

# **AUTONOMOUS REGION OF BOUGAINVILLE**

AN ACT

No.

Entitled

**Bougainville Public Services (Management and Administration) Act 2014**

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# AUTONOMOUS REGION OF BOUGAINVILLE

## AN ACT

No.

Entitled

### *Bougainville Public Services (Management and Administration) Act 2014*

Being an Act to establish the Bougainville Public Service and to provide for the creation of certain offices within that Public Service and for the organization and methods required to administer that Public Service so as to give effect to:

- (a) Sections 310 to 312 of the *National Constitution*; and
- (b) Sections 10 to 15 of the *Organic Law on Peace-Building in Bougainville-Autonomous Bougainville Government and Bougainville Referendum 2002*; and
- (c) Sections 138, 139, 140, 146 and 147 of the *Bougainville Constitution*;

and for related purposes.

MADE by the House of Representatives and this Act comes into operation on a day fixed by the President on the advice of the Bougainville Executive Council.

## PART 1 – PRELIMINARY

### 1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

In accordance with Section 180(3) of the *Bougainville Constitution*, this Act, to the extent that it regulates or restricts a right or freedom referred to in Section 180(1) of the *Bougainville Constitution*, namely:

- (a) freedom of expression referred to in Paragraph 180(1)(d) of the *Bougainville Constitution*; and
- (b) freedom of assembly and association referred to in Paragraph 180(1)(e) of the *Bougainville Constitution*; and
- (c) the right to freedom of employment referred to in Paragraph 180(1)(f) of the *Bougainville Constitution*; and
- (d) the right to privacy referred to in Paragraph 180(1)(g) of the *Bougainville Constitution*; and
- (e) the right to vote and stand for public office referred to in Paragraph 180(1)(h) of the *Bougainville Constitution*; and
- (f) the right to freedom of information referred to in Paragraph 180(1)(i) of the *Bougainville Constitution*;

is a law that is made for the purpose of giving effect to the public interest in public order and public welfare.

## **2. OBJECTS OF THIS ACT.**

The main objects of this Act are:

- (a) to establish an apolitical Public Service that:
  - (i) contributes significantly towards the promotion of unity, peace and stability in Bougainville; and
  - (ii) is efficient and effective in serving the Bougainville Government, the House of Representatives and the people of Bougainville; and
- (b) to provide a legal framework for the effective and fair employment, discipline, management and leadership of public servants; and
- (c) to define the powers, functions and responsibilities of the Head of the Public Service, the Chief Secretary and Departmental Heads; and
- (d) to establish rights and obligations of public servants; and
- (e) to ensure accountability, transparency and a corruption free environment in the conduct of the Public Service.

## **3. GUIDING PRINCIPLES FOR THE PUBLIC SERVICE.**

The Guiding Principles for the establishment and operation of the Public Service are:

- (a) to reflect:
  - (i) the genuine vision, inspirations and aspirations of the people of Bougainville; and
  - (ii) the tradition and cultural practices of the people of Bougainville; and
  - (iii) the aspirations of the people for good government as recorded in the Report of the Constitutional Commission and as agreed in the Bougainville Peace Agreement; and
  - (iv) an approach that adapts the best practices and procedures from other Public Service legislation; and
- (b) to establish an affordable and efficient Public Service devoted to service delivery on every part of Bougainville; and
- (c) to call upon churches, non-governmental organisations and the private sector in public private partnerships to provide essential services where lack of Public Service capacity exists; and



- (d) to ensure the people of Bougainville are provided with opportunities to participate in government, policy making and service delivery; and
- (e) to implement robust laws and develop strong institutions to remove corruption from all systems of government wherever the Public Service operates; and
- (f) to ensure the role of the Bougainville Executive Council as policy-maker and Ministers as overseers of implementation of policy is clearly separated from the role of the Public Service responsible for implementation of policy, and that each perform their tasks according to law and the conventions of government contained in the *Bougainville Constitution*; and
- (g) to provide a merit based transparent system for the appointment, suspension and dismissal of Departmental Heads and public servants which is to be protected from political interference; and
- (h) to give clear guidance on the powers, functions, responsibilities and duties of Ministers, Departmental Heads and other senior officers; and
- (i) to establish systems of accountability and discipline in the Public Service appropriate for Bougainville.

#### 4. INTERPRETATION.

- (1) In this Act, unless the contrary intention appears:

**“Administrative Services Minister”** means the Minister responsible for the Department of Administrative Services;

**“approved website”** means a website approved by the Chief Secretary;

**“Bougainville Central Agencies Co-ordinating Committee”** means the Bougainville Central Agencies Co-ordinating Committee established by Section 53;

**“Bougainville Senior Appointments Committee”** means the Bougainville Senior Appointments Committee established by Section 102(1) of the *Bougainville Constitution*;

**“Central Agency”** means a Department with whole of government functions and responsibilities as determined by the Bougainville Executive Council;

**“Chief Secretary”** means the person holding the office of the Chief Secretary established by Section 11;

**“classification”** means the arrangement of officers or offices in classes, and includes the allotment to officers or offices of salaries or limits of salary according to the value of the work being undertaken;



- "Code of Conduct"** means a Code of Conduct issued under Section 61;
- "Commission"** means the Public Services Commission referred to in Part II of the *National Public Services (Management) Act*;
- "Department of Administrative Services"** means the Department of Administrative Services established under Paragraph 16(1)(b);
- "Departmental Head"** has the same meaning as in the *Interpretation Act 2005*;
- "employee"** means a person employed to render temporary assistance in the Public Service, but does not include a person employed in an honorary capacity or a person remunerated by fees, allowances or commission only;
- "General Orders"** means the General Orders provided for by Section 60;
- "Head of the Public Service"** means the Head of the Bougainville Public Service referred to in Section 147 of the *Bougainville Constitution*;
- "Minister"** has the same meaning as in the *Interpretation Act 2005*;
- "National Public Service"** means the State Service created by Section 195 of the *National Constitution*;
- "National Public Services Conciliation and Arbitration Act"** means the *Public Services Conciliation and Arbitration Act 1969* of Papua New Guinea;
- "National Public Services (Management) Act"** means the *Public Services (Management) Act 1995* of Papua New Guinea;
- "National Superannuation (General Provisions) Act"** means the *Superannuation (General Provisions) Act 2000* of Papua New Guinea;
- "National Teaching Service Act"** means the *Teaching Service Act 1971* of Papua New Guinea;
- "office"** means an office in the Public Service, being either a solitary position or an organisation of positions created under Section 25 or 26;
- "officer"** means an officer in the Public Service, but does not include:
- (a) an employee; or
  - (b) a person employed in an honorary capacity; or
  - (c) a person remunerated by fees, allowances or commission only;
- "pay"** means salary, and in relation to any provision of this Act includes such allowances as are specified in the General Orders in relation to that provision;
- "personnel matter"** means a decision or any other service matter concerning an individual whether in relation to his or her appointment, promotion, demotion, transfer, suspension, disciplining or cessation or termination of employment (except cessation or termination at the end of his or her normal period of employment as determined in accordance with law) or otherwise;
- "prescribed"** means prescribed by the regulations made under this Act;



**“public body”** has the same meaning as in the *Bougainville Public Finance (Management and Administration) Act 2014*;

**“Public Service”** means the Bougainville Public Service;

**“regulations”** means the regulations made under this Act;

**“senior officer contract”** means a contract made under Part 7;

**“seniority”**, in relation to an officer, means the officer’s seniority as determined in the prescribed manner;

**“staff of the Public Service”** includes officers and employees;

**“statutory body”** has the same meaning as in the *Bougainville Public Finance (Management and Administration) Act 2014*;

**“this Act”** includes the regulations and the General Orders;

**“whistleblower”** means a person who provides information for the purpose of combating corruption in the Public Service.

(2) In addition to the definitions in Subsection (1), definitions in the *Interpretation Act 2005* apply to this Act, unless there is a contrary intention. Examples of such definitions include *Bougainville Constitution*; Autonomous Bougainville Government; Bougainville Peace Agreement; Department; House of Representatives; *National Constitution*; National Department and National Government.

## **5. APPLICATION OF THIS ACT AND CODES OF CONDUCT.**

This Act and the Codes of Conduct apply to and in relation to officers, employees and all other persons otherwise employed or engaged under this Act, whether inside or outside of Bougainville.

## **6. APPLICATION OF CERTAIN OTHER ACTS.**

(1) The *National Superannuation (General Provisions) Act* continues to apply to officers and employees of the Bougainville Public Service in the same manner as it applies to officers and employees in the National Public Service and all eligible officers and employees are to continue in contributory membership of the Nambawan Superannuation Scheme.

(2) This Act does not affect the operation of the *National Public Services Conciliation and Arbitration Act* or any determination under that Act in respect to its application to the officers and employees of the Bougainville Public Service.

(3) The regulations may prescribe other Acts of the National Parliament for the purposes of Subsection (1) or (2).

## **PART 2 – HEAD OF THE PUBLIC SERVICE**

### **7. OFFICE OF THE HEAD OF THE PUBLIC SERVICE.**

- (1) The office of the Head of the Bougainville Public Service is established in accordance with Section 147 of the *Bougainville Constitution*.
- (2) Subject to Section 79, the Head of the Public Service is to be appointed in accordance with the *Bougainville Senior Appointments Committee (Appointments and Disciplinary Procedures of Bougainville Constitutional and Senior Office Holders) Act 2011*.

### **8. FUNCTIONS OF THE HEAD OF THE PUBLIC SERVICE.**

- (1) The Head of the Public Service reports to the Bougainville Executive Council through the President and is responsible through the President for the efficient conduct and performance of the Public Service.
- (2) Without limiting Subsection (1), the Head of the Public Service has the following functions:
  - (a) to review the machinery of government across all areas of government and report to the Bougainville Executive Council through the President, including about:
    - (i) the allocation of functions to and between Departments and other agencies; and
    - (ii) the desirability of, or need for, the creation of new Departments and other agencies and the amalgamation or abolition of existing Departments and other agencies; and
    - (iii) the co-ordination of the activities of Departments and other agencies;
  - (b) to review the overall performance of service delivery functions of each Department;
  - (c) to manage and review the performance of the functions of each Departmental Head and report annually on that performance to the responsible Minister and the Bougainville Senior Appointments Committee;
  - (d) to recommend to the Bougainville Senior Appointments Committee a candidate or set of candidates for appointment as the Departmental Head of a Department and to recommend terms and conditions of employment to the Bougainville Executive Council;
  - (e) to recommend to the Bougainville Senior Appointments Committee, with or without the endorsement of the responsible Minister, that a Departmental Head's appointment be suspended or terminated stating the grounds according to the relevant contractual provisions;



- (f) to promote and develop senior leadership and management capability for the Public Service;
- (g) to represent the employer in the resolution of industrial disputes and manage relations with industrial organisations in the determination of terms and conditions of employment for staff of the Public Service;
- (h) to establish systems for the employment of persons in the Public Service, including merit based selection and appointment processes and performance management systems;
- (i) to develop and recommend to the Bougainville Executive Council employment and personnel management policies and standards for the purpose of making General Orders to implement this Act and other laws governing the employment and the welfare of the staff of the Public Service;
- (j) to promote, develop, and monitor gender equity and equal employment opportunities policies and programs for the Public Service;
- (k) to provide advice on the training and career development of staff of the Public Service;
- (l) to provide advice and guidance to staff of the Public Service on matters that affect the integrity and conduct of such staff and ensure that there is in place a working system of performance assessment and discipline;
- (m) to provide advice about management systems, structures and organizations in the Public Service to the Bougainville Executive Council, the Administrative Services Minister and other Ministers.

(3) All Departmental Heads, heads of public bodies and statutory bodies, and staff of the Public Service and of public bodies and statutory bodies must co-operate with the Head of the Public Service in the performance of his or her functions.

## **9. POWERS OF THE HEAD OF THE PUBLIC SERVICE.**

(1) The Head of the Public Service may at any time for the purpose of the performance of his or her functions under this Act or any other law:

- (a) enter premises occupied or used by a Department or a public body or a statutory body; and
- (b) question a person who appears likely to have information relevant to the functions of the Head of the Public Service; and
- (c) require any person to provide information relevant to the functions of the Head of the Public Service; and
- (d) require any person to produce documents within his or her possession or subject to his or her control if such documents are relevant to the functions of the Head of the Public Service; and

(e) issue instructions concerning the policies and operations of the Public Service and coordinate Public Service employment strategies across all Departments and public bodies in Bougainville.

(2) All Departmental Heads, heads of public bodies and statutory bodies, and staff of the Public Service and of public bodies and statutory bodies must co-operate with the Head of the Public Service in the exercise of his or her powers.

#### **10. DELEGATION BY THE HEAD OF THE PUBLIC SERVICE.**

The Head of the Public Service may in writing delegate to a Departmental Head or any other officer all or any of his or her powers and functions under this Act (except this power of delegation).



### PART 3 – CHIEF SECRETARY

#### 11. OFFICE OF THE CHIEF SECRETARY.

- (1) The office of the Chief Secretary is established.
- (2) The Head of the Public Service is the Chief Secretary.

#### 12. FUNCTIONS OF THE CHIEF SECRETARY.

- (1) The Chief Secretary is the Head of the Department of the President and Bougainville Executive Council.
- (2) The Chief Secretary reports to the Bougainville Executive Council through the President and is responsible for supporting the President and the Bougainville Executive Council on whole of government policy development, coordination and relationships.
- (3) Without limiting Subsection (2), the Chief Secretary has the following functions:
  - (a) to provide advice and administrative support to the President and Bougainville Executive Council;
  - (b) to coordinate:
    - (i) the development of strategies, policies, plans and laws for the welfare of the people of Bougainville taking account of the whole of Bougainville's interests; and
    - (ii) the implementation of the Bougainville Executive Council's decisions and general policy direction by Departments, public bodies and statutory bodies;
  - (c) to enhance coordination within government, and the effectiveness and efficiency of government, through leadership of the Bougainville Central Agencies Co-ordinating Committee, and to take into account the advice of members of that Committee in performing the functions and exercising the powers of the Chief Secretary;
  - (d) to lead the whole of government approach to implementing autonomy through the further development of the *Bougainville Constitution* and the implementation of the Bougainville Peace Agreement;
  - (e) to advise and monitor policy directions of the Bougainville Executive Council to line agencies, and obtain reports from line agencies on their performance against:
    - (i) Bougainville laws and National laws; and
    - (ii) decisions of the Bougainville Executive Council on all strategies for the development of Bougainville;



- (f) to provide to the President, the Bougainville Executive Council and Ministers advice and information on the operations of line agencies and their performance against:
  - (i) Bougainville laws and National laws; and
  - (ii) decisions of the Bougainville Executive Council on strategies for the development of Bougainville;
- (g) to chair a committee of senior public servants and two independent members appointed by the Bougainville Executive Council to monitor the performance of government service delivery;
- (h) to spearhead the Bougainville Government's drive to develop Bougainville economically and socially, including developing renewable and non-renewable resources and particularly the resolution of disputes with land owners;
- (i) to coordinate the whole of Bougainville Government response to the Bougainville, national and international issues which impact upon Bougainville and the people of Bougainville.

(4) All Departmental Heads, heads of public bodies and statutory bodies, and staff of the Public Service and of public bodies and statutory bodies must co-operate with the Chief Secretary in the performance of his or her functions.

### **13. POWERS OF THE CHIEF SECRETARY.**

(1) The Chief Secretary may at any time, for the purpose of the performance of his or her functions under this Act or any other law:

- (a) enter premises occupied or used by a Department or a public body or a statutory body; and
- (b) question a person who appears likely to have information relevant to the functions of the Chief Secretary; and
- (c) require any person to provide information relevant to the functions of the Chief Secretary; and
- (d) require any person to produce documents within his or her possession or subject to his or her control if such documents are relevant to the functions of the Chief Secretary; and
- (e) issue directions relating to his or her functions to a Departmental Head and to the head of a public body or a statutory body.

(2) All Departmental Heads, heads of public bodies and statutory bodies, and staff of the Public Service and of public bodies and statutory bodies must co-operate with the Chief Secretary in the exercise of his or her powers.

### **14. DELEGATION BY THE CHIEF SECRETARY.**

The Chief Secretary may in writing delegate to a Departmental Head or any other officer all or any of his or her powers and functions under this Act (except this power of delegation).



**15. ANNUAL REPORT BY THE CHIEF SECRETARY.**

(1) The Chief Secretary must, no later than 31 March in each year, give to the President, for presentation to the Bougainville Executive Council, a report in respect of the implementation of decisions by the Bougainville Executive Council by the Public Service, public bodies and statutory bodies during the preceding year ending 31 December.

(2) Nothing in Subsection (1) prevents the Chief Secretary from making, on his or her own initiative or at the direction of the President, other reports on the implementation by the Public Service, public bodies and statutory bodies of governmental policies and decisions.

## **PART 4 - DEPARTMENTS OF THE PUBLIC SERVICE AND FUNCTIONS OF MINISTERS**

### **16. DEPARTMENTS OF THE PUBLIC SERVICE.**

- (1) There is established:
  - (a) a Department of the President and Bougainville Executive Council; and
  - (b) a Department of Administrative Services responsible for personnel management and administrative services.
- (2) Other Departments may be established in accordance with Paragraph (3)(a).
- (3) The President, acting on the advice of the Bougainville Executive Council given after consideration of reports made to the Council by the Head of the Public Service, may by notice in the Bougainville Gazette:
  - (a) establish a Department; or
  - (b) amalgamate and re-establish a Department; or
  - (c) abolish a Department; or
  - (d) alter the name of a Department; or
  - (e) alter the functions and responsibilities of a Department.

### **17. FUNCTIONS OF DEPARTMENTS.**

The President must, acting on the advice of the Bougainville Executive Council given after consideration of reports from the Head of the Public Service, determine the functions of each Department by notice in the Bougainville Gazette.

### **18. FUNCTIONS AND POWERS OF MINISTERS.**

- (1) A Minister has such functions and powers in relation to the executive functions of the Autonomous Bougainville Government as are conferred or imposed on the Minister by or under the *Bougainville Constitution* or a Bougainville law, or as are delegated by the Bougainville Executive Council.
- (2) Without limiting Subsection (1), a Minister has the following functions:
  - (a) to assume political responsibility to the Bougainville Executive Council for the effective performance of the Department for which the Minister is responsible in carrying out the policies of the Bougainville Executive Council and complying with the laws applicable to that Department; and
  - (b) to advise the Bougainville Executive Council on the development and implementation of policies, strategies and plans, including the preparation of the budget and expenditure of appropriations.
- (3) Without limiting Subsection (1), a Minister has the following powers:



- (a) to inform the Departmental Head of the Department for which the Minister is responsible of the decisions of the Bougainville Executive Council and obtain reports from the Departmental Head on the implementation of those decisions; and
- (b) to give directions to the Departmental Head of the Department for which the Minister is responsible on the implementation of policies of the Bougainville Executive Council and obtain reports from the Departmental Head on the implementation of those policies; and
- (c) to require the Departmental Head of the Department for which the Minister is responsible to brief the Minister orally or in writing on reasonable notice about any matter relevant to the Department; and
- (d) to approve the annual work plan of the Departmental Head of the Department for which the Minister is responsible and monitor the Departmental Head's performance in consultation with the Chief Secretary; and
- (e) to participate in the Chief Secretary's annual performance assessment of the Departmental Head of the Department for which the Minister is responsible; and
- (f) on the advice of the Head of the Public Service in consultation with the Departmental Head of the Department of Administrative Services, to recommend to the Bougainville Executive Council that an investigation be conducted into any alleged unsatisfactory performance or misconduct of the Departmental Head of the Department for which the Minister is responsible; and
- (g) such powers to do all things necessary to be done for or in connection with, or reasonably incidental to, the performance of the functions of the Minister.

(4) In performing a function or exercising a power, a Minister must act through the Departmental Head of the Department for which the Minister is responsible and is to deal only with other officers of the Department through the Departmental Head.

(5) Except as provided by law, a Minister has no power to control or direct any matter relating to the administration, personnel management or financial management of the Department for which the Minister is responsible.

(6) Any investigation referred to in Paragraph (3)(f) is to be conducted in accordance with the Departmental Head's contract of employment or otherwise in accordance with a Bougainville law.



## PART 5 – DEPARTMENTAL HEADS

### 19. CREATION OF THE OFFICE OF DEPARTMENTAL HEAD.

- (1) The President may, acting on the advice of the Bougainville Executive Council, establish the offices of Departmental Heads by notice in the Bougainville Gazette.
- (2) The President may, acting on the advice of the Bougainville Executive Council, abolish, or alter the designation of, an office of Departmental Head by notice in the Bougainville Gazette.
- (3) A Departmental Head is to be appointed in accordance with the *Bougainville Senior Appointments Committee (Appointments and Disciplinary Procedures of Bougainville Constitutional and Senior Office Holders) Act 2011*.
- (4) A Departmental Head is deemed to be the holder of a senior office for the purposes of Section 102(3)(b) of the *Bougainville Constitution*, and the *Bougainville Senior Appointments Committee (Appointments and Disciplinary Procedures of Bougainville Constitutional and Senior Office Holders) Act 2011* applies in relation to the appointment, suspension, termination and dismissal of a Departmental Head.

### 20. FUNCTIONS OF DEPARTMENTAL HEADS.

- (1) The Departmental Head of a Department must exercise the executive powers and functions of the Public Service in relation to the portfolio functions of that Department.
- (2) Without limiting Subsection (1), the Departmental Head of a Department has the following functions:
  - (a) to be the principal adviser to the Minister responsible for the Department in respect of the functions for which the Minister is responsible by virtue of the Ministerial determinations made by the President under the *Bougainville Constitution*;
  - (b) to administer the respective Acts of the House of Representatives for which the Minister responsible for the Department is responsible by virtue of the determinations referred to in Paragraph (a);
  - (c) to report to the Minister responsible for the Department on the progress of implementation of decisions of the Bougainville Executive Council;
  - (d) to administer those sections of Acts of the National Government which have been delegated under Acts of the House of Representatives or by delegation of a Departmental Head of a National Department for the purpose of the portfolio functions of the Department;
  - (e) to administer those sections of Acts relating to the Public Service and public finance, and other relevant Acts, that have been delegated to the Departmental Head by those Acts or by the Head of the Public Service;



- (f) to ensure the efficient and effective performance in the delivery of goods and services, and special impact projects to Bougainville;
- (g) to enforce compliance with legislation and implement the policies of the Bougainville Executive Council;
- (h) to cooperate with the Chief Secretary in the exercise of his or her functions, and in particular must:
  - (i) comply with instructions issued by the Chief Secretary for the review of policy submissions to the Bougainville Executive Council; and
  - (ii) provide timely reports to the Chief Secretary in respect of the implementation of the decisions and reform strategies of the Bougainville Executive Council, and such other matters as the Bougainville Executive Council determines; and
  - (iii) produce timely action plans for consideration by the Bougainville Central Agencies Co-ordinating Committee and any subcommittee of that Committee established by the Chief Secretary;
- (i) to cooperate with the Head of the Public Service in the exercise of his or her functions and in particular must:
  - (i) comply with the General Orders, and instructions issued by the Head of the Public Service to implement the employment strategies, policies and procedures of the Bougainville Executive Council; and
  - (ii) provide reports to the Head of the Public Service in respect of employment matters covered by the General Orders to effect greater and more economical efficiency in implementation of a Departmental Head's functions; and
  - (iii) seek advice from the Head of the Public Service in respect of personnel management matters; and
  - (iv) inform the Head of the Public Service of any matter in relation to corruption within the Departmental Head's area of responsibility, as prescribed by the Bougainville Public Service Code of Ethics and Conduct; and
  - (v) satisfy the Departmental Head's performance requirements under this Act and performance based contract of employment.

## **21. POWERS OF DEPARTMENTAL HEADS.**

- (1) The powers of a Departmental Head in respect to the Ministerial portfolio functions for which the Departmental Head is made responsible under a decision of the Bougainville Executive Council are to be determined:



- (a) by or under an Act of the House of Representatives; or
- (b) if there is no Act of the House of Representatives, application of the provisions of an Act of the National Parliament as determined by the Bougainville Executive Council.

(2) A Departmental Head has the powers delegated by the Head of the Public Service for the day-to-day administration of the personnel management functions of the Department and the implementation of the annual budget of the Department.

(3) Without limiting this Section, the Departmental Head of the Department of Administrative Services must:

- (a) provide advice to the Head of the Public Service on personnel management and administrative services; and
- (b) seek to ensure a consistent, efficient and effective unitary system of personnel management and administrative services within government.

(4) Before raising a matter relating to personnel management or administrative services with the Head of the Public Service, a Departmental Head must consult with the Departmental Head of the Department of Administrative Services about the matter.

## **22. DELEGATION BY DEPARTMENTAL HEADS.**

A Departmental Head may in writing delegate to an officer all or any of his or her powers and functions under this Act (except this power of delegation).

## **23. PERFORMANCE AND CONDUCT OF DEPARTMENTAL HEADS.**

(1) The regulations may prescribe standard criteria and procedures for the regular appraisal of the performance and conduct of Departmental Heads.

(2) The Head of the Public Service must undertake annual appraisals of the performance and conduct of Departmental Heads and provide reports of those appraisals to the Bougainville Senior Appointments Committee.

(3) The Bougainville Senior Appointments Committee must take appraisals referred to in Subsection (2) into account in making recommendations to the Bougainville Executive Council in relation to the appointment, termination and suspension of Departmental Heads.

(4) The appraisal procedures and standard criteria as prescribed in the regulations made under Subsection (1) are part of the terms and conditions of employment of Departmental Heads.

## **24. CONTRACTS OF EMPLOYMENT OF DEPARTMENTAL HEADS.**

(1) A Departmental Head is to be employed on a contract of employment of fixed duration on terms and conditions consistent with the relevant executive grade determined by the Bougainville Executive Council having regard to determinations of the Bougainville Salaries and Remuneration Commission.

(2) A contract of employment of a Departmental Head must:



- (a) be executed by the President together with the Departmental Head and witnessed by the Head of the Public Service; and
  - (b) exempt the Departmental Head from the disciplinary processes under Part 10 and specify an alternative disciplinary process.
- (3) The regulations may prescribe standard terms and conditions of contracts of employment of Departmental Heads including but not limited to performance management systems, performance standards and appraisals, discipline, grounds for termination and criteria for renewal of contracts.
- (4) If:
  - (a) a contract of employment of a person who is a Departmental Head is terminated; and
  - (b) the person is not reappointed as the Departmental Head; and
  - (c) the person does not secure an alternative appointment in the Public Service;

then, despite any other law, the person's employment in the Public Service ceases by force of this subsection on the expiration of a three month period from the termination of the contract of employment.

## **PART 6 – ORGANISATION AND STAFFING**

### **25. CREATION AND ABOLITION OF OFFICES.**

- (1) This section does not apply to an office of Departmental Head.
- (2) On the advice of the Departmental Head of the Department of Administrative Services, the Head of the Public Service may in relation to a Department:
  - (a) create an office and specify the qualifications for, and the duties of, the office; or
  - (b) abolish an office; or
  - (c) alter the designation of an office; or
  - (d) raise the classification of an office; or
  - (e) lower the classification of an office; or
  - (f) alter the qualifications for, or the duties of, an office; or
  - (g) transfer an office from one Department to another Department.
- (3) Subject to Subsections (4) and (5), if a Department is re-organized, all offices in the Department are deemed to be vacant and must be advertised.
- (4) The Head of the Public Service may, on the advice of the Departmental Head of the Department of Administrative Services taking into account any recommendation of the Departmental Head concerned, by notice in the Bougainville Gazette, deem offices or classes of offices not to be affected by the re-organization.
- (5) Substantive occupants of offices or classes of offices the subject of a Bougainville Gazette notice under Subsection (4) retain their offices and the positions are not to be advertised.

### **26. TEMPORARY PROJECT OFFICES.**

On the advice of the Departmental Head of the Department of Administrative Services, the Head of the Public Service may for the purpose of project implementation and other prescribed purposes:

- (a) create or abolish an office or upgrade or downgrade the classification of an office; or
- (b) appoint, transfer or redeploy a person from one office to another.

### **27. QUALIFICATIONS FOR ADMISSION TO THE PUBLIC SERVICE.**

- (1) A person is not to be appointed under this Act as an officer unless:
  - (a) the Head of the Public Service is satisfied that:
    - (i) the person's health and physical fitness are satisfactory; and
    - (ii) the person possesses qualifications that will enable the person to perform the duties of the office to which he or she is to be appointed; and



- (iii) the person is of good character; and
- (b) the person swears an oath or affirmation in the form in Schedule 1.
- (2) For the purposes of Subsection (1), a person must disclose full details of:
  - (a) any prior allegations of misconduct from any previous employment; and
  - (b) any disciplinary or similar action taken against the person for that misconduct or any other matter; and
  - (c) any prior allegations of unsatisfactory employment performance; and
  - (d) any known pending or incomplete disciplinary or similar action against the person.

## **28. RECRUITMENT OF OFFICERS.**

- (1) The Head of the Public Service may, by notice referred to in Subsection (2), invite persons to apply for appointment, promotion or transfer to a vacant office in a Department on the advice of the Departmental Head of the Department of Administrative Services taking into account any recommendation of the Departmental Head concerned.
- (2) The notice must be published on an approved website, or in the Bougainville Gazette or a newspaper circulating generally in Bougainville, and the Head of the Public Service must specify in the notice:
  - (a) the office or class of offices in respect of which applications for appointment, promotion or transfer are invited; and
  - (b) the salaries, or limits of salaries, that will be applicable on appointment, promotion or transfer; and
  - (c) the qualifications required to be possessed for appointment, promotion or transfer; and
  - (d) the policies of gender equity and inclusiveness; and
  - (e) the policy of making appointments, promotions and transfers on merit; and
  - (f) the date by which applications are required to be made; and
  - (g) such other matters (if any), not inconsistent with this Act, as the Head of the Public Service determines.
- (3) Subject to Subsection (4), the Head of the Public Service must not advertise or make an acting appointment against an office in a Department which has a substantive occupant.
- (4) If the substantive occupant of an office vacates the office for leave or study purposes or any other purpose approved by the Departmental Head of the Department of Administrative Services taking into account any recommendation of the Departmental Head concerned, the Head of the Public Service may, on the advice of the Departmental Head concerned, make an acting appointment to the office for the duration of the absence of the substantive occupant.



(5) A notice referred to in Subsection (2) must, wherever practicable, be available for collection from an office of the Autonomous Bougainville Government.

## **29. SUBSTANTIVE APPOINTMENTS.**

A substantive appointment to a vacant office in a Department must be made:

- (a) by the Head of the Public Service on the advice of the Departmental Head of the Department of Administrative Services taking into account any recommendation of the Departmental Head concerned; and
- (b) only after the conduct of a merit based selection and appointment process as specified in the General Orders.

## **30. TEMPORARY SHORT TERM CONTRACT EMPLOYMENT.**

(1) If, in the opinion of the Head of the Public Service, the business of a Department:

- (a) warrants the engagement of temporary assistance to provide a particular skill or service to the Department; or
- (b) has given rise to an unexpected workload which could not have been anticipated and is not expected to continue for more than six months;

the Head of the Public Service may approve the employment of a person or persons to provide temporary assistance to the Department, on the advice of the Departmental Head of the Department of Administrative Services taking into account any recommendation of the Departmental Head concerned.

(2) A person employed under Subsection (1) must be employed on a short term contract of not more than 12 months duration executed by the Head of the Public Service in a form specified in the General Orders.

## **31. ACTING APPOINTMENTS.**

(1) If:

- (a) an officer is absent or unable to perform the duties of the office for any of the purposes specified in Section 28(4); or
- (b) there is a vacancy in an office;

the Departmental Head concerned may, in consultation with the Departmental Head of the Department of Administrative Services, appoint another officer to act in the place of the officer during the absence or to fill the vacancy temporarily.

(2) Subsection (1) does not apply to the office of a Departmental Head.



## **PART 7 – SENIOR OFFICER CONTRACTS**

### **32. DESIGNATION OF SENIOR MANAGEMENT OFFICES.**

- (1) The Head of the Public Service may, pursuant to a directive of the Bougainville Executive Council by notice in the Bougainville Gazette, designate an office, other than an office of Departmental Head, as a senior management office.
- (2) The provisions of this Part apply to an office so designated together with the relevant provisions of the General Orders.
- (3) A notice referred to in Subsection (1) must specify in relation to each senior management office that an appointment must be made in accordance with this Act and whether the person is to be appointed to that office by:
  - (a) the President, acting on advice of the Bougainville Executive Council; or
  - (b) the Head of the Public Service.
- (4) A person to be appointed to a senior management office must:
  - (a) be an officer of the Public Service; or
  - (b) subject to Subsection (5), by virtue of his or her appointment become an officer of the Public Service.
- (5) A person referred to in Paragraph (4)(b) is to be appointed only if the person is eligible for appointment to the Public Service as otherwise required by this Act.

### **33. SENIOR OFFICER CONTRACTS OF EMPLOYMENT.**

- (1) An officer appointed to a senior management office designated under Section 32 must be employed under, and holds office in accordance with, the terms and conditions of a senior officer contract.
- (2) The provisions of Part 10 do not apply to a senior officer contract and the remaining provisions of this Act apply only in so far as they are not inconsistent with the terms and conditions of the senior officer contract.
- (3) The regulations may prescribe standard terms and conditions of senior officer contracts including but not limited to performance management systems, performance standards and appraisals, discipline, grounds for termination and criteria for renewal of contracts.
- (4) Employment under a senior officer contract constitutes service in the Public Service for all purposes.

### **34. ADMINISTRATION OF CONTRACTS.**

- (1) The Head of the Public Service must execute all senior officer contracts.
- (2) An amendment to be made to a senior officer contract must be authorized:
  - (a) in respect of contracts of employment to which Paragraph 32(3)(a) refers—by the President acting on the advice of the Bougainville Executive Council; or
  - (b) in respect of contracts of employment to which Paragraph 32(3)(b) refers—by the Head of the Public Service.

- (3) Without limiting Subsection (2), an amendment may be made:
- (a) by reason of a directive of the Bougainville Executive Council; or
  - (b) in accordance with the General Orders; or
  - (c) for administrative purposes.
- (4) Despite any other provision of this Act, if:
- (a) a senior officer contract is terminated, or is terminated and is not subsequently renewed; and
  - (b) the officer concerned is not re-appointed to another office under this Act;

then, despite any other law, the person's employment in the Public Service ceases by force of this Subsection on the expiration of a three month period from the termination of the contract or on payment in lieu for that period.

- (5) In relation to a senior officer contract, the Departmental Head concerned is responsible for the day to day administration of the contract, subject to the advice of the Departmental Head of the Department of Administrative Services.



## **PART 8 – STAFF CAPACITY BUILDING**

### **35. STAFF CAPACITY BUILDING.**

- (1) On the advice of the Departmental Head of the Department of Administrative Services, the Head of the Public Service is responsible for initiating and co-ordinating staff capacity building, career path and training plans for the Public Service.
- (2) A Departmental Head is responsible for:
  - (a) producing staff capacity building, career path and training plans for the Department in accordance with the requirements of the General Orders; and
  - (b) submitting by 31 March of each year to the Head of the Public Service plans produced under Paragraph (a).
- (3) Any training program, whether local or overseas, designed for an officer must be consistent with the capacity, career path and training plans of the Department in which the officer is employed.
- (4) An officer who is sent on a course of approved study for the purpose of career progression to a higher office must, on successful completion of that study, at the earliest opportunity be given first consideration in the selection process for appointment to that higher office.
- (5) An officer employed under a senior officer contract who proceeds on a course of study of more than three months must be paid such entitlements as are specified in the General Orders.

### **36. EMPLOYMENT OF NON-CITIZENS.**

- (1) Any person who is a non-citizen is to be employed or engaged in the Public Service on a fixed period contract on such terms and conditions as are determined by the Head of the Public Service.
- (2) The Head of the Public Service must, in determining terms and conditions, take into account similar provisions for the employment of non-citizens in the National Public Service and the policy determined by the Bougainville Executive Council on the advice of the Employment of Non-Citizens Committee established under Section 54.
- (3) To avoid doubt, this Act does not affect the application of any Act of the National Parliament relating to the employment in the Public Service of persons who are non-citizens, and the need to comply with the employment provisions under that Act.



## **PART 9 – REMUNERATION**

### **37. CLASSIFICATION OF OFFICES.**

- (1) Offices are to be given such classifications as are determined by the Head of the Public Service.
- (2) Without limiting a classification, it may provide for all or any of the following:
  - (a) a rate of annual salary or a scale of rates of annual salary;
  - (b) a scale of allowances;
  - (c) grade and salary structures.
- (3) In determining classifications, the Head of the Public Service must:
  - (a) comply with policy directions from, and any system of job evaluation approved by, the Bougainville Executive Council, being a system of job evaluation consistent with that in use for the National Public Service; and
  - (b) consult with the Head of the Department responsible for personnel management matters in the National Public Service.
- (4) The General Orders may prescribe matters relating to the manner of determination and the administration of classifications of offices.

### **38. SALARIES AND ALLOWANCES.**

Officers must be paid such salaries and allowances according to job category and grade as are determined by the Bougainville Executive Council on the advice of the Head of the Public Service in accordance with the General Orders.

### **39. DEDUCTIONS FROM OFFICERS' ENTITLEMENTS.**

Deductions may be made from the entitlement of officers or employees in accordance with the General Orders.

### **40. RECOVERY OF SALARY AND ALLOWANCES.**

- (1) All amounts of salary and allowances payable to an officer may be recovered by the officer as a debt in any court of competent jurisdiction.
- (2) The Head of the Public Service may, with the consent of an officer, effect deductions from the salary of the officer to recover debts due by the officer to the Bougainville Government.

### **41. PAY DURING SUSPENSION.**

If an officer has been suspended in connection with a charge for an alleged offence under this Act or any other law, the officer is entitled to receive his or her normal pay during the period of suspension, unless the officer absconds or the Head of the Public Service orders otherwise.



## **PART 10. – DISCIPLINE OF NON-CONTRACT OFFICERS**

### **42. DISCIPLINARY OFFENCES.**

- (1) An officer is guilty of an offence if the officer:
- (a) commits a breach of this Act; or
  - (b) except as authorized in the course of official duty, does or divulges, directly or indirectly, any confidential information concerning public business or any matters of which he or she has official knowledge; or
  - (c) wilfully disobeys or disregards a lawful order made or given by a person having authority to make or give it; or
  - (d) is negligent or careless in the discharge of his or her duties; or
  - (e) is inefficient or incompetent from causes within his or her own control; or
  - (f) uses intoxicating liquors or drugs to excess; or
  - (g) solicits or accepts a fee, reward, gratuity or gift in connection with the discharge of his or her official duties (other than his or her official remuneration); or
  - (h) is guilty of disgraceful or improper conduct in his or her official capacity or otherwise; or
  - (i) having taken an oath or made an affirmation in the form in Schedule 1, does or says anything in violation of it; or
  - (j) seeks the influence or interest of any person in order to gain promotion, transfer or other advantage; or
  - (k) supplies to another officer, for use for any purpose referred to in Paragraph (j), a certificate or testimonial relating to official capacity or the performance of official duties; or
  - (l) contravenes Subsection 27(2), or Section 65 or 66, or any regulations prescribed under Section 67; or
  - (m) fails to disclose any financial interest that he or she or any family member has in an entity doing business with the Autonomous Bougainville Government.
- (2) The officer is liable to be dealt with and punished in accordance with this Part and as provided for in the General Orders.

### **43. DEALING WITH MINOR DISCIPLINARY OFFENCES.**

- (1) If a Departmental Head, or an officer authorized by the Departmental Head to deal with minor offences, has reason to believe that an officer (other than a Departmental Head) has committed a minor disciplinary offence as categorised in the General Orders that, in his or her opinion, would properly be dealt with under this Section, he or she may call on the officer for an explanation as to the alleged offence.
- (2) If, on consideration of the explanation, the Departmental Head or authorised officer is of the opinion that the offence has been committed, he or she may caution or reprimand the offending officer.



(3) A caution or reprimand by an officer other than the Departmental Head must be immediately reported to the Departmental Head and placed in the offending officer's disciplinary record.

#### **44. DEALING WITH SERIOUS DISCIPLINARY OFFENCES.**

(1) If there is reason to believe that an officer (other than a Departmental Head) has committed a serious disciplinary offence as categorised in the General Orders the provisions of this section apply.

(2) The Departmental Head of the officer concerned must provide a report to the Head of the Public Service on the alleged serious disciplinary offence.

(3) After a report referred to in Subsection (2) has been considered by the Head of the Public Service, the officer may, on the advice of the Departmental Head of the Department of Administrative Services:

- (a) be charged by his or her Departmental Head or an officer authorized by the Departmental Head to lay charges under this Part; and
- (b) if it is considered that the charge is of such a serious nature that the charged officer should not continue in the performance of his or her duty, be suspended by:
  - (i) his or her Departmental Head; or
  - (ii) in case of emergency—an officer authorized by the Departmental Head to lay charges.

(4) Suspension may be effected before, at the time of or after the laying of the charge, and the suspension may be removed at any time by the Departmental Head concerned pending determination of the charge, and if the charge has not been sustained must be lifted immediately on a finding to that effect.

(5) On a charge being laid against an officer, he or she must:

- (a) promptly be given a copy of the charge; and
- (b) be directed:
  - (i) to reply promptly in writing, stating whether he or she admits or denies the truth of the charge; and
  - (ii) to give any explanation that he or she desires to give in regard to it.

(6) The Departmental Head concerned must:

- (a) consider the reports relating to the alleged serious disciplinary offence and charge; and
- (b) consider the reply and explanation (if any) of the officer charged; and
- (c) consider any further report or legal opinion that he or she thinks necessary; and
- (d) consult the Head of the Public Service.

(7) After taking the action referred to in Subsection (6), if the Departmental Head concerned is of the opinion that the charge has been sustained, the Departmental Head must finalise proceedings in consultation with the Departmental Head of the



Department of Administrative Services and make a recommendation to the Head of the Public Service on the appropriate action to be taken.

(8) After considering a report by the Departmental Head of the Department of Administrative Services and taking into account the recommendation referred to in Subsection (7), the Head of the Public Service may:

- (a) fine the officer a sum not exceeding 20% of the officer's gross fortnightly pay; or
- (b) reduce the officer's pay by an amount prescribed in the General Orders; or
- (c) reduce the officer to an office having a lower classification, and to a salary within that classification; or
- (d) in addition to or instead of imposing a punishment specified in Paragraph (a), (b) or (c), transfer the officer to some other office or locality; or
- (e) dismiss the officer from the Public Service.

(9) After considering a report by the Departmental Head of the Department of Administrative Services, the Head of the Public Service must notify an officer in writing of any punishment imposed on the recommendation of the Departmental Head.

#### **45. OFFICER CHARGED WITH CRIMINAL OFFENCE.**

(1) If an officer (other than a Departmental Head) is charged by Police with having committed a criminal offence, the Departmental Head concerned, having consulted the Departmental Head of the Department of Administrative Services and the Head of the Public Service, must:

- (a) suspend the officer with pay if the criminal offence relates to the officer's duties; or
- (b) suspend the officer without pay if the offence does not relate to the officer's duties.

(2) If the officer is convicted of an offence which relates to the officer's duties, the officer must be dismissed from the Public Service by the Head of the Public Service.

(3) If the officer is convicted of an offence which does not relate to the officer's duties, the Head of the Public Service must determine the form of the punishment which may be any of the punishments referred to in Subsection 44(8).

(4) Nothing in this Act prevents the Head of the Public Service proceeding with the disciplinary process described in Sections 42 to 44 after an officer has been charged with a criminal offence.

#### **46. RE-EMPLOYMENT OR RE-ENGAGEMENT AFTER DISMISSAL.**

Despite any other law, if a person is dismissed from the Public Service under Subsection 45(2), the person:

- (a) may be re-employed or re-engaged in the Public Service after a period of at least 2 years; but
- (b) only if the Head of the Public Service gives his or her prior written approval to the person's re-employment or re-engagement.

#### **47. CONTINUATION OF DISCIPLINARY ACTION.**

To avoid doubt, nothing prevents the continuation of disciplinary action under this Part in respect of a person who has resigned from the Public Service, whether or not the person has been employed or engaged by another person.

#### **48. INDUSTRIAL ACTION.**

- (1) An officer who aids, abets or takes part in industrial action that:

- (a) interferes with or prevents; or
- (b) is intended or calculated to interfere with or prevent;

the carrying on of any part of the public services or utilities of the Bougainville Administration, or who attempts to do so, commits an action against the peace and good order of Bougainville, unless the act or omission of the officer is authorised by law.

- (2) The Head of the Public Service:

- (a) must investigate the circumstances of the industrial action and conduct a hearing into it; and
- (b) must consult the National Department responsible for the conduct of industrial relations; and
- (c) may request legal advice on the legality of the industrial action.

- (3) After taking the action referred to in Subsection (2), if the Head of the Public Service determines that the officer concerned is guilty of any action referred to in Subsection (1), the Head of the Public Service may summarily dismiss the officer from the Public Service.



## PART 11 – RETIREMENT

### 49. RETIREMENT.

(1) A Departmental Head who has attained or attains the age of 50 years is entitled to retire from the Public Service if the Departmental Head desires to do so, but may continue in the Public Service until he or she elects to retire or attains the age of 60 years, whichever occurs first, and the President must retire the Departmental Head at that date, unless Subsection (2) applies to him or her.

(2) The Bougainville Executive Council may re-appoint a Departmental Head who has attained or attains the age of 60 years for a period not exceeding 5 years, subject to performance assessments and fitness tests prescribed by the regulations, and the President must retire the Departmental Head on attaining the age of 65 years if the Departmental Head has not elected to retire before then.

(3) An officer, other than a Departmental Head, who has attained or attains the age of 50 years is entitled to retire from the Public Service if the officer desires to do so, and at any age after that, but the officer may continue in service until he or she attains:

- (a) the normal retirement age set out in row (B) during the corresponding year set out in row (A) in Table A; or
- (b) the age of 60 after 2017.

Table A

A	Year	2014	2015	2016	2017
B	Normal Retirement Age (complete years)	57	58	59	60

(4) The Head of the Public Service may, on the advice of the Departmental Head of the Department of Administrative Services, retire an officer, other than a Departmental Head, if the officer:

- (a) at the date of coming into operation of this Act, has already attained an age above an age set out in row (B) in Table A; or
- (b) at any time after the coming into operation of this Act, attains an age above the age set out in row (B) in the year shown in row (A) in Table A.

(5) An officer, other than a Departmental Head, who attains the normal retirement age under Subsection (3) or (4) as set out in Table A may continue in service at the discretion of the Head of the Public Service by mutual agreement of the officer until he or she attains:

- (a) the compulsory retirement age set out in row (B) during the corresponding year set out in row (A) in Table B; or
- (b) the age 65 after 2017.



**Table B**

A	Year	2014	2015	2016	2017
B	Normal Retirement Age (complete years)	62	63	64	65

(6) The Head of the Public Service must retire an officer, other than a Departmental Head, if the officer:

- (a) at the date of coming into operation of this Act, has already attained an age above the age set out in row (B) in Table B; or
- (b) at any time after the coming into operation of this Act, attains an age above the age set out in row (B) in the year set out in row (A) in Table B or age 65 after 2017.

(7) A retirement under this Section must be effected on behalf of the Autonomous Bougainville Government by the Head of the Public Service in accordance with the General Orders.

(8) In order to administer the retirement provisions, the Head of the Public Service must maintain accurate and verifiable records of the dates of birth of staff of the Public Service and must provide to the Bougainville Executive Council such prescribed reports on retirement plans from time to time in accordance with the regulations.

#### **50. RETIREMENT ON ACCOUNT OF INFIRMITY OR INCAPACITY.**

(1) If a Departmental Head appears to the President, acting on advice of the Bougainville Executive Council, after full investigation of the circumstances by the Head of the Public Service:

- (a) to be, by reason of mental or bodily infirmity or any other reason, unfit to discharge or incapable of discharging the duties of his or her office efficiently; or
- (b) to have ceased to have the qualifications specified for his or her office, or to be or to have become legally disqualified from carrying out those duties or legally incompetent to carry them out;

the President may, acting on advice of the Bougainville Executive Council given after receiving a report from the Head of the Public Service, retire the Departmental Head from the Public Service or transfer him or her to some other position of equal or lower status and pay.

(2) If an officer, other than a Departmental Head, appears to the Head of the Public Service, after full investigation of the circumstances:

- (a) to be, by reason of mental or bodily infirmity or for any other reason, unfit to discharge or incapable of discharging the duties of his or her office efficiently; or



- (b) to have ceased to have the qualifications specified for his or her office, or to be or to have become legally disqualified from carrying out those duties or legally incompetent to carry them out;

the Head of the Public Service may, after receiving a report from the Departmental Head of the Department of Administrative Services, retire the officer from the Public Service or transfer him or her to some other position of equal or lower status and pay.

(3) The retirement of a Departmental Head or any other officer under this section is deemed to be on account of mental or bodily infirmity only if it is so stated in the instrument affecting the retirement.

(4) This Section is subject to the *Senior Appointments Committee (Appointments and Disciplinary Procedures of Bougainville Constitutional and Senior Office Holders) Act 2011*.

## **PART 12 – ROLE OF NATIONAL PUBLIC SERVICES COMMISSION**

### **51. ESTABLISHMENT OF OFFICE OF NATIONAL PUBLIC SERVICES COMMISSION IN BOUGAINVILLE.**

In consultation with the Head of the Public Service, the Commission must establish an office in Bougainville from time to time for the purposes of this Part.

### **52. REVIEW OF PERSONNEL MATTERS CONNECTED WITH BOUGAINVILLE PUBLIC SERVICE.**

- (1) The function of the Commission in Bougainville is to hear and determine complaints in accordance with this section.
- (2) The Commission must, following a complaint made by an officer to the Commission in accordance with Subsection (3), review a decision on a personnel matter relating to appointment or selection or discipline connected with the Bougainville Public Service if that officer has been affected by the decision.
- (3) A complaint must be:
  - (a) in writing; and
  - (b) made to the Commission by the officer within 60 days of the date on which the decision was made, but the Chairperson may waive the time limit if the delay beyond the period of 60 days was beyond the control of the person seeking to make the complaint; and
  - (c) copied to the Head of the Public Service by the officer making the complaint.
- (4) The following procedure is to be followed in a review:
  - (a) the Commission must summons:
    - (i) the Head of the Public Service or his or her delegate; and
    - (ii) the Departmental Head of the Department in which the officer is or was employed, or his or her delegate, to represent that Department; and
    - (iii) the officer making the complaint, who may at his or her request and own cost, be represented by an industrial organization of which the officer is a member, or by a lawyer;
  - (b) the persons summonsed under Paragraph (a) must make themselves available to appear before the Commission within 14 days of the date of summons;
  - (c) the Commission must consider all the facts relative to the matter, including:
    - (i) the views of the persons summonsed under Paragraph (a); and
    - (ii) the personnel management policies of the Bougainville Public Service; and
    - (iii) the cost implications of any decision which it may make;
  - (d) the Commission must:



- (i) make a decision to uphold, vary or annul the decision the subject of the complaint; and
    - (ii) give immediate notification of its decision to the persons summonsed under Paragraph (a);
  - (e) the decision of the Commission under Subparagraph (d)(i):
    - (i) must be made within 90 days from the date of receipt by the Commission of the complaint, but this period may be extended by the Commission if the reason for the delay is beyond the control of the Commission; and
    - (ii) becomes binding after a period of 30 days from the date of the decision.
- (5) To avoid doubt, the Commission is not required to undertake organisational reviews or appraisals of the performance of the Bougainville Public Service, unless requested to do so by the Bougainville Executive Council.

## PART 13 – COMMITTEES

### 53. BOUGAINVILLE CENTRAL AGENCIES COORDINATING COMMITTEE.

- (1) The Bougainville Central Agencies Coordinating Committee is established.
- (2) The Bougainville Central Agencies Coordinating Committee has over-arching responsibility for advising the Bougainville Executive Council on whole of government development, policies and budget priorities.
- (3) The Bougainville Central Agencies Coordinating Committee consists of:
  - (a) the Chief Secretary who is the Chairperson of the Committee; and
  - (b) the Heads of the Central Agencies responsible for the following whole of government functions:
    - (i) Personnel Management and Administration;
    - (ii) Treasury and Finance;
    - (iii) Law and Justice, and Legal Services;
    - (iv) Planning, Development and Local Level Government;
    - (v) Infrastructure and facilities implementation.
- (4) The members of the Bougainville Central Agencies Coordinating Committee must elect one of their number to be the Deputy Chairperson.
- (5) The Chief Secretary may direct other Departmental Heads and heads of public bodies and statutory bodies to attend meetings of the Bougainville Central Agencies Coordinating Committee as required.
- (6) The Chief Secretary as the Chairperson of the Bougainville Central Agencies Coordinating Committee must perform the following functions:
  - (a) assist the President, the Bougainville Executive Council, and any committees established by the Bougainville Executive Council by reviewing and making recommendations on any policy or administration matters, including submissions to the Bougainville Executive Council;
  - (b) ensure that decisions made by the Bougainville Executive Council are implemented and report to the Bougainville Executive Council on the progress of implementation of development plans and programs;
  - (c) coordinate formulation of the Bougainville Budget, including the Development Budget, and report to the Bougainville Executive Council on progress towards achievement of budget priorities;



- (d) coordinate development of optimal governance and institutional arrangements across all sectors, particularly relating to service delivery to Bougainville communities;
- (e) review and report on the performance and management of individual Departments and agencies and coordinate their portfolio submissions to the Bougainville Executive Council;
- (f) undertake investigations and produce reports on any matters required by the President, the Bougainville Executive Council or any committee established by the Bougainville Executive Council;
- (g) perform such other functions as are conferred on the Committee by the President, the Bougainville Executive Council or any other law.

#### **54. NON-CITIZEN EMPLOYMENT COMMITTEE.**

- (1) The Non-Citizen Employment Committee is established.
- (2) The Committee is responsible for advising the Bougainville Executive Council on the policy for recruiting and employing non-citizens in the Public Service and public bodies and statutory bodies.
- (3) The Head of the Public Service is the Chairperson of the Non-Citizen Employment Committee and may consult the Head of the Department responsible for personnel management matters in the National Public Service as required.

#### **55. CORRUPTION RELATED MISCONDUCT COMMITTEE.**

- (1) The Head of the Public Service in collaboration with each Departmental Head must ensure that corruption-related misconduct in the Public Service is properly investigated and disciplinary proceedings are implemented as required.
- (2) The Head of the Public Service must establish an Investigations and Disciplinary Committee responsible for the investigation of corruption-related misconduct in the Public Service and institute disciplinary proceedings in relation to such misconduct.
- (3) The Investigations and Disciplinary Committee has the following functions:
  - (a) to investigate corruption-related misconduct on its own initiative or on the direction of the President, the Administrative Services Minister or the Head of the Public Service, and co-ordinate the conduct of any related disciplinary hearings;
  - (b) to provide technical assistance to Departments in the control and elimination of corruption;
  - (c) to develop procedures to facilitate the protection of whistleblowers;
  - (d) to develop capacity within the Department of Administrative Services to deal with corruption-related misconduct;

(e) such other functions as are prescribed in the General Orders.

(4) The Investigations and Disciplinary Committee has such powers as are prescribed in the General Orders.

**56. OTHER COMMITTEES.**

The Head of the Public Service may establish:

- (a) a committee responsible for co-ordinating security; and
- (b) a committee responsible for office allocation; and
- (c) such other committees as the Head of the Public Service considers necessary.



## **PART 14 –APPLICATION OF ACT TO PUBLIC BODIES, STATUTORY BODIES AND OTHER SERVICES**

### **57. APPLICATION OF ACT TO PUBLIC BODIES AND STATUTORY BODIES.**

- (1) Subject to Subsection (2), the provisions of this Act apply to a public body and a statutory body, whether operating in or outside of Bougainville.
- (2) The Bougainville Executive Council may by notice in the Bougainville Gazette specify the provisions of this Act that do not apply to a public body or a statutory body.

### **58 APPLICATION OF ACT TO BOUGAINVILLE POLICE FORCE AND BOUGAINVILLE CORRECTIONAL SERVICE.**

- (1) This Act applies to staff of the Public Service employed in the Bougainville Police Service and the Bougainville Correctional Service.
- (2) To avoid doubt, this Act does not apply to persons employed in the Police Force or the Correctional Service of the National Government.

### **59. DESIGNATED EDUCATION POSITIONS.**

- (1) The Departmental Head of the Department responsible for education matters may, by notice in the Bougainville Gazette, declare:
  - (a) offices the occupants of which are required to be teachers within the meaning of the *Bougainville Education Act 2013*; and
  - (b) teaching officers in the Department responsible for education matters for which teaching qualifications are desirable;

to be designated positions for the purposes of this section.

- (2) Subject to the *National Teaching Service Act*, any member of the Teaching Service may be appointed to a designated position.
- (3) Part 6 applies to an appointment to a designated position as if it were a promotion, but any such appointment is not subject to probation.
- (4) A member of the Teaching Service who is appointed to a designated position is entitled, in place of any existing or accruing rights to which he or she was entitled in the Teaching Service immediately before the appointment, to such rights as are determined by the Head of the Public Service and specified in the officer's instrument of appointment.
- (5) In Subsection (4), "existing or accruing rights" means rights or contingent rights in respect of:
  - (a) sick leave; and
  - (b) recreation leave; and
  - (c) furlough; and

(d) leave fares;

other than any such rights to the extent that he or she has already received benefits in respect of them in the Teaching Service.

(6) The service in the Teaching Service of a member of that Service who is appointed to a designated position, and any previous service in the National Public Service that was continuous with that service is, for the purposes of this Act, to be counted as service in the Public Service.

(7) This Act does not prevent a member of the Teaching Service who is appointed to a designated position from being transferred or promoted to an office other than a designated position, but on promotion or transfer he or she is deemed, for the purposes of this Act, to be an employee unless he or she was a transferred officer within the meaning of Section 125 of the *National Teaching Service Act*.



## PART 15 –GENERAL ORDERS AND CODES OF CONDUCT

### 60. GENERAL ORDERS.

- (1) The Head of the Public Service may give to officers directions (to be known as "General Orders"), not inconsistent with this Act, as to any matter prescribed by this Act to be so provided for or that is necessary or desirable for the efficient management and control of the Public Service or the welfare of officers and employees.
- (2) In formulating General Orders, the Head of the Public Service must give effect to any relevant decisions on policy made by the Bougainville Executive Council, and must encompass equitable and socially inclusive principles and values.
- (3) The General Orders made under the *National Public Services (Management) Act* that were in force immediately before the date of coming into operation of this Act are to continue to apply on and after that date to the Bougainville Public Service with necessary modifications as if they had been made under this section, until General Orders are made under this Act.

### 61. CODES OF CONDUCT.

- (1) The President, acting on the advice of the Bougainville Executive Council, given after considering recommendations from the Head of the Public Service, may issue:
  - (a) a Code of Business Ethics and Conduct for all officers and employees of the Bougainville Public Service; and
  - (b) a Code of Conduct relating to the specialized function of any Department, Office or Division of the Bougainville Public Service.
- (2) A Code:
  - (a) must be published in the Bougainville Gazette; and
  - (b) may otherwise be published or circulated in such manner as the Head of the Public Service determines.
- (3) A Code must specify the persons to whom it applies and it is the duty of each such person to comply with the Code.
- (4) A person who fails to comply with a provision of a Code is:
  - (a) if the failure constitutes an offence or breach of duty under any other law, to be dealt with in accordance with that other law; and
  - (b) if the failure does not constitute an offence or breach of duty under any other law, to be considered to have committed a serious disciplinary offence for the purposes of Section 44 or a serious disciplinary offence under a contract of employment, as the case requires.
- (5) Any Code of Conduct made under the *National Public Services (Management) Act* that was in force immediately before the date of coming into operation of this Act is to continue to apply on and after that date to the Bougainville Public Service with necessary modifications as if it had been made under this section, until a Code of Conduct is made under this Act.



## **PART 16 – MISCELLANEOUS**

### **62. GENDER EQUITY AND INCLUSIVENESS.**

- (1) In accordance with the provisions of the *Bougainville Constitution*, all matters determined in relation to the requirements of this Act must be underpinned by equitable and socially inclusive principles and values that exhibit fairness and transparency in the treatment of all persons.
- (2) These principles and values are to ensure the rights, privileges, obligations and duties of individuals are protected irrespective of race, tribe, place of origin, political opinion, colour, creed, sex or social constructions of gender.
- (3) The making of additional processes, policies or laws to address under privileged or less advantaged people will be supported by this Act.

### **63. PUBLIC SERVANTS AS CANDIDATES IN ELECTIONS.**

- (1) An officer (including a Departmental Head) who wishes to contest a National or Bougainville Election has the right to resign in order to stand as a candidate in the election by the giving of the required notice under the officer's employment arrangements.
- (2) An officer exercising the right to resign and stand for election must resign:
  - (a) in the case of a National Election, not less than six months prior to the issue of the writs for the election; and
  - (b) in the case of a Bougainville Election, not less than one month prior to the issue of the writs for the election.
- (3) The office held by the officer at the time of resignation becomes vacant and may be filled substantively or in an acting capacity by another officer.
- (4) An officer who has resigned and has failed to win a seat in an election has no automatic right to be readmitted to the Public Service and if wishing to be readmitted to the Public Service must apply for reappointment.
- (5) An officer who resigns as provided for under this section may exercise an option to leave the Public Service without taking receipt of his or her service related termination benefits and if he or she fails to win a seat and is subsequently re-admitted to the Public Service, the period of absence is to be counted as leave without pay not to count as service.

### **64. SECONDMENT OF STAFF TO AND FROM OTHER BODIES.**

- (1) Subject to Subsection (2), a Departmental Head may for training or specialist service purposes determined in consultation with the Departmental Head of the Department of Administrative Services arrange for:



- (a) the secondment of an officer or employee of that Department to another Department, a National Department, or a public or private body; or
  - (b) the secondment to that Department of an officer or employee of any other Department, a National Department, or a public or private body.
- (2) Before arranging a secondment under Subsection (1), the Departmental Head must have approval from:
- (a) the Head of the Public Service; and
  - (b) in the case of a secondment to or from another Department, the Head of that Department.
- (3) An officer or employee of a Department on secondment remains an officer or employee of that Department and is to continue to be paid his or her normal remuneration.

#### **65. ENGAGEMENT IN OUTSIDE EMPLOYMENT AND ACQUIRING LAND.**

- (1) Except with the written permission of the Head of the Public Service (which permission may be withdrawn at any time) an officer must not:
- (a) accept or engage in any remunerative employment other than in connection with the duties of his or her office in the Bougainville Public Service; or
  - (b) accept or continue to hold an office in or under the government of another country or in or under any public or municipal corporation; or
  - (c) engage or continue in the private practice of any profession, occupation or trade.
- (2) When considering whether to grant permission, the Head of the Public Service must take into account the following:
- (a) whether the officer's activities are likely to interfere with his or her official duties;
  - (b) the seniority of the officer concerned and any adverse perceptions of the public;
  - (c) whether the officer's activities would damage the image of the Public Service or would be contrary to any Code of Conduct.
- (3) The Head of the Public Service must give reasons in writing for any refusal within 30 days to the officer concerned.
- (4) Except with the written consent of the Head of the Public Service, an officer must not personally or by the officer's agent acquire land in Bougainville, other than land on which a building is or is to be erected that is to be occupied by the officer as a



residence, or a dwelling-house for occasional use by him or her for purposes of health or recreation.

(5) For the purposes of Subsection (4), the wife of an officer is deemed to be the agent of her husband.

(6) Subsection (4) does not prevent an officer from acquiring land in accordance with custom.

(7) If a person contravenes Subsection (1), the person is guilty of an offence punishable on conviction by a fine not exceeding K 5,000.

## **66. CONDUCTING BUSINESS WITH BOUGAINVILLE GOVERNMENT.**

(1) Except with the written permission of the Head of the Public Service (which permission may be withdrawn at any time) an officer must not:

- (a) conduct any business as principal or as agent with the Bougainville Government; or
- (b) hold an equity interest in an entity conducting business with the Bougainville Government; or
- (c) hold office as a director of a company conducting business with the Bougainville Government.

(2) When considering whether to grant permission, the Head of the Public Service must take into account potential conflicts of interest and determine the following:

- (a) whether the officer's activities are likely to interfere with his or her official duties;
- (b) the seniority of the officer concerned and the adverse perceptions of the public;
- (c) whether the officer's activities would damage the image of the Public Service or would be contrary to any Code of Conduct.

(3) Subsection (1) does not prevent an officer from becoming a member or shareholder of an incorporated company or of a company or society or persons registered under any Bougainville law or any other law, but he or she must not take any part in the conduct of the business of the company or society otherwise than by the exercise of his or her right to vote as a member or shareholder.

(4) If a person contravenes Subsection (1), the person is guilty of an offence punishable on conviction by a fine not exceeding K5,000.

## **67. TENDERING PROCESS.**

Regulations may prescribe requirements for officers to disclose any interest in an entity tendering for a contract with the Bougainville Government and the circumstances under which officers are prohibited from participating in the tendering process.



## **68. SERVICES OF CONTRACTORS.**

- (1) This section applies to any officer if:
  - (a) he or she resigns or is dismissed from the Public Service; and
  - (b) within the period of 6 months prior to his or her resignation or dismissal, the officer was significantly involved in the procurement of services of a contractor with the Bougainville Government.
- (2) Within the 12 months after his or her resignation or dismissal, the officer must not:
  - (a) accept or engage in any remunerative employment with the contractor; or
  - (b) undertake any other remunerative activity for the contractor; or
  - (c) accept any other financial or non-financial benefit from the contractor.
- (3) If a person contravenes Subsection (2), the person is guilty of an offence punishable on conviction by a fine not exceeding K5,000.

## **69. AIR INSURANCE COVER.**

- (1) Subject to Subsection (9), if an officer travels by air on official duty and suffers death or permanent and total incapacity arising as a result, the Bougainville Government is liable in accordance with this section.
- (2) The amount of the liability of the Bougainville Government under this section is an amount, not being less than K10,000.00 nor more than K50,000.00 determined by the President, acting on advice of the Bougainville Executive Council, and on receipt of a report by a Committee of Inquiry appointed by the Administrative Services Minister.
- (3) The amount of the liability of the Bougainville Government under Subsection (2) is reduced by any ticket insurance entitlement or by any payment in the nature of insurance due or received from the airline concerned, or by arrangement with it.
- (4) In the case of the death of an officer, the Bougainville Government is not liable under this section where there are no dependants of the officer surviving him or her.
- (5) In the case of the death of an officer leaving dependants, the amount payable under this section is to be apportioned between the dependants of the officer in such manner as is fixed by the Administrative Services Minister.
- (6) Any amount that would otherwise be payable under this section is to be reduced by the amount of any damages received from the owner or operator of the aircraft involved.
- (7) If damages are received from the owner or operator of the aircraft involved after payment has been made under this section, the amount by which the payment would otherwise have been reduced under this section may be recovered as a debt by the Bougainville Government from the person receiving the damages.

(8) Any payment made under this section is in addition to and not in substitution for or reduction of any liability of the Bougainville Government under the *Workers' Compensation Act 1978* or otherwise.

(9) This section does not apply to an officer travelling in his or her own aircraft.

## **70. REGULATIONS.**

(1) The President, acting on advice of the Bougainville Executive Council, may make regulations, not inconsistent with this Act prescribing all matters that:

- (a) by this Act are required or permitted to be prescribed; or
- (b) are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting Subsection (1), regulations may be made for all or any of the following:

- (a) the management and administration of the Public Service;
- (b) prescribing penalties for offences against the regulations, not exceeding K1,000;
- (c) prescribing fees for services performed or provided by the Public Service;
- (d) prescribing forms;
- (e) prescribing membership, meeting requirements and other administrative matters relating to committees formed by or under Part 13;
- (f) the management and administration of staff of the Public Service employed in the Bougainville Police Service and the Bougainville Correctional Service;
- (g) the management and administration of designated positions under Section 59;
- (h) the recruitment and employment of non-citizens in the Public Service, public bodies and statutory bodies.



**PART 17      TRANSITIONAL PROVISIONS AND DISAPPLICANCE OF  
NATIONAL PUBLIC SERVICES (MANAGEMENT) ACT**

**DIVISION 1 – CURRENT OFFICERS**

**71.      APPLICATION OF DIVISION 1.**

This Division applies to any officer who, immediately before the coming into operation of this Act, held an office in the Administration of the Autonomous Bougainville Government under the provisions of the National *Public Services (Management) Act*.

**72.      CERTIFICATE OF SERVICE AND ENTITLEMENTS.**

(1)      The officer must as soon as practicable be provided with a Certificate of Service and Entitlements at Transfer in the prescribed form.

(2)      A Certificate of Service and Entitlements at Transfer:

(a)      is a written guarantee of the officer's accrued service and service related entitlements and benefits with the National Public Service under the National *Public Services (Management) Act* as at the day immediately before the coming into operation of this Act, being entitlements and benefits which on transfer to the Bougainville Public Service are to be carried over undiminished in accordance with this Division; and

(b)      must specify, as at the day on which this Act comes into operation, the officer's terms and conditions of employment in the Bougainville Public Service under this Act, inclusive of the accrued service and service related entitlements and benefits carried over from the National Public Service.

**73.      STATUS ON TRANSFER TO BOUGAINVILLE PUBLIC SERVICE.**

(1)      Subject to Section 74, on the coming into operation of this Act:

(a)      the officer holds a similar office in the Bougainville Public Service as an officer under this Act, on terms and conditions no less favourable than the terms and conditions provided under the National *Public Services (Management) Act* and the General Orders made under that Act; and

(b)      all service and service related entitlements and benefits accrued to the officer as guaranteed in the Certificate of Service and Entitlements at Transfer are preserved; and

(c)      such service and service related entitlements and benefits are to be treated as if they had accrued under this Act; and

- (d) any contract of employment relating to the officer that was in force on the coming into operation of this Act continues in force on the same terms and conditions.

(2) To avoid doubt, nothing in Subsection (1) restricts or limits the Head of the Public Service from exercising, after the coming into operation of this Act, all or any of his or her powers or functions under this Act in relation to the officer.

(3) If the service and service related entitlements and benefits referred to in Paragraph (1)(b) are paid out after a period of continuous service as an officer under this Act, the quantum of entitlements and benefits must not be less in value than the quantum of entitlements and benefits that would have been payable to the officer had they accrued under the National *Public Services (Management) Act* and the General Orders made under that Act for the same period of continuous service.

(4) If the officer at a later date returns to the National Public Service, then the service and service related entitlements and benefits accrued under this Act are preserved, and are to be treated as if they were service and service related entitlements and benefits of no less value than would have accrued under the National *Public Services (Management) Act*.

#### **74. STAYING IN THE NATIONAL PUBLIC SERVICE.**

(1) If, prior to the date of coming into operation of this Act, the officer exercises an option to remain in the National Public Service, the officer:

- (a) is deemed to be on secondment from the National Public Service in the position occupied by him or her at the date immediately prior to the coming into operation of this Act; and
- (b) remains on the same National Public Service terms and conditions as applied to him or her at that date.

(2) To avoid doubt, the officer is not to receive any additional entitlements or benefits which may become payable from time to time to officers of the Bougainville Public Service.

(3) The provisions of this Act apply to the officer to the extent they are not inconsistent with the provisions of the National *Public Services (Management) Act*.

#### **75. EFFECT OF THIS DIVISION.**

To avoid doubt, nothing in this Division creates or is taken to be:

- (a) a breach of any contract of employment of the officer; or
- (b) an interruption to the officer's employment; or



- (c) a right of the officer to payment in respect of accrued leave or long service leave or any other accrued service related entitlement or benefit; or
- (d) a severance or redundancy resulting in retrenchment of the officer; or
- (e) a ground for a pay out of superannuation benefits to the officer.

## **DIVISION 2 – EXISTING OFFICES**

### **76. APPLICATION OF DIVISION 2.**

This Division applies to any office in the Administration of the Autonomous Bougainville Government established under the provisions of the *National Public Services (Management) Act* that was in existence immediately before the coming into operation of this Act.

### **77. TRANSITIONAL PROVISION FOR EXISTING OFFICES.**

The office continues in existence on and after the coming into operation of this Act as if it had been established under this Act.

## **DIVISION 3 – OTHER MATTERS**

### **78. CONTINUITY OF DISCIPLINARY ACTION.**

(1) This section applies to any disciplinary matter if:

- (a) the disciplinary matter relates to an officer who, immediately before the coming into operation of this Act, held an office in the Administration of the Autonomous Bougainville Government under the provisions of the *National Public Services (Management) Act*; and
- (b) the disciplinary matter had commenced under the *National Public Services (Management) Act* and had not been finalised before the coming into operation of this Act.

(2) The disciplinary matter is to be treated as if had been commenced under this Act and is to be continued under this Act.

### **79. FIRST HEAD OF THE PUBLIC SERVICE.**

(1) If a person was the Administrator within the meaning of the *Interpretation Act 2005* immediately before the date of the coming into operation of this Act, the person is deemed on the date of coming into operation of this Act to have been appointed the Chief Secretary under this Act and the Head of the Public Service for a period to be determined by the Bougainville Executive Council.

(2) If a person was the acting Administrator within the meaning of the *Interpretation Act 2005* immediately before the date of the coming into operation of this Act, the person is deemed on the date of coming into operation of this Act to have been appointed the acting Chief Secretary under this Act and the acting Head of the Public Service for a period to be determined by the Bougainville Executive Council.

#### **80. SERVICE WITH THE NATIONAL PUBLIC SERVICE.**

The Head of the Public Service may approve for the purposes of this Act any service of an officer in the National Public Service to be counted as service in the Bougainville Public Service if the officer's service in the National Public Service:

- (a) was continuous with any service of the officer in the Bougainville Public Service; or
- (b) satisfies the prescribed criteria (if any).

#### **81. DISAPPLIANCE OF NATIONAL PUBLIC SERVICES (MANAGEMENT) ACT.**

In accordance with the Bougainville Peace Agreement, the National *Public Services (Management) Act* does not, on and after the date of coming into operation of this Act, apply in relation to the Bougainville Public Service, public bodies or statutory bodies.

#### **82. CERTAIN ACTIONS DEEMED TO BE ACTIONS OF THE BOUGAINVILLE GOVERNMENT.**

Any action taken by the National Government under or for the purposes of the National *Public Services (Management) Act* in relation to the Administration of the Autonomous Bougainville Government between midnight on 1 January 2014 and the date of certification of this Act is deemed to be action of the Autonomous Bougainville Government.



**SCHEDULE 1 – Oath and affirmation of office of officers.**

*Oath.*

“I, \_\_\_\_\_, do swear that I will well and truly serve the Autonomous Region of Bougainville as an officer of the Bougainville Public Service.

So help me God!”

*Affirmation.*

“I, \_\_\_\_\_, do solemnly and sincerely promise and declare that I will well and truly serve the Autonomous Region of Bougainville as an officer of the Bougainville Public Service.”

## ***Certifications***

I certify that the foregoing is a fair copy of the *Bougainville Public Services (Management and Administration) Act 2014* which has been made by the House of Representatives.

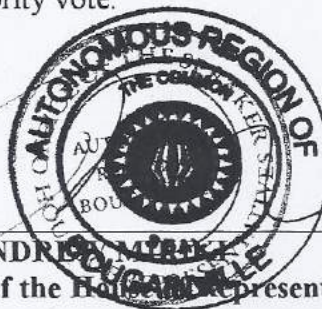
Dated this 3<sup>rd</sup> day of April 2014



**EDWIN KENAHATA**  
Acting Clerk of the House of Representatives

In accordance with Sections 66 and 180(3) of the *Bougainville Constitution* and Section 302(2)(d) of the Papua New Guinea Constitution, I, *Hon Andrew Miriki*, Speaker of the House of Representatives, certify that the *Bougainville Public Services (Management and Administration) Act 2014* was made by the House of Representatives on 2<sup>nd</sup> April 2014 by an absolute majority vote.

Dated this 3<sup>rd</sup> day of April 2014



**HON ANDREW MIRIKI**  
Speaker of the House of Representatives