REPUBLIC OF VANUATU

PUBLIC SERVICE (AMENDMENT) ACT NO. 20 OF 2025

Arrangement of Sections

1 Amendment 2

2 Commencement 2

REPUBLIC OF VANUATU

Assent: **09/06/2025**
Commencement: **18/06/2025**

PUBLIC SERVICE (AMENDMENT) ACT NO. 20 OF 2025

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

Be it enacted by the President and Parliament as follows-

1 Amendment

The Public Service Act [CAP 246] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF PUBLIC SERVICE ACT [CAP 246]

1 Section 5 (Definition of 'director of department' or 'director')

Repeal the definition, substitute

"director" means a person appointed as a director or a person appointed to a position equivalent to the position of a director under section 18;"

2 Section 11

Repeal the section, substitute

"11 Delegation of functions and powers

(1) Subject to this section, the Commission may delegate its functions and powers to a director-general or a director.

(2) The Commission cannot delegate the power of delegation.

(3) A delegation made under subsection (1) is subject to instructions, guidelines or conditions imposed by the Commission.

(4) A delegation under this section does not prevent the exercise of any powers by the Commission.

(5) A delegation under this section may be revoked by the Commission at any time."

2A Sections 13 and 14

Repeal the sections, substitute

"13. Appointment of a Secretary

(1) The Commission is to appoint a Secretary.

(2) The Commission is to determine the terms and conditions of employment of the Secretary.

(3) The appointment of the Secretary must be based on merit and must follow a fair and transparent selection process.

(4) The Secretary is to hold office for a period of 4 years and is eligible for reappointment for 1 term only.

(5) The Secretary is subject to the general directions of the Commission.

(6) The person who was appointed as the Secretary before the commencement of this Act will continue to serve as the Secretary for the period set out under subsection (4).

14. Employees of the Commission

(l) The Commission may appoint employees as it considers necessary for the proper and efficient performance of the functions of the Commission.

(2) The Commission is to determine the terms and conditions of employment of its employees.

(3) The appointment of an employee of the Commission must follow a fair and transparent selection process and must be based on merit.

(4) The relevant director or director general is to conduct performance appraisals annually for each employee under his or her department or ministry, and he or she must submit the performance appraisals to the Commission to consider."

3 Section 18 (heading)

Delete "of departments"

4 Subsection 18(1)

Delete "or appoint a person to a position equivalent to the position of a director"

5 Subsection 18(1B)

Repeal the subsection, substitute

"(1B) If it is proven in a performance appraisal that a director is not performing, the Commission must give notice for the termination of his or her contract of employment."

6 Section 19 (heading)

Delete “of department”

7 Subsection 19A(4)

Repeal the subsection.

8 Section 19B (heading)

Repeal the heading, substitute

“19B. Complaints against director generals and directors

9 Subsection 19B(1)

Repeal the subsection, substitute

“(1) The Commission may receive complaints in writing against a director-general or a director.”

10 Subsections 32(2) and (3)

Delete “A public servant”, substitute “An employee”