

**REPUBLIQUE
DE
VANUATU**
JOURNAL OFFICIEL



**REPUBLIC
OF
VANUATU**
OFFICIAL GAZETTE

29 DECEMBRE 2017

NO. 96

29 DECEMBER 2017

SONT PUBLIES LES TEXTES SUIVANTS

NOTIFICATION OF PUBLICATION

ORDER

FOREIGN SERVICE ACT NO. 20 OF 2013

- INSTRUMENT OF APPOINTMENT – CONSUL GENERAL OF THE REPUBLIC OF VANUATU TO NEW CALEDONIA ORDER NO. 195 OF 2017
- TERMS AND CONDITIONS OF EMPLOYMENT OF THE CONSUL GENERAL OF THE REPUBLIC OF VANUATU TO NEW CALEDONIA ORDER NO. 196 OF 2017

CORRECTIONAL SERVICES ACT NO. 10 OF 2006

- CORRECTIONAL SERVICES (TEMPORARY REMOVAL) REGULATION ORDER NO. 197 OF 2017

MINIMUM WAGE AND MINIMUM WAGES BOARD ACT [CAP 182]

- MINIMUM WAGE AND WAGE BOARD REGULATIONS (AMENDMENT) ORDER NO. 198 OF 2017



REPUBLIC OF VANUATU

FOREIGN SERVICE ACT NO. 20 OF 2013

Instrument of Appointment – Consul General of the Republic of Vanuatu to New Caledonia Order No. 195 of 2017

In exercise of the powers conferred on me by subsection 17(1) of the Foreign Service Act No. 20 of 2013, I, the Honourable BRUNO LEINGKON TAU, Minister of Foreign Affairs, International Cooperation and External Trade, on the approval of the Council of Ministers, make the following Order.

1 Appointment

Mr. Serge Alain MAHE is appointed as the Consul General of the Republic of Vanuatu to New Caledonia.

2 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 8th day of December, 2017.

Honourable BRUNO LEINGKON TAU
Minister of Foreign Affairs, International Cooperation
and External Trade





REPUBLIC OF VANUATU

FOREIGN SERVICE ACT NO. 20 OF 2013

Terms and Conditions of Employment of the Consul General of the Republic of Vanuatu to New Caledonia Order No. 196 of 2017

In exercise of the powers conferred on me by subsection 36(1) of the Foreign Service Act No. 20 of 2013, I, the Honourable BRUNO LEINGKONE TAU, Minister of Foreign Affairs, International Cooperation and External Trade, after consultation with the Director General of the Ministry of Foreign Affairs, International Cooperation and External Trade, make the following Order.

1 Terms and Conditions of Employment

The terms and conditions of Serge Alain MAHE as the Consul General of the Republic of Vanuatu to New Caledonia are set out in the Schedule.

2 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 8th day of December, 2017.

Honourable BRUNO LEINGKONE TAU
Minister of Foreign Affairs, International Cooperation
and External Trade



SCHEDULE

TERMS AND CONDITIONS OF EMPLOYMENT

1 Interpretation

For the purpose of providing for the terms and conditions of employment of Mr. Serge Alain MAHE as the Consul General of the Republic of Vanuatu to New Caledonia:

Act means Foreign Service Act No. 20 of 2013;

Director General means the Director General of the Ministry of Foreign Affairs, International Cooperation and External Trade;

Employee means Mr. Serge Alain MAHE, the Officer appointed as Consul General of the Republic of Vanuatu to New Caledonia;

Employer means the Government of the Republic of Vanuatu;

Minister means the Minister responsible for the Ministry of Foreign Affairs, International Cooperation and External Trade.

2 Duties of Employee

The Employee is to perform the functions of a Consul General as set out in section 19 of the Act.

3 Official duties to have priority

The Employee:

- (a) must devote the whole of his time to his employment on matters that directly concerns the Employer; and
- (b) must not engage himself or act as an employee, agent or principal of any person, corporate body or any organization on any lawful activities or dealings in the capacity of the Consul General of the Republic of Vanuatu to New Caledonia during his period of employment; and

SCHEDULE
TERMS AND CONDITIONS OF EMPLOYMENT

- (c) must use his best endeavours and take all such proper steps or precautions as may be required, appropriate or necessary to prevent the loss, destruction, damage or waste of any deeds, writing, papers, books, monies, assets or other property of the Mission; and
- (d) must at all times comply with the requirements of this Agreement and all relevant laws of the Republic of Vanuatu.

4 Confidentiality

The Employee must not at any time whether during his employment or at any time thereafter (except so far as is necessary and proper in the ordinary course of this employment) make public or disclose to any person any information if:

- (a) the information relates to any dealing or matter relating to national security or protected under legislation; and
- (b) the information came to his knowledge in the course of his employment by the Employer as Consul General.

5 Remuneration, allowances and benefits

- (1) The remuneration of the Employee is a monthly salary of VT 350,000.
- (2) The Employee is entitled to the following allowances and benefits:
 - (a) domestic (within jurisdiction) duty travel allowance of VT 10,000 per day for the first 7 days. After first 7 days, the Domestic Travel allowance will be reduced by 50%;
 - (b) domestic (within jurisdiction) in - service training allowance of VT10,000 per day commencing from date of workshop or training begins and ends when workshop ends. This is only applicable if the training is approved by the Employer;
 - (c) housing allowance of VT 300,000 per month;
 - (d) medical allowance of VT 300,000 per annum;

SCHEDULE
TERMS AND CONDITIONS OF EMPLOYMENT

- (e) overseas mission travel allowances that are claimable upon endorsement by the Employer;
- (f) child allowance of VT20,000 per child per month if the child is under 18 years. The child allowance is only applicable for 2 children;
- (g) education allowance of VT50,000 per Child per school term. The education allowance is only applicable to children under the age of 18;
- (h) currency exchange rate loss for a provision of VT70,000 per annum;
- (i) transport allowance of VT40,000 per month will apply in circumstances where there is no vehicle owned by the Mission;
- (j) one off clothing allowance of VT200,000;
- (k) One off establishment cost allowance of VT200,000;
- (l) spouse support allowance of VT20,000 per month that is only payable to a legal spouse or partner and will be paid only if a spouse or partner accompanies his or her working spouse or partner to the Mission (based overseas).

6 Annual leave and sick leave

- (1) The Employee is entitled to take annual leave upon approval by the Employer, and such leave is to be calculated at the rate of one and three-quarter working days for every month of service.
- (2) Annual leave must be taken per calendar year and must not be accrued to the next calendar year.
- (3) The Employee is entitled to take sick leave at the rate of 21 days per 12 months of service.

SCHEDULE
TERMS AND CONDITIONS OF EMPLOYMENT

- (4) If in any period of 12 months the Employee takes a sick leave exceeding 21 days, such number of days taken in excess of the 21 days must be taken as leave without pay.
- (5) No sick leave for a period of more than two consecutive working days is valid unless supported by a duly qualified medical practitioner.

7 Travels

All other overseas travel on official and personal matters must be approved by Headquarters prior to commencement of travel.

8 Termination and resignation from office

- (1) The Minister may in writing recall the Employee if he:
 - (a) ceases to be a citizen of Vanuatu; or
 - (b) becomes bankrupt inside or outside Vanuatu; or
 - (c) is convicted of an offence inside or outside Vanuatu that is listed under subsection 27(2) of the Leadership Code Act [CAP 240]; or
 - (d) is convicted for offences other than those under subsection 27(2) of the Leadership Code Act [CAP 240]; or
 - (e) is incapacitated by an illness; or
 - (f) is regularly absent from functions without providing reasonable excuse to the Employer; or
 - (g) is not complying with his performance agreement with the Employer; or
 - (h) commits the State to any bilateral agreement without authorization from the Employer; or
 - (i) consistently travels for unofficial purposes without obtaining prior approval from the Employer; or

SCHEDULE
TERMS AND CONDITIONS OF EMPLOYMENT

- (j) discloses information to the media without obtaining authorization from the Employer; or
 - (k) breaches the Public Finance and Economic Management Act [CAP 244]; or
 - (l) has acted contrary to a lawful instruction given by the Employer; or
 - (m) brings into disrepute the integrity and reputation of Vanuatu; or
 - (n) acts contrary to the Government's foreign policy.
- (2) The Employee may resign at any time by giving 3 months' notice in writing to the Minister.

9 Surrender of Government Property

Upon termination of this Agreement, the Employee shall promptly deliver up to the Employer (whether or not demanded therefore is given by the Employer) all stores, articles, property, files, motor vehicle or other assets and any other materials as well as to vacate any premises occupied by the Employee by reason of his appointment hereunder to the Government.



REPUBLIC OF VANUATU

CORRECTIONAL SERVICES ACT NO. 10 OF 2006

Correctional Services (Temporary Removal) Regulation Order No. 197 of 2017

Arrangement of Clauses

| | | |
|-----------------|--|----------|
| Part 1 | Preliminary | 2 |
| 1 | Definition | 2 |
| Part 2 | Temporary removal | 3 |
| 2 | Temporary removal..... | 3 |
| 3 | Grounds for temporary removal..... | 3 |
| 4 | Temporary removal for judicial purposes..... | 3 |
| 5 | Temporary removal for medical purposes | 3 |
| 6 | Temporary removal for compassionate purposes | 4 |
| 7 | Temporary removal of a sentenced detainee for the purposes of rehabilitation or reintegration | 4 |
| 8 | Period of Temporary Removal..... | 5 |
| Part 3 | Miscellaneous | 6 |
| 9 | Escorting of detainee mandatory | 6 |
| 10 | Costs..... | 6 |
| 11 | Commencement | 6 |
| SCHEDULE | | 7 |

REPUBLIC OF VANUATU

CORRECTIONAL SERVICES ACT NO. 10 OF 2006

Correctional Services (Temporary Removal) Regulation Order No. 197 of 2017

In exercise of the powers conferred on me by subsection 39(1) and paragraph 68(2)(n) of the Correctional Services Act No. 10 of 2006, I, the Honourable VUS WAROCET NOHE WARSAL RONALD, Minister of Justice and Community Services, make the following Order.

PART 1 PRELIMINARY

1 Definition

Correctional Centre Manager means the person appointed as Correctional Centre Manager by the Public Service Commission under section 9 of the Correction Services Act No. 10 of 2006;

Director means the Director of the Department of Correctional Services and includes his or her delegate;

sentenced detainee means a person for the time being under the legal custody of the Director and who has already been tried and sentenced by a court;

temporary removal means the short term removal of a detainee from a Correctional Centre, under the custody of Correctional Officers in line with Department escort standards.

PART 2 TEMPORARY REMOVAL

2 Temporary removal

- (1) A Correctional Centre Manager who identifies detainees eligible for temporary removal under clause 3, must complete the Escorted Outings Form as set out in the Schedule.
- (2) Subject to clauses 4, 5, 6, 7 and 8, in considering each Escorted Outing Form, the Director may approve or reject the temporary removal of a detainee upon considering all of the following:
 - (a) whether the temporary removal may pose an undue risk to the community; and
 - (b) the extent to which the detainee is to be supervised; and
 - (c) the benefits to the detainee or community in facilitating the reintegration of the detainee into the community; and
 - (d) whether the period of the temporary removal would undermine the integrity of any sentence being served by the detainee.

3 Grounds for temporary removal

- (1) A detainee may be temporarily removed from the correctional centre for the following purposes:
 - (a) judicial purposes; or
 - (b) medical, surgical or dental treatment; or
 - (c) subject to subclause 6(3), compassionate purposes.
- (2) In addition to subclause (1), a sentenced detainee may be temporarily removed from the correctional centre for rehabilitation or reintegration purposes.

4 Temporary removal for judicial purposes

Temporary removal is to only be approved for a detainee for judicial purposes where there is a duly signed order by a Registrar of a Court, a Judge, an investigator or the Public Prosecutor directing the correctional centre manager to take the detainee to the relevant place for judicial purposes.

5 Temporary removal for medical purposes

- (1) Temporary removal for medical purposes is to only be approved for a detainee if:

- (a) it appears that a detainee requires medical, surgical or dental treatment; or
 - (b) where a registered medical practitioner or a registered nurse has advised that such treatment is required.
- (2) A detainee under subsection (1) is to be removed by or under the direction of the correction centre manager to a hospital or other suitable place for the purpose of examination or treatment.

6 Temporary removal for compassionate purposes

- (1) For the purposes of this Regulation, **compassionate purposes** means the temporary removal of a sentenced detainee in the event of either of the following circumstances;
- (a) a death of the spouse, child or parent of the detainee; or
 - (b) a major illness of spouse, child or parent of the detainee.
- (2) To avoid doubt, compassionate purposes does not include the temporary removed of a sentenced detainee in the event of the death or major illness of a sibling of the detainee.
- (3) Temporary removal is to only be approved for a detainee for compassionate purposes where Correctional Centre Manager has received documentation or representation from a family member or community leader in relation to the event.
- (4) To avoid doubt, a detainee being held on remand must not be temporarily removed from the correctional centre for compassionate purposes.

7 Temporary removal of a sentenced detainee for the purposes of rehabilitation or reintegration

- (1) Temporary removal is to only be approved for a detainee for the purpose of rehabilitation or reintegration where the Correction Centre Manager is satisfied that the temporary removal is for the purposes of:
- (a) attending organised sports activities that promote good health; or
 - (b) attending courses or training on social or general education; or
 - (c) participating in community service projects or work parties that have been approved by the Department; or
 - (d) reintegration with the detainee's family or community such as reconciliation ceremonies as ordered by a Court, or custom or church-based activities.

- (2) To avoid doubt, a detainee being held on remand must not be temporarily removed from the correctional centre for rehabilitation or reintegration.

8 Period of Temporary Removal

- (1) The period of a temporary removal for judicial purposes must not be greater than that required to reasonably address the purpose of the temporary removal.
- (2) The period of a temporary removal for medical purposes is to be determined by the Director in accordance with medical advice.
- (3) The period of temporary removals for purposes of rehabilitation or reintegration must not be more than 8 hours.
- (4) The period of temporary removal for compassionate purposes must not be more than 8 hours.

PART 3 MISCELLANEOUS

9 Escorting of detainee mandatory

All detainees for which a temporary removal has been approved under this Regulation, must be escorted at all times by more than 1 correctional officer while outside a correctional centre.

10 Costs

- (1) A detainee or his or her family member will be required to meet the expenses arising from a temporary removal approved for compassionate purposes.
- (2) The Director may charge such costs, as he or she considers necessary, from whoever he or she considers necessary, in the event where more than one escorting officer is considered necessary.
- (3) The charges that may be charged under subsection (2) include, but are not limited to the following:
 - (a) the fares of the detainee and escorting officers; and
 - (b) travelling allowances and expenses, for escorting officers.

11 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 22nd day of June, 2017.

~~Honourable VUS WAROCET NOHE WARSAL RONALD
Minister of Justice and Community Services~~



SCHEDULE

DAILY ESCORTED OUTINGS FORM

| Daily Escorted Outings Form | |
|--|--|
| References: Corrections Services Act 2006, Division 5 – Transfer and discharge of detainees: Section 39 (2) – (8) Removal and transfer of detainees Correctional Services (Temporary Removal) Regulation Order No. _____ of 2017 | |

| ESCORT DETAILS | | | | |
|----------------|--------------|--------|---------------|----------------|
| Detainee Name | Destination: | Reason | Date/Time Out | Classification |
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

Standard Escort Conditions:

1. All Detainees will be subject to a rubdown search prior to the escort and again at the end
2. Medium and High Risk Detainees handcuffed according to Department policy
3. Handcuffs are to remain on unless required by court procedure to remove in the presence of the Judge
4. Only by instruction of the Centre Manager/ Director can handcuffs be otherwise removed
5. Detainee is to remain in sight of the escort officer at all times
6. Escorts travel directly to destinations by the shortest route and there is to be no unauthorised stops
7. The Detainee is not to communicate with any member of the public
8. The maximum period of the outing is eight hours on compassionate, rehabilitation and reintegration and community service grounds

SCHEDULE
DAILY ESCORTED OUTINGS FOR DAILY ESCORTED OUTINGS FORM

9. If there are any breaches of the instructions or the Detainees' behaviour is non-compliant then the escort is to return to the Correctional Centre immediately.

Special Escort Conditions

1. Expected time of return: _____
2. Special Conditions for Handcuffs: _____
3. Supporting Information attached: YES NO
4. Other Special Conditions: _____

Approval:

I have assessed the risk to the community of this Temporary Removal
I have considered the benefit of this Temporary Removal for the detainee's reintegration
I have considered whether any Special Escort Conditions are required

Director Name

Director Signature

Escort/Court Officers Acknowledgement:

I have read, understand and will comply with all Escort Conditions above
I will brief the detainee on Escort Conditions
I have entered the Escorted Outing into OMS

Escorting Officers Name

Escorting Officers Signature

Date: _____



REPUBLIC OF VANUATU

MINIMUM WAGE AND MINIMUM WAGES BOARD ACT [CAP 182]

Minimum Wage and Wage Board Regulations (Amendment) Order No. 198 of 2017

In exercise of the powers conferred on me by subsection 3(1) of the Minimum Wage and Minimum Wages Board Act [CAP 182], I, the Honourable ANDREW NAPUAT, Minister of Internal Affairs, make the following Order.


1 Amendment


The Minimum Wage and Minimum Wages Board Regulations is amended as set out in the Schedule.

2 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 28th day of December, 2017.


Honourable ANDREW NAPUAT
Minister of Internal Affairs



SCHEDULE

**AMENDMENT OF THE MINIMUM WAGE AND
MINIMUM WAGES BOARD REGULATIONS**

1 Paragraphs 2(a) and (b)

Delete "170 vatu per hour", substitute "VT200 per hour"