

REPUBLIC OF VANUATU

BILL FOR

PUBLIC OFFICERS (PARLIAMENTARY CANDIDATES)

ACT No. 17 OF 1982

Arrangement of Sections

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4. Re-appointment by the Public Service Commission or Prime Minister.
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To provide for resignation and reemployment of public officers who stand for election to Parliament.

BE IT ENACTED by the President and Parliament as follows :-

1. In the Act unless the context otherwise requires -
- "Act" means the Representation of the People Act No. ... of 1982;
- "Public Officer" includes a member of the teaching service.
2. A public officer who resigns from the public service in order to stand as a candidate for election to Parliament and reasonably believes that he is not qualified to be a candidate for election to Parliament solely by virtue of section 19 of the Act shall be entitled to be re-appointed to the service of the Government in accordance with section 4 if,
- (a) he resigns from the public service by notice in writing served on the Public Service Commission or the Prime Minister in the case of the Teaching Service.
- (b) the notice is served before the day when a Declaration of Candidature in respect of the officer is lodged in accordance with section 21 of the Act and;
- (c) the notice is served not more than 72 days before polling day.
3. (1) A public officer who has complied with section 2 may apply to the Public Service Commission or, the Prime Minister to be re-appointed to the service of the Government provided that he does so not more than sixty days after the declaration of the result of the poll in the

terpretation.

Public Officer
election
Candidates
titled to
appointment.

Application
re-appointment.

constituency in which he was sponsored as a candidate.

- (2) For the purposes of subsection (1) if a fresh election is held in accordance with Rule 21 (3) in Schedule 5 of the Act the sixty days shall be counted from the date of the declaration of the result of the fresh election.

-appointment
of the Public
Service Commission
by the Prime Minister.

4. (1) If the Public Service Commission or the Prime Minister is satisfied that an officer making an application under section 3 within the time therein stipulated,

(a) had his candidature declared invalid under section 22 of the Act; or

(b) was not elected;

it or he shall re-appoint that person to the public service either in the post he held immediately prior to resignation or to a post of a similar status carrying a salary not lower than that of his former post.

- (2) A re-appointment made in accordance with subsection (1) shall take effect from the date of the application for re-appointment made in accordance with section 3 (1).

period outside
of service to be
deemed as
leave without
pay.

5. The period from the date of the resignation of a public officer in order to stand for election to the date of his re-appointment under section 3 shall be considered and treated for all purposes as leave without pay.

commencement.

6. This Act shall come into force on the day of its publication in the Gazette.

(d) renumbering item 13A in the
Schedule as 13B.

Commencement. 2. This Act shall come into force on the
date of its publication in the Gazette.

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Explanatory Note

The purpose of this Bill is to allow persons who work in the Government and the teaching services to stand for Parliament.

Under section 2 a public officer or member of the teaching service is entitled to be reappointed to the service if he resigns to stand for Parliament. He must genuinely believe he is only disqualified from being a candidate because he is a member of the public or teaching service. A person who wishes to be reappointed must apply not more than sixty days after the declaration of the election result.

A person who is reappointed in accordance with the law will be treated under section 5 as if he were on leave without pay when he was outside the service for purposes of the election.

F.K. TIMAKATA

Deputy Prime Minister

and Minister of Home Affairs

APRIL, 1982.