



REPORT ON THE *LAW COMMISSION ACT* REVIEW (CAP 115)  
2019

Secretariat of the Vanuatu Law Reform Commission  
November 2019

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### **Key stakeholders in Port Vila and Luganville:**

The staff in the government administrations, municipalities, non-government organizations, Constitutional bodies and statutory bodies, as listed in Appendix 1.

### **Others:**

The staff in the provincial administrations, non-government organizations and government departments in the provinces as listed in Appendix 1.

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## FOREWORD

In order to drive law reform in Vanuatu and more so facilitate the implementation of Article 84 of the Constitution, changes must be made to the *Law Commission Act*. This is to enable the Vanuatu Law Reform Commission Secretariat to step up to undertake new challenges in our changing environment. It is like walking the talk that legislative reviews must be undertaken to enable institutions to be able to reach their full potential to provide professional services to the people of Vanuatu. In the absence of law or legislative review, economic reviews and fiscal reviews would not achieve the intended outcomes.

The initiation of this review commenced in mid-2018. It was His Excellency President Pastor Obed Moses Tallis who was the first to be informed of these intended amendments in October 2018. We take this opportunity as well to acknowledge His Excellency for including the proposed amendment in his opening speech before the Second Ordinary Session of Parliament in December 2018.

We also acknowledge the assistance given to the VLRC teams during the May 2019 Consultations to the six (6) provincial council headquarters and nearby schools. Special credit should be given to the six VLRC focal points in the six (6) provinces who assisted with logistics on the ground.

This review would take the Vanuatu Law Reform Commission to a higher standing within the society. Two important aspects of this review that would assist in this elevation includes: firstly, the expansion of the Board (Commission) to include nominations from the Vanuatu Christian Council, the Vanuatu National Council of Women, the Academia, the Government and the Parliamentary Opposition. The inclusion of the Government nominees and a nominee of the office of the Leader of the Parliamentary Opposition is to seek political Will whilst at the same time enable the Commission to facilitate Article 84 of the Constitution. This leads to the second aspect of elevation. At the moment, there are no legislative provisions to implement Article 84 of the Constitution. This may be one of the reasons we have witnessed failed attempts by Governments to amend the Constitution. The proposed role of the Vanuatu Law Reform Commission is to facilitate Article 84 by undertaking research, consulting and reporting to the requesting Party, be it Government or the Leader of Opposition.

Also in line with these proposed amendments is the proposal to change the name of the institution to the **“Vanuatu Constitutional and Law Reform Commission”**. A lighthouse to guide any proposals to amend the Constitution in the future. There is also a new organizational structure that was approved by the Board (Commission) in June 2019 to assist in the implementation of these proposed amendments. This structure would enable the Secretariat to be able to step up to undertake reviews that have not been undertaken in the past due to lack of human resources and lack of public awareness.

I am so pleased with the team work undertaken by the VLRC staff in completing this report and would like to stress that without the great support of the team, this final report would not be a reality.

Lawson Jack Samuel  
Secretary  
Vanuatu Law reform Commission.

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## INTRODUCTION

Vanuatu's birth of the Law Reform Commission is a recent one compared to other South Pacific Island Countries like Papua New Guinea, Western Samoa and Solomon Islands. Being successful offices in the region, Vanuatu looks to the various approaches applied in these countries to tailor its approaches to tackle similar issues relating to law reform.

Law Reform in Vanuatu is challenging with the country's history of colonisation by England and France prior to 1980. When the country gained its political independence, laws were adopted from the French and English Laws, many of which have been repealed or amended in their country of origin but remain in force in Vanuatu. Therefore reform is a must.

In 2007, the Council of Ministers endorsed the need to constitute the Law Commission to ensure that a dedicated body is constantly reviewing and recommending changes to the laws. This is to enable Vanuatu to respond to social and economic issues and changes, expanding access to justice and addressing new international standards and obligations.<sup>1</sup>

In 2008, the then Attorney General of Vanuatu Mr. Alatoi Ishmael Kalsakau in his speech stated that "...Sound legal frameworks are prerequisites for economic and social development...<sup>2</sup>. While this is true, it is also essential that the Act establishing the Law Reform Commission itself is effective and efficient to implement sound legal frameworks.

Since the enactment of the *Law Commission Act* in 1980, the Act has undergone three (3) amendments, the latest in 2016. In 2019, the Law Commission initiated a law review process on the *Law Commission Act*, the purpose of which is to improve the work of the office of the Secretariat of the Vanuatu Law Reform Commission. The main purpose behind this initiation to undertake the review is to address the following issues:

- a. Number of Meetings carried out by the Commission;
- b. The Composition of the Board/Commission;
- c. The Serving terms of new Appointees of the Commission;
- d. The Allowance of Commission Members; and
- e. The Undertaking of Constitutional Reform (leading to Change of Name of the Office and Secretary).

Each issue has been allocated a separate chapter in this report. Each chapter contains a description of the current situation and later makes a comparison of the approach taken by neighbouring countries. A brief

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<sup>1</sup> Vanuatu Law Reform Commission History, <https://lawcommission.gov.vu/index.php/about-us/vlrc-history> (Accessed: 31/10/19)

<sup>2</sup> Alatoi Ishmael Kalsakau, Attorney General of Vanuatu, 'The birth and Rebirth of Law Reform Agencies: The Establishment of Vanuatu's Law Reform Commission' 11 September 2008 [http://www.paclii.org/other/conferences/2008/ALRAC/Papers/Session%202/Session%202%20\(Kalsakau\).pdf](http://www.paclii.org/other/conferences/2008/ALRAC/Papers/Session%202/Session%202%20(Kalsakau).pdf) (Accessed: 1/11/19)

feedback from the provincial consultations is also outlined under each chapter as well as the Commission's views. Each Chapter concludes with recommendations for addressing the issues raised.



## TERMS OF REFERENCE

This report is the result of an initiation by the office of the Law Reform Commission in 2018 to review the *Law Commission Act*. The office is mandated by paragraph 7(1)(iii)(b) which enables the office to carry out initiatives, studies and research of a legal nature as it considers necessary for carrying out its functions, including research relating to other legal systems.<sup>3</sup>

Unlike all other law review process undertaken by the Law Reform Commission, this particular law review process did not begin by means of a Terms of Reference (TOR) form. It was initiated by the Secretary to bring efficiency, effectiveness and status to the process of legislative and Constitutional reform in Vanuatu. The last amendment to the Vanuatu *Law Commission Act* was in 2016.

Since the Secretary took the initiative in reviewing the *Law Commission Act*, directions given by Commission were used in place of the usual term of reference form.

As circumstances change the law also changes in suiting those changing circumstances. The purpose of this report is to outline a proposed review in the Vanuatu *Law Commission Act*. The reasoning behind this proposed legislative reform is to strengthen the operation of the Office of the Vanuatu Law Reform Commission in establishing a foundation process that the office can perform its functions proactively as well as reactively in dealing with any of the issues being raise by Commission.

Issues that has been raised regarding *Law Commission Act* ranges from the number of meetings that should be carried out by the Commission each year to the Composition of the Board/Commission. All these issues will be discussed extensively respectively throughout the report.

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<sup>3</sup> *Law Commission Amendment Act 2016* (Vanuatu) [http://www.paclii.org/vu/legis/num\\_act/lca2016253/](http://www.paclii.org/vu/legis/num_act/lca2016253/)  
(Accessed: 4/11/19)

## METHODOLOGY

As is the process within the VLRC office, an Issue paper was developed outlining the issues to be addressed in this review, followed by a more detailed Discussion Paper with comparisons made to regional approaches and questions then formulated to get responses during Consultations. This report is a culmination of people's views followed by recommendations made based on these views.

The scope of this research is limited to the South Pacific Island Countries only. Particular references are made to well- established Law Reform Commissions such as in Papua New Guinea (PNG), Samoa and the Solomon Islands.

Costs and funding leading to the production of this evidence based report was sourced from within the recurrent budget of the office of the Vanuatu Law Reform Commission itself.

### Coverage

For this law review, the team was fortunate to visit all provinces of Vanuatu to carry out consultations and gather the views of the people, especially the Provincial Councillors. Due to financial constraints, the team was only able to visit the main provincial headquarters in each province and unable to visit other surrounding areas or villages. The timing was also right since at that time, all provincial councils were in session. For TORBA Province, one staff visited the island of Vanua Lava and Malekula for MALAMPA province. For the SANMA and PENAMA province two staff visited the island of Santo and Pentecost while two staff visited the islands of Tanna in TAFEA as well as carried out consultation in Efate for the SHEFA province. In total, all 6 provincial councils were consulted.

The office recently established focal points in each provincial headquarter which made it convenient to arrange for discussions with the provincial councils and other stakeholders in each province.

The table below shows the total number of participants in each province:

**Table Showing Total Number of participants in Each Province**

Province	Total
Torba	47
Penama	20
Sanma	18
Malampa	27
Shefa	57
Tafea	21

For the consultations, views were also recorded from the minority groups in Vanuatu such as the Women, Youths and People with Special Needs. The office has also received feedback from the Academia (USP Emalus School of Law).

## **Method of Data Collection**

Data collection comprised of various methods. Before the Issues paper was drawn, there were table talks among the staff to clarify issues. Note taking was the main method of data collecting at this stage.

Desktop research, which involves research carried out using the internet was utilised all throughout the law review process. Analysing data and taking down notes were used while using this method of collecting data.

The main method of collecting data used during consultation was the use of questions, which were formed when writing up the Discussion Paper. The Discussion paper provides background information on each issue and when compared with the different approaches in the region, questions were posed at the end of each issue. During discussion in the consultation phase, note taking was used to collect data. After the consultations each team convened and compiled the notes taken during discussion and connect issues with the views of the people.

## **Limitations and Challenges**

Limited funding has been a common challenge for the office, which restricts the office from carrying out a wider consultation. This was dealt with by visiting the provincial headquarters only and collecting views from government and non-governmental representatives. Some Area Secretaries were also present to provide views. Majority of the participants were Provincial Councillors. In addition to this, the LRC team were fortunate to have also met with some members of the Technical Advisory Committee team in some provinces although the Focal points were only instructed to organise meetings with the Provincial Councils only.

Trying to schedule meetings with the Council meetings was not an easy task for all provinces. TAFEA province had other programs running concurrently during the period of this consultation and this resulted in the office having to spend more funds in sending the officers back to talk with the Council once they were available for discussions.

The office not having access to various good websites like HeinOnline<sup>4</sup> for its qualitative data continues to be a restriction to its works. It makes use of any other available websites it has access to. It is hoped that once the office has its new Communications and M&E officers in the following year, this will not be a challenge anymore.

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<sup>4</sup> HeinOnline <https://home.heinonline.org/> (Accessed:12/11/19)

## EXECUTIVE SUMMARY

The report begins with the number of board meetings being held in one year. Currently, the *Law Commission Act* provides that there shall be six (6) meetings annually for the Commission members. Commission members are not full time members as they have their own day jobs that they need to attend to and are often busy with. Furthermore, while the Act provides for the number of meetings to be carried out annually, it does not state whose responsibility it is to call these meetings. It is the Law Reform Commission's recommendations that the number of meetings be reduced to four (4) meetings annually with a provision for 2 extraordinary board meetings for urgent matters. In addition, the Secretary is to be responsible for calling board meetings.

The composition of the Commission is then considered. In the present, there are 5 Commission members apart from the Secretary of the LRC office and it is limited to a representative each from the State Law Office, the National Council of Chiefs, the National Council of Youth and 2 representatives from the Law Society. Due to the variety of issues that the office reviews, it was felt that that a wider representation was needed to make up the Commission. Furthermore with different representatives from a wider pool of offices and institutions, there would be more expertise and experience in the Commission (Board) to help with ongoing reviews carried out by the office. The Law Reform Commission recommended that the membership of the Commission be extended to the Vanuatu National Council of Women, Vanuatu Christian Council, the academia, the Government as well as the office of the opposition.

The *Law Commission Act* also provides that each Commission member has a serving term of three (3) years and is eligible for reappointment, and this includes the Chairman and the Vice Chair. The main issue raised with this was that there is a lack of provision and clarity as to what was to be done should a member vacate their seat before the end of the term of the Board. It was unclear whether a new member replacing the outgoing member should serve just the remaining of the term of the outgoing member or whether the new member should get a new serving term of 3 years. In addition, it was also considered whether the serving terms of the Commission members should be extended to four (4) years in line with the Secretary's contract of four (4) years. The Law Reform Commission recommended that the members serving term should be extended to four (4) years and also any new member coming in to replace an outgoing member before that outgoing member's term was over, should only serve the remaining term of the outgoing member.

Consideration was also given to the sitting allowance of the Commission members for when they had their meetings. Presently, a Commission member gets an allowance of 10,000vt per sitting and this includes both the Chairman and the Vice Chairman. It was proposed that this sitting allowance be increased, with the Chairman and the Vice Chairman having a slightly higher allowance. When this was taken to consultations within the different provinces, there were differing views but ultimately the Law Reform Commission recommended that the current allowances be maintained as they are. Furthermore, only the Commission members are to receive these allowances but not the Secretary as it is already part of the role to attend and take minutes of Commission (Board) meetings.

The last but most important issue being considered in this report was whether the office of the Law Reform Commission should also have a part in the process of Constitutional Reform. While Article 84 of Vanuatu's Constitution provides for Constitutional reform to take place, it does not provide for the procedures in which Constitutional reforms should be undertaken. Currently, a special committee known as the Constitutional Review Committee is appointed to look into proposed changes, consult and also provide the views of the organizations they represented. However while there have been numerous attempts for Constitutional reforms, a lot of these reforms have not been fully successful. It was felt that with the lengthy but consultative approach used by the Secretariat of the Law Reform Commission, the Secretariat should also have a role in facilitating the process of reviewing and amending the Constitution. As such, it was also recommended in this report that section 7 of the *Law Commission Act* should be amended to provide for the Secretariat to undertake research studies, consult and make recommendations to any requesting or interested party under Article 84 of the Constitution. In line with this, the name of the office and also the Secretary are also to be changed to that of 'Vanuatu Constitutional and Law Reform Commission' and 'Commissioner' to reflect these changes. Notably, a new structure is already in place to assist in the implementation of these proposed changes.

## TERMS AND ACRONYMS

<b>Abbreviation</b>	<b>Explanation</b>
BLMS	Baldwin Lonsdale Memorial School
CLRC	Constitutional Law Reform Commission
LGBT	Lesbians Gays Bi sexual Trans genders
LRC	Law Reform Commission
MP	Member of Parliament
PNG	Papua New Guinea
USP	University of the South Pacific
VLRC	Vanuatu Law Reform Commission
VT	Vatu

## CHAPTER ONE: BOARD MEETINGS

### Current Situation

Board meetings are held regularly so that members of a Board (Commission) can make decisions regarding the direction of an organization.<sup>5</sup> Matters that are discussed during the board meetings include but are not confined to the following issues: Organizational Structure, Terms of Reference, Policy matters, Staff recruitment and promotion and other issues brought before the Board for information, awareness or endorsement. The Secretary has the responsibility to record the meeting minutes.<sup>6</sup> The importance of board meetings cannot be overstressed because it is seen to be a tool used to achieve good governance within an organization.<sup>7</sup>

Currently Subsection 6(1) of The *Law Commission Act* (2006)<sup>8</sup> of Vanuatu requires the Commission to convene not less than six (6) times annually.<sup>9</sup> Experience has shown that it is difficult to fully implement this provision. Members of the board work full time jobs as professionals in their own fields and thus find it difficult to make time for six (6) meetings as legally provided for. For instance in 2018, there were only five (5) meetings and the same in 2017 with less than the full board members turning up each time.<sup>10</sup>

The issue then is to decide if the number of Board meetings stated in the Act should remain as it is or be amended, that is, be reduced. Other factors were also considered.

### Comparable jurisdictions

A specific provision is drawn from the Vanuatu *Financial Service Commission Act* where the Commissioner may call meetings of the Commission as often as may be required, but not less frequently than once every three months.<sup>11</sup>

Not mentioning Australia and New Zealand, the largest Law Reform Commission in the South Pacific is Papua New Guinea's Constitutional and Law Reform Commission. It is one of the oldest Law Reform Commission in the South Pacific. The PNGCLRC Act restricts its number of meetings to four (4) annually. It further states that special meetings may also be conducted but it must not be more than four (4) special meetings per year.<sup>12</sup>

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<sup>5</sup> Governance Professionals of Canada, <https://gpcanada.org/board-meeting> (Accessed: 2/08/19)

<sup>6</sup> Ibid

<sup>7</sup> Damilola Felix Eluyela et al, 'Board meeting and frequency and firm performance: examining the nexus in Nigerian deposit money banks' (2018) 4 (10) *Heliyon* e00850  
<https://www.sciencedirect.com/science/article/pii/S2405844018325659> (Accessed: 2/08/19)

<sup>8</sup> *Law Commission Act* [Cap 115] (Vanuatu) [http://www.paclii.org/vu/legis/consol\\_act/lca173/](http://www.paclii.org/vu/legis/consol_act/lca173/) (Accessed: 2/08/19)

<sup>9</sup> Ibid

<sup>10</sup> Interview with Lessy Tavala, Administration officer, Vanuatu Law Reform Commission (Port Vila, 2 August 2019)

<sup>11</sup> *Vanuatu Financial Services Commission Act 1993* (Vanuatu) <https://www.vfsc.vu/wp-content/uploads/2017/09/Vanuatu-Financial-Services-Commission-Act-No.-35-of-1993.pdf> (Accessed: 2/08/19)

<sup>12</sup> *Constitutional Law Reform Commission Act* (Papua New Guinea),  
[http://www.paclii.org/pg/legis/consol\\_act/calrca2004436/](http://www.paclii.org/pg/legis/consol_act/calrca2004436/) (Accessed: 2/08/19)

Similarly, Section 12(3) of the Samoa *Law Reform Commission Act 2008* provides that the Board shall meet at least four (4) times each year and the Commissioner shall summon these meetings.<sup>13</sup> Samoa uses the phrase “Advisory Board” which comprises of 14 members altogether.<sup>14</sup> Established in 2008, it is also a well-established institution in the region.

Slightly differing from the other two jurisdictions is the Solomon Island *Law Reform Commission Act* which provides under the **Proceedings of the Commission** under subsection 2 (1)<sup>15</sup> that the Commission shall meet from time to time at such places and times as directed by the Chairman.<sup>16</sup> In practice, there is an average number of six (6) to seven (7) meetings each year depending on the urgency of the Commission matters and the completion of Issues and Consultation papers requiring endorsement from the Commission.<sup>17</sup>

Evidently, a frequency of four (4) meetings per year is most common in Commission meetings in the region. Vanuatu is the only one with six meetings annually while in the Solomon Islands, it is left at the discretion of the Commissioner.

In a well- developed jurisdiction like Australia, comparison is drawn from the Victorian Law Reform Commission. The frequency of meetings per year is not restricted as is the case in PNG and Samoa. It uses a similar approach to Solomon Islands but is worded to show that Commission Meetings are crucial and thus the Chair person must convene as many meetings as he or she considers necessary for the efficient conduct of its affairs.<sup>18</sup>

## Consultations

Ninety Eight Percent (98 %) of the Provincial Councils consulted agreed that the VLRC should reduce the number of annual meetings from six (6) to four (4) while only zero point eight percent (0.8%) had the view that the annual meetings should remain at six (6). For the ninety eight percent (98%) that suggests four (4) annual meetings, twenty four percent (24 %) added that there should be two (2) extra ordinary meetings per year. Another tiny portion of zero point eight percent (0.8%) thinks that the annual meetings should be reduced to three (3) while an equally same portion thinks that the total number of annual meeting should remain at six (6).

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<sup>13</sup> *Law Reform Commission Act 2008* (Samoa), [http://www.paclii.org/ws/legis/consol\\_act\\_2008/lrca2008242/](http://www.paclii.org/ws/legis/consol_act_2008/lrca2008242/) (Accessed: 27/06/19)

<sup>14</sup> Samoa Law Reform Commission, <https://www.samoalawreform.gov.ws/index.php/advisory-board/> (Accessed: 27/06/19)

<sup>15</sup> *Law Reform Commission Act 1994* (Solomon Islands) [http://www.paclii.org/sb/legis/consol\\_act/lrca242/](http://www.paclii.org/sb/legis/consol_act/lrca242/) (Accessed: 27/06/19)

<sup>16</sup> Ibid

<sup>17</sup> Email from Godfrey Male <[goddie786@gmail.com](mailto:goddie786@gmail.com)> to Gracelyn Tasso <[tgracelyn@vanuatu.gov.vu](mailto:tgracelyn@vanuatu.gov.vu)> 5/08/19.

<sup>18</sup> Section 12(1), *Victorian Law Reform Commission Act 2000* (Victoria Australia) [http://www8.austlii.edu.au/au/legis/vic/consol\\_act/vlrca2000344.pdf](http://www8.austlii.edu.au/au/legis/vic/consol_act/vlrca2000344.pdf) (Accessed: 27/06/19)



These are the reasons provided by those suggesting four (4) annual meetings:

- Four (4) meetings are practical.
- Reduce costs to enable the Secretariat to be able to implement some decisions of the Board and report to the Board at the next meeting.
- It is also important that Members of the Board be able to have time to acquaint themselves with Board matters and issues before Board Meetings.
- The Vanuatu Parliament usually has two ordinary sessions and two extra ordinary sessions annually and the frequency of meetings should correspond to the parliamentary terms.

Those suggesting that Board meetings remain as six (6) stated that there are many important issues to be discussed by the board and therefore six (6) meetings is proper.

For the equally tiny portion of zero point eight percent (0.8%) that suggested for the number of meetings to be reduced to three (3), they reasoned that the office should not incur unnecessary costs and should work according to its budget and also according to the amount of work it is supposed to carry out annually. They also provided that the board members have their individual full time jobs hence might not have the time to have too many meetings. Taking into account costs and availability of Members, suggestion was made for three (3) ordinary meetings and one (1) extra ordinary meeting totalling up to four (4) annual meetings.

### **Commissions View**

From comparing approaches, there is the possibility for this provision to be not restricted to any given amount of annual meetings but to leave it open and leave it to the discretion of the Law Reform Commission.

From consultations, no one suggested for this provision to be left at the discretion of the Law Reform Commission. It was not put out as an option for the people to decide nor were other options suggested by the people in this consultation. It is the VLRC's opinion that leaving this issue to be decided by the VLRC is not the best option because of the immense amount of work the office carries out annually. The resources might be wasted on having too many unnecessary meetings that will possibly neglect some important matters to be discussed by the board and thus a poorly functioning body. Putting a realistic guideline in place is considered to be proper. It is apparent that the majority of the populace think that the six (6) number of annual meetings should be reduced to four (4). They provided sufficient justification for this. Adding two (2) extra ordinary meetings is fair considering that it will be utilised only for urgent matters.

While the two smallest portion of the populace provided fair reasons, experience suggests that 6 annual meetings are hardly fully implemented. Moreover, in comparing approaches, 3 annual meetings is evidently rare and is most likely impractical considering the massive amount of matters required for discussion during each board meeting. Conducting quality meetings is paramount for successful meetings and likewise successfully implementing the resolution of meetings, which will assist in terms of saving costs of having frequent meetings.

Moving slightly away from the main issue, it was identified during the post consultation process that the LRC Act lacks clarity on stating whether it is the Secretary or the Chairman of the VLRC to summon the meetings, which was not consulted upon. It is the current practise that the Secretary summons each meeting depending on the amount of issues and agendas required for board endorsement.

Therefore, the Vanuatu Law Reform Commission makes the following recommendations:

**Recommendations:**

1. That the number of meetings of the Members of the Commission be reduced from six (6) to four (4).
2. There should be a provision for two (2) extra ordinary board meetings for urgent matters.
3. That it should be an additional role of the Secretary to call board meetings.

## CHAPTER TWO: COMPOSITION OF THE COMMISSION

### Current situation

The current composition of the board is provided for under section 3 of the *Law Commission (Amendment) Act No. 24 of 2016* and it comprises of the following Members:

- (a) A legal officer from the State Law office nominated by the Attorney General;
- (b) A nominee from the Malvatumauro National Council of Chiefs;
- (c) A nominee from the Vanuatu National Youth Council; and
- (d) 2 unconditionally registered legal practitioners nominated by the Vanuatu Law Society.<sup>19</sup>

As it stands, the current composition although is reflective of some important government agencies, it falls short to provide the avenue for positive aspects of political will and wider society representation. This leads to lack of financial support from the government experienced by the Secretariat, lack of support with regard to policy issues initiated by the Law Reform Commission and the ignorance of the roles and responsibility and the processes of the office of the Law Reform Commission by government line agencies and civil society organisations.

In addressing these challenges, the Secretariat is suggesting a Board that has a fair representation of the government and civil society organisations. The suggested composition of the Commission is as follow:

- (a) 2 members (Members of Parliament) from the government, one nominated by the Prime Minister and the other nominated by the Minister of Justice and Community Services;
- (b) 1 member (Member of Parliament) nominated by the Leader of Opposition;
- (c) 1 legal officer nominated by the Attorney General;
- (d) 1 unconditionally registered legal practitioners nominated by the Vanuatu Law Society;
- (e) 1 member nominated by the Malvatumauro;
- (f) 1 member nominated by the Vanuatu National Council of Women;
- (g) 1 member nominated by the Vanuatu Christian Council;
- (h) 1 member nominated by the Vanuatu National Youth Council; and
- (i) A member nominated by the USP Emalus Campus School of Law representing the Academia.

### Comparable Jurisdictions

The *Constitutional and Law Reform Commission Act 2004* of PNG provides for a composition similar to the proposed composition outlined above. Section 3(4) of the Act states that the members of Commission shall consist of six (6) prominent citizens which include:

- (a) 2 serving members of Parliament;
- (b) 1 person with the qualifications and experience in Constitutional law;

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<sup>19</sup> *Law Commission (Amendment) Act 2016* (Vanuatu), [http://www.paclii.org/vu/legis/num\\_act/lca2016253/](http://www.paclii.org/vu/legis/num_act/lca2016253/) (Accessed: 1/08/19)

- (c) 1 person who is qualified with experience in anthropology, sociology or political science;
- (d) 1 representative of the church selected by the PNG Council of Churches; and
- (e) the Dean of the faculty of Law of the University of Papua New Guinea ex officio.<sup>20</sup>

Evidently, the Constitutional and Law Reform Commission of PNG currently is seen as a leading law reform agency in the region and the composition of its Commission plays a significant role in this regard. Its Commission is well-represented and caters for support from churches, schools and other groups of people as well as allowing room for political support.

Without mentioning the New Zealand and Australian law reform agencies, another law reform agency that is also successful in the region is the Samoa Law Reform Commission. The composition of this Commission is well represented as well with a lot of support from high-level positions within the government who have direct influence to decision-makings. These positions include Chief Executive officer positions within the Ministry of the Prime Minister, the Ministry of Justice and Courts Administration, the Ministry of Finance, the Ministry of Women, Community and Social Development as well as the Commissioner of Police.<sup>21</sup> The Presidents of the Samoa Law Society, Samoa Chamber of Commerce and Industry, National Council of Churches, and Public Service Association, are also members of the board. The president is to appoint four additional members, on the advice of the Prime Minister (after consultation with the Minister responsible for community development), who are able to represent community interests.<sup>22</sup> The current composition of this Commission caters for political support from the government as well as support from the public at large.

### **Consultations**

During consultations, ninety nine (99%) of Provincial Councillors consulted in Tafea, Sanma and Penama provinces agreed with the proposed composition of the Commission as outlined above. Generally, people felt that the proposed composition fairly represents every group of people in the country. They also shared the view that having members of Parliament from both the opposition and government balances the board and that it would to some extent address the long-time issue of lack of political support. A resolution passed by the Sanma provincial council was in support of having members of Parliament as members of the Commission and has agreed with the above proposed composition of the Commission.

Around twenty percent (20%) to twenty five percent (25%) of the Provincial Councillors consulted shared the fear of having members of Parliament from the government and the opposition into the Commission. They felt that the inclusion of these members of Parliament would politicize the work of the Commission and that it would to a certain extent be an obstacle in the work of the Commission. Others were of the view that having a large membership of the board of the Commission may render it not very practical because members may not turn up at meetings and it would be difficult to get a quorum.

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<sup>20</sup> *Constitutional and Law Reform Commission Act* (PNG), [http://www.paclii.org/pg/legis/consol\\_act/calrca2004436/](http://www.paclii.org/pg/legis/consol_act/calrca2004436/) (Accessed: 1/08/19)

<sup>21</sup> *Law Reform Commission Act* (Samoa), [http://www.paclii.org/ws/legis/consol\\_act\\_2018/lrca2008242/](http://www.paclii.org/ws/legis/consol_act_2018/lrca2008242/) (Accessed: 1/08/19)

<sup>22</sup> Ibid

In Torba, Shefa and Malampa provinces, there were suggestions that people with Disability should be represented in the Commission. Others were of the view that this would open the floodgates and groups like LGBT would push to be represented.

### **Commission's views**

After careful consideration, the Commission is of the view that in addressing the long-standing issue of political will, it is highly essential to bring on board, Members of the Parliament into the Commission. This inclusion will ensure there is sufficient political will that will drive the success of law reviews and Constitutional reviews. This political will, will be in the form of sufficient budget allocation and the acknowledgement and engagement of the Commission to undertake law reforms and facilitating Constitutional reviews in the future.

On the other hand, having representatives from the government and the Parliamentary Opposition would be considered to be a leeway for political interference. The Commission in this regard notes the perceived danger that the work of the Commission would be interfered with and also politicized if politicians are included. However, the Commission is also of the view that the proposed composition of the Commission enables a diluting factor to political interference in terms of the number of nominees from the other institutions.

Secondly, having extensive representatives of the different respectable institutions will improve the status of the Institution because of the expertise and experience of Board Members in various aspects of law and society. It will gain the support of a wider community and is also an opportunity for the voices of the minority to be heard. The role of most of such institutions on Constitutional and law reform has been taken for granted for too long.

With regard to the question of whether people with disability should be included as members of the board, the Commission in this regard notes that there are already representatives of the Vanuatu Christian Council, the Vanuatu National Council of Women and the Vanuatu National Council of Youths in the Commission. These already would have represented people with disability and any other similar groups as well in the society (inclusiveness).

Therefore, the Vanuatu Law Reform Commission makes the following recommendations:

**Recommendations:** That the composition of the current Commission should be amended to include;

- (a) 2 members of Parliament from the government, a nominee representing the Minister of Justice and Community Services and the other is to be nominated by the Prime Minister;
- (b) A member of Parliament nominated by the Leader of Opposition;
- (c) 1 legal officer nominated by the Attorney General;
- (d) 1 member nominated by the Vanuatu Law Society;
- (e) 1 member nominated by the Malvatumauri;

- (f) 1 member nominated by the Vanuatu National Council of Women;
- (g) 1 member nominated by the Vanuatu Christian Council;
- (h) 1 member nominated by the Vanuatu National Youth Council; and
- (i) A member nominated by the USP Emalus Campus School of Law.

**Recommendations:** That the Vanuatu National Council of Women, the Vanuatu Christian Council, the Vanuatu National Youth Council and the national Council of Chiefs are inclusive of people with Disability and any other similar minority civil groups in the society.

## CHAPTER THREE: SERVING TERMS OF NEW APPOINTEES OF THE COMMISSION

### Current Situation

One of the current issues is the fact that there is no legal provision to address the situation when an incumbent Member of the Board loses his or her membership of the Board. According to Vanuatu *Law Commission Act* regarding the term of a Commission member, a member is entitled to serve for a period of three (3) years and is eligible for reappointment<sup>23</sup>. For instance, two (2) members of the Commission were reappointed from the previous appointment in 2013. The Chairman and deputy Chairman are also entitled to serve for a period of three (3) years and are eligible for reappointment while the Secretary is entitled to hold Office for a period of four (4) years.

In addition, there are certain instances where the Minister responsible can remove a Commission member before the end of his or her term of appointment to the Commission. These instances include:

- if the member ceased to hold office under the required function duly provided by paragraph 3(2) (b)<sup>24</sup>;
- a member is absent in three (3) consecutive Commission meetings<sup>25</sup>; and or
- if a member is incapacitated or unable to perform his or her functions as a member of the Commission and this is done through an Order prior to the end of his or her term of appointment<sup>26</sup>.

Where a member wants to resign from the Commission, he or she can do so by writing in notifying the Minister.

The current *Law Commission Act* is not clear about the term a new member should serve in the event where the former vacates his or her position without completing his or her term.

So the question taken up during consultation was that in the event where a Commission member vacates his or her position, should a new member replacing him or her serve the remaining term left by the outgoing member or should he or she start a completely new term (of three years) when he or she replaces the vacating member.

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<sup>23</sup> Section 3(2), *Law Commission Act*, 1980, (Vanuatu), [http://www.paclii.org/vu/legis/consol\\_act/lca173/](http://www.paclii.org/vu/legis/consol_act/lca173/), (Accessed: 29/07/19)

<sup>24</sup> Section 4(a), *Law Commission (Amendment)*, 2012, (Vanuatu) [http://www.paclii.org/vu/legis/consol\\_act/lca173/](http://www.paclii.org/vu/legis/consol_act/lca173/), (Accessed: 29/07/19)

<sup>25</sup> Section 4(b), *Law Commission (Amendment)*, 2012, (Vanuatu) [http://www.paclii.org/vu/legis/consol\\_act/lca173/](http://www.paclii.org/vu/legis/consol_act/lca173/), (Accessed: 29/07/19)

<sup>26</sup> Section 4(c), *Law Commission (Amendment)*, 2012, (Vanuatu) [http://www.paclii.org/vu/legis/consol\\_act/lca173/](http://www.paclii.org/vu/legis/consol_act/lca173/), (Accessed: 29/07/19)

## Comparable Jurisdictions

In PNG, the *Constitutional Law Reform* provides that the Commission is to hold Office for a period not exceeding four (4) years as specified by the Minister through notice under Section 3(3) and can be re-appointed like that of Vanuatu<sup>27</sup>.

The Chairperson is a full time serving member and must not be a holder of another Public Office. The term of Chairperson, is determined by the Remuneration Commission as in accordance to section 216A of the Constitution<sup>28</sup> which is valid from the date on which is effected by Parliament until such date on which is rejected by Parliament<sup>29</sup> again. This differs greatly to Vanuatu where a Chairperson is not a full time serving member. The Deputy Chairperson is elected by the Members of the Commission with a serving term of four years<sup>30</sup> unlike Vanuatu where Deputy Chairperson serves only for a period of only three (3) years and is chosen by the Chairperson<sup>31</sup>.

In addition, the Secretary of the PNG Constitutional Law Reform is also appointed by the Head of State by way of notice in the National Gazette on the advice of the Minister<sup>32</sup>. The term in which the Secretary is to hold Office is a period not exceeding four years and can be reappointed, similar to Vanuatu. The terms and conditions of appointment and service of the Secretary is determined by the Salaries and Remuneration Commission in accordance to Section 216A (3) (d) (Salaries and Remuneration Commission) of the Constitution<sup>33</sup>.

Furthermore, if a member wishes to resign from the Commission, written notice is addressed to the Minister. However, in instances where a member of the Commission is found being unable, inefficient, incapacitated or misbehaved, the Minister has the mandate to terminate his or her membership to the Commission. Additionally, a member can no longer hold office or cannot be appointed if he or she becomes bankrupt or insolvent. If a person become unsound mind and or is sentence to death or imprisonment for a year or more, then they are disqualified according to section 31 of the Constitution<sup>34</sup>.

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<sup>27</sup> Section 5, *Constitutional Law Reform Commission Act*, 2004 (PNG), [http://www.paclii.org/pg/legis/consol\\_act/calrca2004436/](http://www.paclii.org/pg/legis/consol_act/calrca2004436/) (Accessed: 1/08/19)

<sup>28</sup> Section 216, Constitution of the Independence State of Papua New Guinea, [http://www.paclii.org/pg/legis/consol\\_act/cotisopng534/](http://www.paclii.org/pg/legis/consol_act/cotisopng534/) (Accessed: 1/08/19)

<sup>29</sup> Section 8(3), *Constitutional Law Reform Commission Act*, 2004 (PNG), [http://www.paclii.org/pg/legis/consol\\_act/calrca2004436/](http://www.paclii.org/pg/legis/consol_act/calrca2004436/) (Accessed: 1/08/19)

<sup>30</sup> Section 8(4) *Constitutional Law Reform Commission Act*, 2004 (PNG), [http://www.paclii.org/pg/legis/consol\\_act/calrca2004436/](http://www.paclii.org/pg/legis/consol_act/calrca2004436/) (Accessed: 1/08/19)

<sup>31</sup> Section 3(2), *Law Commission Act*, 1980, (Vanuatu), [http://www.paclii.org/vu/legis/consol\\_act/lca173/](http://www.paclii.org/vu/legis/consol_act/lca173/), (Accessed: 29/07/19)

<sup>32</sup> Section 17(a) *Constitutional Law Reform Commission Act*, 2004 (PNG), [http://www.paclii.org/pg/legis/consol\\_act/calrca2004436/](http://www.paclii.org/pg/legis/consol_act/calrca2004436/) (Accessed: 1/08/19)

<sup>33</sup> Section 216 (A), Constitution, 1975, (PNG), [http://www.paclii.org/pg/legis/consol\\_act/cotisopng534/](http://www.paclii.org/pg/legis/consol_act/cotisopng534/), (Accessed: 1/08/19)

<sup>34</sup> Section 31, Constitution, 1975, (PNG), [http://www.paclii.org/pg/legis/consol\\_act/cotisopng534/](http://www.paclii.org/pg/legis/consol_act/cotisopng534/) (Accessed:1/08/19)



The PNG Act is silent about the term of a new appointee who will substitute an outgoing member of the Commission before his or her term lapse with a current Commission.

In regards to Solomon Islands, the Chairman and the other Commissioners hold office in the Solomon Islands under terms exceeding that of Vanuatu. The Chairman holds office for a period of five (5) years<sup>35</sup>. There is no mention of the appointment of Deputy Chairman in the Solomon Islands current Act. However, the Commissioners are to hold Office for a period of four (4) years at the time of the appointment<sup>36</sup> similar to the Chairman and are eligible for reappointment<sup>37</sup>.

With regard to resignation of the Commissioners, the Act is silent on resignation. In addition, there is no mention of the authorised person with the power to remove any staff for any misconduct, inability, neglect of duty or any other related issues. There is also no provision for the term that a replacing member should serve in a case where a member vacates his or her seat before his or her term lapses.

In Samoa, the Head of State appoints the four members of the Commission upon consultation with the Minister responsible for Community Development<sup>38</sup>. Members of the Commission are entitled to hold Office for a period of three (3) years<sup>39</sup> like that of Vanuatu. A member of the Commission can be reappointed. In a case where a member wishes to resign from his or her appointment, notice is to be written to the Head of State<sup>40</sup> for that particular matter. The Prime Minister, however, has the power to remove any member within the period of appointment on the ground of, disability, bankruptcy, and neglect of duty or even misconduct.<sup>41</sup>

Furthermore, an Advisory Board has the power to approve the appointment of the Commissioner following a decision made by the Commission. The Commissioner holds Office for a term of four (4) years and is in charge of the management and undertaking of law reform projects within the office of the Law Reform Commission.

Like Vanuatu and the rest of South Pacific Island Countries mentioned above, there is no provision covering the term that a new appointee will serve to replace a vacant position before his or term ends.

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<sup>35</sup> Section 4(1), *Law Reform Commission (Amendment) Act, 1996*,  
[http://www.paclii.org/vu/legis/consol\\_act/lca173/](http://www.paclii.org/vu/legis/consol_act/lca173/), (Accessed: 1/08/19)

<sup>36</sup> Section 4(2) *Law Reform Commission (Amendment) Act, 1996*,  
[http://www.paclii.org/vu/legis/consol\\_act/lca173/](http://www.paclii.org/vu/legis/consol_act/lca173/), (Accessed: 1/08/19)

<sup>37</sup> Section 4(3) *Law Reform Commission (Amendment) Act, 1996*,  
[http://www.paclii.org/vu/legis/consol\\_act/lca173/](http://www.paclii.org/vu/legis/consol_act/lca173/), (Accessed: 1/08/19)

<sup>38</sup> Section 12(3)(b) *Law Reform Commission, 2008* (Samoa),  
[http://www.paclii.org/ws/legis/consol\\_act\\_2018/lrca2008242/](http://www.paclii.org/ws/legis/consol_act_2018/lrca2008242/), (Accessed: 1/08/19)

<sup>39</sup> Section 12(4)(a) *Law Reform Commission, Law Reform Commission, 2008* (Samoa),  
[http://www.paclii.org/ws/legis/consol\\_act\\_2018/lrca2008242/](http://www.paclii.org/ws/legis/consol_act_2018/lrca2008242/), (Accessed: 1/08/19)

<sup>40</sup> Section 12(4)(b) *Law Reform Commission, 2008* (Samoa),  
[http://www.paclii.org/ws/legis/consol\\_act\\_2018/lrca2008242/](http://www.paclii.org/ws/legis/consol_act_2018/lrca2008242/), (Accessed: 1/08/19)

<sup>41</sup>Section 12(4)(c) *Law Reform Commission, 2008* (Samoa),  
[http://www.paclii.org/ws/legis/consol\\_act\\_2018/lrca2008242/](http://www.paclii.org/ws/legis/consol_act_2018/lrca2008242/), (Accessed: 1/08/19)

## **Consultation**

Following the outcome of the consultation from all the six provinces, eighty percent (80%) of the Provincial Councillors consulted were of the view that the current term provided for in the *Act* should be changed to four (4) years term. The reason being that the four (4) years, will fall in line with the term granted to the Secretary of the Commission and the term for Members of Parliament. Another reason behind this proposal from the people consulted is that, to amend a law takes time and thus increasing the term to four (4) years should enable members of the Commission to ensure that a project or review they have endorsed at the beginning of their term is given the proper priority and is completed or can be completed within the four (4) years.

Regarding the appointment of the new member of the Commission in an event where a member vacates his or her position, eighty percent (80%) of the people feel that the new appointee should only be entitled to the remaining years of the existing Board. For instance, if a new Commission is appointed by the Minister and one of the Commission member vacates his seat for any reason after serving only one (1) year, a new nomination would be sought from the Institution. The new Member should only serve the remaining term of the incumbent Board. This is to avoid inconsistencies and confusion between the new Commission member and the existing serving Commission and to ensure the smooth running of the Commission.

However, a minority group of those consulted felt that 3 years as a serving term for a Commission member was sufficient while a few raised the idea that the proposed serving term should be reduced.

## **Commissions View**

With careful consideration, the Commission is of the view that the three years term for the Commission member should be extended up to four (4) years to go in line with term of the appointment of the Secretary of the Law Reform Commission, which is four years and the lifetime of the Vanuatu Parliament.

With regard to the appointment of a new member to the Commission in the event of a member vacating his or her position before the end of an existing Commission term, the Commission feels that the new appointee will serve only under the remaining term of the outgoing member.

The Commission intend to bring on board two Member of Parliament from the Government and one from the Opposition side to be part of the Commission. In an instance where any member is crossing the floor either from the Opposition to the Government or from government to the Opposition, a note is to be made by the Commission to the nominator (Prime Minister, Minister of Justice, or Opposition Leader) on the question of revocation of nomination and request for new nominations as soon as practical. This is also the same in relation to change of government after a motion of no confidence or after a national election.

Therefore, the Vanuatu Law Reform Commission makes the following recommendations:

**Recommendations:** The Serving term of a board member should increase to four years.

**Recommendations:** That the term of a new appointee to the Commission for a vacant position should be based on the number of years remaining for that current Board of Commission.

## CHAPTER FOUR: SITTING ALLOWANCE

### Current Situation

Sitting allowances becomes an issue when an individual is involuntarily elected to contribute something to a group of people. The service one provides is made in the notion of payment. This differs to volunteerism. Two important reasons for one to expect payment are firstly the complexity of issues and the workload expected of the individual and secondly where the individuals are subject to public scrutiny and criticism.<sup>42</sup>

Sitting allowances in this context is payable to any individual who is nominated to represent an institution within the VLRC.

The provision of allowances for board members has its benefits as well as its disadvantages. An attractive allowance can be the reason to attract individuals to be a member of the board. However, the allowance one receives does not guarantee a fair representation of the institution one represents.

The decision for the appropriate Sitting allowances for board members during a board meeting is dependent on their roles as prescribed by the relevant Act.<sup>43</sup> Second to this, the workload a board member is required to carry out will also be factored in when deciding the appropriate allowance.<sup>44</sup>

It is important to ascertain whether an increase in the Commission members would affect the current boards' workload and or if the amount of workload for new members will be different. It is also proper for this issue to be taken up for public consultation as it is provided for in the *Law Commission Act* as well as a means of transparency in not allowing the VLRC to reclusively decide this as there may be a likelihood of conflict and biased opinion.

The Principal Act (*Law Commission Act*) lacked provisions relating to a sitting allowance that a Commission member is entitled to. Under the 2012 Amendments, Section 8 provides that all board members are entitled to VT10 000 per sitting which totals up to VT60 000 per board member for all six meetings and VT300 000 for all board members provided all six meetings are held and attended by all members.

There is no provision for the Secretary of the VLRC to be entitled to allowances.

### Comparable jurisdiction

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<sup>42</sup> Patricia L Leary et al, 'Report of the Board of Inquiry Into Review Of Allowances of Local Government Councillors' 26 June 2008  
[https://webarchive.linc.tas.gov.au/20120305145310/http://www.dpac.tas.gov.au/\\_data/assets/pdf\\_file/0011/55766/BOI\\_Allowances\\_Report\\_June\\_08.pdf](https://webarchive.linc.tas.gov.au/20120305145310/http://www.dpac.tas.gov.au/_data/assets/pdf_file/0011/55766/BOI_Allowances_Report_June_08.pdf) (Accessed: 26/08/19)

<sup>43</sup> Ibid

<sup>44</sup> Ibid

Looking to other Commissions within Vanuatu such as the Public Service Commission, section 37(4) of the *Public Service Act* [246]<sup>45</sup> provides for the Minister to prescribe a sitting allowance for the board members. In a subsidiary legislation to amend the schedule to the *Official Salaries Act [cap 168]* the Minister signed and gazetted the Salary per sitting to stand at VT10 000 which was an increase from VT3000.<sup>46</sup>

The Solomon Islands *Law Reform Commission Act* provides that Chairman and Commissioners shall be paid their salaries and allowances according to the specific instrument of their appointment as provided under section four (4) which provides for the **Terms of office of Chairman and the other Commission**. In a subsidiary legislation of the *Law Reform Commission Act*, signed by the Honourable Commins Ashton Mewa in 2013, there is a provision that the part time Commissioners of the Law Reform Commission members upon their appointment were to be paid the sum of four hundred Solomon Island dollars (\$400) per day sitting allowance plus two hundred Solomon Island dollars (\$200) subsistence allowance per day when travelling within Solomon Islands on Commissions Business.<sup>47</sup> Four thousand dollars (\$400) is estimated to be about VT5500 while \$200 is estimated to be about VT2500.<sup>48</sup>

Jurisdictions like Papua New Guinea and Western Samoa do not specifically state in their Law Reform Commission Acts the allowances that a Commission Member is entitled to. Unlike Solomon Islands, Papua New Guinea and Samoa features certain members of the Parliament in their Commission. Both Commissions are entitled to sitting allowance for meetings and are decided for in other Acts dealing with salaries and allowances cabinet policies.

## Consultations

Discussions centred on the following points:

- There should be equal allowances for all members of the Commission to eliminate political interferences. For instance, the Minister appoints the Chairperson and thus there is a possibility for this to be the channel for his or her interests over that of the Commission.
- Varied allowances perpetuate discrimination.
- If Commission members do the same amount of work and attend meetings which occupy the same amount of time, there is no need for varied allowance.
- On another point, having different amounts of allowance in one Commission allows the competition of the highest amount of allowance comparing to other Commissions which then focuses more on the allowance each Commission member is getting instead of fairly representing an institution.
- Allowance motivates people to do work which is a wrong attitude.

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<sup>45</sup> *Public Service Act* [Cap 246] (Vanuatu) [http://www.paclii.org/vu/legis/consol\\_act/psa152/](http://www.paclii.org/vu/legis/consol_act/psa152/) (Accessed: 6/08/19)

<sup>46</sup> *Official Salaries Act [cap 168]* (Vanuatu) [http://www.paclii.org/vu/legis/sub\\_leg/osaoso2012414/](http://www.paclii.org/vu/legis/sub_leg/osaoso2012414/) (Accessed: 6/08/19)

<sup>47</sup> *Law Reform Commission Act-Amendment to Appointment of Law Reform Commissioners 2013* (Solomon Islands) [http://www.paclii.org/sb/legis/sub\\_leg/lrcaataolrc2013766/](http://www.paclii.org/sb/legis/sub_leg/lrcaataolrc2013766/) (Accessed: 6/08/19)

<sup>48</sup> Currency, <https://www.currency.me.uk/convert/sbd/vuv> (Accessed: 6/08/19)

- If allowance decreases, there is a slight possibility to negatively influence the work of the Commission.

Sixty Nine Percent (69%) of the provincial councillors consulted suggested for the current allowance to remain as it is.

Twenty Percent (20%) proposed for an amount of VT12000 for the Chairperson, VT11000 for the Deputy Chairperson and VT10000 for ordinary members.

Eleven Percent (11%) proposed for the total allowance per member is changed to VT5000, as the current allowance entitlement is too big and can be used in other activities of the work of the Office.

On the issue of whether or not the Secretary should be entitled to allowances, the following points were raised:

- The Secretary should get same allowances too if it is not within his Job Description to participate in facilitating the smooth running of the commission meetings.
- If this law allows for the Secretary to be getting extra allowance, this will open up a gap for other institutions to follow suit.
- While most of those consulted agreed with the idea of the Secretary getting allowance, they did not suggest an amount proper for his or her allowance but added that the total amount of allowances budgeted yearly should be increased to gather for this.
- 6% proposed that the Secretary to the Commission should receive allowances of VT 11000 per meeting.

### **Commissions Views**

Valid points were raised during the Consultation phase for and against the idea of changing the allowances entitled to by a Commission member. With the current changes in the board composition and the reasons provided, the Commission is of the view that the Allowance should remain as it is.

It is the view of the Commission that the Secretary while recording-meeting minutes is merely implementing duties stated in his or her Job description and should not be entitled to any extra sitting allowances when attending board Meetings.

Therefore, the Vanuatu Law Reform Commission makes the following recommendations:

**Recommendation;**

1. That the allowances of the Board be maintained at VT10, 000 per member.
2. That the Secretary of the Law Reform Commission to not be entitled to sitting allowances.

## CHAPTER FIVE: UNDERTAKING OF CONSTITUTIONAL REFORM

### Current Situation

Since its establishment in 2011, the office of the Law Reform Commission (LRC) has mainly focused on undertaking reviews on the current existing laws in Vanuatu. The office does this either through:

- submitted proposals to review a particular law from either a person or a body or;
- undertaking on its own initiative, studies and research of a legal nature as it considers necessary.<sup>49</sup>

The process that the VLRC follows in reviewing laws is lengthy and begins with the writing up of an Issues Paper, which is outlining the issues and loopholes in the law that is being reviewed. A more detailed Discussion Paper is then developed from these issues and distributed to the public at large. A consultation then follows, where the LRC team travels out to the outer provinces of Vanuatu to get people's views which are then compiled into a report. The report then becomes the basis for the changes to be made to the law being reviewed. However, while the LRC has the mandate to review all the existing laws of Vanuatu, it does not have the mandate to facilitate the review of the Constitution.

There have been few Constitutional amendments made to Vanuatu's Constitution. In 2013, changes were made to the Constitution that allowed dual citizenship and also added in the requirement that there must be a consultation with the Malvatumauri National Council of Chiefs on all future legislation concerning land, custom and tradition.<sup>50</sup>

However not all the proposed Constitutional amendments have been successful. In 2004, changes were made to the Constitution to reduce political instability but these changes have not been made effective as a national referendum is yet to be carried out to get people's views.<sup>51</sup> Furthermore, in the recent appeal case of *Speaker of Parliament-Esmon Saemon v The President- Pastor Obed Moses Tallis*<sup>52</sup> in 2017, a proposed Bill had been put forward to change the Constitution to include new positions, specifically for Parliamentary Secretaries and even before this Bill was approved, the Government had already appointed people into these positions. The President then filed a Constitutional Referral, seeking the opinion of the Supreme Court on the Constitutional validity of this Bill pursuant to Article 16 (4) of the Constitution because he considered that assenting to the Bill would be inconsistent with Article 86 of Vanuatu's

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<sup>49</sup> Section 7, *Law Commission Act* [Cap 115] (Vanuatu) [http://www.paclii.org/vu/legis/consol\\_act/lca173/](http://www.paclii.org/vu/legis/consol_act/lca173/) (Accessed: 2/08/19)

<sup>50</sup> The Economist: Intelligence Unit (2013) 'Vanuatu Constitutional Amendments pass' <http://country.eiu.com/article.aspx?articleid=771292061&Country=Vanuatu&topic=Economy&subtopic=Forecast&subsubtopic=Policy+trends> (Accessed: 6/08/19)

<sup>51</sup> Nexus Commonwealth Network, (2019) 'Vanuatu Government' <http://www.commonwealthofnations.org/sectors-vanuatu/government/> (Accessed: 6/08/19)

<sup>52</sup> *Speaker of Parliament-Esmon Saemon v The President-Pastor Obed Moses Tallis* [2019] VUCA 19



Constitution<sup>53</sup>, which provides that certain amendments can only be passed and become effective if it is supported by a national referendum. While this Bill was passed by Parliament, President Pastor Obed Moses Tallis had reservations about its Constitutionality and referred the issue of its constitutionality to the Supreme Court. The Supreme Court ruled in favour of the President and stated that there had to be a national referendum before these proposed amendments could become effective and when it was later taken to the Court of Appeal, the decision was still upheld by the Court of Appeal.

These proposed changes with regards for the Constitutional amendments had been made within a short period of time and as the Court had the opinion that more time was needed for the amendments to be made effective by following the proper procedures. But the next question is, are there any legislated procedures apart from Article 84 of the Constitution? Considering the time and resources spent on these proposed constitutional amendments and the stalling of the said Bill to amend the Constitution, it is evident that an independent statutory institution would be in a better position to facilitate the provision of Article 84 of the Constitution. And that statutory organization is the Vanuatu Law Reform Commission as the Commission has the legal mandate to review national laws.

Currently, a special committee known as the Constitutional Review Committee is responsible to look into the proposed changes and to consult and provide the views of the organisations they represent on the proposed Constitutional amendments. The Committee is then given a due date to submit a report on its findings to the Speaker of Parliament to be later tabled in Parliament, before the final amendments to the Constitution are approved.<sup>54</sup>

However, as stated by the Leader of Opposition, Alatoi Ishmael Kalsakau, in 2016, amendments to the Constitution should be done meticulously and there should not be any political motivation. He also stated that these amendments should be taken to the people for their views before it is taken before Parliament<sup>55</sup>.

### **Comparable Jurisdiction**

In American Samoa, the Office of Political Status, Constitutional Review and Federal Relations was established in 2016 to facilitate public dialogue, build public awareness programs and conduct research regarding American Samoa's Constitution.<sup>56</sup> In the Solomon Islands, a Constitution Review Committee was set up to review the Constitution regularly. Once a review has been done, the Committee then advises

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<sup>53</sup> *Constitution of the Republic of Vanuatu 1980* (Vanuatu) [http://www.pacii.org/vu/legis/consol\\_act/cotrov406/](http://www.pacii.org/vu/legis/consol_act/cotrov406/) (Accessed: 9/08/19)

<sup>54</sup> Loop (2016) 'Constitutional Review Committee hands report to Vanuatu Office of the Speaker' <http://www.loopvanuatu.com/content/constitutional-review-committee-hands-report-vanuatu-office-speaker> (Accessed: 6/08/19)

<sup>55</sup> Pacific Islands Report (2016) 'Vanuatu Government's Constitutional Amendment Push Stymied by Opposition' <http://www.pireport.org/articles/2016/12/01/vanuatu-governments-constitutional-amendment-push-stymied-opposition> (Accessed: 6/08/19)

<sup>56</sup> Facebook 'Office of Political Status, Constitutional Review and Federal Relations' [https://www.facebook.com/pg/asconstitution/about/?ref=page\\_internal](https://www.facebook.com/pg/asconstitution/about/?ref=page_internal) (Accessed: 9/08/19)

the government on the changes that they see as necessary. Written submissions are also requested from members of the public, whether it be individuals or groups that have an interest in the proposed changes.<sup>57</sup>

In Papua New Guinea (PNG), the Constitutional and Law Reform Commission (CLRC) was established in 2005 after the enactment of its governing legislation, *Constitutional and Law Reform Commission Act (No. 24 of 2004)*. It replaced the Constitutional Development Commission and the Law Reform Commission.<sup>58</sup> The PNG CLRC responds to Ministerial references to review, and makes recommendations responsive to the changing needs of PNG society, on the law. In taking over the former Law Reform Commission, the current CLRC also has that constitutional mandate and responsibilities.<sup>59</sup>

## Consultations

Out of all the 6 provinces in Vanuatu, and the 114 people that the VLRC team spoke to who were on each Provincial Council, eighty two percent (82%) supported the proposal that the VLRC should have a role in facilitating the implementation of Article 84 of the Constitution, by undertaking studies and research and presenting a report to requesting parties under Article 84 of the Constitution.

Individual submissions were also made directly to the VLRC office on this issue, and three quarters of these submissions also agreed with this proposal that the VLRC should also be able to facilitate the review and amendment of the Constitution. It was stated in one of the submissions that currently, the Vanuatu Constitution is being reviewed by the government at will only to suit the specific wants of the government without much consultations of the wider Vanuatu population which is estimated at over 270,000 people<sup>60</sup>. In one of the submissions, it was also proposed that the LRC should not just limit itself to Constitutional reforms.

Any amendments to include Constitutional Reform as part of its work should be general by stating that the LRC is to prepare proposals at the request of the Government and also on its own initiative. The involvement of the Law Reform Commission can be in two fold. The first is by Terms of Reference from any interested party under Article 84 of the Constitution or by its own initiative to identify issues and undertake independent studies, consult the people and make recommendations.

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<sup>57</sup> National Parliament of Solomon Islands (2007-2019) "Constitution Review Committee"

<http://www.parliament.gov.sb/index.php?q=node/93> (Accessed: 9/08/19)

<sup>58</sup> Independent State of Papua New Guinea- Constitutional and Law Reform Commission (2018) "CLRC Establishment" [https://clrc.gov.pg/?page\\_id=836](https://clrc.gov.pg/?page_id=836) (Accessed: 9/08/19)

<sup>59</sup> The University of Melbourne (2019) "Papua New Guinea- Legal Research Guide: Law Reform" <https://unimelb.libguides.com/c.php?g=403134&p=2742450> (Accessed: 9/08/19)

<sup>60</sup> World Bank (2017) "Vanuatu Population"

[https://www.google.com/search?q=current+population+Vanuatu&rlz=1C1GGRV\\_enVU748VU748&oq=current+population+Vanuatu&aqs=chrome..69i57j0l5.4695j0j8&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=current+population+Vanuatu&rlz=1C1GGRV_enVU748VU748&oq=current+population+Vanuatu&aqs=chrome..69i57j0l5.4695j0j8&sourceid=chrome&ie=UTF-8) (Accessed: 27/09/19)

Notably, a lot of the people consulted agreed with this proposal because of the independency that the VLRC has, lessening the likelihood of any political interference and political propaganda.

### **Commission's Views**

The Commission is of the view that the VLRC should also have a role in facilitating the process of reviewing and amending the Constitution. One option is for the Government or Opposition to fill a Term of Reference will then be forwarded to the Commission before the internal process of the VLRC is operational. Once a report is been published, the report will be presented to the requesting party, therefore facilitating Articles 84 of the Constitution<sup>61</sup> to come into play. This is the reactive approach.

The proactive approach is that independently, the Secretariat could get the approval of the Commission to undertake studies in relation to a Constitutional law issue and write a report on the findings and views of the people. This work is to be carried out by the Constitutional Unit within the office. These reports can be presented when such issues are brought forward under Article 84 of the Constitution either to the Government or any interested party.

Therefore, the Vanuatu Law Reform Commission makes the following recommendations:

**Recommendations:** To amend section 7 of the *Law Commission Act* to provide for the Secretariat to undertake research studies, consult and make recommendations to any requesting or interested party under Article 84 of the Constitution. This change would also be reflected in the change of name for the office, to Vanuatu Constitutional and Law Reform Commission. Furthermore, the title of the Secretary of the Office of the Law Reform Commission is also to be changed to Commissioner to reflect these changes.

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<sup>61</sup> *Constitution of the Republic of Vanuatu 1980* (Vanuatu) [http://www.paclii.org/vu/legis/consol\\_act/cotrov406/](http://www.paclii.org/vu/legis/consol_act/cotrov406/) (Accessed: 9/08/19)

## **LIST OF APPENDIX**

## CONSULTATION LIST

<b>Name</b>	<b>Position and Office Name</b>	<b>Island of Origin</b>
Lonsdale Coppage	Teacher (Baldwin Lonsale Memorial Schoool-BLMS)_	Motalava
Kombe Celine	Teacher (BLMS)	Malekula
Olivia Keith	Principal (BWLS)	Motalava
Ephraim Reman	Boarding Master (BWLS)	Vanualava
William Norry	Teacher (BWLS)	Torres
Tolak Adelle	Teacher (BLMS)	Penticost
Serah Niptic	Teacher (BLMS)	Malekula
Devanie Din	Teacher (BLMS)	Vanua-Lava
Monique Klen	Teacher (BLMS)	Merelava
Annie Surmat	Teacher (BLMS)	Tanna
Joella Tamata	Teacher (BLMS)	Ambae
Valerie Vogol	Teacher (BLMS)	Gaua
Hayden Tari	Teacher (BLMS)	Ambae
Valene Butakol	Teacher (BLMS)	Vanualava
Lilian Woksen	Teacher (BLMS)	Ureparapara
Jane Din	Teacher (BLMS)	Torres
Maira Kuau	Teacher (BLMS)	Tanna
Mau Morris	Teacher (BLMS)	MOTALAVA
John Womal	Teacher (BLMS)	Mota
Pantutun Bob rocker	Teacher (BLMS)	Mota
Father Winston Elter	Priest	Vanualava
Raymo Collin	Catechist	Vanualava
Rev. John Sovan	Self-employed	Merelava
Charles K., Smith	PA	Motalava
Stanley Womak	Chief	Motalava
Moses Bret	Chief	Vanualava
Julien Ngpao	Deacon (ANGL)	Vanualava
Fr. Johnny Ralph	Priest	Motalava
Terry Sawa	ANGL worker	Mota
George A., Baet	Chief	Vanualava
Joy Winston	Veve mothers Union	Torres
Anica Pollyn	Companion rep	Ureparapara
Lyndu Winston	Youth rep	Torres
Thomas Putunleta	Area Administrator	Torres
Kimstone William	Community Liaison Officer (CLO)	Torres
John Robert	Accountant	Motalava
Norma Philip	CLO	Merelava
Stephen Bet	CLO	Vanualava
Salathiel Tousia	Councillor	Mota

Frank Boller	Councillor	Vanualava
David Andrew	Councillor	Torres
Justin	Lilip	Ureparapara
Raynolds Surmat	SG Torba	Merelava
Tat Cor Steven	Councillor	Motalava
Barryto Mao	Councillor	Santo
Sokiapai Jimmy	Councillor	Santo
Breten Ron	Councillor	Santo
Sam Vula	Nominated member	Santo
Thangi	Councillor	Santo
Joel Paaf	Councillor	Santo
William Pee	Chief Rep	Santo
Nathan Jacob	Councillor	Santo
Jeanclaud Karie	Councillor	Santo
Johnsey Boe	Councillor	Santo
Caleb	Councillor	Santo
Votangi Aru	Womens Rep	Malo
Edmo Ajuju	Pastor	Santo
Laret A	Councillor	Santo
John Obit	Councillor	Santo
Sairos Olonavari	Area Secretary	Santo
Valo Reremalo	Councillor	Santo
Luis Tripe	Business Rep	Santo
Jackson Adin	President Penama	Maewo
Edmond Molvi	Vice President Penama	Penticost
Judith Kineria	Councillor	Ambae
Kalili Tabi	Councillor	Penticost
Flexon Malanga	Councillor	Ambae
Barnabas Hinge	Councillor	Penticost
Robin Salai	Councillor	Penticost
Wadley Vina	Councillor	Ambae
Kerk Bebe	Councillor	Penticost
James Tari	Councillor	Ambae
Hanison Leoban	Councillor	Maewo
Renbe Bong	Councillor	Penticost
Jean Baptist Bule	Councillor	Penticost
Alban Garae	Councillor	Ambae
Jacob Singo	Councillor	Ambae
John Judah	SG Penama	Penticost
Kelly Tabi	Assistant SG Pennama	Penticost
Stephen Garae	PPA staff	Ambae
Sherol Sakito	Social Rep	Maewo
Jack Joe	PPG staff	Paama
Ben Nehemiah	MPGC-Panner	Malekula
Joseph Tiomai	Councillor	Ambrym

Stephen	Councillor	Malekula
Perry Meltekue	Councillor	Malekula
George Orah	Councillor	Malekula
Korty Andrew	Councillor	Malekula
Sam Timothy	Councillor	Ambrym
John Mark	Chief Rep Tamaso Council	Paama
Philip Bong	Chief Rep Mamemeli Council of Chiefs	Ambrym
Morry Ruben	Youth Presidnet Malampa	Malekula
Owen Riou	Chief Rep MalmelmelInvanua	Malekula
Joana Magi	Woman Rep	Malekula
Edmon Tulan	Councillor	Malekula
Song Avock	Councillor	Paama
Paul Kali	Councillor	Malekula
Sethy Metak	Councillor	Malekula
Kerry Avevus	Councillor	Malekula
Ben ROvrov	Councillor	Malekula
Ron Melep	Councillor	Malekula
Sam Abel	Councillor	Paama
Pierre Worwor	Councillor	Malekula
Waren Stephen	Vice Presiden Malampa Provice	Malekula
Philip Daley	SG Malampa	Malekula
Norbert Ngian	President	Malekula
Willie Nalyal	Councillor	Tanna
Willie Iata	Councillor	Tanna
Mark Iakume	Councillor	Tanna
Tom Kassel	Councillor	Tanna
Lui Kaipa	Councillor	Futuna
Ianam Nouca	Councillor	Tanna
David Nijae	Councillor	Aneityum
Jean Paul N	Councillor	Tanna
Dorothy Nivilok	President Tafea Council of Woman	Tanna
Kutiei Willielop	President Chief	Tanna
Peter M	Pastor	Malekula
Albea Watt	Youth President	Tanna
Dick K., Tasem	Councillor	Aniwa
Peter Meake	Councillor	Tanna
Wakilie Moses	Councillor	Tanna
William Nissian	Councillor	Tanna
Frances lawiap	Councillor	Tanna
George Ronald	Councillor	Tanna

Charley Misa	Councillor	Tanna
Paul Windy	Vice President Tafea Province	Erromango
Jeffrey Kaut	President Tafea Province	Tanna
Smith Pakoa	Cooperativ Dev. Officer-Shefa	Emae
Nelson Kalo	Mitigation Officer Dept of Climate Change	Tongoa
Johnson Simon	NGO Desk MOIA	Paama
Gaston Theophile	DOW	Malekula
Jack Manuel	Department of Youth and Sports	Efate
Margret Alilee	Industry Development Officer-Shefa	Ambrym
James Anga	Child Desk	Ambae
Daniel Lukai	CLMO	Tongoa
Jim Tabi	Physical Planner-Shefa	Penticost
Zecharaia Daniel	SG Shefa	Santo
Johnathan Yona	PEO Shefa	Epi
Judy Kalotap	Department of Forestry	Tongoa
Knox Lanny	Disability Officer-Shefa	Pele

**OTHER INDIVIDUALS AND GROUPS WHO ARE MISSED OUT ON THIS LIST BUT HAVE BEEN CONSULTED ARE ALSO ACKNOWLEDGED.**



## BIBLIOGRAPHY

### CASES

*Speaker of Parliament-Esmon Saemon v The Presidency-Pastor Obed Moses Tallis* [2019] VUCA 19

### EMAILS

Email from Godfrey Male <[goddie786@gmail.com](mailto:goddie786@gmail.com)> to Gracelyn Tasso <[tgracelyn@vanuatu.gov.vu](mailto:tgracelyn@vanuatu.gov.vu)>  
5/08/19

### INDIVIDUAL SUBMISSIONS

James Bule, Former Member of Parliament, 21 March 2019

Sela Molisa, Former Member of Parliament, 18 March 2019

Professor Don James Patterson, University of the South Pacific Lecturer, 27 March 2019

Jeffrey Joel Patunvanu, Secretary General of Nagriamel Political Commission, April 15 2019

### INTERVIEWS

Interview with Lessy Tavala, Administration officer, Vanuatu Law Reform Commission (Port Vila, 2 August 2019)

### ONLINE MATERIALS

Alatoi Ishmael Kalsakau, Attorney General of Vanuatu, The birth and Rebirth of Law Reform Agencies: The Establishment of Vanuatu's Law Reform Commission, 11 September 2008  
[http://www.paclii.org/other/conferences/2008/ALRAC/Papers/Session%202/Session%202%20\(Kalsakau\).pdf](http://www.paclii.org/other/conferences/2008/ALRAC/Papers/Session%202/Session%202%20(Kalsakau).pdf) (Accessed: 1/11/19)

Currency, <https://www.currency.me.uk/convert/sbd/vuv> (Accessed: 6/08/19)

Damilola Felix Eluyela et al, 'Board meeting and frequency and firm performance: examining the nexus in Nigerian deposit money banks' (2018) 4 (10) *Heliyon* e00850  
<https://www.sciencedirect.com/science/article/pii/S2405844018325659> (Accessed: 2/08/19)

Facebook 'Office of Political Status, Constitutional Review and Federal Relations'  
[https://www.facebook.com/pg/asconstitution/about/?ref=page\\_internal](https://www.facebook.com/pg/asconstitution/about/?ref=page_internal) (Accessed: 9/08/19)

Governance Professionals of Canada, <https://gpcanada.org/board-meeting> (Accessed: 2/08/19)

Independent State of Papua New Guinea- Constitutional and Law Reform Commission (2018) “CLRC Establishment” [https://clrc.gov.pg/?page\\_id=836](https://clrc.gov.pg/?page_id=836) (Accessed: 9/8/19)

Loop (2016) ‘Constitutional Review Committee hands report to Vanuatu Office of the Speaker’ <http://www.loopvanuatu.com/content/constitutional-review-committee-hands-report-vanuatu-office-speaker> (Accessed: 6/08/19)

National Parliament of Solomon Islands (2007-2019) “Constitution Review Committee” <http://www.parliament.gov.sb/index.php?q=node/93> (Accessed: 9/08/19)

Nexus Commonwealth Network, (2019) ‘Vanuatu Government’ <http://www.commonwealthofnations.org/sectors-vanuatu/government/> (Accessed: 6/08/19)

Pacific Islands Report (2016) ‘Vanuatu Government’s Constitutional Amendment Push Stymied by Opposition’ <http://www.pireport.org/articles/2016/12/01/vanuatu-governments-constitutional-amendment-push-stymied-opposition> (Accessed: 6/08/19)

Patricia L Leary et al, ‘Report of the Board of Inquiry Into Review Of Allowances of Local Government Councillors’ 26 June 2008 [https://webarchive.linc.tas.gov.au/20120305145310/http://www.dpac.tas.gov.au/\\_data/assets/pdf\\_file/0011/55766/BOI\\_Allowances\\_Report\\_June\\_08.pdf](https://webarchive.linc.tas.gov.au/20120305145310/http://www.dpac.tas.gov.au/_data/assets/pdf_file/0011/55766/BOI_Allowances_Report_June_08.pdf) (Accessed: 26/08/19)

Samoa Law Reform Commission, <https://www.samoalawreform.gov.ws/index.php/advisory-board/> (Accessed: 27/06/19)

The Economist: Intelligence Unit (2013) ‘Vanuatu Constitutional Amendments pass’ <http://country.eiu.com/article.aspx?articleid=771292061&Country=Vanuatu&topic=Economy&subtopic=Forecast&subsubtopic=Policy+trends> (Accessed: 6/08/19)

The University of Melbourne (2019) “Papua New Guinea- Legal Research Guide: Law Reform” <https://unimelb.libguides.com/c.php?g=403134&p=2742450> (Accessed: 9/08/19)

Vanuatu Law Reform Commission History, <https://lawcommission.gov.vu/index.php/about-us/vlrc-history> (Accessed: 31/10/19)

World Bank (2017) “Vanuatu Population” [https://www.google.com/search?q=current+population+Vanuatu&rlz=1C1GGRV\\_enVU748VU748&oq=current+population+Vanuatu&aqs=chrome..69i57j0l5.4695j0j8&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=current+population+Vanuatu&rlz=1C1GGRV_enVU748VU748&oq=current+population+Vanuatu&aqs=chrome..69i57j0l5.4695j0j8&sourceid=chrome&ie=UTF-8) (Accessed: 27/09/19)

## **STATUTES**

Constitution of the Independence State of Papua New Guinea, [http://www.paclii.org/pg/legis/consol\\_act/cotisopng534/](http://www.paclii.org/pg/legis/consol_act/cotisopng534/) (Accessed: 1/08/19)

*Constitution of the Republic of Vanuatu 1980* (Vanuatu) [http://www.paclii.org/vu/legis/consol\\_act/cotrov406/](http://www.paclii.org/vu/legis/consol_act/cotrov406/) (Accessed: 9/08/19)

*Constitutional and Law Reform Commission Act* (Papua New Guinea), [http://www.paclii.org/pg/legis/consol\\_act/calrca2004436/](http://www.paclii.org/pg/legis/consol_act/calrca2004436/) (Accessed: 1/08/19)

*Law Commission (Amendment) Act 2016* (Vanuatu), [http://www.paclii.org/vu/legis/num\\_act/lca2016253/](http://www.paclii.org/vu/legis/num_act/lca2016253/) (Accessed: 1/08/19)

*Law Commission (Amendment) 2012*, (Vanuatu) [http://www.paclii.org/vu/legis/consol\\_act/lca173/](http://www.paclii.org/vu/legis/consol_act/lca173/), (Accessed: 29/08/19)

*Law Commission Act [Cap 115]* (Vanuatu) [http://www.paclii.org/vu/legis/consol\\_act/lca173/](http://www.paclii.org/vu/legis/consol_act/lca173/) (Accessed: 2/08/19)

*Law Reform Commission Act* (Samoa), [http://www.paclii.org/ws/legis/consol\\_act\\_2018/lrca2008242/](http://www.paclii.org/ws/legis/consol_act_2018/lrca2008242/) (Accessed: 1/08/19)

*Law Reform Commission Act 1994* (Solomon Islands) [http://www.paclii.org/sb/legis/consol\\_act/lrca242/](http://www.paclii.org/sb/legis/consol_act/lrca242/) (Accessed: 27/06/19)

*Law Reform Commission Act-Amendment to Appointment of Law Reform Commissioners 2013* (Solomon Islands) [http://www.paclii.org/sb/legis/sub\\_leg/lrcaataolrc2013766/](http://www.paclii.org/sb/legis/sub_leg/lrcaataolrc2013766/) (Accessed: 27/08/19)

*Official Salaries Act [cap 168]* (Vanuatu) [http://www.paclii.org/vu/legis/sub\\_leg/osaoso2012414/](http://www.paclii.org/vu/legis/sub_leg/osaoso2012414/) (Accessed: 6/08/19)

*Public Service Act [Cap 246]* (Vanuatu) [http://www.paclii.org/vu/legis/consol\\_act/psa152/](http://www.paclii.org/vu/legis/consol_act/psa152/) (Accessed: 6/08/19)

*Vanuatu Financial Services Commission Act 1993* (Vanuatu) <https://www.vfsc.vu/wp-content/uploads/2017/09/Vanuatu-Financial-Services-Commission-Act-No.-35-of-1993.pdf> (Accessed: 2/08/19)

*Victorian Law Reform Commission Act 2000* (Victoria Australia) [http://www8.austlii.edu.au/au/legis/vic/consol\\_act/vlrca2000344.pdf](http://www8.austlii.edu.au/au/legis/vic/consol_act/vlrca2000344.pdf) (Accessed: 27/06/19)