

No. 1 of 2008

Official Personal Staff Act 2008.

Certified on: 19th March 2008.

AUTONOMOUS REGION OF BOUGAINVILLE.

No. 1 of 2008.

Official Personal Staff Act 2008

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No. 1 of 2008

AN ACT

entitled

Official Personal Staff Act 2008,

Being an Act to provide for –

- (a) official personal staff for –
 - (i) the President; and
 - (ii) the Vice-President; and
 - (iii) each other Minister; and
 - (iv) the Chairman of each Sectoral and Advisory Committee of the House of Representatives; and
 - (v) each member of the House of Representatives; and
 - (vi) such other office-holders as are designated as eligible persons under Section 2; and
- (b) to fix the number of official personal staff to which each person referred to in Paragraph (a) is entitled; and
- (c) to fix the terms and conditions of employment and manner of employment of official personal staff and to fix their titles designations;
- (d) to meet the requirements of Section 153(1)(c)(i) of the *Bougainville Constitution*,

and for related purposes.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Act, unless the contrary intention appears –

“Chief of Staff” means Chief of Staff to the President and administrative head of the official personal staff;

“eligible person” means –

- (a) the President; and
- (b) the Vice-President; and
- (c) each other Minister; and
- (d) the Chairman of each Sectoral and Advisory Committee of the House of Representatives; and
- (e) each member of the House of Representatives; and
- (f) such other office-holders as are designated as eligible persons under Section 2;

“official personal staff” means the persons appointed under this Act as official personal staff;

“personal staff” means official personal staff.

2. ELIGIBLE PERSONS.

(1) The Bougainville Executive Council may, in consultation with the Chief Bougainville Administrator and the Departmental Head of the Department of Personnel Management, by notice in the Bougainville Gazette, designate an office-holder to be an eligible person, being a person entitled to official personal staff under this Act.

(2) In making a decision under Subsection (1), as required by Subsection 53(1)(c)(i) of the *Bougainville Constitution*, the BEC shall take full account of cost implications of the decision.

PART II. – OFFICIAL PERSONAL STAFF.

3. OFFICIAL PERSONAL STAFF.

(1) Provision is hereby made for official personal staff.

(2) The primary function of an official personal staff member is to provide advice and support to the eligible person in respect of which the official personal staff member has been appointed.

(3) The Bougainville Executive Council, in consultation with the Chief Bougainville Administrator and the Departmental Head of the National Department of Personnel Management, shall, by regulation made under this Act, determine –

- (a) the number of personal staff to whom each eligible person is entitled and the title or designations and level of such personal staff and the qualifications that such personal staff should hold; and
- (b) the method of recruitment and appointment of official personal staff; and
- (c) the terms and conditions of service of official personal staff, which shall be similar to positions in the public service and subject to normal job evaluation.

(4) In making a determination about the number of personal staff under paragraph (3)(a) and as required by Subsection 53(1)(c)(i) of the *Bougainville Constitution*, the Bougainville Executive Council shall take full account of cost implications, and to meet this requirement:-

- (a) the Bougainville Chief Administrator shall provide the Bougainville Executive Council with a written report of cost implications of the proposed determination, inclusive of costs of:
 - (i) salaries, allowances and benefits, financial or otherwise (including pensions or retirement benefits, if any); and
 - (ii) provision of offices, telephones and other equipments.

(5) In any event, an eligible person is entitled to no more personal staff members in any year than those the costs of which can reasonably be expected to be met by the allocation in respect of personal staff under the Bougainville Appropriation Law for that year, and in case of doubt about the level of such costs and the amount of such allocation under the Bougainville Appropriation Law for a particular year, the

decision of the Bougainville Minister for Finance and Treasury, made in consultation with the Bougainville Chief Administrator shall be final.

4. PERSONS ELIGIBLE TO BE APPOINTED AS OFFICIAL PERSONAL STAFF.

(1) Subject to Subsection (2), a person who is aged over 21 years and who is a Bougainvillean and a citizen and who holds the qualifications required for the position, is eligible for appointment as a member of the official personal staff in that position.

(2) A Bougainvillean who is a non-citizen may be appointed as a member of the official personal staff where the Bougainville Executive Council considers that his expertise on or special background knowledge of a subject is of particular relevance to the position in the official personal staff for which he is applying or for which he is being considered.

(3) A person appointed under Subsection (2) shall be appointed on the same terms and conditions as are applicable to a citizen.

5. NUMBERS, TITLES, LEVELS, ETC., OF PERSONAL STAFF.

Subject to subsection (3)(5), until such time as a determination of the number of personal staff to be allotted to each eligible person and their title or designation or level is made under Section 3(3)(a), the number of personal staff to be allocated to each eligible person and their title, designation or level, is as specified in Schedule 1.

6. MEMBER OF OFFICIAL PERSONAL STAFF NOT MEMBER OF BOUGAINVILLE PUBLIC SERVICE OR OF NATIONAL PUBLIC SERVICE.

A person appointed as a member of the Bougainville Personal Staff does not become a member of the National Public Service or of the Bougainville Public Service by virtue of the appointment only.

7. CHIEF OF STAFF.

The Chief of Staff to the President is the administrative head of the official personal staff.

PART III. – RECRUITMENT, APPOINTMENT, ETC., OF OFFICIAL PERSONAL STAFF.

8. RECRUITMENT, APPOINTMENT, ETC., OF OFFICIAL PERSONAL STAFF.

(1) The Bougainville Executive Council shall in consultation with the Bougainville Chief Administrator, determine the method of advertising for and appointment of official personal staff.

(2) Subject to Subsection (3), the method determined under Subsection (1) will be transparent and will require a system of advertising and of interviewing by a panel including:

(a) the eligible person in respect of which the appointment is being made;

- (b) the Bougainville Chief Administrator or his nominee;
 - (c) the Chief Executive Officer of the Human Resources Development of the Autonomous Bougainville Administration and that panel shall make a recommendation to the eligible person in respect of which the official personal staff member is to be appointed.
- (3) The method of appointment shall include provision for:
- (a) in the case of the Chief of Staff; appointment by the President in consultation with the Bougainville Chief Administrator or his nominee; and
 - (b) in the case of any other member of official personal staff a appointment, by the eligible person in respect of which the official staff member is to be appointed, in consultation with the Bougainville Chief Administrator or his nominee.

9. PERSON SELECTED FOR APPOINTMENT AS OFFICIAL PERSONAL STAFF.

A person appointed as official personal staff shall be appointed by the Chief of Staff -

- (a) for such period as determined by the Bougainville Executive Council, taking account of the period of the normal term of office of the House of Representatives under Section 157 of the *Bougainville Constitution* then remaining at the time of the appointment;
- (b) in the first instance as personal staff to a specific eligible person, but this specific appointment may be changed as and when circumstances require;
- (c) on contract, the terms and conditions of which are determined by the Bougainville Executive Council in consultation with the Bougainville Chief Administrator and the Departmental Head of the National Department for Personnel Management.

SCHEDULE 1.

Section 5.

Eligible person	<i>Number of Personal staff and Designation</i>
President	Chief of Staff (1) First Secretary (1) Research Officer (1) Media Director (1) Protocol Officer (1) Secretary (1) Driver (1) Security officer (1)
Vice President	First Secretary (1) Research Officer (1) Secretary (1) Driver (1) Security officer (1)
Minister	First Secretary (1) Research Officer (1) Secretary (1)
Chairman of Sectoral and Advisory Committee	Research Officer (1)
Each Member of the House of Representatives	Executive Officer (1)

I hereby certify that the foregoing is a fair copy of the *Official Personal Staff Act 2008* which was made by the House of Representatives.

Acting Clerk of the House of Representatives.

I, NICHOLAS PENIAI, Speaker of the House of Representatives, hereby certify that the *Official Personal Staff Act 2008* was made by the House of Representatives on 13th May 2008.

Speaker of the House of Representatives.