



OFFICE OF THE OMBUDSMAN

PUBLIC REPORT

**ON THE APPOINTMENT OF GUILAIN
MALESAS TO THE POSITION OF
PRINCIPAL ELECTORAL OFFICER, AND
UNFAIR TREATMENT OF JOE JOHNSON
IATI BY THE PUBLIC SERVICE
COMMISSION**

Date: 23 June 2026



REPUBLIC OF VANUATU

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1. PURPOSE

The purpose of the Investigation is to determine whether Guilan Malesas was eligible for appointment after his early retirement from the Public Service. It will further discuss whether the process of appointing Guilan Malesas as Principal Electoral Officer was lawful. Further discussion will focus on whether Joe Johnson lati was treated fairly by the Public Service commission during the recruitment process.

2. SCOPE OF THIS INVESTIGATION

The scope of the investigation is –

- a. To determine whether Guilan Malesas was eligible for recruitment after being resigned from the Public Service Commission;
- b. To determine whether the Public Service Commission acted in good faith and in accordance with its duty to act as good employer during the appointment of Guilan Malesas;
- c. To determine whether Joe lati was provided with the justification of the decision of the Commission not to appoint him as the recommended candidate;
- d. To determine whether Joe lati was treated fairly during the recruitment process.

3. ISSUES

The following issues arise in this matter:

- (i) Whether Guilan Malesas was eligible for recruitment after his early retirement.
- (ii) Whether the recruitment process of the position of Principal Electoral Officer was lawful.
- (iii) Whether Joe lati was treated fairly by the Public Service Commission.

4. BACKGROUND

Joe lati was initially appointed as Principal Electoral Officer in 2018 for a one-year contractual term. Following its expiration, the Public Service Commission reappointed him for a subsequent period from 2019 to 2022.

In 2023, the Ministry of Internal Affairs advertised the position of Principal Electoral Officer, inviting applications from interested and qualified citizens. Joe lati applied and was among the shortlisted candidates interviewed for the role. After the interviews, the panel recommended Joe lati for the Principal Electoral Officer position, with Guilan Malesas identified as an eligible candidate.

5. OUTLINE OF EVENTS

1. On 15 February 2021 Guilain Malesas wrote to the Secretary General of the Public Service Commission, Jane Bani, resigning as the Deputy Principal Electoral Officer.
2. On 8 March 2021, James Melteres, signed off the Performance Appraisal for Joe Johnson Iati
3. On 2 September 2021, Acting Secretary of the Public Service Commission, Jane Bani, wrote to Guilain Malesas that the Commission at its meeting n0. 15 of 17th August 2021, decision no.39 has approved his early age retirement.
4. On 16 September an LPO of VT12,237 was committed to the Vanuatu Daily post as advertisement fees.
5. On 17 September 2022, the advertisement of the position of Principal Electoral Officer was published on the Daily Post newspaper, issue no.6604.
6. On 26 April 2023, James Melteres, Secretary General of the Public Service commission wrote to Gerol Ala, Director General and Convenor of the Panel approved the panel sitting allowance of VT10,000.
7. On 2 May 2023 an interview was conducted with the three (3) shortlisted candidates.
8. On 2 May 2023, a comparative assessment of application form was signed off by the panel members.
9. On 2 May 2023, the selection outcome report of the panel was signed off by the Director General of Internal Affairs and Convenor of the panel, Cherol Ala.
10. On 26 May 2023, the Commission approved Guilain Malesas as Principal Electoral Officer during a Commission meeting.
11. On 30 June 2023, the Secretary General of PSC, James Melteres wrote to Guilain Malesas, confirming his appointment as the Principal Electoral Officer.

6. DISCUSSIONS

The first issue arising in this matter is whether Guilain Malesas was eligible for appointment as the Principal Electoral Officer after his early retirement from the Public Service commission.

On 15 February 2021, Guilian Malesas notified the Acting Secretary General of the Public Service Commission, Jane Bani of his intention to retire from his position as the Deputy Principal Electoral Officer.

On 2 September 2021, Acting Secretary, Jane Bani, wrote to Guilain Malesas that the Commission at its meeting no. 15 of 17th August 2021, decision no.39 has approved his early age retirement.

On 26 May 2023, the Commission approved Guilain Malesas as Principal Electoral Officer during a Commission meeting. On 30 June 2023, the Secretary General of PSC, James Melteres wrote to Guilain Malesas, confirming his appointment as the Principal Electoral Officer.

The Ombudsman observed that Guilain Malesas was reappointed to the Public Service one year and eight months after his retirement.

The evidence available comes from several sources. First from Joe Iati, the relevant part of his statement goes as follows;

“Long best understanding blong mi long Public Service Staff manual I talem se taem yu resign, yu mas stap 2 years bifo yu save kam bak long public service, Guilian Malesas ino servem 2 years blem yet be oli appointem hem”.

Another evidence comes from Clemency Bebe, Human Resource Manager of the Ministry of Internal Affairs. The relevant part of her statement goes as follows.

“You must serve 2 years. Long chapter 4 ating long conditions of employment”.

Another evidence comes from Guilain Malesas;

When the Ombudsman noted that he had been re-appointed less than the two-year period required by the old Public Service Staff Manual after his retirement, Malesas responded as follows:

Malesas: “ Ples ia nao bae PSC nomo I save ansarem, mi oli kolem mi nomo se yu kam karem letter blong yu, be spos oli talem se no yu no servem 2 years blong yu yet oli sud talem long mi”.

Now I come to the Law.

The appointment of Guilian Malesas was made during the time the old Public Service Staff Manual was in effect.

Chapter 3, section 5 of the Public Service Staff Manual (PSSM) talks about the general conditions of eligibility for appointment as follows;

5. General conditions of eligibility for appointment

(a) No person may be appointed to an office in the Public Service:

- (i) Unless he or she is a citizen of Vanuatu
- (ii) unless he or she fulfils the physical requirements, if any, for the appointment;
- (iii) if he or she is under 18 years of age;
- (iv) if he or she is over 55 years of age, except in respect of an appointment on contract;
- (v) Unless he or she has a knowledge of English, French and Bislama.
- (vi) unless he or she is of good character, but a person:
 - with a criminal conviction may be considered for appointment if they have not been convicted of an offence for a period of not less than 4 years, and there is no known reason to suppose that they are not a reformed character and fit for appointment to the Public Service, or as the Commission may determine; or
 - who was dismissed or retired on a compulsory basis or resigned from the Public Service as the result of a disciplinary matter may be considered for re-appointment if the date of dismissal/retirement or resignation is two years or more from the new date of proposed appointment, or as the Commission may determine.

On 15 February 2021, as mentioned above, the reasons for Guilain Malesas retirement is as follows:

"I started serving in the Vanuatu Electoral Office effective from 17th April 1990 on daily rated basis. On 15th October I was recruited on permanent basis as information Officer and later appointed Deputy Principal Electoral Officer in 2012. I served in that position until then. The time I served within the Vanuatu Election's is up to 31 years of service.

Now I would like to apply for early retirement from the Public Service commission. My application for early retirement is on the following grounds:

(a). I am over 45 years of age, and I am eligible for early reinterment as per PSC decision NO.52 of 6th November 2020;

(b) I am planning to spent remaining days of my life doing God's missionary work."

The Ombudsman determined that the grounds for Mr. Malesas's early retirement align with section 5 of the Public Service Staff Manual (PSSM), which stipulates that a person retired on a compulsory basis must observe a period of two (2) years or more from the date of their retirement before being considered for a new appointment.

Mr. Malesas's early retirement was approved by the Public Service Commission on September 2, 2021. According to the Public Service Staff Manual, a two-year retirement period should have elapsed, meaning he would have been eligible for re-appointment on September 2, 2023. However, he was appointed back into service on May 26, 2023, which contradicted the manual's provision, rendering his appointment null and void.

The second issue raised in this matter is whether the recruitment process of the position of Principal Electoral Officer was lawful.

The advertisement for the Principal Electoral Officer position was published in the Daily Post, issue no. 6604, on September 17, 2022. On May 2, 2023, the panel interviewed the three shortlisted candidates: Joe Johnson Iati, Guilain Malesas, and Daisy Warsal.

On the same day, a comparative assessment report and selection outcome report were signed by the panellists, detailing the following results:

- Joe Johnson Iati with 50.25 points;
- Guilain Malesas with 46.75 points;
- Daisy Warsal with 32.75 points;

Joe Johnson Iati was recommended by the panel for the Principal Electoral Officer position, with Guilain Malesas being identified as the eligible candidate. However, on May 26, 2023, the Commission approved Guilain Malesas for the role and his letter of appointment was signed by the Secretary General and delivered on June 30, 2023.

The evidence available comes from several sources. Firstly, from James Melteres, the relevant part of his statement goes as follows;

“Taem we oli completim everi recruitment process after bae kam long umi long level blong Secretary nao blong umi sign off nomo long hem from umi nogat right blong disputim wan panel be umi karem nomo mo sign off long hem bifo I go long Commission. Commission nao hemi mekem decision long hem.

I gat wan provision long Act (PSC) we I talem se even though spos oli recomendem one-man long Panel, be Commission hemi gat power blong hemi save recruit one long olgeta we oli go long interview. It can be the recommended, it can be the eligible or other one”.

The second piece of evidence comes from Florence Toa, who facilitated the recruitment process. She confirmed to the Ombudsman that she received the panel members' reports and submitted them to HR. When asked who the recommended candidate was based on the panel report, she responded as follows:

Florence: *yes Joe Iati hem nao recommended candidate”.*

The third evidence comes from Clemency Bebe. Human Resource Manager of the Ministry of Internal Affairs. The relevant part of her statement goes as follows:

“Eligible hemi runner up long next person we hemi score high. Be taem I go long commission, Commission I save askem blong oli mekem back ground check. From time yu karem eligible, oli no save karem yu be oli save base long reference check. Discretion blong panel, spos panel I se lets get the recommended then oli sign off long hem. I gat one form la we I attached long interview assessment oli kolem comparative form. Long comparative form ia nao bae yu save luk decision blong panel. Still long comparative

form ia, I gat one form bagegen I attached hemi selection outcome report. Selection outcome report nao bae I determinem se long recruitment blong 2023 ia, Panel I bin decide finis ale taem I go long employer nao I change”.

The fourth evidence comes from Stephan Bong. The relevant part of his statement goes as follows:

“Discretionary power blong Commission hemi talem se hemi save choose from the short list. Short list ia, hemi list ia nao we hemi go long Commission we hemi gat power blong jusum from each wan from the recommended or eligible or nara wan we hemi go taon ia”.

Now I come to the law.

Chapter 3 of the old Public Service Staff Manual (PSSM) addresses staff selection, with subsection 2.10 specifically detailing the process for obtaining approval of the Selection Outcome Report, which states the following:

“2.10 Obtaining approval of the Selection Outcome Report

- (a) A Director-General must submit all Selection Outcome Reports (PSC FORM 3-5) completed in the prescribed format to the Commission for consideration. Each Selection Outcome Report (PSC FORM 3-5) must have attached to it the completed Comparative Assessment of Applicants Form (PSC FORM 3-4) prepared by the Selection Committee. In addition, the job applications and Individual Assessment Forms (PSC FORM 3-3) for those persons interviewed for the vacancy should also be provided to the Commission.*
- (b) Under section 23 of the Public Service Act, the Commission is the sole authority for making appointments to the Public Service. No job offer or appointment is to be made by any other person or organization, either within or outside the Public Service. In exercising this function, the Commission shall:*
 - (i) consult and take into consideration the views and requirements of the Director-General and Director affected by the appointment;*
 - (ii) act independently but have regard to its obligation to act as a good employer.*
- (c) If the Commission approves the recommendations made in the Selection Outcome Report, the Secretary of the Commission shall:*
 - (i) inform the Director-General concerned;*
 - (ii) make an offer to the successful applicant;*
 - (iii) if the offer is not accepted, an offer shall be made to the next eligible candidate, if any were recommended in the Comparative Assessment of Applicants Form;*
 - (iv) advise those applicants who have been placed on the eligibility list; and*
 - (v) return all documents as referred to in point (a) above to the Director-General”.*

The above provision provides for the Commission to consult and consider the views and requirements of the Director General. In this matter, Cherol Ala was the Director General and convenor of the panel and she was the one signing the comparative and assessment form recommending Joe Johnson Iati for the position of the Principal Electoral Officer.

Section 23 of the Manual stated the following:

23. *Appointments to the Public Service*

(1) Any appointment to or within the Public Service is to be made by the Commission.

(2) The Commission must prior to making an appointment consult with and take into consideration the views and requirements of a director-general affected by the appointment. The director-general must consult with and take into account the views and requirements of a director affected.

(3) Subject to Article 57(2) of the Constitution, where a position becomes available in the Public Service, whether it is a new or existing position, any person from within or outside of the Public Service may be appointed to that position.

(4) Where a person is first appointed to the Public Service that appointment may, in the discretion of the Commission, be on probation.

The Commission's decision to appoint Guilain Malesas contravened the process outlined in subsection 2.10 of the PSC staff manual, particularly its requirement to consider the Director-General's views as stated under section 23.

The statement of Cherol Ala who was the Director General responsible and at the same time Convenor of the panel goes as follows;

"Mi confirm se name blong mi Cherol Ala, mi confirm se long time ia, mi stap olsem Director General blong Ministry blong Internal Affairs.

Mi confirm se mi stap olsem convenor blong Panel. Mi no recall se hamas interview mifla I mekem be mi confirm se mifla I mekem one recommendation and eligible mo submitim report I go long PSC.

After long hemia, PSC hemi mekem appointment".

I have noted from the statement of Secretary General, James Melteres and Deputy Secretary, Stephan Bong that PSC has exercised its power under section 18 of the PSC Act to make an appointment.

Section 18 of the PSC Act states the following:

“18. Appointments of directors-general and directors of departments

(1) An appointment or promotion to the position of director-general or director, regardless of the title or designation, must be made by the Commission.

(2) The Commission must prior to appointing or promoting a person to the position of director-general or director of a department follow the procedure set out hereunder –

(a) advertise the position in a newspaper with a wide circulation in Vanuatu; and

(b) ensure the advertisement allows an applicant a minimum of 2 weeks in which to make an application; and

(c) provide an address as to where to send the application; and

(d) convene a panel of 3 independent persons to interview and require the panel, having regard to section 15 (imposing a duty to act as a good employer), to recommend a short list of the most competent and suitable applicants; and

(e) make the appointment from the short list”.

When making an appointment decision under section 18(d)(e), the Commission must adhere to section 15 of the PSC Act, which states:

“15. Duty to act as a good employer

(1) It shall be the duty of each member of the Commission to ensure that the Commission shall, in the performance of its functions, responsibilities and duties, be a good employer.

(2) The Commission shall as a good employer:

(b) require the selection of persons for appointments and promotion to be based upon merit”.

What does merit process mean?

In simple explanation the merit process in recruitment systematically evaluates candidates based on their skills, qualifications, and performance, rather than personal characteristics or biases.

This approach ensures that hiring decisions are fair, transparent, and supported by objective evidence. Accordingly, subsection 2.10 of the PSC staff manual outlines an interview process specifically designed to reduce bias and ensure fair assessment.

Article 60(1) of the constitution states the core functions of the Commission as follows;

“60. Functions of Public Service Commission

- (1) *The Public Service Commission shall be responsible for the appointment and promotion of public servants, and the selection of those to undergo training courses in Vanuatu or overseas. For such purposes it may organise competitive examinations*”.

Article 60(1) of the Constitution explicitly states that competitive examinations must be conducted for the Public Service Commission to execute its functions.

The selection outcome report, which provided a final assessment and recommended Joe Johnson lati, is considered to be this competitive examination conducted by the panel. By failing to uphold the panel's recommendation, the Commission's decision directly contradicts the requirements of Article 60(1) of the Constitution.

The third issue raised in this matter is whether Joe Johnson lati was treated fairly during the process of recruitment for the position of Principal Electoral Office.

The Ombudsman observed that approximately five different advertisements were published and two interviews were conducted for the position. Although the first interview successfully concluded with a recommended candidate, the Public Service Commission did not proceed with an appointment.

The evidence available comes from number of sources. Firstly, from Guilain Malesas. The relevant part of his statement goes as follows:

“Taem mi stap study, mi luk oli advertise be mi no apply, mi stap gogo mi luk oli advertise bagegen be mi no plan blo apply, two, three and five time nao mi talem se eh be bae oli advertise kasem wataem. So mi apply long tingting se blong helpem system blong helpem somebody we bae hemi apply blong karem work ia”.

The second evidence comes from Joe lati. The relevant part of his statement goes as follows;

“I gat about four to five advertisement we oli mekem ia from position ia. Mi confirm se mi attendem two interviews. Long first interview, mi no luk be mi harem long sam witness se long first interview mi nao mi recommended, somehow, mi stap wait mo expectem blong luk letter of appointment I kam, mi sek nomo be oli advertise bagegen. ale mifla I go long last interview ia and mi bin understandem se mi recommended”.

The third evidence comes from Clemency Bebe, Human Resource Manager of the Ministry of Internal Affairs. The relevant part of her statement goes as follows;

“ufla askem olgeta se oli mekem hamas advertisement, from person concern I sta kam putum pressure long mi, mekem se mi questionem PSC why do you have to advertise again and they said because we have to find suitable candidates because there was not enough. Mi understand se I gat 2 different interviews. So umi save talem se I gat one recruitment completed for this advert we I bin aot and then I bin go as far as I kasem Commission and maybe I stop halfway nomo afta oli wandem advertise bagegen”.

Now I come to the laws;

“Chapter 3, subsection 2.3 (c) of the Public Service Staff Manual, states the following;

- (a) Under section 18 (2) (a) of the Public Service Act, Directors-General and Director level vacancies must be advertised in a newspaper with a wide circulation in Vanuatu.*
- (b) Applicants must be provided with one month to apply from the date the vacancy is first advertised. In cases of urgency, the Secretary of the Commission may, on request, approve a shorter period than this but as a general rule this period may not be less than two calendar weeks.*
- (c) All job vacancy advertisements should contain the information outlined in Section 8, Minimum Contents of Advertisements of this chapter, and must inform potential applicants that applications have to be made using the prescribed Public Service Job Application Form.(PSC FORM 3-2).*
- (d) An information package should be provided to all potential applicants who inquire about the job. This kit should contain, as a minimum, the Public Service Job Application form (PSC FORM 3-2), a copy of the approved Job Description (PSC FORM 2-1), a copy of the current approved organisation chart showing where the position fits in the structure and any other relevant information relating to the Department and/or the position.*
- (e) All applications received are to be recorded in a register (see section 2.2 (v) above) and a simple acknowledgment forwarded to the applicant to indicate that the application has been received and that it will be referred to the selection committee for consideration”.*

The question surrounding the advertisement for the position of Principal Electoral Officer were:

- a. What was the rationale behind issuing multiple advertisements?
- b. What was the outcome of the initial interview process?
- c. What was the cost incurred for each advertisement?

During the investigation, the outgoing members of the Commission who were implicated in making decision in this matter were unable to be interviewed because they were no longer members of the Commission. However, evidence obtained from the statements of three people shows that there were about five (5) different advertisements and two (2) interviews.

There was no justification provided for the multiple advertisements. The only reason presented regarding the re-advertisement came from Clemency Bebe that states;

“i questioned PSC why do you have to advertise again, and they said because we have to find suitable candidates because there was not enough”.

The Ombudsman noted that if there were not enough qualified people, but a sufficient number of experienced individuals had applied, then the reasoning for repeated advertisements was not justified, leading to a loss of public funds.

Evidence provided to the Ombudsman showed that the cost of one advertisement in the Vanuatu Daily Post was VT12,237. With five advertisements placed, the total cost amounted to VT61,185. This means VT48,948 in public funds was lost due to the four additional advertisements beyond the initial one (VT61,185 - VT12,237).

The Ombudsman observed from Joe Iati's statement that he attended two interviews. This was corroborated by Clemency Bebe, who also confirmed there were two interviews. The questions arising from these two interviews are:

1. What was the outcome of the first interview?
2. Why didn't the Public Service Commission make an appointment for the first interview.

According to Joe Iati, a witness confirmed that he was recommended to the Commission for appointment to the position of Principal Electoral Officer. Mr Iati's comments are as follows:

"Long first interview, mi no luk be mi harem long sam witness se long first interview mi nao mi recommended, somehow, mi stap wait mo expectem blong luk letter of appointment I kam, mi sek nomo be oli advertise bagegen ale mifla I go long last interview ia and mi bin understanem se mi recommended".

On the second interview, Joe Iati scored high and was recommended by the Panel for the position of the Principal Electoral Officer. Joe Iati confirmed that he has received a letter from the Commission stating the following;

"Mi bin risivim letter from PSC blong talem se mi eligible, hemia nomo, inomo gat any reason bagegen, oli talem nomo se mi eligible be mi no bin save se mi recommended".

The Commission acted in bad faith by informing Joe Iati that he was only an eligible candidate, despite having full knowledge of the panel's report and recommendation that named him as the successful candidate. This decision to appoint an eligible candidate when a recommended candidate was available lacked proper justification.

The conduct of the Commission members is directly relevant to Section 3 of the Leadership Code Act, which outlines the expected behaviour of leaders:

"3. Leader's behaviour

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 behaviour 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.

The Commission members demonstrated a failure to behave fairly and honestly by informing Joe Iati that he was an eligible candidate despite of their awareness of the panel's recommendation of Joe Iati.

Clemency Bebe's statement suggest that the Commission might consider appointing an "eligible" candidate over a "recommended" one if the scores are very close and supported by background information. Her statement is as follows:

"Nomarly long case olsem we score I closap bae PSC I save talem se score I closap nomo so based on background information Commission I save go from eligible, be taem score difference I big one, yu no go taon blong touchem eligible".

The score difference referred to by Clemency suggest:

Joe Iati = 50.25

Guilain Malesas= 46.75

Furthermore, the Commission neglected to conduct a background check for Guilain Malesas before his appointment. The Commission should have made the background check before appointing Guilain Malesas. Clemency confirmed that there was no background check.

"Long background check oli sud askem mi olsem HR blong olgeta, be long form ia yu luk save se oli no askem, oli mekem decision blong olgeta from decision blong olgeta I confirm by this form (comparative form)".

"Subsection 2.10 (d) of the PSC Staff manual states the following;

(d) If the Commission approves the recommendations made in the Selection Outcome Report, the Secretary of the Commission shall:

- (vi) inform the Director-General concerned;*
- (vii) make an offer to the successful applicant;*
- (viii) if the offer is not accepted, an offer shall be made to the next eligible candidate, if any were recommended in the Comparative Assessment of Applicants Form;*
- (ix) advise those applicants who have been placed on the eligibility list; and*
- (x) return all documents as referred to in point (a) above to the Director-General.*

The Secretary of the Public Service Commission failed to notify Director General Cherol Ala of the decision made regarding the appointment. Instead of an offer being extended

to Joe Iati, the recommended candidate, it was directed to an eligible candidate, constituting unfair treatment of Joe Iati and contradiction of subsection 2.10 (d) (viii) of the Public Service Staff Manual.

The decision of the Public Service Commission to appoint the eligible candidate violated the aforementioned provision, thereby breaching its duty to act as good employer under section 15 and Article 60 (1) of the Constitution. Therefore, the appointment of Guilian Malesas to the position of Principal Electoral Officer is considered null and void.

Furthermore, the Commission Members identified as leaders under section 5 of the Leadership Code acted in breach of section 13 of the Leadership Code Act that states:

"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".

7. RESPONSE BY THOSE WITH FINDINGS 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 one responded to the Working Paper.

8. FINDINGS

Finding 1: PUBLIC SERVICE COMMISSION BREACHED SECTION 23(2) OF THE PUBLIC SERVICE ACT

In making decision to appoint the eligible candidate over the recommended candidate, the Commission failed to obtain from the Director General, her views on the decisions.

By disregarding the duty imposed on them as leader, their action contravenes the above provision.

Finding 2: PUBLIC SERVICE COMMISSISON BREACHED SECTION 18 OF THE PUBLIC SERVICE ACT.

The Public Service Commission after receiving a submission on the report from the Panel, they have decided to appoint an eligible candidate. Given the reason that they have power to appoint any one from the shortlisted. They have failed to consider their duty under section 15. By disregarding their duty as good employer to make an appointment based on merit process, their decision contravenes the above provision.

Finding 3: PUBLIC SERVICE COMMISSION BREACHED SECTION 15 OF THE PUBLIC SERVICE ACT

The Public Service Commission failed to make appointment based on the recommendation provided in the Panel report. By disregarding the outcome of the merit process being conducted, their action contravenes the above provision.

Finding 4: PUBLIC SERVICE COMMISSION BREACHED CHAPTER 3, SECTION 5 (1) OF THE OLD PUBLIC SERVICE STAFF MANUAL (PSSM).

The Public Service Commission reappointed Guilain Malesas within 1 year and 8 months of his compulsory retirement, thereby disregarding the mandatory two-year period he was required to serve before being eligible for re-appointment.

Finding 5: PUBLIC SERVICE COMMISSISON BREACHED SUBSECTION 2.10(d) OF THE PUBLIC SERVICE STAFF MANUAL (PSSM)

The Public Service Commission failed to approve the recommendation made in the panel report. They also neglected to inform the recommended candidate, Joe lati, of his status. Instead, they informed the eligible candidate of his success and falsely advised Joe lati that he was merely an eligible candidate. This demonstrated a disregard for their duties as leaders and their obligation to act as a good employer, thereby contravening the relevant provisions.

Finding 6: PUBLIC SERVICE COMMISSION BREACHED SECTION 3 OF THE LEADERHIP CODE ACT

Public Service Commission informed Joe lati through a letter that he was eligible for the position. They have failed to behave fairly and honestly during their decision. By disregarding their duty as leaders, their action was in breached of the above provision.

FINDING 7. THE PUBLIC SERVICE COMMISSION BREACHED SECTION 13 OF THE LEADERSHIP CODE ACT

The Public Service Commission Members breached the provisions of the Public Service Staff Manual (PSSM), the Public Service Act, the Constitution and the provision of Leadership code act during the recruitment process of the Principal Electoral Officer. By disregarding their duty as leaders and to uphold the laws, their action contravenes the above provision.

Finding 8: THE PUBLIC SERVICE COMMISSION BREACHED ARTICLE 60 (1) OF THE CONSTITUTION.

One of the core functions of the Public Service Commission is to make an appointment. In exercising its power to make appointment, regards must be based on competitive examinations or a merit-based assessment. By disregarding their duty as leaders, their action contravenes the above article of the Constitution.

Furthermore, the Public Service Commission also did not take into account Mr. Joe Iati's contract employment. He was initially appointed as Principal Electoral Officer on a one-year contract in 2018. After this contract expired, he was reappointed by the Public Service Commission for a subsequent four-year period, from 2019 to 2022. Mr Iati served a total of five years in Contract for the position of Principal Electoral Officer.

9. RECOMMENDATIONS

I make the following recommendations:

1. Guilain Malesas be terminated as his appointment was null and void.
2. Ministry of Internal Affairs to re-advertise the position of the Principal Electoral Officer.
3. Members of the Public Service Commission be prosecuted for their unlawful decision.
4. Joe Johnson Iati be compensated by the Government for the damage being made on him.

Dated 23 June 2026



Hamlison BULU
OMBUDSMAN OF THE REPUBLIC OF VANUATU