

No.5 of 2009.

Parliamentary Service Act 2009.

Certified on: 18 December 2009.

AUTONOMOUS BOUGAINVILLE GOVERNMENT

No. 5 of 2009.

Parliamentary Service Act 2009.

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AUTONOMOUS BOUGAINVILLE GOVERNMENT

No. 5 of 2009.

AN ACT

entitled

Parliamentary Service Act 2009.

Being an Act to provide for the Parliamentary Service and for related purposes.

MADE by the House of Representatives.

PART 1. - PRELIMINARY.

1. COMMENCEMENT.

This Act shall come into operation on date appointed by the Minister and published in the Gazette.

2. INTERPRETATION.

In this Act, unless the context otherwise requires -

"Commission" means the Parliamentary Service Commission established under section 9;

"Clerk" means the Clerk of the House appointed under section 78 (1) of the *Bougainville Constitution*;

"House" means the House of Representatives established under section 55 of the *Bougainville Constitution*;

"Parliamentary Service" means the administrative services established under section 4 and provided to the House of Representatives by the Clerk, the Deputy Clerk and other officers; and

"Speaker" means the Speaker of the House.

3. GUIDING PRINCIPLES.

The guiding principles of the Parliamentary Service and the Parliamentary Service Commission are to -

- (a) be independent and perform their functions in an impartial and professional manner;
- (b) make employment decisions based on merit;
- (c) provide a workplace that is free from discrimination and recognises the diverse background of employees;
- (d) have the highest ethical standards;
- (e) be accountable for their actions;
- (f) be responsive to the House in providing timely advice and implementing House's policies and program;
- (g) deliver services fairly, effectively, impartially and courteously to the House;

- (h) provide leadership of the highest quality;
- (i) establish co-operative workplace relations based on consultation and communication;
- (j) focus on achieving results and managing performance;
- (k) observe the law; and
- (l) ensure transparency in the performance of their functions.

PART 2. - PARLIAMENTARY SERVICE.

4. ESTABLISHMENT OF THE PARLIAMENTARY SERVICE.

- (1) The Parliamentary Service is established.
- (2) The Parliamentary Service is subject to the direction and control of the Speaker and must perform its functions impartially.
- (3) The Parliamentary Service consists of -
 - (a) the Clerk;
 - (b) the Deputy Clerk;
 - (c) the officers and employees of the Service.
- (4) The Parliamentary Service is a separate Bougainville Service from other National or Bougainville Services and must not be taken as a department of the National Public Service or the Bougainville Public Service.

5. PRINCIPAL FUNCTIONS OF THE SERVICE.

The principal functions of the Parliamentary Service are -

- (a) to provide administrative and support services to the House of Representatives and to members of the House; and
- (b) to administer, in accordance with directions given by the Speaker, the payment of funding entitlement for parliamentary purposes.

6. OTHER FUNCTIONS OF PARLIAMENTARY SERVICE.

The other functions of the Parliamentary Service are to provide-

- (a) maintenance of staff to enable the Parliamentary facilities to be properly maintained; and
- (b) security staff to maintain proper security for the members of the House and facilities within the precincts of the House; and
- (e) advisory services for the Speaker, committees of the House and members of the House; and
- (d) such other staff and facilities as are required to ensure the efficient operation of the House.

7. ANNUAL REPORT.

The Parliamentary Service:

- (a) must, not later than 31 March in each year, give to the Speaker for presentation to the House, a report on the work of the Parliamentary Service during the preceding period of 12 months with recommendations as to improvements as it thinks proper; and
- (b) may make other reports on the work of the Parliamentary Service as its own initiative or at the request of the House.

8. PRINCIPAL RESPONSIBILITIES OF CLERK.

The Clerk is the head of the Parliamentary Service and is responsible to the Speaker for each of the following matters -

- (a) the carrying out of the duties and functions of the Parliamentary Service;
- (b) the tendering of advice to the Speaker and the Parliamentary Service Commission;
- (c) the general conduct of the Service;
- (d) the efficient, effective and economical management of the activities of the Parliamentary Service.

9. EMPLOYEES OF THE PARLIAMENTARY SERVICE.

In respect of the appointment of employees of the Parliamentary Service, section 13 of the Office of the Clerk Act 2009 applies.

PART 3. PALIAMENTARY SERVICE COMMISSION.

10. PARLIAMENTARY SERVICE COMMISSION.

The Parliamentary Service Commission is established.

11. FUNCTIONS OF PARLIAMENTARY SERVICE COMMISSION

(1) The Parliamentary Service Commission has the following functions -

- (a) to advise the Speaker on the following matters -
 - (i) the nature of the services to be provided to the House of Representatives and to members of the House;
 - (ii) the objectives to be achieved by providing those services;
- (b) to recommend to the Speaker the adoption of criteria governing funding entitlements for parliamentary purposes;
- (c) to recommend to the Speaker persons who are suitable to be members of a review committee; and
- (d) to consider and comment on draft reports prepared by review committees.

(2) The Commission may at any time require the Speaker or the Clerk to report on, or inquire into, matters relating to the administration or the exercise or performance of any function, duty, or power under this Act.

(3) The Commission has any other function or power conferred on it by or under any statutory provision.

(4) The Commission does not have a role in relation to -

- (a) business transacted at meetings of the House or meetings of committees of the House; or
- (b) any other proceedings in the House.

12. POWERS OF THE COMMISSION.

The Commission has power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.

13. COMPOSITION OF THE COMMISSION.

(1) The Commission consists of 4 members.

(2) The members are -

- (a) the Speaker of the House; and
- (b) the President; and
- (c) a woman, who is a Member of the House, appointed by a resolution of the House from amongst the women Members of the House; and
- (d) a member appointed by a resolution of the House from amongst the chairmen of the Regional Committees.

(3) For the purpose of this provision, "Regional Committees" means the Regional Committees established under section 71 (1) (b) of the Bougainville Constitution.

14. MEETINGS OF THE COMMISSION.

(1) The Commission may hold such meetings as are necessary for the proper performance of its functions.

(2) The Speaker is to Chair all the meetings of the Commission. If the Speaker is absent at a meeting, the Deputy Speaker will chair the meeting.

(3) At a meeting of the Commission a quorum consists of the Chairperson and two other members present at that meeting. The Commission may meet despite any vacancies in its membership so long as a quorum is present.

(4) If a member referred to in section 13(2)(b), (c) and (d) is absent, he or she may nominate a representative to represent him or her at the Commission meeting.

(5) Each member present at a meeting has one vote and questions arising at a meeting are to be decided by a majority of votes.

(6) Subject to this Act, the Commission may determine and regulate its own procedures.

15. SECRETARY OF THE COMMISSION.

(1) The Clerk is to be the Secretary of the Commission.

(2) If at a meeting of the Commission, the Commission deliberates on the performance of the Clerk or a matter affecting the Clerk, the Speaker is to nominate a senior officer of the Parliamentary Service to be the Secretary of the Commission at that meeting.

PART 4. - REVIEW COMMITTEE.

16. ESTABLISHMENT OF COMMITTEE TO REVIEW

APPROPRIATIONS.

(1) The Speaker may from time to time, and must at least once during the term of each House, establish a review committee of up to three persons to review the amounts of money appropriated by the House for the following purposes -

- (a) administrative and support services provided to the House and to members of the House; and
- (b) funding entitlements for parliamentary purposes.

(2) No person appointed to the review committee may be a member of the House or an officer or employee of the Parliamentary Service.

(3) Before appointing a person to the review committee, the Speaker must -

- (a) consult with the Parliamentary Service Commission about the proposed appointment; and
- (b) take into account any relevant recommendation made by the Commission under section 11 (1) (c).

(4) The Speaker may appoint persons to the review committee on any terms and conditions, including terms and conditions as to remuneration and traveling allowances that the Speaker considers appropriate.

17. DUTIES OF REVIEW COMMITTEE.

(1) In carrying out its duties, the review committee must consider each of the following matters -

- (a) the nature, quantity, and quality of administrative services and support services required for the effective operation of the House;
- (b) the nature, quantity, and quality of administrative services and support services that members of the House require for the effective performance of their functions;
- (c) the scope for efficient gains in the delivery of administrative services and support services to the House and to members of the House; and
- (d) the need for fiscal responsibility.

(2) The review committee may, subject to any written direction by the Speaker, regulate its own procedure.

18. REPORT BY THE REVIEW COMMITTEE.

(1) The review committee must -

- (a) set out in a report the details of its review and the conclusions reached and recommendations formulated as a result of the review; and
- (b) submit the report to the Speaker within 3 months after the date on which the review committee is established, or within any further time the Speaker allows.

(2) Before submitting its report to the Speaker, the review committee must consult with the Parliamentary Service Commission by seeking -

- (a) the views of the Commission on the matters to be included in the review committee's report; and

- (a) administrative and support services provided to the House and to members of the House; and
 - (b) funding entitlements for parliamentary purposes.
- (2) No person appointed to the review committee may be a member of the House or an officer or employee of the Parliamentary Service.
- (3) Before appointing a person to the review committee, the Speaker must -
 - (a) consult with the Parliamentary Service Commission about the proposed appointment; and
 - (b) take into account any relevant recommendation made by the Commission under section 11 (1) (c).
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 - (b) submit the report to the Speaker within 3 months after the date on which the review committee is established, or within any further time the Speaker allows.
- (2) Before submitting its report to the Speaker, the review committee must consult with the Parliamentary Service Commission by seeking -
 - (a) the views of the Commission on the matters to be included in the review committee's report; and

- (b) the comments of the Commission on any preliminary assessments or recommendations that the review committee proposes to include in the report.

(3) The Speaker must present the report to the House at its next meeting.

PART 5. - FINANCIAL MATTERS.

19. PREPARATION OF THE ESTIMATE FOR THE OPERATION OF PARLIAMENT.

(1) Prior to each fiscal year, the Commission must direct the Clerk to prepare an estimate of the sums that the House will be required to provide for the payment of the expenses of the House and its members during the fiscal year.

(2) The Clerk must prepare the estimate for the House within the ceiling established for the House for the fiscal year by the Bougainville Executive Council.

PART 6. - PARLIAMENTARY PRECINCTS.

20. HOUSE MAY ADD LAND TO PARLIAMENTARY PRECINCTS.

- (1) The House of Representative may from time to time, by resolution -
- (a) add any land or premises to the parliamentary precincts; or
 - (b) exclude from the parliamentary precincts any land or premises that are part of the parliamentary precincts by virtue of this Act.

(2) The House may at any time revoke, vary, or modify a resolution under subsection (1).

(3) No land or premises may be added under this section to the Parliamentary precincts unless the Bougainville Government or the Parliamentary Service Commission holds, on the date on which the resolution takes effect, an interest in the land or premises.

(4) Any resolution made under subsection (1) must be published in the Bougainville Gazette.

21. PARLIAMENTARY PRECINCTS UNDER CONTROL OF SPEAKER.

(1) The control and administration of the whole of the Parliamentary precincts is vested in the Speaker on behalf of the House, whether the House is in session or not.

(2) The Speaker and every person authorized by the Speaker for the purpose has and may exercise, in respect of every part of the parliamentary precincts, all the powers of an occupier.

PART 7. - MISCELLANEOUS.

22 STAFF OF THE OFFICE OF THE SPEAKER.

(1) The staff of the Office of the Speaker are to be appointed by the Speaker.

(2) The terms and conditions of employment of the staff of the Office of the Speaker must be similar or the same as those applicable to the staff or officers of the Parliamentary Service.

(3) To avoid doubt, the Commission does not deal with employment matters relating to the staff of the Office of the Speaker.

23. ANNUAL REPORTS BY MINISTER.

(1) Each Minister must prepare an annual report to the House to provide information required by subsection (4).

(2) A Minister must present the annual report to the Clerk no later than 31 March of the subsequent year.

(3) The Clerk shall, within two weeks of receipt of an annual report, transmit it to the appropriate standing committee of the House.

(4) The annual report is to cover the calendar year and is to include the following

- (a) a review of the operations of the Ministry;
- (b) the major achievements;
- (c) the principal challenge faced during the year; and
- (d) the prospects for the next three years.

24. REGULATIONS.

The Speaker may make regulations, not inconsistent with this Act, prescribing all matters required or permitted to be prescribed, or that are necessary to be prescribed for the carrying out or giving effect to the provisions of this Act.

25. TRANSITIONAL ARRANGEMENTS.

The Arrangements made in June 2005 regarding the current location of the House of Representatives on the property owned by the Buka Open Campus of the University of Papua New Guinea remain valid arrangements and continue in effect until replaced.

I hereby certify that the foregoing is a fair copy of the *Parliamentary Service Act 2009* which has been made by the House of Representatives.

Acting Clerk of the House of Representatives

I, HONOURABLE ANDREW MIRIKI, Speaker of the House of Representatives hereby certify that the *Parliamentary Service Act 2009* was made by the House of Representatives on 16 December 2009, by an absolute majority vote in accordance with the *Bougainville Constitution*.

Speaker of the House of Representatives

