functions of the Commission; and

(e) to be responsible for the effective operation and management of the Office of the Commission; and

(f) to perform any other function given to the Secretary by the Commission, this Act or any other Act.

(3) The Secretary and any other person appointed by the Commission are subject to the direction of the Chairperson.

18 Other staff

The Commission may, after consultation with the Minister, appoint such other staff of the Commission as is required for the proper performance of its functions.

19 Annual report

(1) The Commission must, as soon as practicable after the end of each financial year, prepare a report on the performance of its functions during that year.

(2) The report must include:

(a) the appointments made or recommended by the Commission; and

(b) promotions determined by the Commission; and

(c) disciplinary matters determined by the Commission, presented in a de-identified manner where appropriate; and

(d) workforce governance matters affecting the Force; and

(e) senior leadership succession and organisational capability matters; and

(f) significant employment governance issues identified by the Commission; and

(g) recommendations for improving employment governance and organisational capability; and

(h) any other information prescribed by Regulation.

(3) The Commission must give the report to the responsible Minister.

(4) The responsible Minister must tabled the Report in Parliament.

20 Committees of Commission

(1) The Commission may establish committees to assist it in performing its functions.

(2) A committee established under subsection (1) must perform only functions delegated or assigned to it by the Commission.

(3) The establishment of a committee does not affect the responsibility of the Commission for the performance of its statutory functions.

PART 3 THE VANUATU POLICE FORCE

Division 1 The Vanuatu Police Force

21 Establishment of the Vanuatu Police Force

(1) The Vanuatu Police Force is established as the national police service of the Republic of Vanuatu.

(2) The Vanuatu Police Force is an essential service and must remain operational at all times during natural disasters, state of emergencies, or other disaster situations.

(3) The operational elements of the Force includes:

(a) the general policing Arm; and

(b) the Vanuatu Mobile Force; and

(c) the Vanuatu Police Maritime Wing.

22 Composition of the Force

(1) The Force consists of:

(a) the Commissioner of Police; and

(b) Deputy Commissioners of Police; and

(c) Assistant Commissioners and other senior officers; and

(d) police officers appointed under this Act; and

(e) specialist employees; and

(f) authorised officers; and

(g) unsworn officers; and

(h) any other category of personnel prescribed by Regulations.

23 Functions of the Force

(1) The functions of the Force are to:

(a) preserve peace in Vanuatu; and

(b) maintain law and order throughout Vanuatu; and

(c) protect life and property; and

(d) prevent, detect and investigate crime and other offences; and

(e) perform general policing duties and border, maritime and national security operations; and

(f) enforce the law generally, including any law that gives a function, power or responsibility to the Force or a member of the Force; and

(g) collect, assess, analyse and use intelligence for the prevention and detection of crime, the protection of public safety and the performance of the functions of the Force; and

(h) work with communities to prevent crime, promote public safety and strengthen community confidence in the Force; and

(i) respond to natural disasters, emergencies and other serious threats to life, property or public safety; and

(j) assist in search, rescue, evacuation and humanitarian operations; and

(k) assist other government agencies in accordance with this Act or any other Act; and

(l) support national disaster management and emergency response arrangements during times of disasters, public health emergencies, cybercrime, national security incidents and other prescribed emergencies; and

(m) perform any other function or duty expressly conferred on the Force by this Act or any other Act; and

(n) do anything reasonably necessary or incidental to the performance of the functions of the Force.

24 Independence and impartiality of members of the Force

(1) In exercising a power or performing a function under this Act or any other written law, a member of the Force must act independently and impartially.

(2) A member is subject only to the lawful command and direction of:

(a) the Commissioner; or

(b) another person authorised by the Constitution, this Act or any other Act to give the command or direction.

(3) A person must not direct, influence or interfere with the exercise of a power or the performance of a function by a member of the Force, except as expressly authorised by the Constitution, this Act or any other Act.

Division 2 The Vanuatu Mobile Force

25 Vanuatu Mobile Force

(1) The Vanuatu Mobile Force is established as a recognised operational element of the Vanuatu Police Force.

(2) The Vanuatu Mobile Force forms part of the Vanuatu Police Force and is subject to the command and direction of the Commissioner.

26 Primary function of Vanuatu Mobile Force

The primary function of the Vanuatu Mobile Force is to provide a limited first-line defence capability in response to external threats to the security of the Republic of Vanuatu.

27 Secondary function of Vanuatu Mobile Force

The secondary function of the Vanuatu Mobile Force is to support the general policing arm of the Vanuatu Police Force in:

(a) maintaining law and order; and

(b) preserving the peace; and

(c) responding to serious public order incidents,

when authorised by the Commissioner and where necessary.

28 Specific functions of Vanuatu Mobile Force

The functions of the Vanuatu Mobile Force include:

(a) internal security duties, including riot control, counter-insurgency and counter-terrorist operations, if needed; and

(b) land-based search and rescue and search and clear operations; and

(c) disaster relief operations; and

(d) close personal protection of VIPs; and

(e) peace operations and peace-building; and

(f) operating the national fire service; and

(g) intelligence; and

(h) community development projects, including limited engineering construction tasks; and

(i) regimental duties, including guards of honour, credentials ceremonies and quarter guards; and

(j) participating in regional and international peacekeeping, policing and related operations where approved under this Act; and

(k) performing any other function conferred on the Vanuatu Mobile Force by this Act or any other Act.

Division 3 Police Maritime Wing

29 Police Maritime Wing

(1) The Police Maritime Wing is established as an operational element of the Vanuatu Police Force.

(2) The Police Maritime Wing is subject to the command and direction of the Commissioner.

30 Functions of Police Maritime Wing

The functions of the Police Maritime Wing include:

(a) undertaking maritime law enforcement functions within Vanuatu's internal waters, territorial waters and Exclusive Economic Zone; and

(b) detecting, monitoring, responding to and apprehending persons engaged in unlawful activities in the maritime environment, including illegal fishing; and

(c) supporting the enforcement of legislation relating to fisheries, customs, immigration, biosecurity and other maritime legislation; and

(d) supporting border security operations; and

(e) conducting maritime patrols and surveillance; and

(f) undertaking maritime search and rescue operations where authorised by law; and

(g) providing maritime support during disasters and emergencies, including humanitarian assistance, evacuation and logistical support; and

(h) supporting general policing operations, particularly in remote and outer island communities; and

(i) providing maritime transport and operational support to other government agencies where authorised under this Act; and

(j) intelligence; and

(k) participating in regional and international maritime cooperation, surveillance activities and joint exercises; and

(l) conduct search and rescue; and

(m) undertaking any other function conferred on the Police Maritime Wing by this Act or any other Act.

31 Powers of authorised members

(1) A member of the Police Maritime Wing who is authorised to exercise a power under this Act or any other Act may exercise such power as is necessary to perform the member's functions under this Act.

(2) Without limiting subsection (1), an authorised member may, where authorised by law:

(a) board a vessel; and

(b) stop or detain a vessel; and

(c) search a vessel, person or cargo; and

(d) seize evidence, prohibited goods or another item; and

(e) arrest a person; and

(f) direct the movement or operation of a vessel where necessary for law enforcement or public safety; and

(g) exercise any other power as is reasonably necessary to perform a function under this Act or any other Act.

32 Maritime areas

(1) For the purposes of this Act, the Police Maritime Wing may perform its functions within:

(a) the internal waters of Vanuatu; and

(b) the territorial waters of Vanuatu; and

(c) the contiguous zone, where applicable; and

(d) the Exclusive Economic Zone of Vanuatu; and

(e) any other maritime area in which Vanuatu may lawfully exercise jurisdiction under domestic law or international law.

33 Cooperation with government agencies

(1) The Police Maritime Wing must cooperate with a government agency that exercises functions in the maritime environment.

(2) The agencies referred to in subsection (1) include:

(a) the Department of Fisheries;

(b) the Department of Customs;

(c) the Department of Immigration;

(d) the Department of Biosecurity;

(e) the National Disaster Management Office;

(f) the Vanuatu Maritime Safety Authority; and

(g) any other government agency prescribed by Regulations.

Division 4 Other responsibilities of the Force

34 Operational support between operational elements

(1) The Commissioner may direct an operational element to provide support to another operational element if the Commissioner considers that the support is necessary or desirable for:

(a) maintaining law and order or preserving the peace; or

(b) preventing or responding to serious crime or other serious threats to public safety; or

(c) responding to a serious public order incident; or

(d) responding to a natural disaster or other emergency; or

(e) conducting a search and rescue operation; or

(f) protecting life or property; or

(g) conducting a national security operation; or

(h) conducting a border or maritime security operation; or

(i) supporting an investigation or intelligence-led operation; or

(j) providing specialist operational, logistical, transport or technical capability; or

(k) supporting policing in remote or outer-island communities; or

(l) any other purpose connected with the functions of the Force.

(2) An operational element may request support from another operational element through the operational command structure established by the Commissioner.

(3) The Commissioner may approve, refuse, vary or withdraw a request for operational support having regard to:

(a) the nature and seriousness of the incident or operation; and

(b) the capability required; and

(c) the availability of personnel and resources; and

(d) the operational priorities of the Force; and

(e) the safety and welfare of members; and

(f) any other relevant operational consideration.

35 Request for assistance

(1) A government agency may request assistance from the Force if:

(a) the agency requires police assistance to perform a function conferred on it by law; or

(b) the agency is responding to an emergency or disaster; or

(c) there is a serious or imminent threat to life, public safety or property; or

(d) the agency requires assistance to maintain public order or security; or

(e) the agency requires specialist police capability or resources; or

(f) the agency is conducting an operation that requires police support; or

(g) assistance is otherwise authorised by this Act or any other Act.

(2) A request for assistance must be made by:

(a) the head of the government agency; or

(b) a person authorised by the head of the agency to make the request.

(3) A request must, where practicable, be made in writing and specify:

(a) the nature and purpose of the assistance requested; and

(b) the location of the proposed operation; and

(c) the personnel, equipment or capability required; and

(d) the expected duration of the assistance; and

(e) any other information reasonably required by the Commissioner.

(4) If an emergency makes a written request impracticable, the request may be made orally.

(5) A request made orally under subsection (4) must be confirmed in writing as soon as practicable.

(6) Upon receiving a request under this section, the Commissioner may:

(a) approve the request; or

(b) approve the request subject to conditions; or

(c) approve only part of the assistance requested; or

(d) require the requesting agency to provide further information before making a decision; or

(e) refuse the request.

(7) In deciding whether to provide assistance, the Commissioner must consider:

(a) the seriousness and urgency of the circumstances; and

(b) the statutory functions of the requesting agency; and

(c) the statutory functions and operational priorities of the Force; and

(d) the availability of police personnel and resources; and

(e) the safety and welfare of members; and

(f) whether another government agency is better placed to provide the assistance; and

(g) the duration and likely operational impact of the assistance; and

(h) any other relevant circumstance.

(8) The Commissioner may withdraw, vary or suspend assistance if the Commissioner considers that:

(a) the assistance is no longer required; or

(b) the circumstances have changed; or

(c) the Force requires the personnel or resources for an urgent policing purpose; or

(d) the assistance is being used for a purpose that was not authorised; or

(e) continued assistance would be inconsistent with this Act or any other Act.

PART 4 COMMISSIONER, DEPUTY COMMISSIONERS AND ASSISTANT COMMISSIONERS

Division 1 Commission

36 Appointment of Commissioner

(1) The President, on the advice of the Commission and after consultation with the Minister, must appoint a person in writing as the Commissioner for a term of 5 years.

(2) The Commissioner is eligible for reappointment.

(3) Before advising the President under subsection (1), the Commission must consult the Minister.

(4) The Commission must review the performance of the Commissioner 3 years after the date of the appointment.

(5) If, following the review, the Commission is satisfied with the performance of the Commissioner, it must inform the Commissioner and the Minister of its decision.

(6) If the Commission is not satisfied with the performance of the Commissioner, it must, after consulting the Minister, advise the President to terminate the Commissioner's appointment.

(7) The Commission must, before advising the President to appoint a person as Commissioner, make appropriate inquiries into the person's integrity and character.

(8) A person must not be appointed as Commissioner unless the person:

(a) has served in a senior position in the Force or in a police force of another country for at least 7 years; and

(b) preferably holds a tertiary qualification in policing, military studies, management or law.

(9) Subject to this Act and any other Act, the Commission must determine the terms and conditions of appointment of the Commissioner, including salary, allowances and other entitlements, after consulting the Minister.

(10) The terms and conditions of appointment must be set out in a written agreement and are subject to the prior approval of the Council of Ministers.

(11) The Commissioner may resign by giving 3 months' written notice to the President.

(12) The Commissioner must give a copy of the notice of resignation to the Minister and the Commission.

37 Operational responsibility of Commissioner

(1) The Commissioner is responsible for the operational management, command and administration of the Force.

(2) Without limiting subsection (1), the Commissioner is responsible for:

(a) ensuring adequate emergency response arrangements, personnel, resources, and operational plans are in place to enable the Vanuatu Police Force to respond rapidly and effectively to natural disasters and other emergencies; and

(b) authorising immediate operational action by the Vanuatu Police Force where urgent circumstances require intervention, while ensuring that the Police Force continues to coordinate with the National Disaster Management Office and other responding agencies as soon as practicable; and

(c) operational command of the Force; and

(d) deployment of police resources; and

(e) operational planning; and

(f) postings and transfers of members; and

(g) day-to-day management of members; and

(h) implementation of policing strategies; and

(i) discipline; and

(j) any other operational function conferred on the Commissioner by this Act or another written law.

(3) The Commission must not direct the Commissioner in relation to an operational policing decision.

38 Command of the Force

The Commissioner has overall command, superintendence and control of the Force.

39 Chain of command

(1) A member is accountable to a superior officer in accordance with the member's rank, appointment or lawful designation.

(2) A member must obey a lawful order given by a superior officer.

(3) Command responsibilities must be exercised according to rank, appointment or lawful designation.

40 Command of police stations

An officer in charge of a police station has command over the members assigned to the station, subject to the direction of a superior officer.

41 Operational command during incidents

(1) Operational command during an incident is to be exercised by:

(a) the officer designated by the Commissioner or a delegate; or

(b) if no officer has been designated, the most senior officer present until relieved by the designated commander.

(2) Operational command may be transferred as operational circumstances require.

42 Command of specialist operational units

(1) A specialist operational unit, including:

(a) the Vanuatu Mobile Force;

(b) the Police Maritime Wing; and

(c) a specialist investigative unit,

remains under the overall command of the Commissioner.

(2) A specialist operational unit may exercise operational command within its area of responsibility.

43 Multi-agency operations

Where members of the Force participate in a multi-agency operation:

(a) the Commissioner retains command of the members of the Force; and

(b) operational coordination may take place with other agencies; and

(c) the statutory responsibilities of each agency remain unaffected.

44 Responsibilities of officers exercising command

An officer exercising command is responsible for:

(a) operational decisions; and

(b) discipline; and

(c) the welfare of members under the officer's command; and

(d) accountability for public property and resources; and

(e) compliance with lawful directions.

45 Delegation by Commissioner

(1) The Commissioner may, by written instrument, delegate to a Deputy Commissioner, Assistant Commissioner, Commander of the Vanuatu Mobile Force, Commander of the Police Maritime Wing, regional commander, senior police officer or other member or officer of the Force any power or function conferred or imposed on the Commissioner by this Act or any other Act, except a power or function:

(a) expressly excluded from delegation by this Act; or

(b) making or approving a recommendation concerning the appointment or removal of a Deputy Commissioner or other senior officer where the recommendation is required to be made personally by the Commissioner under this Act; or

(c) prescribed by regulations as a power or function that may not be delegated.

(2) A delegation under subsection (1) must:

(a) be made in writing; and

(b) identify the power or function delegated; and

(c) identify the position or person to whom the delegation is made; and

(d) specify any conditions or limitations imposed by the Commissioner on the exercise of the delegated power or performance of the delegated function.

(3) The Commissioner may, in writing:

(a) amend a delegation; or

(b) suspend a delegation; or

(c) revoke a delegation.

(4) A delegation does not prevent the Commissioner from personally exercising the power or performing the function delegated.

Division 2 Deputy Commissioners and Assistant Commissioners

46 Appointment of Deputy Commissioners

(1) The Commission must appoint 3 persons in writing as Deputy Commissioners on the recommendation of the Minister and after consulting the Commissioner.

(2) A Deputy Commissioner is appointed for a term of 5 years and is eligible for reappointment.

(3) The Commission must review the performance of a Deputy Commissioner 3 years after the date of the appointment.

(4) If, following the review, the Commission is satisfied with the performance of the Deputy Commissioner, it must inform the Deputy Commissioner and the Minister of its decision.

(5) If the Commission is not satisfied with the performance of a Deputy Commissioner, it must, after consulting the Minister, terminate the Deputy Commissioner's appointment.

(6) Before making a recommendation under subsection (1), the Minister must make appropriate inquiries into the person's integrity and character.

(7) A person must not be appointed as a Deputy Commissioner unless the person:

(a) is a citizen of Vanuatu; and

(b) has served in the Force for at least 10 years; and

(c) preferably holds a tertiary qualification in policing, military studies, management or law.

(8) A Deputy Commissioner may resign by giving 3 months' written notice to the Commission.

(9) A Deputy Commissioner must give a copy of the notice of resignation to the Minister.

(10) The Commission must, after consulting the Minister, determine the terms and conditions of appointment of a Deputy Commissioner.

47 Appointment of Assistant Commissioners

(1) The Commission must appoint, in writing, the number of persons prescribed by regulation as Assistant Commissioners on the recommendation of the Commissioner after consulting the Minister.

(2) An Assistant Commissioner is appointed for a term of 5 years and is eligible for reappointment.

(3) Before making a recommendation under subsection (1), the Commissioner must make appropriate inquiries into the person's integrity, character, qualifications and suitability for appointment.

(4) A person must not be appointed as an Assistant Commissioner unless the person:

(a) is a citizen of Vanuatu; and

(b) has served in the Force for at least 7 years, including service in a senior management position; and

(c) preferably holds a tertiary qualification in policing, military studies, management, law or another relevant field.

(5) The Commissioner must ensure that a person recommended for appointment as an Assistant Commissioner has the experience, leadership skills and professional competence necessary to perform the functions of an Assistant Commissioner.

(6) The Commission must, after consulting the Minister, determine the terms and conditions of appointment of an Assistant Commissioner, including salary, allowances and other entitlements.

(7) An Assistant Commissioner may resign by giving 3 months' written notice to the Commission.

(8) An Assistant Commissioner must give a copy of the notice of resignation to the Commissioner and the Minister.

48 Acting Commissioner during vacancy

(1) If the office of Commissioner is vacant, the President, on the advice of the Commission and after consulting the Minister, may appoint a person in writing as Acting Commissioner for a period not exceeding 6 months.

(2) A person appointed under subsection (1) must be a Deputy Commissioner.

(3) The President, on the advice of the Commission and after consulting the Minister, may terminate an appointment made under subsection (1) at any time.

(4) An Acting Commissioner has all the powers and may perform all the functions and duties of the Commissioner under this Act.

(5) Subject to any other Act, the Minister, after consulting the Prime Minister, must determine the terms and conditions of appointment of the Acting Commissioner, including salary, allowances and other entitlements.

(6) The terms and conditions must be set out in a written agreement between the Minister and the Acting Commissioner.

(7) An Acting Commissioner may resign by giving 1 month's written notice to the President.

(8) An Acting Commissioner must give a copy of the notice of resignation to the Minister and the Commission.

(9) For the purposes of this section, the office of Commissioner becomes vacant if:

(a) the President terminates the Commissioner's appointment under this Act; or

(b) the Commissioner resigns; or

(c) the Commissioner dies.

49 Acting Deputy Commissioner during vacancy

(1) If the office of a Deputy Commissioner is vacant, the Commission, after consulting the Minister, may appoint a person in writing as Acting Deputy Commissioner for a period not exceeding 6 months.

(2) A person appointed under subsection (1) must be an Assistant Commissioner.

(3) The Commission, after consulting the Minister, may terminate an appointment made under subsection (1) at any time.

(4) An Acting Deputy Commissioner has all the powers and may perform all the functions and duties of a Deputy Commissioner under this Act.

(5) An Acting Deputy Commissioner may resign by giving 1 month's written notice to the Commission.

(6) An Acting Deputy Commissioner must give a copy of the notice of resignation to the Minister.

(7) For the purposes of this section, the office of Deputy Commissioner becomes vacant if:

(a) the Commission terminates the Deputy Commissioner's appointment under this Act; or

(b) the Deputy Commissioner resigns; or

(c) the Deputy Commissioner dies.

50 Absence of Commissioner or Deputy Commissioner

(1) If the Commissioner or a Deputy Commissioner is absent from duty or from Vanuatu, or is otherwise unable to perform the functions or duties of the office, the next most senior member of the Force who is available:

(a) has and may exercise the powers of the Commissioner or Deputy Commissioner; and

(b) must perform the functions and duties of the Commissioner or Deputy Commissioner.

(2) Despite subsection (1), a person acting in place of the Commissioner must not exercise the Commissioner's power to make a recommendation under section 46(1).

(3) The Commissioner must determine the order of seniority of members of the Force for the purposes of subsection (1).

(4) The Commission, after consulting the Minister, must determine the terms and conditions applicable to a member who exercises the powers or performs the functions and duties of the Commissioner under this section.

(5) A reference in this section to the Commissioner or a Deputy Commissioner includes a reference to an Acting Commissioner or Acting Deputy Commissioner.

(6) If the Commissioner is outside Vanuatu, at least 1 Deputy Commissioner must remain in Vanuatu and be available to exercise the powers and perform the functions and duties of the Commissioner.

51 Termination of appointment of Commissioner

(1) The President, on the advice of the Commission and after consulting the Minister, must terminate the appointment of the Commissioner if the Commissioner:

(a) is physically or mentally incapacitated and is unable to perform the functions of the office; or

(b) is convicted of a criminal offence; or

(c) becomes bankrupt; or

(d) seriously neglects the duties of the office; or

(e) is incompetent to perform the functions of the office.

(2) Before advising the President to terminate the appointment of the Commissioner under subsection (1), the Commission must investigate the circumstances giving rise to the proposed termination.

(3) If, following the investigation, the Commission is satisfied that a ground for termination under subsection (1) exists, it must advise the President to terminate the appointment.

52 Termination of appointment of Deputy Commissioner

(1) The Commission must terminate the appointment of a Deputy Commissioner if the Deputy Commissioner:

(a) is physically or mentally incapacitated and is unable to perform the functions of the office; or

(b) is convicted of a criminal offence; or

(c) becomes bankrupt; or

(d) seriously neglects the duties of the office; or

(e) is incompetent to perform the functions of the office.

(2) Before terminating the appointment of a Deputy Commissioner under subsection (1), the Commission must give the Deputy Commissioner:

(a) notice of the proposed termination; and

(b) a reasonable opportunity to respond to the grounds for the proposed termination.

(3) If, after considering the Deputy Commissioner's response, the Commission decides to terminate the appointment, it must:

(a) inform the Deputy Commissioner of the decision; and

(b) give the Deputy Commissioner written reasons for the decision.

PART 5 APPOINTMENT, SERVICE AND DISCHARGE

Division 1 Appointment and Enrolment

53 Appointment of officers and members

(1) The Commission must appoint senior officers, other than the Commissioner and a Deputy Commissioner, on the recommendation of the Commissioner.

(2) The Commissioner must appoint subordinate officers, including constables.

(3) An appointment, promotion or transfer within the Force must be made based on merit and follow a fair and transparent selection process.

(4) In determining merit for the purposes of subsection (3), consideration may be given to:

(a) the knowledge, skills and qualifications required for the position; and

(b) the applicant's experience and demonstrated capability; and

(c) work performance and professional competence; and

(d) integrity, honesty and ethical conduct; and

(e) leadership ability, where relevant to the position; and

(f) communication and interpersonal skills; and

(g) disciplinary history, where relevant to the position; and

(h) physical and medical fitness, where required for the position; and

(i) any other matter prescribed by this Act or the Regulations that is relevant to the proper performance of the position.

(5) A selection process under subsection (3) must:

(a) be competitive, where appropriate; and

(b) assess each applicant against the requirements of the position; and

(c) be documented; and

(d) be free from unlawful discrimination; and

(e) be based on objective assessment criteria; and

(f) be conducted in accordance with procedures prescribed by this Act or the Regulations.

(6) Promotion of a member must have regard to:

(a) demonstrated performance; and

(b) leadership capability; and

(c) operational experience; and

(d) professional qualifications; and

(e) successful completion of prescribed training; and

(f) disciplinary history; and

(g) readiness and suitability to perform the duties and responsibilities of the higher office.

54 Terms and conditions of employment

The Commission must determine the terms and conditions of employment of members, subject to this Act and any other written law.

55 Qualifications for appointment

(1) A person must not be appointed as a member of the Force unless the person is a citizen of Vanuatu.

(2) Subsection (1) does not apply if:

(a) the Commission approves the appointment; and

(b) the Minister has given prior written approval.

(3) The Minister may, after consulting the Council of Ministers, prescribe additional qualifications for appointment that the Minister considers to be in the public interest.

56 Application for appointment

A person applying for appointment as a member must make the application in writing in the form determined by the Commissioner.

57 False statement to obtain appointment

(1) If the person knowingly makes a false statement for the purpose of obtaining an appointment in the Force for the person or another person, he or she commits an offence punishable on conviction by a fine not exceeding VT 10,000 or imprisonment for a term not exceeding 6 months, or both.

(2) A person whose appointment was obtained as a result of a false statement may be dismissed from the Force whether or not the person is convicted of an offence under subsection (1).

Division 2 Recruit Training

58 Recruit training

(1) A person appointed to the Force as a recruit must successfully complete an approved recruit training programme before exercising the powers of a police officer.

(2) Recruit training must be delivered by the Vanuatu Police Training College.

(3) The recruit training programme must include instruction in:

(a) police powers and responsibilities; and

(b) criminal law and criminal procedure; and

(c) human rights; and

(d) ethics and professional conduct; and

(e) community policing; and

(f) operational safety; and

(g) use of force; and

(h) investigation techniques; and

(i) report writing; and

(j) communication skills; and

(k) intelligence; and

(l) first aid; and

(m) any other competency prescribed by Regulations.

(4) The recruit training programme must include specialist training streams appropriate to the operational functions of:

(a) the General Policing Arm; and

(b) the Vanuatu Mobile Force; and

(c) the Police Maritime Wing.

(5) The period and standards for recruit training are to be prescribed by Regulations.

59 Confirmation after recruit training

(1) Successful completion of the approved recruit training programme is a prerequisite for the confirmation of a probationary constable.

(2) A person who does not successfully complete the recruit training programme must not be confirmed as a probationary constable.

60 Transfer between operational elements

(1) The Commissioner may transfer a member between operational elements of the Force.

(2) A member transferred under subsection (1) must successfully complete any additional specialist training prescribed for the operational element to which the member is transferred.

(3) The Commissioner must ensure that the training required under subsection (2) is appropriate to the duties and responsibilities of the operational element.

Division 3 Probationary Constables

61 Probationary period

(1) Every person appointed as a police officer must serve a probationary period before being confirmed as a permanent member of the Force.

(2) The probationary period is 2 years commencing on the date of appointment.

(3) This Division applies to:

(a) members of the General Policing Arm; and

(b) members of the Vanuatu Mobile Force; and

(c) members of the Police Maritime Wing; and

(d) direct-entry officers.

62 Extension of probation

(1) The Commissioner may extend the probationary period of a probationary officer if satisfied that an extension is necessary.

(2) An extension of probation must be for a period determined by the Commissioner.

(3) The Commissioner must give written notice of the extension to the probationary officer, including the reasons for the extension and any requirements to be met during the extended period.

63 Enrolment register

The Commissioner must enter the name of every probationary constable in the enrolment register in the order in which the constable was appointed.

64 Declaration

On successfully completing the training required under section 58, a probationary constable must make and sign a declaration before a senior officer.

65 Police identity card

(1) The Commissioner must issue a police identity card to every member when the member is sworn in.

(2) The identity card must be signed by the Commissioner or a senior officer authorised by the Commissioner.

(3) A police identity card is evidence of the appointment of the person as a member.

66 Re-engagement for continuous service

(1) A probationary constable who satisfactorily completes the probationary period must be re-engaged for continuous service.

(2) If the Commissioner decides not to re-engage a probationary constable for continuous service, the Commissioner must inform the constable in writing of the decision at least 1 calendar month before the end of the probationary period.

(3) A decision under subsection (2) must state the reasons for the decision.

Division 4 Promotion of Officers and Appointment

67 Appointment of officers from within the Force

(1) Promotion must be based on merit and must not be determined solely by seniority.

(2) An officer is eligible for promotion only if the officer satisfies the prescribed eligibility requirements for the promotion.

(3) The eligibility requirements may include:

(a) minimum service; and

(b) qualifications; and

(c) required training; and

(d) training and competency assessment requirements; and

(e) performance standards; and

(f) integrity and discipline requirements.

(4) In determining whether an officer is suitable for promotion, regard must be had to:

(a) demonstrated performance; and

(b) leadership capability; and

(c) professional conduct; and

(d) operational experience; and

(e) qualifications; and

(f) disciplinary history; and

(g) specialist skills, technical qualifications and operational expertise relevant to the position; and

(h) suitability for the position.

(5) Promotion must be determined through a fair and transparent assessment process that includes:

(a) advertisement, where appropriate; and

(b) assessment against published criteria; and

(c) documented recommendations; and

(d) recorded reasons for the decision.

(6) The Commissioner or the Police Service Commission may establish promotion panels for ranks prescribed by Regulations.

(7) Regulations or Police Rules may provide for:

(a) the composition of promotion panels; and

(b) conflicts of interest; and

(c) assessment procedures; and

(d) recommendations of promotion panels; and

(e) appeals or reviews of promotion decisions.

(8) This section does not apply to an officer who graduates from Cadet Training.

68 Appointment of officers from outside the Force

(1) The Commission may, on the recommendation of the Commissioner, appoint a person who is not a member as a subordinate officer or senior officer if the person has special professional or technical qualifications that would benefit the Force.

(2) A person appointed under subsection (1) must be enrolled and sworn in accordance with this Part.

69 Principles of promotion

(1) Promotions must be made according to the operational needs of the Force and the ability and suitability of members for the position.

(2) Promotion must not be made solely as a reward for length of service.

Division 5 Posting and Transfers

70 Posting and Transfers

(1) The Commissioner may post or transfer a member of the Force where necessary for the effective administration or operational requirements of the Force.

(2) For the purpose of this section:

posting means the assignment of a member to a particular police function and does not refer to the member's rank;

transfer means the movement of a member to another team, unit or station within the same Force area where required by operational necessity.

(3) The power under subsection (1) applies to a member serving in:

(a) the General Policing Arm; or

(b) the Vanuatu Mobile Force; or

(c) the Police Maritime Wing; or

(d) any other operational element established under this Act.

(4) The Commissioner may assign a member to any position, function, duty or location within the Force.

(5) In making an assignment under subsection (4), the Commissioner may have regard to:

(a) operational requirements; and

(b) organisational needs; and

(c) the member's skills, qualifications and experience; and

(d) any other relevant consideration prescribed by this Act or regulations.

(6) The Commissioner may vary or revoke an assignment where reasonably necessary.

(7) The exercise of a power under this section is subject to any procedural requirements or review mechanisms provided elsewhere in this Act.

(8) Regulations may provide for matters relating to postings and transfers, including:

(a) operational requirements; and

(b) efficient administration of the Force; and

(c) integrity and corruption prevention; and

(d) organisational capability; and

(e) professional development; and

(f) merit; and

(g) fairness and consistency; and

(h) officer welfare; and

(i) family circumstances, where operationally practicable.

(9) Regulations may provide for the period for which a member may be posted, having regard to operational requirements.

(10) Regulations may provide for review mechanisms for specified decisions relating to postings and

Division 6 Secondment and Special Constables

71 Secondment of persons to assist the Force

(1) The Commissioner may, after consulting the Commission, enter into a written agreement with a body or organisation, whether in or outside Vanuatu, including a foreign police force, for a person employed by that body or organisation to assist the Force.

(2) The person must:

(a) be employed by the body or organisation; and

(b) have suitable qualifications and experience.

(3) The agreement must specify the functions to be performed by the person.

(4) The terms and conditions applicable to the person, including remuneration and allowances, are those specified in the agreement.

72 Special Constabulary

(1) The Special Constabulary is established.

(2) A member of the Special Constabulary is known as a special constable or police reserve.

(3) The Commissioner may appoint a person as a special constable if the person:

(a) has completed the training required by the Commissioner; and

(b) satisfies any character clearance requirements prescribed by regulation.

(4) The primary function of a special constable is to assist the Force in performing its functions under section 23.

(5) A special constable may also assist the Force during:

(a) an unlawful assembly or riot; or

(b) a national emergency or natural disaster; or

(c) a festival or public holiday; or

(d) a disturbance of public peace and order.

(6) A special constable may assist a custom chief or community leader to maintain law and order in the community.

(7) The Commissioner may, by written direction, assign a special constable to perform duties:

(a) when a special need arises; or

(b) for any period the Commissioner considers necessary.

(8) A special constable ceases to perform assigned duties when the Commissioner gives a written direction that the special need no longer exists.

(9) A special constable has the same powers, authority and privileges as a member while performing assigned duties under this Act.

(10) A special constable who holds an equivalent rank to a member is entitled to the same remuneration and allowances payable to that member while performing assigned duties.

(11) The Commission must keep a register of special constables appointed under this section.

(12) The appointment of a special constable must be published in the Gazette.

73 Secondment of members

(1) The Commissioner may arrange for a member to be seconded for a specified period to:

(a) the police force of another country; or

(b) the Vanuatu Public Service; or

(c) another body or organisation, including an international body or organisation, whether in or outside Vanuatu.

(2) The Commissioner may terminate a secondment at any time after consulting the entity to which the member is seconded.

(3) The Minister may, by Order issue guidelines on the secondment of members.

74 Effect of secondment on membership

(1) The secondment of a member under section 73 does not affect:

(a) the member's status as a member of the Force; or

(b) the application of this Act to the member during the period of secondment.

(2) A member on secondment remains subject to the same obligations and liabilities in relation to discipline as if the member were not on secondment.

(3) This section does not affect:

(a) a right, power or immunity that a member has because of the office or position to which the member is seconded; or

(b) an obligation or liability relating to discipline that applies to the member because of that office or position.

75 Force Legal Office

(1) The Force Legal Office is established.

(2) The Attorney General must appoint a person with appropriate legal qualifications as a legal officer in the Force Legal Office.

(3) A person appointed as a legal officer must hold a qualification in law from a recognised tertiary institution.

Division 7 Service Matters

76 Postings and transfers

(1) In this section, "post" means a particular police function and does not refer to a police rank.

(2) The Commissioner may determine the post and place in Vanuatu in which a member is to serve, having regard to the interests and operational needs of the Force.

77 Salary and allowances

(1) A member is entitled to the salary and allowances approved by the Government Remuneration Tribunal under the Government Remuneration Tribunal Act [CAP 250], having regard to the member's rank and service.

(2) Salary and allowances must be paid fortnightly in arrears.

(3) A person must not retain or withhold any part of a member's salary or allowances except as authorised by the Government Remuneration Tribunal Act [CAP 250].

78 Official quarters

(1) The Commissioner may require a member to live in official quarters allocated to the member.

(2) A member must not conduct a business or other commercial activity in or from official quarters.

79 Uniforms and equipment

(1) A member must be provided, free of charge, with the uniform and equipment determined by the Commissioner.

(2) The member is responsible for the safe custody and proper care of any uniform or equipment issued to the member.

(3) A member must wear the prescribed uniform while performing official duties unless the Commissioner authorises otherwise.

(4) The Minister may prescribe, by regulation:

(a) the uniform to be worn by members; and

(b) the issue of uniforms; and

(c) the issue of equipment to members.

Division 8 Resignation and Discharge

80 Resignation from the Force

(1) A member who wishes to resign must give 3 months' written notice to the member's appointing authority.

(2) The Commissioner may reduce or waive the notice period for a subordinate officer.

(3) The Commission may reduce or waive the notice period for a senior officer.

(4) Resignation from the Force does not prevent the person from being subsequently appointed to the Force.

81 Discharge from the Force

(1) The Commissioner may discharge a subordinate officer from the Force if:

(a) a recognised medical practitioner certifies that the officer is mentally or physically unfit for further service; or

(b) the Force is reducing its establishment or is being reorganised to improve efficiency; or

(c) the officer is a probationary constable and the Commissioner considers that the officer is unlikely to become an efficient and effective member of the Force.

(2) The Commission may, on the recommendation of the Commissioner, discharge a senior officer on any of the grounds in subsection (1).

(3) The discharge of a subordinate officer who has completed 2 years of service is subject to confirmation by the Commission.

(4) A member must be given at least 3 months' written notice of the intention to discharge the member.

(5) If a member is discharged because of a reduction in the establishment of the Force or a reorganisation under paragraph (1)(b), the Minister may, after consulting the Minister responsible for finance, grant the member a gratuity in addition to any pension to which the member is entitled.

(6) The Minister may also grant a gratuity if satisfied that a member discharged on medical grounds has been permanently injured:

(a) in the actual performance of the member's duties; and

(b) without the member's own fault; and

(c) as a result of an injury specifically attributable to the nature of the member's duties.

(7) A gratuity under subsection (5) or (6) must not exceed half a month's salary for each completed period of 12 months of service, calculated on the salary paid immediately before discharge.

82 Inquiry following medical discharge

(1) If a member is discharged because a recognised medical practitioner has certified that the member is mentally or physically unfit for further service, the Commissioner must cause an inquiry to be conducted to determine whether the member's unfitness is connected with the member's duties.

(2) The Commissioner must submit the report of the inquiry to the Minister.

83 Compensation for injury, death or damage to property

(1) If a member becomes temporarily incapacitated because of a wound, injury or sickness suffered or contracted in the performance of a duty or during training under this Act, and the wound, injury or sickness:

(a) occurred in the actual performance of the member's duties; and

(b) was not caused by the member's own default the member is entitled to free medical treatment and full pay for the period of incapacity.

(2) If a member suffers permanent disablement as a result of a wound, injury or sickness referred to in subsection (1), the Minister may, after consulting the Minister responsible for finance, pay the member a gratuity at the prescribed rate.

(3) If a member dies as a result of a wound, injury or sickness referred to in subsection (1), the Minister may, after consulting the Minister responsible for finance, grant the member's dependants a pension or allowance at the prescribed rate.

(4) If a member's property is damaged during the performance of a duty or training under this Act, and the damage:

(a) was not caused by the member's own default; and

(b) resulted from circumstances specifically attributable to the nature of the member's duties,

the Minister may, after consulting the Minister responsible for finance, award compensation to the member at the prescribed rate.

(5) The Minister must not make a payment under subsection (2), (3) or (4) if the member or the member's dependants are entitled to receive a gratuity, allowance, pension or compensation for the same disablement, death or damage under any other Act.

(6) A gratuity, pension, allowance or compensation paid under this section must not be assigned or transferred and is not liable to attachment, seizure or execution except for:

(a) a debt owed to the Government; or

(b) an order of a court for the payment of periodic amounts for the maintenance of the person's spouse, former spouse or minor child.

Division 9 Retirement

84 Voluntary retirement

(1) A member may voluntarily retire from the Force on reaching 45 years of age.

(2) Voluntary retirement under subsection (1) is subject to the applicable requirements of this Act and any other Act.

85 Compulsory retirement

(1) A member must retire from the Force on reaching 55 years of age, except as otherwise provided by this Act.

(2) A member whose service is extended beyond the compulsory retirement age is not required to retire until the end of the approved period of extension.

86 Contract appointments

(1) A member appointed under a contract, including the Commissioner or a Deputy Commissioner, remains in office until the expiry of the contractual term unless the appointment is terminated in accordance with this Act.

(2) The expiry of the compulsory retirement age does not, by itself, terminate a contractual appointment before the expiry of the contractual term.

87 Extension of service beyond compulsory retirement age

(1) The Commissioner or the Police Service Commission, as appropriate, may approve an extension of a member's service beyond the compulsory retirement age if satisfied that:

(a) there is a demonstrated operational need for the member's continued service; and

(b) the member remains medically fit to perform the duties of the position; and

(c) the member remains professionally competent to perform the duties of the position; and

(d) the extension is in the public interest.

(2) An extension of service must be for a fixed period.

(3) Each extension must be reviewed before a further extension is approved.

88 Recall of retired members

(1) A retired member may be recalled to duty in exceptional circumstances if:

(a) specialised skills are required; and

(b) there is an operational necessity; and

(c) the member agrees to return to service.

(2) A recall under subsection (1) must be temporary and is subject to the conditions prescribed by regulations.

89 Retirement on medical grounds

(1) A member may retire on medical grounds if an appropriately qualified medical practitioner certifies that the member is permanently unable to perform the inherent requirements of the member's position.

(2) Before a decision is made to retire a member under subsection (1), the member must:

(a) be informed of the proposed retirement and the reasons for it; and

(b) be given a reasonable opportunity to respond.

90 Requirements for extended service

A member whose service is extended beyond the compulsory retirement age must satisfy the prescribed:

(a) medical standards; and

(b) physical fitness standards; and

(c) competency requirements.

91 Retirement benefits and entitlements

Regulations may provide for the prompt processing of retirement benefits and entitlements in accordance with applicable legislation and the terms and conditions of employment.

92 Severance payment

(1) A member is entitled to a severance payment if the member:

(a) retires; or

(b) dies while in service or dies from natural causes; or

(c) is discharged on medical grounds because of illness; or

(d) resigns.

(2) The severance payment must be calculated at the rate determined for public servants by the Public Service Commission, on a pro-rata basis for each uncompleted year of service.

93 Extension of service during war or emergency

(1) If a member's period of service expires during a state of war, insurrection or hostilities, the member may be retained in the Force.

(2) The Minister may direct that the member's service be extended for a period not exceeding 6 months after the state of war, insurrection or hostilities ends.

Division 10 Dismissal and Return of Government Property

94 Dismissal from the Force

(1) A member must be dismissed from the Force in accordance with this Act if the member:

(a) is found to have committed an offence against discipline; or

(b) is convicted of an offence under a written law.

(2) The dismissal takes effect:

(a) on the date of the finding or conviction; or

(b) on another date determined by the Commissioner or Commission, as applicable.

(3) A person dismissed under this section must not be reappointed as a member of the Force.

95 Intentional assault by member while on duty

(1) Subject to subsections (2) to (8), a member who intentionally assaults a person while performing a duty under this Act or any other Act must be dismissed from the Force by the Commissioner or Commission, as applicable, on the recommendation of the Director of the Professional Standards Unit.

(2) A person who has been assaulted by a member, or another person acting on behalf of that person, may make a written complaint to the Professional Standards Unit.

(3) Within 7 days after receiving a complaint, the Director must give the member written notice of the allegations and allow the member 14 days to respond.

(4) If the member does not respond within the period specified under subsection (3), the Commissioner or Commission, as applicable, must dismiss the member on the recommendation of the Director.

(5) The Director must consider a response received from the member within 7 days after receiving it.

(6) If, after considering the response, the Director is satisfied that the member intentionally assaulted a person while performing a duty, the Director must recommend to the Commissioner or Commission, as applicable, that the member be dismissed.

(7) The Director must act honestly and in good faith when making a decision under this section.

(8) The Commissioner or Commission, as applicable, must make a decision on the recommendation of the Director within 7 days after receiving the recommendation.

(9) A person who fails to comply with subsection (3), (4), (5), (6), (7) or (8) commits an offence punishable on conviction by a fine not exceeding VT 1,000,000.

96 Return of arms, equipment and other Government property

(1) A person who ceases to be a member of the Force must, without undue delay, return to the person authorised by the Commissioner, or to the officer in charge of the police station at which the person was last stationed, all Government property issued to the person.

(2) Government property includes:

(a) arms; and

(b) ammunition; and

(c) equipment; and

(d) clothing; and

(e) any other property issued to the person for the purposes of the person's service.

(3) A person who fails to comply with subsection (1) commits an offence punishable on conviction by a fine not exceeding VT 20,000 or imprisonment for a term not exceeding 12 months, or both.

Division 11 Specialist Employees and Authorised Officers

97 Specialist employees

(1) The Commissioner may appoint persons who are not members of the Force as specialist employees to provide professional, technical or other specialist services required by the Force.

(2) A specialist employee may be appointed to perform functions in areas including:

(a) engineering; and

(b) maritime operations; and

(c) information technology and cybercrime; and

(d) communications; and

(e) aviation; and

(f) forensic services; and

(g) finance; and

(h) legal services; and

(i) any other specialist field prescribed by regulations.

(3) The Commissioner must determine the qualifications, experience and other requirements for the appointment of a specialist employee.

(4) A specialist employee is not a member of the Force and must not be sworn as a member of the Force.

(5) A specialist employee is subject to the direction and control of the Commissioner or a member authorised by the Commissioner.

98 Functions and responsibilities of specialist employees

(1) A specialist employee must perform the functions specified in the employee's appointment and any other functions assigned by the Commissioner.

(2) A specialist employee must:

(a) perform his or her functions professionally and efficiently; and

(b) comply with this Act and any other written law applicable to the employee; and

(c) comply with lawful directions given by the Commissioner or a member authorised by the Commissioner; and

(d) protect confidential information obtained in the course of employment; and

(e) properly use and safeguard Force property, equipment and information; and

(f) comply with any code of conduct or professional standards applicable to the employee.

(3) A specialist employee must not exercise a power of a member of the Force unless the employee is expressly authorised to exercise that power under this Act or any other Act.

99 Authorised officers

(1) The Commissioner may appoint a person who is not a member of the Force as an authorised officer for the purpose of performing a specified function of the Force.

(2) An appointment under subsection (1) must:

(a) be in writing;

(b) specify the functions and powers that the authorised officer may exercise; and

(c) specify the period for which the appointment has effect.

(3) An authorised officer is a civilian employee of the Force and is not a sworn member of the Force.

(4) An authorised officer must not exercise any power other than a power expressly conferred on the officer by:

(a) this Act; or

(b) any other Act; or

(c) the instrument of appointment.

100 Powers of authorised officers

(1) The Commissioner may, in writing, authorise an authorised officer to exercise a specified power that is necessary for the performance of the officer's functions.

(2) An authorisation under subsection (1) must:

(a) identify the power being conferred; and

(b) specify any limitation or condition on the exercise of the power; and

(c) state the period for which the authorisation applies.

(3) An authorised officer may exercise a power under this section only:

(a) within the scope of the officer's appointment; and

(b) for the purpose for which the power was conferred; and

(c) in accordance with any limitation or condition imposed by the Commissioner.

(4) An authorised officer does not, by reason only of the appointment, have the power to:

(a) carry a firearm in the course of performing his or her functions; or

(b) arrest a person; or

(c) search a person or premises; or

(d) seize property; or

(e) use force against a person; or

(f) exercise any other police power,

unless that power is expressly conferred on the authorised officer by this Act or any other Act.

101 Identification of authorised officers

(1) The Commissioner must issue an identification card to each authorised officer.

(2) The identification card must:

(a) contain the name and photograph of the authorised officer; and

(b) state the functions and powers that the authorised officer is authorised to exercise; and

(c) be in the form approved by the Commissioner.

(3) An authorised officer must produce the identification card when exercising a power under this Act if requested to do so by a person affected by the exercise of the power.

102 Direction and supervision of authorised officers

(1) An authorised officer is subject to the direction and supervision of the Commissioner or a member authorised by the Commissioner.

(2) The Commissioner must ensure that an authorised officer receives appropriate training before exercising a power under this Act or any other Act.

(3) The Commissioner may impose conditions on the exercise of a power by an authorised officer.

(4) An authorised officer must comply with any lawful direction given by the Commissioner or a member authorised by the Commissioner.

103 Confidentiality

(1) A specialist employee or authorised officer must not disclose information obtained in the course of performing functions under this Act unless the disclosure:

(a) is authorised by the Commissioner; or

(b) is required by this Act or any other Act; or

(c) is necessary for the performance of the person's functions.

(2) Subsection (1) continues to apply after the person ceases to be employed or appointed by the Force.

104 Discipline and termination of appointment

(1) The Commissioner may terminate the appointment of a specialist employee or authorised officer in accordance with the terms and conditions of the person's employment or appointment.

(2) The Commissioner may terminate the appointment of an authorised officer if the officer:

(a) breaches a condition of appointment; or

(b) misuses or exceeds an authorised power; or

(c) fails to comply with a lawful direction; or

(d) breaches the confidentiality requirements under section 103; or

(e) is convicted of an offence; or

(f) is otherwise no longer suitable to perform the functions of an authorised officer.

(3) A person whose appointment is terminated under this section must immediately return to the Force:

(a) the person's identification card; and

(b) any equipment issued to the person; and

(c) any other Force property in the person's possession.

105 Protection from liability

(1) A specialist employee or authorised officer is not personally liable for an act or omission done or omitted in good faith in the performance of a function or exercise of a power under this Act.

(2) Subsection (1) does not apply if the act or omission:

(a) was done or omitted in bad faith; or

(b) was outside the person's lawful functions or powers; or

(c) involved unlawful or excessive use of force.

106 Regulations relating to specialist employees and authorised officers

The Minister may, on the advice of the Commissioner, make regulations providing for:

(a) the qualifications and conditions for appointment of specialist employees and authorised officers; and

(b) training requirements; and

(c) codes of conduct; and

(d) identification cards; and

(e) the powers and functions that may be conferred on authorised officers; and

(f) limitations and conditions on the exercise of those powers; and

(g) supervision and reporting requirements; and

(h) any other matter necessary or convenient for the effective administration of this Division.

PART 6 POLICE TRAINING COLLEGE

Division 1 Establishment and Functions

107 Vanuatu Police Training College

(1) The Vanuatu Police Training College is established as a separate unit of the Vanuatu Police Force.

(2) The College is under the command and responsibility of the Commissioner.

(3) The Commissioner is responsible for the administration, organisation and oversight of the College.

108 Functions of the College

The functions of the College are to:

(a) deliver recruit training for all elements of the Vanuatu Police Force; and

(b) provide ongoing professional education and specialist training; and

(c) develop and maintain accredited policing qualifications; and

(d) establish and maintain training standards; and

(e) assess the competence of trainees and determine the successful completion of prescribed courses; and

(f) support leadership development; and

(g) promote research and professional development relevant to policing; and

(h) maintain compliance with the requirements of the Vanuatu Qualifications Authority; and

(i) cooperate with tertiary institutions, professional organisations and international policing agencies; and

(j) perform any other function conferred on the College by this Act or another written law.

109 Director of the College

(1) The Commissioner must appoint a member of the Force as the Director of the College.

(2) The Director is responsible to the Commissioner for:

(a) the day-to-day administration and management of the College; and

(b) the performance of the functions of the College under this Act.

(3) The Director has the power to do all things necessary or convenient to be done for or in connection with the performance of his or her functions.

110 Powers of the College

The College may:

(a) develop and deliver training programmes; and

(b) determine curriculum and assessment requirements; and

(c) appoint instructors, trainers and other staff; and

(d) engage consultants and specialist educators; and

(e) enter into memoranda of understanding and partnership agreements with educational institutions and accrediting bodies; and

(f) award certificates and other recognised qualifications; and

(g) establish academic and operational standards; and

(h) undertake any activity reasonably necessary to perform its functions.

Division 2 Advisory Board

111 Establishment of Advisory Board

(1) An Advisory Board to the College is established.

(2) The Board does not have decision-making authority or legal accountability for the administration, organisation or operation of the College.

(3) The Board must provide advice to the College on matters relating to its functions.

112 Membership of Advisory Board

The Board consists of the following members:

(a) the Director of the College; and

(b) a representative of the Vanuatu Police Force; and

(c) a representative of the Vanuatu Mobile Force; and

(d) a representative of the Police Maritime Wing; and

(e) a representative of the Ministry responsible for education; and

(f) a representative of the Police Service Commission; and

(g) a representative of the Ministry responsible for youth, justice and community services.

113 Appointment and tenure of members

(1) The Minister must appoint the members of the Board following nomination by their respective organisations.

(2) A member is appointed for a term of 5 years.

(3) A member who has a conflict of interest in relation to a matter before the Board must disclose the conflict.

114 Resignation, vacancy and removal of members

(1) A member may resign from the Board by giving 14 days' written notice to the Minister.

(2) The office of a member becomes vacant if the member:

(a) dies; or

(b) resigns under subsection (1); or

(c) is removed under subsection (3); or

(d) ceases to hold the position or represent the organisation by virtue of which the member was appointed.

(3) The Minister may remove a member from office if the member:

(a) is unable to perform the functions of office; or

(b) has committed misconduct; or

(c) is bankrupt; or

(d) is convicted of an offence that affects the member's suitability to hold office; or

(e) is absent from 3 consecutive meetings without reasonable excuse; or

(f) fails to disclose a material conflict of interest.

Division 3 Quality Assurance and Accreditation

115 Registration and accreditation

The College must maintain the registration and accreditation required under the Vanuatu Qualifications Authority Act No. 1 of 2014.

116 National education standards

The College must comply with applicable national education standards.

117 Quality assurance

The College must establish and maintain quality assurance processes for its training programmes.

118 Review of training programmes

The College must periodically review its training programmes.

119 Reporting on accreditation and compliance

(1) The Director of the College must, within 3 months after the end of each financial year, prepare a report on the College's compliance with:

(a) the registration and accreditation requirements under the Vanuatu Qualifications Authority Act No. 1 of 2014; and

(b) applicable national education and training standards; and

(c) the quality assurance requirements under this Division.

(2) The report must include:

(a) the current registration and accreditation status of the College and its training programmes; and

(b) the results of any accreditation assessment, audit or compliance review conducted during the year; and

(c) any failure to comply with an applicable accreditation or quality assurance requirement; and

(d) any corrective action taken or proposed to address that failure; and

(e) any other matter prescribed by Regulations.

(3) The Director must give the report to the Commissioner.

(4) The Commissioner must include a summary of the report in the annual report of the Force.

(5) The Commissioner must give a copy of the report to the Vanuatu Qualifications Authority and the Minister.

PART 7 COMMUNITY SAFETY TEAM

Division 1 Establishment and functions of the Community Safety Team

120 Establishment of Community Safety Teams

(1) The Commissioner may establish a Community Safety Team for a community or defined geographical area.

(2) A Community Safety Team forms part of the community policing arrangements of the Force but is not a police post or an operational policing unit.

121 Appointment of members

(1) The Commissioner may, after consulting relevant chiefs and community leaders, appoint suitable persons as members of a Community Safety Team.

(2) An appointment must:

(a) be in writing; and

(b) state the community or geographical area for which the person is appointed; and

(c) state the period and conditions of appointment.

(3) A person does not become a member or employee of the Force by reason only of an appointment under this section.

122 Functions of Community Safety Teams

The functions of a Community Safety Team are to:

(a) provide a liaison between the community and the Force; and

(b) provide relevant community safety information to the Force; and

(c) promote community awareness of crime prevention and public safety; and

(d) facilitate cooperation between the Force, chiefs, community leaders and members of the community; and

(e) refer community safety concerns to the Force or another appropriate authority; and

(f) perform any other non-operational function prescribed by Regulations.

123 Limitations on powers

(1) A member of a Community Safety Team has no police power and must not:

(a) arrest or detain a person; or

(b) search a person, premises or property; or

(c) seize property; or

(d) use force against a person; or

(e) carry a firearm or other police weapon; or

(f) investigate an offence or otherwise exercise a power of a member of the Force.

(2) A member of a Community Safety Team must not represent himself or herself as a member of the Force.

124 Conduct and confidentiality

A member of a Community Safety Team must:

(a) comply with any lawful direction of the Commissioner or a member authorised by the Commissioner; and

(b) protect confidential information obtained in performing his or her functions; and

(c) comply with any prescribed code of conduct.

125 Termination of appointment

(1) The Commissioner may terminate the appointment of a member of a Community Safety Team if the member:

(a) breaches a condition of appointment or the code of conduct; or

(b) fails to comply with a lawful direction; or

(c) misuses confidential information; or

(d) is convicted of an offence; or

(e) is otherwise no longer suitable to perform the functions of a member.

(2) Before terminating an appointment, the Commissioner must give the member written notice of the proposed termination and a reasonable opportunity to respond.

126 Regulations relating to Community Safety Teams

The Minister may, on the recommendation of the Commissioner, make Regulations prescribing:

(a) appointment criteria and procedures; and

(b) training, identification, supervision and reporting requirements; and

(c) a code of conduct; and

(d) any other matter necessary for the effective administration of this Part.

PART 8 DISASTER AND EMERGENCY RESPONSE

127 Primary responsibility of Force during natural disasters

(1) During a natural disaster, the primary responsibility of the Vanuatu Police Force is to:

(a) protect and preserve life; and

(b) maintain public safety and security; and

(c) protect and safeguard property.

(2) In performing its responsibilities under subsection (1), the Force must, so far as reasonably practicable:

(a) prevent and respond to threats to life and public safety; and

(b) maintain public order; and

(c) protect affected communities; and

(d) support rescue and evacuation operations; and

(e) provide emergency assistance within its functions and capabilities.

128 Relationship with disaster management laws

(1) The Vanuatu Police Force must perform its functions during a natural disaster in accordance with this Act, the Disaster Risk Management Act No. 23 of 2019 and any other Act.

(2) A provision under any other relating to disaster management does not derogates from, limits or overrides a power, function or responsibility of the Vanuatu Police Force under this Act unless that Act expressly provides otherwise.

(3) Subsection (2) does not prevent the Vanuatu Police Force from cooperating with the National Disaster Management Office or another authority responsible for disaster management.

(4) The Commissioner must ensure that the Force participates in national disaster management arrangements in a manner consistent with the functions and responsibilities of the Force under this Act.

129 Vanuatu Police Force as frontline emergency response agency

(1) The Vanuatu Police Force is a frontline emergency response agency during a natural disaster.

(2) When a natural disaster occurs or is imminent, the Force must take immediate and coordinated action, within its functions and capabilities, to:

(a) prevent or minimise loss of life; and

(b) maintain public order and public safety; and

(c) support search and rescue operations; and

(d) support evacuation operations; and

(e) protect affected communities; and

(f) protect property; and

(g) provide emergency assistance; and

(h) perform any other function necessary for the effective response to the disaster.

(3) The Force must coordinate its response with the National Disaster Management Office and other relevant authorities, so far as practicable.

(4) Coordination under subsection (3) does not prevent the Force from taking immediate action that is reasonably necessary to protect life or public safety.

130 Emergency preparedness

(1) The Commissioner must ensure that adequate arrangements are in place to enable the Force to respond rapidly and effectively to natural disasters and other emergencies.

(2) The arrangements under subsection (1) must include, so far as reasonably practicable:

(a) sufficient personnel and appropriate deployment arrangements; and

(b) emergency response resources and equipment; and

(c) communications arrangements; and

(d) emergency response and operational plans; and

(e) arrangements for coordination with the National Disaster Management Office and other relevant agencies; and

(f) arrangements for search, rescue and evacuation operations; and

(g) arrangements for the protection of affected communities and property; and

(h) arrangements for the continuation of essential policing services during a disaster or emergency; and

(i) training and exercises appropriate to the Force's emergency response functions.

(3) The Commissioner must regularly review and, where necessary, update the arrangements and operational plans established under this section.

131 Paramount consideration during emergencies

(1) In performing its functions during an emergency, the Force must treat the protection of human life and public safety as the paramount consideration.

(2) If there is uncertainty about the appropriate operational response during an emergency, the protection of human life and public safety must be the primary consideration.

132 Immediate operational action during emergencies

(1) If an actual or imminent:

(a) natural disaster; or

(b) emergency; or

(c) other serious threat to life, property or public safety

exists, the Commissioner may authorise the Force to take immediate operational action.

(2) Action may be taken under subsection (1) without waiting for:

(a) a declaration of a disaster or emergency; or

(b) a request from the National Disaster Management Office; or

(c) a direction from the National Disaster Management Office.

(3) The Commissioner may authorise the action under subsection (1) on the Commissioner's own initiative or in response to information received from a member of the Force, a government agency, a local authority, a community or another reliable source.

(4) An authorisation under subsection (1) may be given orally or in writing.

(5) If an authorisation is given orally, the authorisation must be recorded in writing as soon as practicable.

(6) The Commissioner must, as soon as practicable, notify the National Disaster Management Office and any other relevant authority of the action taken under this section.

133 Coordination with National Disaster Management Office

(1) The Commissioner must establish arrangements for effective coordination between the Force and the National Disaster Management Office during natural disasters and other emergencies.

(2) The arrangements may provide for:

(a) exchange of information and intelligence; and

(b) emergency communications; and

(c) deployment and allocation of resources; and

(d) evacuation and shelter operations; and

(e) search and rescue; and

(f) public safety and security; and

(g) protection of critical infrastructure and property; and

(h) public information and warnings; and

(i) humanitarian assistance; and

(j) any other matter necessary for an effective emergency response.

(3) The Force must cooperate with the National Disaster Management Office and other relevant agencies in accordance with the arrangements established under this section.

PART 9 OVERSEAS CONTINGENTS

134 International agreements

(1) Before an overseas contingent is posted, the Minister must, wherever possible, enter into an agreement with the country or countries concerned or the relevant international body, if any.

(2) The agreement must set out:

(a) the command, control and administrative arrangements necessary for the good order, discipline and maintenance of the overseas contingent; and

(b) the level of cooperation, compliance and consultation required of the overseas contingent with the relevant international body or the military, police and civilian authorities of the country or countries concerned.

(3) Despite an agreement entered into under subsection (1), an overseas contingent remains subject to the Constitution, this Act and the other laws of Vanuatu at all times.

(4) An agreement relating to an overseas contingent that is in force immediately before the commencement of this section is taken to be an agreement entered into under this section.

135 Contingent Commander

(1) The Commissioner must, in writing, appoint a member of an overseas contingent as the Contingent Commander.

(2) A Contingent Commander remains subject to this Act as a member of the Force.

136 Directions by Minister

(1) Subject to subsection (2), the Minister may, in writing, direct the Commissioner to report to the Minister on a matter of national interest.

(2) The Minister must not give a direction that concerns the operations of an overseas contingent.

137 Duties of members of overseas contingents

(1) The Commissioner may, in writing, direct a member of an overseas contingent to comply with an order, regulation or instruction issued by the relevant authority of a country involved in the same operation as the overseas contingent.

(2) A direction under subsection (1) may be given to an individual member or by general order.

(3) A member who fails to comply with a direction given under subsection (1) commits an offence against discipline and is subject to the disciplinary procedures under Part 13.

138 Extension of service

After consulting the Minister, the Commissioner may, in writing, direct that the period of service of a member of an overseas contingent be extended for a period not exceeding 1 year.

139 Appointment of special constables

(1) The Commissioner may, with the written approval of the Minister, appoint a person as a special constable in an overseas contingent for a specified period, subject to the budget allocated for that purpose.

(2) A special constable must, before being posted to an overseas contingent, complete a training program approved by the Commissioner.

(3) A special constable is entitled to the salary, allowances and other benefits applicable to a constable.

140 Recognition of service

The President may confer an honour, award or service medal on a member of an overseas contingent who has rendered long, brave or conspicuous service.

141 Mobile Reserve Unit

(1) The Mobile Reserve Unit is established as an auxiliary to the Mobile element of the Force.

(2) The Commissioner may, subject to the prescribed training and character clearance requirements, approve a citizen of Vanuatu as a member of the Mobile Reserve Unit.

(3) The Commissioner may appoint a member of the Mobile Reserve Unit:

(a) to serve in an overseas peacekeeping mission; or

(b) to assist the Force to perform its duties under this Act on the same conditions as provided under that section.

PART 10 POWERS AND DUTIES

142 General powers and duties of members of the Force

(1) A member must exercise the powers and perform the duties conferred or imposed on the member by or under a law of the Republic of Vanuatu.

(2) A member must comply with all lawful directions given by a superior officer in relation to the performance of the member's duties.

(3) A member is taken to be on duty at all times and may be assigned to duty anywhere in Vanuatu.

(4) A member must:

(a) promptly obey and execute every lawful order and warrant issued by a competent authority; and

(b) collect and communicate information relating to the public peace; and

(c) prevent the commission of offences and public nuisances; and

(d) detect offences and bring offenders to justice; and

(e) apprehend a person whom the member is legally authorised to apprehend if there are sufficient grounds for the apprehension.

143 Use of force

(1) A member of the Vanuatu Police Force may use force only where authorised by law and only to the extent reasonably necessary to perform a lawful function or exercise a lawful power.

(2) Any use of force must:

(a) be lawful; and

(b) be reasonably necessary in the circumstances; and

(c) be proportionate to the lawful objective sought to be achieved; and

(d) cease when the lawful objective has been achieved or the use of force is no longer necessary.

(3) A member may use approved non-lethal force where reasonably necessary to:

(a) effect or prevent the escape of a person who may lawfully be arrested; or

(b) protect the member or another person from harm; or

(c) prevent the commission of an offence; or

(d) maintain public order; or

(e) perform another lawful policing function.

(4) Where reasonably practicable, a member must attempt to resolve a situation by less intrusive means before using force.

(5) Force likely to cause death or serious bodily harm may only be used as a last resort where reasonably necessary to protect the member or another person from an imminent threat of death or serious injury.

(6) Lethal force must not be used where a lesser degree of force would reasonably achieve the lawful objective.

(7) The authority to use force under this section is limited to members acting in the lawful execution of their duties.

(8) Any use of lethal force, including the discharge of a firearm, must be reported, investigated and reviewed in accordance with this Act, the Regulations or Commissioner's Instructions.

(9) The Commissioner must ensure that members authorised to use force receive appropriate training and regular refresher training in the lawful use of force.

(10) The Commissioner may, by Regulations, Police General Orders or Commissioner's Instructions, provide for:

(a) approved use of force models; and

(b) Rules of Engagement; and

(c) approved weapons and tactical equipment; and

(d) reporting requirements; and

(e) investigation and review of use of force incidents; and

(f) operational safety and use of force training.

144 Approved non-lethal weapons

(1) The Commissioner may authorise members of the Vanuatu Police Force to be equipped with and use approved non-lethal weapons in the lawful execution of their duties.

(2) Approved non-lethal weapons may include:

(a) batons; and

(b) pepper spray; and

(c) rubber bullets; and

(d) electrical taser guns; and

(e) any other non-lethal weapon or equipment prescribed by regulation or approved by the Commissioner.

(3) A member may use a non-lethal weapon only where the use is reasonably necessary and proportionate for a lawful policing purpose, including:

(a) self-defence; or

(b) protection of another person; or

(c) prevention of violence; or

(d) maintenance of public order; or

(e) lawful apprehension of an offender.

(4) The Commissioner must establish policies and operational procedures governing the possession, carrying, deployment and use of non-lethal weapons by members.

(5) The policies and procedures must include requirements for:

(a) training and competency; and

(b) regular refresher training; and

(c) safe storage and handling; and

(d) reporting of use; and

(e) investigation and review of incidents; and

(f) accountability for misuse or unauthorised use.

(6) The Commissioner must ensure that a member does not carry or use a non-lethal weapon unless the member has received the training and authorisation required under this section.

(7) This section does not authorise the use of a non-lethal weapon in circumstances where the use of force would otherwise be unlawful.

145 Authorisation for use of lethal weapons

(1) In exceptional circumstances involving a serious threat to national security, public safety or a declared state of emergency, the Minister responsible for the Vanuatu Police Force may authorise the operational use of lethal weapons by members of the Vanuatu Police Force.

(2) Where the circumstances are urgent and it is not reasonably practicable to give written authorisation beforehand, the Minister may give the authorisation orally.

(3) An oral authorisation under subsection (2) must be confirmed in writing as soon as reasonably practicable.

(4) An authorisation under this section does not authorise the unlawful use of force.

(5) Any use of lethal force by a member of the Vanuatu Police Force must be:

(a) necessary in the circumstances; and

(b) reasonable and proportionate to the threat faced; and

(c) carried out in accordance with this Act.

146 Crime scenes

(1) A police officer may establish a crime scene if the officer reasonably believes that:

(a) an offence has been committed; or

(b) evidence relevant to an offence is present; or

(c) immediate action is necessary to preserve evidence.

(2) A police officer responsible for a crime scene may:

(a) establish and maintain the crime scene; and

(b) cordon off the area; and

(c) restrict or prohibit entry; and

(d) direct a person to leave the area; and

(e) remove a person who fails to comply with a lawful direction; and

(f) take any reasonable steps necessary to preserve evidence.

(3) A police officer may enter private premises without a warrant if the officer reasonably believes that entry is immediately necessary to:

(a) preserve life; or

(b) prevent the destruction, loss or contamination of evidence; or

(c) secure and preserve a crime scene while a warrant is being obtained.

(4) A power under subsection (3) must be exercised only to the extent reasonably necessary in the circumstances.

(5) Unless another lawful authority exists, a police officer who enters premises under subsection (3) must leave the premises when the emergency has passed or when a warrant has been obtained.

(6) Where reasonably practicable, a police officer exercising a power under subsection (3) must:

(a) identify himself or herself to the occupier; and

(b) inform the occupier of the authority under which the entry is made; and

(c) inform the occupier of the reasons for the entry.

(7) If it is not reasonably practicable to provide the information before entry, the officer must provide it to the occupier as soon as reasonably practicable after entry.

(8) A police officer responsible for a crime scene must take reasonable steps to:

(a) preserve and protect the integrity of the crime scene; and

(b) preserve evidence; and

(c) maintain the security of the crime scene; and

(d) record actions taken in relation to the crime scene; and

(e) where reasonably practicable, record persons entering and leaving the crime scene.

(9) A person commits an offence if the person, without lawful authority:

(a) interferes with or unlawfully enters a secured crime scene; or

(b) removes, damages, destroys or conceals evidence; or

(c) intentionally contaminates or otherwise compromises evidence; or

(d) fails to comply with a lawful direction given for the preservation or management of a crime scene.

(10) A person who commits an offence under subsection (9) is liable on conviction to a fine not exceeding VT10,000 or imprisonment for a term not exceeding 6 months, or both.

(11) An appropriately authorised forensic officer may, in accordance with this Act or any other written law:

(a) examine a crime scene; and

(b) collect, preserve and analyse forensic evidence; and

(c) assist with a post-mortem examination where authorised by law; and

(d) perform any other prescribed forensic function.

(12) The Commissioner may enter into arrangements with another law enforcement agency or public authority for the management of a crime scene.

(13) Regulations or Commissioner's Instructions may provide for operational procedures for establishing, securing, managing and releasing a crime scene.

(14) Where a warrant is required under the Criminal Procedure Code or another written law, a power under this section must not be used to avoid the requirement to obtain a warrant.

(15) A police officer exercising a power under this section must comply with any applicable requirements relating to search, seizure, evidence and warrants under the Criminal Procedure Code or any other written law.

147 Power to take photographs, fingerprints and other identifying information

(1) In this section, **description** includes a photograph, measurement, fingerprint or footprint.

(2) A member may take and record in the records of the Force the description of a person who:

(a) is in lawful custody for an offence; or

(b) has appeared before a court in answer to a summons for an offence punishable by imprisonment and has been convicted.

(3) If a person whose description was taken under this section is acquitted, the description must be destroyed.

(4) A person who:

(a) is in lawful custody for an offence; or

(b) has appeared before a court in answer to a summons for an offence punishable by imprisonment,

and refuses to allow his or her description to be taken commits an offence punishable on conviction by a fine not exceeding VT 10,000 or imprisonment for a term not exceeding 6 months, or both.

(5) If a person is convicted of an offence under subsection (4), the court may order that reasonable force be used by a member to take the person's description.

148 Forensic services

(1) The Vanuatu Police Force is responsible for undertaking forensic services in support of the prevention, detection, investigation and prosecution of offences.

(2) An appropriately authorised forensic officer may:

(a) examine crime scenes; and

(b) collect, preserve and analyse forensic evidence; and

(c) prepare forensic reports; and

(d) assist investigators during criminal investigations; and

(e) assist a qualified medical practitioner or pathologist during a post-mortem examination where authorised by law; and

(f) perform any other prescribed forensic function.

(3) Forensic evidence must be collected, preserved and managed in accordance with this Act and any other applicable written law.

(4) Forensic evidence lawfully obtained under this Act may be admitted in evidence subject to the applicable rules of evidence and criminal procedure.

(5) Regulations, Police Rules or Commissioner's Instructions may prescribe procedures relating to:

(a) the management of deceased persons during criminal investigations; and

(b) liaison with coronial or medical authorities; and

(c) communication with family members; and

(d) post-mortem investigations; and

(e) forensic examinations; and

(f) the collection and preservation of forensic evidence; and

(g) chain of custody requirements; and

(h) forensic reporting; and

(i) quality assurance; and

(j) accreditation; and

(k) any other operational matter relating to forensic services.

(6) The Commissioner must maintain appropriate forensic capability within the Vanuatu Police Force, including suitably trained personnel, appropriate equipment and appropriate professional standards.

(7) The Commissioner must ensure that forensic officers receive appropriate specialist training and continuing professional development.

149 Digital forensic capability

(1) The Commissioner may establish and maintain specialist digital forensic capability within the Vanuatu Police Force to support the prevention, detection and investigation of offences.

(2) A member of the Vanuatu Police Force may collect, preserve, examine or analyse an electronic device or digital evidence only where authorised by this Act or another written law.

(3) Digital evidence must be collected, preserved, examined and managed in a manner that maintains its integrity, continuity and evidentiary value.

(4) The Commissioner may establish procedures and standards for digital forensic work, including procedures for the handling, preservation, examination and analysis of digital evidence.

(5) This section does not limit or replace any power or requirement under the any Act relating to:

(a) electronic surveillance; or

(b) access to or interception of electronic communications; or

(c) search and seizure of electronic devices or digital evidence; or

(d) the admissibility, handling or preservation of digital evidence.

150 Search of premises by consent

(1) A police officer may search private premises without a warrant if a person who has lawful authority over the premises gives informed, voluntary and express consent to the search.

(2) Before seeking consent, the police officer must:

(a) identify himself or herself; and

(b) produce official identification if requested; and

(c) explain the purpose of the search; and

(d) explain the extent of the proposed search; and

(e) identify, where practicable, the items or evidence sought; and

(f) inform the person that the person has the right to refuse consent; and

(g) inform the person that consent may be withdrawn at any time.

(3) Consent is not valid if it is obtained by coercion, intimidation, deception or abuse of police authority.

(4) Consent may only be given by a person who has lawful authority over the premises.

(5) A person who gives consent may withdraw the consent at any time.

(6) When consent is withdrawn, the police officer must immediately cease the search and leave the premises unless another lawful power authorises the officer to remain or continue the search.

(7) Consent must be recorded in the manner prescribed by regulations and, where reasonably practicable, must be given in writing.

(8) If the person whose consent is sought:

(a) has impaired decision-making capacity; or

(b) has communication difficulties; or

(c) requires an interpreter or support person,

the police officer must take reasonable steps to ensure that the person understands the information required under subsection (2) and is able to give informed and voluntary consent.

(9) Evidence obtained during a search conducted with lawful consent is admissible subject to the ordinary rules of evidence.

(10) A police officer must not rely on consent to avoid a requirement to obtain a warrant where a warrant is required by the Criminal Procedure Code or another written law.

151 Search warrants

(1) A member of the Vanuatu Police Force may apply to a judicial officer for a search warrant in accordance with this Act or any other written law.

(2) An application for a search warrant must contain sufficient information to enable the judicial officer to determine whether the grounds for issuing the warrant have been satisfied.

(3) A judicial officer may issue a search warrant if satisfied that there are reasonable grounds to believe that:

(a) evidence of an offence is located at the premises or place to be searched; or

(b) the warrant is otherwise authorised under this Act or another written law.

(4) A search warrant must specify:

(a) the premises, place or thing authorised to be searched; and

(b) the purpose of the search; and

(c) any limitations or conditions on the execution of the warrant; and

(d) the period during which the warrant may be executed.

(5) A member executing a search warrant may, to the extent authorised by the warrant and any other written law:

(a) enter the premises or place identified in the warrant; and

(b) search for the evidence or property specified in the warrant; and

(c) seize evidence or property lawfully authorised to be seized; and

(d) use reasonable force where authorised by law and reasonably necessary to execute the warrant.

(6) Where it is impracticable to make a written application because of the urgency or circumstances of an investigation, an application for a search warrant may be made orally or by electronic means to a judicial officer.

(7) A judicial officer may issue a warrant under subsection (6) if satisfied that the requirements of this section have been met.

152 Emergency search without warrant

(1) A member of the Vanuatu Police Force may enter and search premises without a warrant only if:

(a) the member reasonably believes that delay in obtaining a warrant would create an imminent risk that evidence would be lost, destroyed or concealed; and

(b) it is not reasonably practicable to obtain judicial authorisation before the search.

(2) A search under subsection (1) must be limited to what is reasonably necessary in the circumstances.

(3) A member who exercises a power under this section must record the reasons for the search and the action taken.

(4) A search under this section is subject to subsequent judicial oversight or review in the manner prescribed by law.

153 Relationship with other laws

(1) This Part provides the general framework for search warrants and emergency searches by members of the Vanuatu Police Force.

(2) Where another written law provides a specific procedure or additional requirement for a search or seizure, that procedure or requirement applies.

(3) A member exercising a search power under this Part must comply with any applicable requirements relating to warrants, search, seizure and evidence under the Criminal Procedure Code Act [CAP 136] and any other Act.

154 Arrest without warrant

(1) A member of the Vanuatu Police Force may arrest a person without a warrant if the member reasonably suspects that the person:

(a) has committed an offence; or

(b) is committing an offence; or

(c) is about to commit an offence,

and the arrest is reasonably necessary in the circumstances.

(2) An arrest under subsection (1) may only be made if the member reasonably believes that the arrest is necessary for one or more of the following purposes:

(a) preventing the continuation or repetition of the offence; or

(b) preventing the commission of another offence; or

(c) preventing the person from fleeing or avoiding apprehension; or

(d) establishing or confirming the person's identity; or

(e) ensuring the person's appearance before a court; or

(f) preserving evidence or preventing the concealment, loss, destruction or fabrication of evidence; or

(g) preventing interference with witnesses or victims; or

(h) protecting the safety or welfare of any person, including the person being arrested; or

(i) preventing obstruction of a police officer acting in the lawful execution of the officer's duties; or

(j) because of the nature or seriousness of the offence.

(3) The power of arrest under this section applies unless another written law expressly provides otherwise.

(4) A member exercising a power of arrest without a warrant must, as soon as reasonably practicable:

(a) identify himself or herself as a member of the Vanuatu Police Force, unless it is impracticable to do so; and

(b) inform the person that the person is under arrest; and

(c) inform the person of the reason for the arrest; and

(d) use only such force as is lawful, reasonably necessary and proportionate in the circumstances; and

(e) comply with any procedural requirement prescribed by this Act, the regulations or any other written law.

(5) A person arrested without a warrant must be dealt with in accordance with the Criminal Procedure Code Act [CAP 136].

(6) Where another written law provides a specific power or procedure for arrest, that power or procedure continues to apply.

(7) A member exercising a power of arrest under this section must comply with any additional safeguards or requirements applicable under any other Act.

155 Police powers in relation to children and vulnerable persons

(1) A member of the Vanuatu Police Force may approach, question, assist or, where necessary, take temporarily into protective care a child or juvenile if the member reasonably believes that the child or juvenile:

(a) is at risk of harm; or

(b) is in need of protection.

(2) If a child or juvenile is taken into protective care under subsection (1), the member must make reasonable efforts to contact a parent, guardian or family member as soon as practicable.

(3) A child or juvenile taken into protective care under this section must:

(a) be treated with dignity and respect; and

(b) not be detained as an offender unless the child or juvenile is suspected of having committed an offence.

(4) Protective care under this section must be for the shortest period reasonably necessary to ensure the safety and protection of the child or juvenile.

156 Power to inspect licences

(1) A member may stop and detain a person whom the member sees doing an act for which a licence or permit is required under a written law and require the person to produce the licence or permit.

(2) A person who fails to produce the licence or permit when required to do so by a member may be arrested without a warrant unless the person:

(a) gives his or her name and address; or

(b) otherwise satisfies the member that the person will duly answer any summons or other proceedings that may be brought against the person.

157 Power to lay information

A member may lay an information before a court of competent jurisdiction and apply for a summons, warrant, search warrant or other legal process authorised by law.

158 Protection from liability for acts done in good faith

(1) No civil or other legal proceedings for damages may be brought against the Minister, the Commissioner, the Commission, a member of the Force or any other person in respect of an act or omission done or made in good faith in the performance or exercise of a duty or power conferred or imposed by or under this Act.

(2) The protection under subsection (1) also applies to a person who is authorised by delegation under this Act or any other Act to perform or exercise a duty or power referred to in subsection (1).

159 Power to erect barriers

(1) A senior officer, or a subordinate officer acting under the authority of a senior officer, may erect or place a barrier in or across a road, street or other public place if the officer considers it necessary for:

(a) maintaining or preserving law and order; or

(b) preventing or detecting crime; or

(c) apprehending offenders; or

(d) protecting life or property.

(2) A member may take reasonable steps to prevent a person or vehicle from passing a barrier erected or placed under subsection (1).

(3) A person, or the driver of a vehicle, who fails to comply with a reasonable signal given by a member under subsection (2) commits an offence, punishable on conviction by a fine not exceeding VT 10,000 or imprisonment for a term not exceeding 6 months, or both.

160 Duty of Force to maintain order in public places

(1) The Force must:

(a) regulate and control traffic; and

(b) divert all or a particular type of traffic when it is in the public interest to do so; and

(c) maintain order on public roads, streets, thoroughfares and landing places and at other places of public resort or places to which the public has access; and

(d) prevent obstructions during assemblies and processions on public roads and streets and whenever a road, street, thoroughfare or landing place is crowded or is likely to be obstructed.

(2) A person who:

(a) disobeys a lawful order given by a member; or

(b) otherwise obstructs a member in the performance of the member's duty,

commits an offence, punishable on conviction by a fine not exceeding VT 10,000 or imprisonment for a term not exceeding 6 months, or both.

(3) A person who commits an offence under subsection (2) may be arrested without a warrant and detained in accordance with the law unless the person:

(a) gives his or her name and address; and

(b) otherwise satisfies the member that the person will duly answer any summons or other proceedings that may be brought against the person.

161 False name or address

(1) A person who, when required by a member acting in the performance of the member's duty to give his or her name and address:

(a) refuses to give the name or address; or

(b) gives a false name or address,

commits an offence, punishable on conviction by a fine not exceeding VT 10,000 or imprisonment for a term not exceeding 6 months, or both.

(2) A person who commits an offence under subsection (1) may be arrested without a warrant and detained in accordance with the law.

162 Disposal of unclaimed property

(1) A member must take charge of unclaimed property that comes into the member's possession in the course of performing his or her duties.

(2) Unclaimed property taken into the custody of the Force must be disposed of or otherwise dealt with in accordance with an order made under this Act.

163 Power to enter premises, vehicles, boats and aircraft in case of fire or other threat to life or property

(1) A member may enter, and if necessary break into, a building or land adjoining or near a building without the consent of the owner or occupier if the member has reasonable grounds to believe that:

(a) the building is on fire; or

(b) there is another serious threat to life or property in the building.

(2) A member may do anything reasonably necessary to:

(a) extinguish the fire or deal with the threat; or

(b) protect the building from the fire or threat; or

(c) rescue a person or property from the building.

(3) A member may enter, board or break into a motor vehicle, boat or aircraft without the consent of the owner or occupier if the member has reasonable grounds to believe that:

(a) the vehicle, boat or aircraft is on fire; or

(b) the vehicle, boat or aircraft is or is likely to be a serious threat to life or property; or

(c) the vehicle, boat or aircraft contains something that may pose a serious threat to life or property.

(4) A member may enter land or other property without the consent of the owner or occupier if necessary to exercise a power under subsection (3).

164 Person to be informed of grounds of arrest

(1) A police officer who arrests a person for an offence must inform the person, at the time of the arrest, of the offence for which the person is being arrested.

(2) It is sufficient if the person is informed of the substance of the offence in a language that the person understands.

(3) Subsection (1) does not apply if the person's actions make it impracticable for the police officer to inform the person of the offence at the time of arrest.

165 Internal investigations

(1) The Minister may, in writing, appoint 3 persons to conduct an internal investigation into a matter affecting a member or the Force for a period determined by the Minister.

(2) Of the persons appointed under subsection (1):

(a) at least 1 must have a legal qualification from a recognised tertiary institution; and

(b) 2 must be retired members of the Force.

(3) The persons appointed under subsection (1) must provide a report of their findings to the Minister within 21 days after completing the investigation.

(4) The Minister must provide a copy of the report to the Commissioner within 7 days after receiving it.

(5) The Minister must determine the terms and conditions of appointment of the persons appointed under this section.

(6) An appointment under this section ends when the report of the findings of the investigation is provided to the Minister under subsection (3).

PART 11 COMMUNITY POST

166 Establishment of Community Post

The Commissioner may establish a Community Post within a defined geographical area to provide security services to persons in that area.

167 Appointment of members of Community Post

The Commissioner may appoint suitable persons as members of a Community Post to serve within a defined geographical area.

168 Powers of members of Community Post

(1) The Commissioner may confer on a member of a Community Post any power provided for under Part 4.

(2) A power conferred under subsection (1) is not limited to the geographical area in which the member is appointed to serve.

169 Removal of member of Community Post

(1) If, after conducting an inquiry, the Commissioner is satisfied that a member of a Community Post has failed to meet reasonable performance standards, the Commissioner may remove the person as a member of the Community Post.

(2) Before making a decision under subsection (1), the Commissioner must give the member written notice of the allegations made against the member.

(3) The member may, within 14 days after receiving the notice, respond to the allegations in writing to the Commissioner.

(4) Before making a decision under subsection (1), the Commissioner must take into account any response made by the member under subsection (3).

170 Regulations relating to members of Community Post

(1) The Minister may, on the recommendation of the Commission, make regulations prescribing matters relating to members of a Community Post.

(2) Without limiting subsection (1), regulations may prescribe:

(a) the functions to be performed by members of a Community Post; and

(b) the qualifications for membership of a Community Post; and

(c) the seniority of members of a Community Post; and

(d) the process and requirements for promotion of members of a Community Post; and

(e) the structure of a Community Post; and

(f) payment for services provided by members of a Community Post; and

(g) any other matter necessary to assist members of a Community Post in performing their functions.

PART 12 SPECIALIST UNITS

Division 1 Professional Standards Unit

171 Establishment of Professional Standards Unit

(1) The Professional Standards Unit is established as a specialist unit of the Vanuatu Police Force.

(2) The Professional Standards Unit forms part of the Vanuatu Police Force and is under the overall command of the Commissioner.

(3) The Professional Standards Unit is responsible for performing its functions independently and impartially.

(4) The Professional Standards Unit has responsibility across all elements of the Vanuatu Police Force, including:

(a) the General Policing Arm; and

(b) the Vanuatu Mobile Force; and

(c) the Police Maritime Wing.

172 Functions of Professional Standards Unit

The functions of the Professional Standards Unit are to:

(a) receive complaints concerning the conduct of members of the Vanuatu Police Force; and

(b) assess complaints to determine the appropriate course of action; and

(c) investigate allegations of misconduct and breaches of discipline; and

(d) investigate allegations of criminal conduct by members where authorised under this Act; and

(e) support disciplinary proceedings under this Act; and

(f) monitor compliance with professional and ethical standards; and

(g) identify systemic issues arising from complaints and investigations; and

(h) make recommendations to the Commissioner regarding disciplinary action, policy reform and organisational improvement; and

(i) perform any other function conferred by this Act or another written law.

173 Independence and impartiality of Professional Standards Unit

(1) In performing its functions under this Act, the Professional Standards Unit must act independently and impartially.

(2) An investigation conducted by the Professional Standards Unit must be conducted without political or improper external influence.

(3) A person must not improperly direct, influence or interfere with an investigation conducted by the Professional Standards Unit.

(4) A member of the Professional Standards Unit must perform the member's functions free from operational interference, except as authorised by this Act.

(5) A direction given by the Commissioner relating to the administration of the Professional Standards Unit must not compromise the independence of an individual investigation.

174 Powers of authorised members of Professional Standards Unit

(1) An authorised member of the Professional Standards Unit may exercise such powers as is necessary to perform the functions of the Unit under this Act.

(2) Without limiting subsection (1), an authorised member may:

(a) receive and assess complaints; and

(b) require information or documents from a member of the Vanuatu Police Force relevant to an investigation; and

(c) interview members of the Force and other persons; and

(d) investigate alleged breaches of discipline and professional standards; and

(e) investigate alleged criminal conduct in accordance with this Act and any other Act; and

(f) prepare investigation reports and recommendations; and

(g) refer matters to another authority where required by law.

175 Investigation and disciplinary proceedings

(1) The Professional Standards Unit is responsible for investigating complaints and allegations of misconduct concerning members of the Vanuatu Police Force.

(2) An investigation by the Professional Standards Unit does not itself constitute disciplinary action.

(3) Investigation findings and recommendations must be provided to the Commissioner or another authorised decision-maker.

(4) Disciplinary action must be taken in accordance with the disciplinary provisions of this Act.

(5) A criminal investigation and disciplinary proceedings may proceed concurrently where appropriate.

176 Annual report of Professional Standards Unit

(1) The Professional Standards Unit must prepare an annual report for the Commissioner.

(2) The report must include:

(a) the number and nature of complaints received; and

(b) the number of investigations completed; and

(c) the outcomes of investigations; and

(d) systemic issues identified; and

(e) recommendations for organisational improvement; and

(f) any other information prescribed by regulations.

177 Policies and procedures for Professional Standards Unit

The Commissioner may issue policies and procedures governing:

(a) complaint management; and

(b) investigation standards; and

(c) disciplinary investigations; and

(d) evidence management; and

(e) record keeping; and

(f) confidentiality; and

(g) cooperation with other investigative agencies; and

(h) quality assurance.

Division 2 National Intelligence Unit

178 Establishment of National Intelligence Unit

(1) The National Intelligence Unit is established as the central intelligence coordination function of the Vanuatu Police Force.

(2) The National Intelligence Unit operates as a specialist operational unit of the Vanuatu Police Force under the command of the Commissioner.

(3) The Commissioner is responsible for the administration, organisation and oversight of the National Intelligence Unit.

179 Functions of National Intelligence Unit

The functions of the National Intelligence Unit are to:

(a) collect intelligence relevant to policing, public safety and national security; and

(b) receive intelligence from members of the Vanuatu Police Force, government agencies and other lawful sources; and

(c) analyse intelligence to identify criminal activity, emerging risks and threats to public safety; and

(d) coordinate and share intelligence across the Vanuatu Police Force and with other agencies; and

(e) disseminate intelligence products to operational units and authorised decision-makers; and

(f) support operational planning and deployment decisions; and

(g) support criminal investigations through intelligence analysis; and

(h) prepare strategic intelligence assessments to inform operational planning, strategic decision-making and policing priorities; and

(i) support regional and international intelligence cooperation where authorised by law; and

(j) perform any other intelligence function conferred by this Act or another written law.

180 Intelligence-led policing

(1) Intelligence-led policing is a core operational principle of the Vanuatu Police Force.

(2) Operational planning should, wherever practicable, be informed by intelligence.

(3) Intelligence products may be used to inform:

(a) operational priorities; and

(b) deployment of resources; and

(c) crime prevention strategies.

(4) Intelligence may support criminal investigations but does not replace evidentiary requirements for criminal proceedings.

(5) The Commissioner may issue policies governing intelligence-led policing across the Vanuatu Police Force.

181 Unauthorised disclosure or misuse of intelligence

(1) A person must not disclose or misuse intelligence obtained or held in the course of performing a function under this Act, except as authorised by this Act or another written law.

(2) A person who breaches subsection (1), commits as offence and is liable to a fine not exceeding VT1,000,000 or imprisonment for a term not exceeding 2 years, or both.

182 Regulations relating to National Intelligence Unit

The Minister may, on the recommendation of the Commissioner, make regulations prescribing:

(a) intelligence management procedures; and

(b) operational standards; and

(c) the handling and protection of intelligence; and

(d) information sharing arrangements; and

(e) any other matter necessary for the performance of the functions of the National Intelligence Unit.

Division 3 Close Protection Unit

183 Establishment of Close Protection Unit

(1) The Commissioner may establish and maintain a Close Protection Unit within the Force.

(2) The Commissioner may appoint members of the Force to perform close protection duties in accordance with this Act.

184 Functions of Close Protection Personnel

The functions of Close Protection Personnel are to:

(a) protect designated principals; and

(b) undertake protective security risk assessments; and

(c) support national security operations where authorised; and

(d) perform any other function prescribed by this Act or Regulations.

185 Requirements for Close Protection Personnel

A member appointed to perform close protection duties must:

(a) satisfy the prescribed qualification requirements; and

(b) successfully complete specialised close protection training; and

(c) satisfy the prescribed medical and physical fitness standards; and

(d) demonstrate integrity and professional conduct; and

(e) maintain the prescribed ongoing competency requirements.

186 Powers of Close Protection Personnel

(1) Close Protection Personnel may exercise the powers of a police officer under this Act.

(2) Close Protection Personnel may exercise any additional power necessary to perform a protective duty if the power is authorised by law.

(3) A power exercised under this section is subject to this Act, including the provisions relating to the use of force.

187 Persons eligible for close protection services

Close Protection services may be provided to:

(a) the President; and

(b) the Prime Minister; and

(c) the Deputy Prime Minister; and

(d) a visiting Head of State or foreign dignitary; and

(e) any other person authorised by the Commissioner under this Act based on a threat assessment.

188 Period of close protection duties

A member appointed to close protection duties must serve for the period as instructed by the Commissioner before being rotated to other policing duties.

189 Confidentiality

(1) A member performing close protection duties must comply with any confidentiality requirements prescribed by Regulations.

(2) The requirements under subsection (1) are in addition to any confidentiality or secrecy obligations imposed on the member under this Act or any other Act.

Division 4 Police Animal Unit

190 Police Animal Unit

(1) The Commissioner may establish and maintain a Police Animal Unit within the Vanuatu Police Force.

(2) In this section, **police animal** means an animal trained and authorised for a policing function or purpose.

(3) The Commissioner may approve an animal for use as a police animal.

(4) A police animal may be deployed for:

(a) drug detection; or

(b) explosives detection; or

(c) search and rescue; or

(d) victim recovery; or

(e) offender tracking; or

(f) public order operations; or

(g) any other specialist policing function prescribed by regulations.

(5) Only a member appointed by the Commissioner and who has completed the prescribed training may act as a police animal handler.

(6) A police animal handler is responsible for:

(a) the control and care of the animal; and

(b) the welfare of the animal; and

(c) the lawful deployment of the animal; and

(d) compliance with operational procedures.

(7) A police animal may only be deployed:

(a) by an authorised handler; and

(b) for a lawful policing purpose; and

(c) in accordance with the regulations or Commissioner's Instructions.

(8) A person commits an offence if the person intentionally:

(a) injures or kills a police animal; or

(b) interferes with a police animal; or

(c) obstructs a police animal,

while the animal is engaged in lawful police duties.

(9) The Commissioner must ensure appropriate arrangements for the:

(a) veterinary care of police animals; and

(b) ongoing welfare of police animals; and

(c) retirement of police animals; and

(d) rehoming or disposal of police animals in accordance with prescribed standards.

(10) Regulations may prescribe matters relating to police animals, including:

(a) accreditation standards; and

(b) handler qualifications; and

(c) operational deployment; and

(d) training; and

(e) animal welfare; and

(f) retirement arrangements.

(11) Regulations made under this section may apply to any type of animal approved for policing purposes and are not limited to dogs.

PART 13 DISCIPLINE

Division 1 Offences by Members Triable by the Courts

191 Mutiny

(1) A member commits an offence if the member:

(a) takes part in a mutiny or an intended mutiny among the Force; or

(b) knowing of a mutiny among the Force, does not use the member's utmost efforts to suppress it; or

(c) knowing of an intended mutiny among the Force, does not immediately inform the member's superior officer.

(2) A member who commits an offence under this section is liable on conviction to imprisonment for a term not exceeding 5 years.

(3) For the purpose of this section, **mutiny** means collective action by 2 or more members of the Vanuatu Police Force that intentionally seeks to:

(a) overthrow or undermine lawful command; or

(b) collectively refuse to obey a lawful order; or

(c) unlawfully seize command or control of the Force or any part of the Force; or

(d) otherwise seriously impair the operational effectiveness of the Force.

(2) An officer does not commit mutiny merely because the officer:

(a) reports misconduct; or

(b) makes a protected disclosure; or

(c) refuses to obey an unlawful order; or

(d) exercises a lawful right under this Act or any other written law.

192 Failing to suppress riot

(1) A member who is present at an assembly that tends to cause a riot and does not use the member's utmost efforts to suppress the assembly commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years.

(2) For the purpose of this section, **riot** means collective conduct involving violence or the threat of violence that seriously threatens public peace, public safety or public order.

193 Desertion

(1) A member commits an offence if the member:

(a) deserts from the Force; or

(b) persuades, procures or assists, or attempts to persuade, procure or assist, another member to desert; or

(c) knowing that another member has deserted or intends to desert, does not immediately inform the member's superior officer.

(2) A member must not be found guilty of desertion unless the court is satisfied that the member intended not to return to the Force.

194 Alcohol, drug and kava testing

(1) The Commissioner may require a member of the Vanuatu Police Force, including a sworn officer, unsworn member or any other prescribed person, to undergo alcohol, drug or kava testing in accordance with this Act and the Regulations.

(2) Testing may be required:

(a) randomly; or

(b) where there are reasonable grounds to suspect impairment; or

(c) following a critical incident, workplace accident or injury; or

(d) before or after a specified operational deployment; or

(e) in any other prescribed circumstance.

(3) Testing may be conducted for alcohol, illegal drugs, kava or any other substance prescribed by Regulations.

(4) A test may only be required by the Commissioner, a senior officer authorised by the Commissioner or another person authorised by this Act or the regulations.

(5) The Regulations may prescribe:

(a) who may administer a test; and

(b) approved testing methods and devices; and

(c) sample collection and confirmatory testing procedures; and

(d) chain of custody and record-keeping requirements; and

(e) evidentiary standards; and

(f) confidentiality requirements.

(6) A member required to undergo testing has the right to:

(a) be informed of the reason for the test, where appropriate; and

(b) request confirmatory testing where prescribed; and

(c) receive the test results; and

(d) seek a review of a decision arising from the testing; and

(e) have personal information handled confidentially.

(7) A member who unreasonably refuses to undergo lawful testing commits an offence against discipline unless the member has a reasonable excuse.

(8) A member must not perform operational duties while impaired by alcohol, an illegal drug, kava or another prescribed substance.

(9) A positive test result may be used as evidence in disciplinary proceedings but does not automatically determine the disciplinary outcome, which must be dealt with under the disciplinary provisions of this Act.

(10) This section does not prevent a member from participating in a lawful cultural or ceremonial practice involving kava while the member is not performing operational duties.

195 Power of arrest without warrant

A member who is reasonably suspected of committing an offence under sections 191, 192 and 193 may be arrested without a warrant and detained in accordance with the law.

Division 2 Disciplinary Offences by Members of the Force

196 Participation in politics

(1) A member commits an offence against discipline if the member:

(a) speaks, broadcasts or asks questions in public about a political matter, other than in the course of the member's duties; or

(b) communicates with the press, other than in the course of the member's duties, or publishes a book, article or pamphlet about a political matter; or

(c) canvasses or collects funds in support of a political candidate, body or cause; or

(d) proposes, sponsors or publicly supports a candidate for election to public office; or

(e) holds a position in, or otherwise takes part in the management of, a political organisation; or

(f) takes part in political activities in any other way.

(2) If a question arises as to whether a particular matter is political for the purposes of this section, the Commission must decide the question at the request of the Commissioner, and the Commission's decision is final.

(3) This section does not restrict the right of a member to vote in a national or local election.

197 Other employment or office

A member commits an offence against discipline if the member engages in any other employment or holds any other office outside the duties of the member's office.

198 Membership of trade union or allied body

(1) A member commits an offence against discipline if the member is or becomes a member of a trade union or a body or association affiliated with a trade union.

(2) If a question arises as to whether a body is a trade union, body or association to which this section applies, the Commission must decide the question at the request of the Commissioner, and the Commission's decision is final.

(3) To enable members to bring to the Government's attention any matter affecting their welfare and efficiency, other than matters relating to discipline or promotion, the Minister may make rules for the establishment and regulation of one or more police associations.

(4) Nothing in this section prevents a member from joining or being a member of an association established under subsection (3).

199 Strikes by members

(1) A member commits an offence against discipline if the member takes part in a strike or other associated action intended or likely to:

(a) affect pay, pensions or other conditions of service; or

(b) obstruct or otherwise influence the lawful exercise of any function of the Force under section 23.

(2) This section does not prevent a police association from presenting a petition to the Commissioner on a matter relating to welfare or efficiency under subsection 1981(3).

200 Accepting gifts

A member commits an offence against discipline if the member accepts a gift of money or money's worth offered as payment for a service rendered or promised.

201 Loss or damage to arms and accoutrements

(1) A member commits an offence against discipline if the member:

(a) pawns or sells any arms, ammunition, accoutrement, uniform or other appointment supplied to the member; or

(b) loses any such item through neglect; or

(c) disposes of any such item; or

(d) wilfully damages or misuses any such item; or

(e) damages or misuses any other government property placed in the member's charge.

(2) A member convicted of an offence under this section may, in addition to or instead of any other punishment, be ordered to pay the amount of any loss or damage. The amount may be recovered by deduction from the member's pay.

202 Absence from duty

(1) A member commits an offence against discipline if the member is absent from duty or the member's place of duty without reasonable cause or excuse.

(2) A member found to have committed an offence under this section must, in addition to any other punishment, forfeit the member's pay for the period of the absence.

203 Other offences against discipline

In addition to the offences against discipline provided for by this Act, the Minister may prescribe other acts or omissions by members of the Force that constitute offences against discipline.

Division 3 General Disciplinary Matters

204 Classification of misconduct

(1) For the purposes of this Act, disciplinary misconduct is classified as:

(a) minor misconduct; or

(b) serious misconduct.

(2) In determining whether misconduct is minor or serious, regard must be had to:

(a) the nature and gravity of the conduct; and

(b) the circumstances in which the conduct occurred; and

(c) the actual or potential consequences of the conduct; and

(d) the member's degree of responsibility; and

(e) whether the conduct was deliberate, reckless or negligent; and

(f) whether the conduct involved an abuse of police powers or authority; and

(g) any relevant previous misconduct.

(3) Serious misconduct means misconduct that, having regard to the matters set out in subsection (2), is sufficiently serious to warrant formal disciplinary proceedings.

(4) Misconduct that does not constitute serious misconduct may be dealt with as minor misconduct in accordance with this Part.

(5) For the purposes of this section **serious misconduct** includes, but is not limited to the following:

(a) corruption or serious dishonesty; or

(b) serious abuse of authority; or

(c) serious or deliberate misuse of a police power; or

(d) serious or unlawful use of force; or

(e) serious neglect of duty; or

(f) serious misuse or unauthorised disclosure of police or confidential information; or

(g) conduct materially incompatible with continued membership of the Force; or

(h) a serious or repeated failure to comply with a lawful and reasonable direction; or

(i) serious harassment, coercion or discriminatory conduct; or

(j) serious misuse of public money, Force property, information, status, power or authority; or

(k) providing false or misleading information in an official capacity; or

(l) failing to disclose, or improperly acting in relation to, a material conflict of interest; or

(m) using a Government vehicle without authority on 3 occasions; or

(n) any other serious breach of the obligations applicable to public employees under section 34 of the Public Service Act [CAP 246].

205 Disciplinary offences

(1) A member commits a disciplinary offence if the member:

(a) disobeys a lawful order; or

(b) neglects a duty; or

(c) abuses his or her authority; or

(d) misuses police property; or

(e) acts dishonestly; or

(f) engages in corruption; or

(g) uses force unlawfully; or

(h) is absent from duty without authority; or

(i) engages in conduct that brings the Force into disrepute; or

(j) engages in any other conduct prescribed as misconduct.

(2) Regulations may prescribe detailed examples of conduct constituting a disciplinary offence.

206 Disciplinary sanctions

(1) A disciplinary sanction imposed on a member must be proportionate to the seriousness of the misconduct.

(2) The disciplinary sanctions that may be imposed under this Act are:

(a) counselling; or

(b) reprimand; or

(c) warning; or

(d) a fine, where authorised by law; or

(e) reduction in rank; or

(f) suspension; or

(g) dismissal; or

(h) any other disciplinary sanction prescribed by law.

207 Authorities responsible for disciplinary matters

(1) A minor misconduct matter involving a member at or below the rank of Senior Sergeant in the general policing arm, Sergeant Class 1 in the Vanuatu Mobile Force or Chief Officer in the Police Maritime Wing is to be determined by the member's immediate superior officer.

(2) A minor misconduct matter involving a member above a rank specified in subsection (1) is to be determined by the Commissioner.

(3) A serious misconduct matter involving a subordinate officer is to be determined by the Commissioner.

(4) A serious misconduct matter involving a senior commissioned officer is to be determined by the Commission.

(5) The Professional Standards Unit is responsible for investigating alleged serious misconduct but must not determine whether the misconduct is established or impose a disciplinary sanction.

208 Procedures for disciplinary matters

(1) Before determining a minor misconduct matter, the disciplinary authority must:

(a) inform the member in writing of the alleged misconduct and the material facts on which the allegation is based; and

(b) give the member a reasonable opportunity to respond to the allegation and provide relevant information or material; and

(c) consider the member's response and all relevant information before making a decision.

(2) The disciplinary authority must give the member written notice of:

(a) the decision whether the alleged misconduct is established; and

(b) if misconduct is established, any disciplinary sanction imposed; and

(c) brief reasons for the decision.

(3) A serious misconduct matter must be investigated by the Professional Standards Unit.

(4) Following an investigation, the Professional Standards Unit must refer the matter to the appropriate disciplinary authority if there is sufficient evidence to warrant formal disciplinary proceedings.

(5) Before determining a serious misconduct matter, the disciplinary authority must:

(a) give the member written notice of the alleged misconduct and sufficient particulars to enable the member to respond; and

(b) give the member access to the information and material to be relied on, subject to any limitation authorised by law; and

(c) give the member a reasonable opportunity to respond and present relevant information or evidence; and

(d) permit the member to be represented in accordance with this Act or the Regulations; and

(e) consider the member's response and all relevant information before making a decision.

(6) The disciplinary authority must determine, on the balance of probabilities, whether the alleged misconduct is established.

(7) If serious misconduct is established, the member must be given a reasonable opportunity to make submissions on any proposed disciplinary sanction before the sanction is imposed.

(8) The disciplinary authority must give the member written notice of:

(a) its findings; and

(b) the reasons for its findings; and

(c) any disciplinary sanction imposed; and

(d) any right of review or appeal under this Act.

(9) The Regulations may prescribe further procedures for the investigation and determination of disciplinary matters, including notices, timeframes, disclosure of information, representation, hearings and the giving and consideration of evidence.

209 Rights of member subject to disciplinary proceedings

A member subject to disciplinary proceedings has the right to:

(a) be informed of the allegations; and

(b) receive sufficient particulars of the allegations; and

(c) respond to the allegations; and

(d) present evidence; and

(e) be represented, where appropriate; and

(f) receive a reasoned decision.

210 Review or appeal of disciplinary decisions

(1) A member may appeal against a minor misconduct decision made by an immediate superior officer to the Commissioner.

(2) A subordinate officer may appeal against a serious misconduct decision made by the Commissioner to the Commission.

(3) A senior commissioned officer may appeal against a serious misconduct decision made by the Commission to the Minister.

(4) An appeal must be made within the prescribed period and in the prescribed manner.

(5) The authority determining an appeal may confirm, vary or set aside the decision and may substitute another decision.

Division 4 Interdiction

211 Interdiction from duty

(1) The Commissioner may interdict a police officer from duty if the Commissioner is satisfied that:

(a) disciplinary proceedings have been commenced against the officer; or

(b) a criminal investigation involving the officer is underway; or

(c) the continued performance of the officer's duties may prejudice a disciplinary or criminal investigation; or

(d) the continued service of the officer poses an unacceptable operational or public confidence risk.

(2) An interdiction must be imposed by written notice to the officer.

(3) The notice must state:

(a) that the officer is interdicted from duty; and

(b) the reasons for the interdiction.

(4) An interdiction is not a finding of misconduct or guilt and does not affect the presumption of innocence in relation to any criminal offence.

212 Effect of interdiction

(1) An officer who is interdicted:

(a) must cease to exercise any police power or perform any police duty; and

(b) remains subject to the discipline of the Force; and

(c) must comply with any lawful direction given by the Commissioner or a senior officer during the period of interdiction.

(2) An officer who is interdicted must not exercise police powers or represent himself or herself as acting in the performance of police duties unless authorised by the Commissioner for the purposes of a disciplinary, administrative or other lawful matter.

213 Duration and review of interdiction

(1) An interdiction continues for the period specified in the notice of interdiction, subject to this section.

(2) Every interdiction must be reviewed at the prescribed intervals to determine whether it remains necessary.

(3) On a review, the person responsible for the review must consider whether:

(a) the circumstances that led to the interdiction continue to exist; and

(b) the investigation or proceedings can properly continue without the officer remaining interdicted; and

(c) any lesser measure would adequately address the circumstances giving rise to the interdiction.

(4) The interdiction must be revoked if it is no longer necessary.

(5) If an officer is subject to criminal proceedings, the interdiction may continue while the criminal proceedings are ongoing if the circumstances continue to justify the interdiction.

(6) The continuation of criminal proceedings does not, by itself, prevent the Commissioner from reviewing or revoking the interdiction.

214 Extension of interdiction

(1) An interdiction must not be extended beyond the prescribed investigation period unless:

(a) written reasons are given for the extension; and

(b) the extension is approved by the Commissioner or the prescribed authority; and

(c) the interdiction is subject to periodic review in accordance with this Act.

(2) The written reasons must state why the investigation or proceedings have not been completed and why continued interdiction remains necessary.

(3) Each further extension must be approved and reviewed in accordance with subsection (1).

215 Salary during interdiction

(1) An officer who is interdicted is entitled to receive full salary for the period of interdiction.

(2) In the case of a subordinate officer, the Commissioner must ensure that the officer receives full salary during the period of interdiction.

(3) In the case of a commissioned officer, the Minister responsible for the Force must ensure that the officer receives full salary during the period of interdiction.

(4) An officer is entitled to receive full salary under this section regardless of whether the interdiction arises from disciplinary proceedings, a criminal investigation or criminal proceedings.

216 Rights of an interdicted officer

(1) An officer who is interdicted has the right:

(a) to be informed in writing of the reasons for the interdiction; and

(b) to respond to the reasons for the interdiction; and

(c) to seek a review of the decision to interdict the officer; and

(d) to have the interdiction and any review of it determined within a reasonable period.

(2) The officer must be given a reasonable opportunity to provide a written response to the reasons for the interdiction.

(3) A response under subsection (2) must be considered before a decision is made to continue the interdiction, unless immediate interdiction is necessary to protect an investigation or public safety.

217 Review of interdiction

(1) An officer may apply in writing for a review of an interdiction.

(2) The review must consider:

(a) the reasons for the interdiction; and

(b) any response made by the officer; and

(c) the current status of any investigation or proceedings; and

(d) whether continued interdiction remains necessary and proportionate.

(3) The person conducting the review may:

(a) confirm the interdiction; or

(b) vary the terms of the interdiction; or

(c) revoke the interdiction.

(4) A decision under subsection (3) must be given to the officer in writing with reasons.

218 Reinstatement following interdiction

(1) An officer must be reinstated where:

(a) the allegations against the officer are dismissed; or

(b) criminal proceedings against the officer conclude without a conviction, subject to any disciplinary proceedings that may properly be commenced or continued under this Act; or

(c) the Commissioner determines that the interdiction is no longer justified.

(2) Reinstatement under subsection (1) must take effect as soon as reasonably practicable after the circumstances requiring reinstatement arise.

(3) The reinstatement of an officer does not prevent disciplinary proceedings from being commenced or continued where permitted by this Act.

219 Relationship between interdiction, suspension and disciplinary proceedings

(1) Interdiction is an administrative measure taken to prevent an officer from performing police duties while an investigation or proceeding is pending or where continued service presents an operational or public confidence risk.

(2) Interdiction is not a disciplinary penalty.

(3) Suspension imposed as a disciplinary penalty is separate from interdiction and may only be imposed in accordance with the disciplinary provisions of this Act.

(4) An officer may be interdicted before disciplinary proceedings are commenced, during disciplinary proceedings or while criminal proceedings are pending.

(5) Where disciplinary proceedings result in a penalty of suspension, the period of interdiction does not constitute the disciplinary suspension unless otherwise provided by this Act.

(6) The Commissioner must ensure that an officer is not subjected to both interdiction and disciplinary suspension for the same period in a manner that is inconsistent with this Act.

220 Interdiction where criminal proceedings are involved

(1) Where an officer is the subject of a criminal investigation or criminal proceedings, any interdiction under this Act must be exercised consistently with the criminal procedure applicable to the investigation or proceedings.

(2) This Part does not authorise the Commissioner or any other person to interfere with:

(a) a criminal investigation; or

(b) the functions of a police officer or other person lawfully responsible for conducting a criminal investigation or prosecution; or

(c) a decision to charge or prosecute a person; or

(d) the determination of criminal proceedings by a court.

(3) An interdiction under this Part must not be treated as evidence that the officer committed a criminal offence.

Division 5 Disciplinary and Criminal Proceedings

221 Disciplinary proceedings separate from criminal proceedings

(1) Disciplinary proceedings under this Act are separate from criminal proceedings.

(2) Disciplinary action may be taken in respect of conduct that also constitutes a criminal offence.

(3) Disciplinary proceedings under subsection (2) must be conducted in accordance with procedural fairness and any requirements of the criminal justice process.

Division 6 — Regulations and Transitional Matters

222 Regulations relating to disciplinary matters

Regulations may prescribe matters necessary to give effect to the disciplinary framework established by this Part, including:

(a) procedures for minor misconduct; and

(b) procedures for serious misconduct; and

(c) disciplinary investigations; and

(d) disciplinary hearings; and

(e) review and appeal procedures; and

(f) disciplinary records; and

(g) confidentiality, retention and disclosure of information; and

(h) interdiction and the review of interdiction.

Division 7 General Provisions in Respect of Disciplinary Proceedings

223 Power of arrest and confinement

(1) In this section, **offence** means an offence against discipline or an offence triable by a court.

(2) A member may arrest without a warrant another member who is of a lower rank and is accused of an offence under this Act.

(3) A member who makes an arrest under this section must immediately bring the accused member before a senior officer or, if no senior officer is available, before the most senior member readily accessible.

(4) The senior officer or most senior member must cause the case to be heard without delay.

(5) A member arrested for an offence under this Act may be confined to the member's quarters or in a building designated as a guard room or cell.

224 Summary admonishment and reprimand

Despite anything to the contrary in this Act, the Commissioner may summarily administer an admonishment or reprimand to a member for minor misconduct.

225 Recovery of fines

(1) A fine imposed on a member for an offence against discipline under this Act may be recovered by deduction from the member's pay.

(2) The amount deducted for a fine or for any other purpose authorised by this Act is at the discretion of the officer who imposed the fine but must not exceed one-half of the member's monthly pay.

(3) If more than one order for deduction is in force against a member, the total amount deducted must not exceed the amount that leaves the member with at least one-half of the member's monthly pay.

226 Establishment of Police Fund

(1) All fines imposed under this Act for offences against discipline must be paid to the Government and credited to a fund called the Police Fund.

(2) Money must not be paid from the Police Fund except on the authority of the Commissioner.

(3) The Commissioner may authorise payments from the Police Fund for:

(a) assistance to the wives or families of deceased members below the rank of inspector or to members discharged from the Force as medically unfit for further service; and

(b) contributions towards prizes at athletic meetings, assault-at-arms and similar events organised by or for the benefit of the Force; and

(c) the purchase of ammunition to encourage range practice among members; and

(d) payments to members below the rank of inspector as rewards for meritorious acts of service in the performance of their duties, if the payments are not met from public funds; and

(e) expenditure for the benefit and advancement of authorised recreation, sport and other branches of police activity organised within the Force; and

(f) any other purpose that the Commissioner considers to be for the general welfare of members of the Force.

227 Code of Conduct

(1) A Code of Conduct for the Force must be prescribed by Regulations or Police Rules.

(2) The Code of Conduct applies to:

(a) all sworn members of the Force; and

(b) specialist employees; and

(c) authorised officers; and

(d) any other person prescribed by this Act or regulations.

(3) Compliance with the Code of Conduct is a condition of the employment or appointment of a person to whom the Code applies.

(4) A failure to comply with the Code of Conduct constitutes an offence against discipline or misconduct and may result in disciplinary action in accordance with the disciplinary provisions of this Act.

PART 14 GENERAL OFFENCES

Division 1 General Offences

228 Unlawful possession of articles supplied to members of the Force

(1) A person who is not a member commits an offence if the person:

(a) is found in possession of an article supplied to a member for the performance of the member's duties and cannot satisfactorily account for the possession of the article; or

(b) without lawful authority, purchases or receives such an article from a member; or

(c) aids or abets a member to sell or otherwise dispose of such an article.

(2) A person who commits an offence under this section is liable on conviction to a fine not exceeding VT 20,000 or imprisonment for a term not exceeding 1 year, or both.

229 Duty to assist police

(1) A member may call on a person to assist the member if, while performing the member's duties, the member is assaulted, resisted or in danger of being assaulted or resisted.

(2) A person who assists a member under subsection (1) has the rights and protection given to a member under this Act or any other law.

(3) A person who is called on to assist a member under subsection (1) commits an offence if, without reasonable excuse, the person refuses or neglects to provide assistance to the best of the person's ability.

(4) A person who commits an offence under subsection (3) is liable on conviction to a fine not exceeding VT 10,000 or imprisonment for a term not exceeding 6 months, or both.

230 Causing disaffection among members

(1) A person commits an offence if the person:

(a) causes or attempts to cause disaffection among members of the Force; or

(b) does an act calculated to cause disaffection among members of the Force; or

(c) induces or attempts to induce a member to withhold the member's service; or

(d) does an act calculated to induce a member to withhold the member's service or commit a breach of discipline.

(2) A person who commits an offence under this section is liable on conviction to imprisonment for a term not exceeding 2 years.

231 Disorderly conduct in police station or other police premises

(1) A person commits an offence if, in a police station, police office or cell, or in any part of a police compound to which the public has access, the person engages in riotous, indecent, disorderly or insulting behaviour.

(2) A person who commits an offence under this section is liable on conviction to a fine not exceeding VT 10,000 or imprisonment for a term not exceeding 6 months, or both.

232 Offence of impersonating a police officer

(1) A person commits an offence if, without lawful authority, the person falsely represents himself or herself to be a member of the Vanuatu Police Force and does so with the intention of:

(a) deceiving another person; or

(b) obtaining a benefit; or

(c) exercising apparent police authority; or

(d) interfering with the lawful functions of the Vanuatu Police Force.

(2) Without limiting subsection (1), a person is taken to falsely represent himself or herself to be a member of the Vanuatu Police Force if the person, without lawful authority:

(a) wears or displays a police uniform, badge, insignia or police identification; or

(b) uses a document, equipment or other item in circumstances likely to cause another person reasonably to believe that the person is a police officer.

(3) A person who commits an offence against this section is liable on conviction to a fine not exceeding VT10,000 or imprisonment for a term not exceeding 6 months, or both.

233 Unlawful possession, manufacture, sale or distribution of police identity items

(1) A person commits an offence if, without lawful authority, the person:

(a) possesses a police uniform, badge, identification or insignia; or

(b) manufactures a police uniform, badge, identification or insignia; or

(c) sells a police uniform, badge, identification or insignia; or

(d) distributes a police uniform, badge, identification or insignia.

(2) Subsection (1) does not apply to a person who:

(a) possesses, manufactures, sells or distributes an item for a purpose authorised by the Commissioner; or

(b) is otherwise authorised by law to possess, manufacture, sell or distribute the item.

(3) A person who commits an offence against this section is liable on conviction to a fine not exceeding VT10,000 or imprisonment for a term not exceeding 6 months, or both.

234 Aiding, abetting, counselling, procuring or facilitating an offence

(1) A person who aids, abets, counsels or procures the commission of an offence against this Part commits an offence.

(2) A person who knowingly facilitates the commission of an offence against this Part commits an offence.

(3) A person convicted of an offence against this section is liable to the same penalty as the person who committed the principal offence.

235 Harbouring or assisting a police officer

(1) A person commits an offence if the person knowingly harbours or conceals a police officer who:

(a) is being sought in connection with the commission of an offence; or

(b) is unlawfully absent from duty,

with the intention of:

(c) preventing or obstructing the lawful exercise of police functions; or

(d) assisting the officer to evade lawful arrest or detention; or

(e) interfering with a lawful investigation or proceeding.

(2) A person does not commit an offence against subsection (1) merely by:

(a) providing customary hospitality to a police officer; or

(b) providing food, accommodation or other ordinary assistance to a police officer; or

(c) providing assistance in an emergency; or

(d) providing assistance otherwise authorised by law,

unless the person acts with an intention specified in subsection (1).

(3) A person who commits an offence against this section is liable on conviction to a fine not exceeding VT10,000 or imprisonment for a term not exceeding 6 months, or both.

236 Protection of legitimate conduct

(1) This Part does not make a person liable to an offence merely because the person:

(a) provides customary hospitality to a police officer, where the hospitality is provided without an intention to interfere with the officer's lawful duties; or

(b) provides reasonable assistance to a police officer or another person in an emergency; or

(c) provides assistance or otherwise acts in a manner authorised by law.

(2) Subsection (1) does not apply if the conduct is intended to assist a person to impersonate a police officer, unlawfully exercise police authority, obstruct a police investigation or otherwise commit an offence.

237 Failing to comply with a lawful direction

(1) A person commits an offence if, without reasonable excuse under section 229, the person refuses or fails to comply with a lawful direction or requirement given by a member of the Vanuatu Police Force acting in the lawful execution of the member's duties.

(2) A direction or requirement under subsection (1) may be given verbally or in writing.

(3) This section applies only to minor non-compliance and does not apply where the conduct constitutes a more serious offence under any other Act.

238 Reasonable excuse

(1) It is a reasonable excuse for a person not to comply with a lawful direction if:

(a) compliance would require the person to provide information or evidence that may tend to incriminate the person; or

(b) another reasonable excuse prescribed by law applies.

(2) This Act does not limit a person's privilege against self-incrimination.

(3) Before taking enforcement action for an offence under section 225, a member must, where reasonably practicable:

(a) warn the person that failure to comply constitutes an offence; and

(b) give the person a reasonable opportunity to comply.

(4) Subsection (3) does not apply where immediate enforcement is reasonably necessary because of:

(a) an emergency; or

(b) a risk to public safety; or

(c) the prevention of serious harm; or

(d) a risk that evidence may be lost or destroyed.

239 Obstructing the lawful exercise of a police power

(1) A person commits an offence if the person intentionally obstructs or interferes with a member of the Vanuatu Police Force who is lawfully exercising a power to:

(a) conduct a search; or

(b) seize property.

(2) A person who commits an offence under this section is liable on conviction to a fine not exceeding VT50,000 or imprisonment for a term not exceeding 2 years, or both.

240 Assaulting or attacking a police officer or force member

(1) A person commits an offence if the person knowingly assaults, wounds, causes bodily harm to or otherwise attacks:

(a) a police officer; or

(b) another force member designated under this Act,

while the officer or force member is on duty or acting in the lawful execution of his or her functions.

(2) A person convicted of an offence under subsection (1) is liable to:

(a) a fine not exceeding VT1,000,000 or imprisonment for a term not exceeding 2 years, or both, where the offence does not result in serious injury; or

(b) a fine not exceeding VT2,000,000 or imprisonment for a term not exceeding 5 years, or both, where the offence results in serious bodily injury or permanent disability; or

(c) imprisonment for a term not exceeding 10 years, or a fine not exceeding VT5,000,000, or both, where the offence results in the death of the police officer or force member.

(3) This section applies to all members of the Vanuatu Police Force and force members designated under this Act, including members of a Community Policing Team.

241 Confidential information and seized property

(1) A member of the Vanuatu Police Force who obtains information or seized property, including an electronic device, in the course of performing the member's duties must not knowingly use, access, disclose or permit another person to access or use the information or property except:

(a) for a lawful policing purpose; or

(b) as authorised or required by law; or

(c) for the purposes of legal proceedings; or

(d) with lawful authority.

(2) A member commits an offence if the member knowingly uses, accesses, discloses or permits another person to use or access confidential information or seized property for a personal or other unauthorised purpose.

(3) Seized property may only be accessed or examined to the extent reasonably necessary for a lawful policing purpose.

(4) Subsection (2) does not apply to a disclosure or use that is:

(a) authorised or required by law; or

(b) made in the performance of official duties; or

(c) otherwise lawfully authorised.

(5) The obligations under this section continue after a person ceases to be a member of the Vanuatu Police Force.

(7) This section does not prevent lawful information sharing with a court, prosecutor, oversight body, law enforcement agency or other person or body authorised by law.

(8) A person who commits an offence under this section is liable on conviction to a fine not exceeding VT1,000,000 or imprisonment for a term not exceeding 2 years, or both.

PART 15 MISCELLANEOUS

242 Proof of previous convictions

(1) In this section, a reference to fingerprints includes palm prints.

(2) In an inquiry, trial or other proceeding under any law, a previous conviction for an offence may, in addition to any other method provided by law, be proved by:

(a) an extract certified by the officer having custody of the records of the court in which the conviction was imposed as a true copy of the sentence or order; or

(b) a certificate signed by the officer in charge of the prison in which the punishment, or part of the punishment, was imposed; or

(c) production of the warrant of commitment under which the punishment was served.

(3) Evidence must be produced to identify the accused person as the person previously convicted in a case referred to in subsection (2)(a), (b) or (c).

(4) A certificate under paragraph (2)(b) is prima facie evidence of the facts stated in the certificate if it is produced by the person who took the fingerprints of the accused person.

243 Repeal

The Police Act [CAP 105] is repealed.

244 Transitional and savings provisions

(1) On the commencement of this Act, the Vanuatu Police Force existing immediately before commencement continues in existence as the Vanuatu Police Force established under this Act, and the repeal of the Police Act [CAP 105] does not affect the identity, continuity or legal status of the Force.

(2) A person who, immediately before commencement, holds an appointment, office, rank or position under the Police Act [CAP 105], including the Commissioner, a Deputy Commissioner, an Assistant Commissioner, a police officer, special constable, authorised officer, protective services

officer, specialist employee or other member of the Force, continues to hold that appointment, office, rank or position under this Act as if the appointment, office, rank or position had been made or established under this Act.

(3) An appointment continued under subsection (2) remains in force for the remainder of its existing term and is subject to this Act, including any provision relating to appointment, tenure, performance, suspension, removal, termination, promotion, transfer or discipline.

(4) A rank held by a member immediately before commencement continues to be recognised under this Act until the rank is varied, replaced or the member is promoted, transferred, demoted or otherwise ceases to hold that rank.

(5) An existing specialist employee, authorised officer, protective services officer, special constable or other non-sworn personnel continues in employment or appointment under this Act on the same terms and conditions applicable immediately before commencement, subject to this Act and any regulations made under it.

(6) An organisational unit, division, branch, wing, command, section, community post, Community Safety Team or other unit of the Vanuatu Police Force existing immediately before commencement continues to operate under this Act until it is established, restructured, renamed, transferred or abolished under this Act or by the Commissioner in accordance with this Act.

(7) A delegation, appointment, authorisation, approval, permit, licence, notice, order, direction, certificate or other instrument made, issued or given under the Police Act [CAP 105] and in force immediately before commencement continues in force as if it had been made, issued or given under this Act, unless it is inconsistent with this Act.

(8) A Police General Order, Commissioner's Order, standing order, policy, procedure, instruction, circular, administrative arrangement or other instrument in force immediately before commencement continues in force to the extent that it is not inconsistent with this Act and may be amended, revoked or replaced under this Act.

(9) A delegation continued under subsection (7) continues until it expires, is revoked, is replaced by a delegation under this Act or otherwise ceases to have effect, and a person exercising a power or performing a function under that delegation must comply with this Act.

(10) The Code of Conduct, disciplinary rules or other code governing the conduct of members of the Vanuatu Police Force immediately before commencement continues in force until replaced by a Code of Conduct or other instrument made under this Act, to the extent that it is not inconsistent with this Act.

(11) A disciplinary proceeding, investigation, inquiry, appeal or interdiction commenced before commencement and not completed before commencement may be continued and completed under the Police Act [CAP 105] as if that Act had not been repealed, unless the authority responsible for the matter determines that it is appropriate for the matter to continue under this Act and doing so would not prejudice the person concerned.

(12) A criminal investigation, prosecution, enforcement action or other proceeding commenced under the Police Act [CAP 105] before commencement may be continued after commencement, and the repeal of that Act does not affect the validity of any act, decision, evidence, information, record or other matter arising from the investigation, prosecution, enforcement action or proceeding.

(13) A suspension or interdiction of a member in force immediately before commencement continues in force under this Act and may be reviewed, varied or terminated in accordance with this Act.

(14) A contract, secondment, employment arrangement, memorandum of understanding or other agreement entered into by or on behalf of the Vanuatu Police Force before commencement continues in force according to its terms, subject to this Act.

(15) The repeal of the Police Act [CAP 105] does not affect a right, power, privilege, obligation, liability, penalty or proceeding that was acquired, accrued, incurred or commenced before commencement, and any such matter may be enforced, completed or dealt with as if that Act had not been repealed.

(16) A record, register, document, information or other material kept under the Police Act [CAP 105] immediately before commencement continues to be a record, register, document, information or material for the purposes of this Act.

(17) The Police Service Commission existing immediately before commencement continues as the Police Service Commission under this

Act, and a member of the Commission continues to hold office for the remainder of the member's term, subject to the Constitution and this Act.

(18) A decision, determination, recommendation, appointment, approval or other act of the Police Service Commission made before commencement remains valid and has effect as if it had been made under this Act, and a matter before the Commission immediately before commencement may be continued and completed under this Act.

(19) A reference in an Act, regulation, rule, order, notice, agreement, contract, instrument or other document to the Police Act [CAP 105], or to an office, rank, position, body or organisational unit established under that Act, is taken, so far as practicable, to be a reference to the corresponding provision, office, rank, position, body or organisational unit under this Act.

(20) An existing operational function, deployment, command arrangement or administrative arrangement of the Vanuatu Police Force continues after commencement to the extent that it is not inconsistent with this Act and may be amended, replaced or terminated in accordance with this Act.

(21) The Commissioner may give directions and take any administrative action necessary to facilitate the transition from the Police Act [CAP 105] to this Act and to ensure the continued and effective operation of the Vanuatu Police Force.

(22) The Minister may make regulations prescribing any transitional or savings matter that is necessary or convenient to give effect to this section, including matters relating to—

(a) the transfer or continuation of appointments, positions, functions, powers, records, property, rights, liabilities or obligations; and

(b) the continuation or conversion of existing organisational structures; and

(c) the continuation, amendment or replacement of instruments made under the Police Act [CAP 105]; and

(d) the continuation or transfer of proceedings, investigations or disciplinary matters; and

(e) any other matter necessary or convenient to facilitate the transition to this Act.

(23) This section does not continue or preserve an appointment, power, function, instrument, proceeding or arrangement to the extent that it is inconsistent with this Act.

(24) The repeal of the Police Act [CAP 105] does not:

(a) revive anything that ceased to have effect before commencement; or

(b) affect the previous operation of that Act; or

(c) affect anything duly done under that Act before commencement; or

(d) prevent anything from being done under this Act that could have been done under the repealed Act immediately before commencement.

245 Regulations

(1) The Minister may, on the advice of the Commissioner, make Regulations necessary for:

(a) the good order and government of the Force; and

(b) carrying out the purposes and provisions of this Act.

(2) Without limiting subsection (1), Regulations may provide for:

(a) the conditions of service of the Force and its various grades, ranks and appointments; and

(b) the roles or functions of the elements comprising the Force; and

(c) the welfare of members of the Vanuatu Mobile Force when another government agency requests assistance from the Vanuatu Mobile Force; and

(d) the operation of the Police Maritime Wing, including maritime operational matters that may be required from time to time; and

(e) the rights of a person who is arrested, interviewed or held in custody; and

(f) the establishment of pension and provident funds for members and their dependants; and

(g) the granting of gratuities in accordance with subsection 81(5); and

(h) the rates of, and eligibility for, compensation, pension or gratuity under section 83; and

(i) the duties to be performed by members and, where necessary, the fees to be charged for special duties and for the guidance of members in performing those duties; and

(j) the pay, retirement benefits, health and insurance schemes and allowances of members; and

(k) the description and issue of arms, ammunition, accoutrements, uniforms and other necessities supplied under this Act; and

(l) the disposal of unclaimed property; and

(m) the discipline of members; and

(n) the disciplinary proceedings in relation to:

(i) the keeping of disciplinary records; and

(ii) confidentiality of disciplinary records and proceedings; and

(iii) retention of disciplinary records; and

(iv) disclosure of disciplinary records and information; and

(o) the pay, allowances, benefits and compensation of members of overseas contingents; and

(p) the discipline of members of overseas contingents; and

(q) other circumstances on which a probationary period of a probationary officer may be extended in accordance with section 65; and

(r) the particulars of the enrolment register for each probationary constable; and

(s) the declaration form and the police identity card specification; and

(t) requirements, procedures and panels of promotion for officers of the Force; and

(u) the posting and transfer of the member of the Force including;

(i) operational requirements; and

(ii) efficient administration of the Force; and

(iii) integrity and corruption prevention; and

(iv) organisational capability; and

(v) professional development; and

(vi) merit; and

(vii) fairness and consistency; and

(viii) officer welfare; and

(ix) family circumstances, where operationally practicable.

(v) the period to which a member may be posted having regard to operational requirements; and

(w) the review mechanisms for specified decisions relating to postings; and

(x) the uniform to be worn by members, the issue of uniforms and the use of equipment to members; and

(y) the uniforms authorised for members of the Vanuatu Police Force; and

(z) the badges, insignia, identification cards and other forms of police identification authorised for use by members of the Force; and

(za) the circumstances in which a member may wear or use a police uniform, badge, insignia or identification; and

(zb) the custody, return, disposal and destruction of police uniforms, badges, insignia and identification; and

(zc) the form of certificate stating that a member has compared the fingerprints of a person previously convicted with the fingerprints of the accused person in relation to section 147; and

(zd) the conditions of service of members of the Vanuatu Police Force, including:

(i) remuneration and allowances; and

(ii) police accommodation and housing allowances; and

(iii) leave entitlements, including annual leave, long service leave, maternity leave, paternity leave and any other prescribed leave; and

(iv) any other employment-related matter necessary for the administration and welfare of members; and

(ze) the administration and professional recognition of members, including;

(i) insurance arrangements for members in respect of risks arising from police duties; and

(ii) police uniforms, insignia and the circumstances in which uniforms may be worn; and

(iii) medals, decorations and awards recognising long service, bravery, good conduct or distinguished service; and

(iv) the circumstances in which a member may be recalled from leave during an emergency or other exceptional operational circumstances.

(zf) any other matter that this Act requires to be prescribed or provided for.

246 Commencement

This Act commences on the date it is published in the Gazette.