



OFFICE OF THE OMBUDSMAN

PUBLIC REPORT

ON THE APPOINTMENTS OF ATANAS PIPITE AS ACTING CHIEF EXECUTIVE OFFICER AND MARCELINO PIPITE AS ACTING CHAIRMAN OF VANUATU BUREAU OF STANDARDS BOARD

Date: 8 July 2026



REPUBLIC OF VANUATU

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1. PURPOSE

The purpose of this investigation is to determine whether the processes undertaken by the Minister to appoint-

- (a) Atanas Pipite as Acting Chief Executive Officer of the Vanuatu Bureau of Standard (VBS) and;
- (b) Marcelino Pipite as Acting Chairman of the Vanuatu Bureau of Standard (VBS), were carried out with accordance with the law.

2. SCOPE

The scope of the investigation is:

(a) to look into the recruitment process relating to the appointments of Atanas Pipite and Marcelino Pipite to determine whether those appointments were lawfully made;

(b) to look into the recruitment process relating to the appointment of Ruth Amos as Chief Executive Officer of the VBS and to determine whether that appointment was also made in accordance with the law.

3. ISSUES

The following issues are raised in this matter;

- (a) Whether the Minister had the legal authority to appoint Atanas Pipite as the Acting CEO and Marcelino Pipite as the Acting Chairman of Vanuatu Bureau of Standards under the VBS Act;
- (b) Whether the Minister had the power to give directions in respect of the recruitment process for Ruth Amos as Chief Executive Officer of the VBS .

4. OUTLINE OF EVENTS

- 1. On 2 August 2023, the Vanuatu Bureau of Standard (VBS) Board, conducted its meeting NO. 1/BM/23802 of 2023. The Board approved agenda NO.7 that the Position of CEO would be advertised from the 28th of August to the 14th of September 2023. In the interim, the current CEO Ruth Amos will be acting in the role until a new CEO is appointed.
- 2. On 18 September 2023, Hon. Minister Samson Samsen appointed Marcelino Pipite as new Chairman of Board of VBS.
- 3. On 29 September 2023, Hon. Minister Samson Samsen appointed Atanas Pipite as the Acting CEO of VBS.
- 4. On 12 October 2023, the VBS Board in its meeting NO. 4/BM/121023 endorsed the name of the new Chairman of the Board and new Acting CEO of VBS.
- 5. On 17 October 2023, Atanas Pipite signed his agreement of Service with the VBS.
- 6. On 30 October 2023, Hon. Minister, Anatole Hymak appointed Ruth Amos as Acting CEO of VBS.

7. On 30 October 2023, Hon. Anatole Hymak terminated Atanas Pipite as Acting CEO of VBS.
8. On 30 October 2023, Hon. Anatole Hymak terminated Marcelino Pipite as Chairman of Board of VBS.
9. On 24 October 2023, Sakiusa Kalsakau from Sakz Law Firm advised that the appointment of Atanas Pipite was unlawful.
10. On 17 November 2023, Director General of Ministry of Trade, Jimmy Rantes, wrote to the Department of Finance to cease the salary of Atanas Pipite.
11. On 16 February 2024, Ruth Amos, Acting CEO call for a Board meeting held at the Ministry of Trade Conference room.
12. On 23 May 2024, the Board approved the appointment of Ruth as new CEO of VBS.
13. On 23 May 2024, Noel Kalo, Chairman of VBS Board endorsed the name of Ruth Amos as new CEO.
14. On 31 May 2024, Hon. Bob Loghman, Minister of Ministry of Trade appointed Ruth Amos as new CEO.
15. On 15 October 2024, Hon. Minister of Trade, Samson Samsen terminated Ruth Amos as CEO of VBS.

5. DISCUSSIONS

The first issue raised in this matter is whether Minister Samson Samsen had the authority under the VBS Act to appoint the Chairman of the VBS Board and the Acting Chief Executive Officer.

Minister Samson Samsen appointed –

- (a) Atanas Pipite to be the Acting Chief Executive Officer of the VBS Board on 29 September 2023; and
- (b) Marcelino Pipite to be the Acting Chairman of the VBS Board on 18 of September 2023.

The evidence available comes from a few sources. Firstly, from Marcelino Pipite. He made this statement on the 26th of September 2024. The relevant part of his statement goes as follows;

“Mi confirm se Minister hemi appointem mi olsem Chairman blong Board after we hemi terminatem contract blong David Seule”.

The second evidence comes from Augustine Kalorib, former Legal Officer of VBS. Her statement refers to the first appointment of Atanas and Marcelino. The relevant part of her statement goes as follows;

Long namba 2 October 2023, oli ringim mi se bae mi go antap long Ministry from Minister I mekem one appointment. Time mi go antap be oli kivim mi letter blong Atanas olsem Acting CEO.

Long 1:30pm hemi kam long ofis blong talem se he was the new CEO. Mi kolem hem I kam long ofis blong mi mo mi talem long hem se that's not the process. Mi talem long hem se Minister ino save appointem CEO. Mi traem blong talem process ia be hemi talem se letter blong Minister hemia.

Long time we oli appointem Atanas, oli appointem tu Chairman of the Board we hemi Marcelino Pipite. Mi stap talem se Minister ino save appointem Chairman from Board nao bae appointem Chairman. So mifla I mekem blong I gat calling blong Board blong oli kam endorse name blong Marcelino.

Now I come to the law:

Part 2, section 2 (4) of Vanuatu Bureau of Standards Act provides as follows;

"2. Establishment of the Board

- (4) The Board is to appoint from amongst the members, a Chairperson and Deputy Chairperson."*

The authority to appoint a Chairperson and Deputy Chairperson is vested exclusively in the Board itself, from among its own membership. The Act makes no provision for the Minister to exercise that power. Furthermore, it is a mandatory requirement that the Chairperson and Deputy Chairperson be sitting members of the Board.

In relation to the appointment of the Chief Executive Officer, section 8 (1) of the VBS Act states the following;

"8 Chief Executive Officer

- (1) The Minister, on the advice of the Board, is to appoint a Chief Executive Officer of the Bureau."*

On 29 October 2023, Minister Samson Samsen appointed Atanas Pipite as Acting CEO of VBS. No evidence has been found to indicate that this appointment was preceded by advice from the Board, as expressly required by section 8(1). The process mandated by the Act requires, first, that the Board provide its recommendation to the Minister and, second, that the Minister act in accordance with that advice. No such advice was received.

Section 21 of the Interpretation Act states as follows.

"21. Power to appoint includes power to remove

Where an Act of Parliament confers power on any authority to make any appointment that authority shall also have power (subject to any limitations or

qualifications which affect the power of appointment) to remove, suspend, reappoint or reinstate any person appointed in the exercise of the power”.

The wordings of the above provision, in my view, help strengthen the proper interpretation that must be accorded to the power vested in the Minister under section 8 (1) of the Act. That the Minister has the power to make the appointment but is conditional on him receiving the advice first from the Board. He alone cannot appoint the CEO of the Board.

Accordingly, the appointment of Mr. Pipite as the CEO of the Bureau without advice of the Board is in breach of section 8 (1) of the Act. He acted beyond his powers or authority when he appointed Mr. Pipite as the CEO.

I have noted that after the appointments, Minister Samson Samsen was reshuffled by the Prime Minister, Hon. Charlot Salwai from the Ministry of Trade to the Ministry of Education. Hon. Anatole Hymak became the new Minister of Trade, Commerce, Tourism and Ni- Vanuatu Business. On 30th October 2023, he terminated the contracts of both Marcelino and Atanas Pipite. Such termination is in line with section 21 of the Interpretation Act.

The second issue raised in this matter is whether the re-appointment of Ruth Amos as Acting VBS CEO by Minister Anatole Hymak was lawful.

On 2 August 2023, the Vanuatu Bureau of Standard (VBS) Board, conducted its meeting N0. 1/BM/23802 of 2023. The Board approved agenda N0.7 that the Position of CEO would be advertised from the 28th of August to the 14th of September 2023. In the interim, the current CEO, Ruth Amos, will be acting in the role until a new CEO is appointed.

The meeting to approve the above agenda needs the quorum to be presented as outlined in section 4(2) of the Act. It was noted that the meeting minute were not circulated for comments after three (3) weeks as stated under section 7 (1) (c) of the VBS Act as follows;

7 *“Secretary of the Board*

- (1) The Chief Executive Officer is to be the Secretary of the Board and has the following functions:*
 - (a) to convene meetings of the Board at the request of the Board; and*
 - (b) to prepare and circulate agendas and issue papers for meetings of the Board; and*
 - (c) to take minutes of meetings and circulate them at least 3 weeks after each meeting; and*
 - (d) to coordinate and facilitate the implementation of the decisions of the Board; and*

- (e) *to coordinate the presentation of monitoring reports on the implementation of decisions of previous meetings of the Board; and*
- (f) *to ensure that meetings are held according to the approved schedule of the meetings; and*
- (g) *to mobilise appropriate resources for the efficient implementation of all decisions of the Board; and*
- (h) *to prepare annual work programmes of the Board; and*
- (i) *such other functions that are conferred on the Secretary by this Act or any other Act”.*

There is no mention of the minutes needing to be signed in section 7. However, the minutes are to be circulated within three weeks after each meeting of the Board. I suppose this is to enable the members to have a record of the decision of the Board and also allow them to confirm the records of the discussions of the previous Board Meeting.

The evidence available comes from a few sources. First from Ruth Amos. She made her statement on 28 October 2024. The relevant part of her statement goes as follows;

“Mi bin attendem meeting long Australia after long meeting blong Board. While mi stap yet long Australia, contract blong mi hemi lapse. Time mi kam bak be Atanas I appointed finis. Be minute we mi prepaerem hemi stap yet folem Board decision”.

The second evidence comes from Rangkon Berenghon. He made this statement on 23 September 2024. The relevant part of his statement goes as follows;

“Before Minister Samson Samsen I terminatem David Seule, minute ia hemi ready finis I stap. Jack Lowane, Executive Officer of Ministry of Trade I sendem mi blong go long haos blong Former CEO, Ruth Amos blong karem minute. Mi go kivim bak minute ia long Jack Lowane. Mi kivim hard copy long Beverly mo hem nao I karem I go long Ministry”.

The Officials from the Ministry of Trade acted on the instruction provided by the Minister, Hon. Anatole Hymake to look into the Board decision at its meeting of 2023.

The evidence available on the Ministerial instruction comes from Noel Kalo. Director of Department of Industry. The relevant part of his statement goes as follows;

“Mi confirm se mifla sta act long instruction blong Minister Bob Loughman. Instruction ia nao I talem se I mas gat Board meeting”.

Another evidence comes from Alick Berry, Executive Officer of Ministry of Trade. He made this statement on 23 October 2024. The relevant part of his statement goes as follows,

“Bob Loughman I kivim instruction blong mifla I lukluk long board meeting blong appointment blong new CEO”.

It is noted that after Minister Anatole terminated Atanas Pipite and Marcelino Pipite, he was reshuffled, and Bob Loughman was appointed to be the new Minister of Trade. Hon. Bob Loughman instructed the Officials from the Ministry of Trade, especially, Alick Berry, Jack Lowane and DG Jimmy Rantes to look into the issue of the VBS to ensure a formal process of recruitment of VBS CEO is made.

The minutes of the meeting NO. 1/BM/23802 of 2023 appears to be under dispute as to whether it was lawful for Ruth Amos to remain Acting CEO of the Board, even though it was not signed.

The advice from Sakz Law Firm, confirmed that the appointment of Atanas and Marcelino was unlawful because the Board had not advice the Minister, in each case, to make the appointment in accordance with section 21 of the Interpretation Act.

That brings me to the decision that the Board has approved in their meeting referred to above that Ruth Amos to remain as Acting CEO until formal recruitment process is completed.

The appointment of Ruth Amos was lawful, as it is based on the decision of the Board contained in the minutes of the Board referred to above to remain as the Acting CEO until a new CEO is appointed.

Now I come to the law.

Section 21 of the interpretation Act states that;

“21. Power to appoint includes power to remove

Where an Act of Parliament confers power on any authority to make any appointment that authority shall also have power (subject to any limitations or qualifications which affect the power of appointment) to remove, suspend, reappoint or reinstate any person appointed in the exercise of the power”.

Hon. Anatole Hymak was empowered under section 21 of the Interpretation Act to remove Mr. Pipite because his appointment was void ab initio and the appointment of Ruth Amos is valid as it was made in accordance with subsection 8 (1) of the Bureau Act.

On 15 October 2024, Hon. Samson Samsen, terminated Noel Kalo as the Chairman of VBS Board. He further terminated Ruth Amos as the Acting CEO and appointed Marcelino as the Chairman of VBS Board and Atanas Pipite as the Acting CEO for the second time.

The termination of Ruth Amos was in line with section 8, subsection 8 (d) that states:

(8) The Chief Executive Officer ceases to hold office if:

- (d) his or her appointment is terminated by the Minister for a serious breach of the terms and conditions of his or her employment.

Section 21 of the interpretation Act empowered the Minister to terminate the contract of Ruth Amos. Yet, section 21 did not permit the Minister to appoint Mr. Pipite because the process outlined under section 8 (1) of the Bureaus Act was not adhered to. It states as follows;

8 Chief Executive Officer

(1) *The Minister, on the advice of the Board, is to appoint a Chief Executive Officer of the Bureau.*

The termination of Noel Kalo falls under section 2, subsection 6 (b) that states;

(6) *A member appointed under subsection (2) may be removed by the Minister, if he or she:*

- (b) *has committed a serious misconduct.*

Section 21 of the interpretation Act empowered the Minister to terminate the contract of Noel Kalo as the Chairman of the Board. Yet, section 21 did not permit the Minister to appoint Mr. Pipite as the Chairman due to the fact that he has no authority to appoint the Chairman or Deputy Chairman as per subsection 4 of the Bureaus Act that states;

(4) *The Board is to appoint from amongst the members, a Chairperson and Deputy Chairperson.*

Because the Minister, Samson Samsen failed to comply with the requirements of the Bureau's Act, the current appointment of Atanas Pipite and Marcelino Pipite was unlawful. His action contradicts section 3 and 13 of the Leadership Code Act, and Article 63 of the Constitution as follows;

Leadership Code Act

3. Leader's behavior

A leader holds a position of influence and authority in the community. A leader must behave fairly and honestly in all his or her official dealings with colleagues and other people, avoid personal gain, and avoid behavior that is likely to bring his or her office into disrepute. A leader must ensure that he or she is familiar with and understands the laws that affect the area or role of his or her leadership.

13. Duties of leaders

(1) A leader must:

(a) comply with and observe the law;

(b) comply with and observe the fundamental principles of leadership contained in Article 66 of the Constitution;

(c) comply with and observe the duties, obligations and responsibilities established by this Code or any other enactment that affects the leader; and

(d) not influence or attempt to influence or exert pressure on or threaten or abuse persons carrying out their lawful duty.

Constitution

66. Conduct of leaders

(1) Any person defined as a leader in Article 67 has a duty to conduct himself in such a way, both in his public and private life, so as not to –

(a) place himself in a position in which he has or could have a conflict of interests or in which the fair exercise of his public or official duties might be compromised.

6. RESPONSES BY THOSE WITH COMPLAINTS AGAINST THEM

Before starting this investigation, the Ombudsman notified all people or bodies complained of and gave them the right to reply. Also, a working paper was provided prior to preparation of this Public Report to give the individuals mentioned in this report another opportunity to respond.

No responses were received to the Working Paper.

7. FINDINGS

Finding 1: MINISTER SAMSON SAMSEN BREACHED SECTION 2 (4) AND SECTION 8 (1) OF THE BUREAU OF STANDARDS ACT

Minister Samson Samsen failed to comply with the procedural requirements prescribed by the Vanuatu Bureau of Standards Act when making the appointments of Marcelino Pipite and Atanas Pipite.

The appointment of Marcelino Pipite as Board Chairman was made without authority, as that power is vested solely in the board under section 2 (4).

The appointment of Atanas Pipite as Acting CEO was made without the prior advice of the Board, in breach of section 8 (1).

Both appointments were accordingly unlawful.

Finding 2:

MINISTER SAMSON BREACHED ARTICLE 66 OF THE CONSTITUTION AND SECTIONS 3 and 13 OF THE LEADERSHIP CODE ACT

Minister Samson Samsen as a leader within the meaning of Article 67 of the Constitution, was obliged to fulfil the duties and responsibilities imposed upon him by the Leadership Code Act.

By failing to comply with the applicable law when making the disputed appointments, his conduct fell short of the standards required of a person in high public office and was in breach of Article 66 of the Constitution and sections 3 and 13 of the Leadership Code Act.

8. RECOMMENDATION

I make the following recommendations:

1. The Prime Minister, Hon. Jotham Napath to remove Hon. Samson Samsen as the Minister of Trade for breaching the Bureau of Standards Act, the Leadership Code Act and the Constitution. His removal will maintain the integrity of the high Office.
2. The Ministry of Trade to advertise the Position of the CEO of VBS and to conduct a lawful recruitment and transparent recruitment process in accordance with the VBS Act.
3. The Prime Minister to inform the Ombudsman on his decision within 30 days from the date of this Public Report.
4. The Human Resource Officer of the Ministry of Trade to inform the Ombudsman on the recruitment of new CEO of VBS within 30 days from the date of this Public Report.

Dated 8 July 2026


Hamlison Bulu
OMBUDSMAN OF THE REPUBLIC OF VANUATU

