

Chapter 383.
Official Personal Staff Act 1980.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 383.

Official Personal Staff Act 1980.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Official Personal Staff Act 1980,

Being an Act to provide for official personal staff for certain persons.

1. PERSONS ENTITLED TO OFFICIAL PERSONAL STAFF.

The following persons are entitled to official personal staff in accordance with the provisions of this Act:—

- (a) the Prime Minister;
- (b) a Minister;
- (c) the Leader of the Opposition;
- (d) the Deputy Leader of the Opposition;
- (e) the Leader of a minority Party (being a party with at least 12 members of Parliament) recognized as such by the Speaker;
- (f) the Speaker;
- (g)¹ a Parliamentary Secretary appointed under the Parliamentary Secretaries Act 2004.

2. OFFICIAL PERSONAL STAFF AT THE DISCRETION OF THE PRIME MINISTER.

The Prime Minister may, in his absolute discretion, decide whether—

- (a) a former Prime Minister; and
- (b) a former Governor-General,

is entitled to official personal staff in accordance with the provisions of this Act.

¹ Section 1(g) inserted by *Parliamentary Secretaries (Consequential Amendments) Act 1990* (No. 28 of 1990), s1. Repealed and replaced by *Vice-Ministers (Consequential Amendments) Act 1994* (No. 20 of 1994), s1; Section 1 Amended by No. 11 of 2005, Sched. 1.

3. NUMBERS OF OFFICIAL PERSONAL STAFF.

(1) The Prime Minister shall determine—

- (a) in the case of persons entitled to official personal staff under Section 1—the maximum number of official personal staff in each case; and
- (b) in the case of persons who the Prime Minister has decided under Section 2 are entitled to official personal staff—the number (not exceeding three) of official personal staff in each case.

(2) A person shall not be entitled to official personal staff in more than one category under Section 1.

4. APPOINTMENT.

The official personal staffs shall be appointed by the Prime Minister.

5. TENURE OF OFFICE, ETC.

(1) Subject to this Act, a member of an official personal staff holds office at the pleasure of the Prime Minister.

(2) Subject to Subsection (3), where a person entitled to official personal staff under Section 1 ceases to hold the office in respect of which he is entitled to official personal staff, the appointment of all members of his official personal staff terminates.

(3) Subsection (2) does not apply where a Minister commences to act or ceases to act for or on behalf of another Minister, but for the period during which he is so acting the official personal staff of the latter Minister shall be deemed to be the official personal staff of the first-mentioned Minister in his acting capacity.

(4) Subject to this Act, a member of an official personal staff holds office on such terms and conditions as are determined by the Prime Minister either generally or in a particular case.

6. SALARIES AND ALLOWANCES.

(1)² ³The members of official personal staffs shall be paid salaries and allowances at such rates, or in accordance with such scale of rates, as are determined by the Prime Minister after consultation with the Departmental Head of the Department of Personnel Management.

(2)⁴ ⁵The salaries and allowances of members of official personal staffs shall be paid out of the Consolidated Revenue Fund.

(3) Notwithstanding anything in any other law, the total amount payable under Subsection (1) in any fiscal year shall not exceed such amount as is appropriated by the Parliament for the purposes of this section.

² Section 6(1) amended by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s67.

³ Section 6(1) amended by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s67.

⁴ Section 6(2) amended by *Appropriation (Administrative Arrangements) Act 1996* (No. 37 of 1996), s13.

⁵ Section 6(2) amended by *Appropriation (Administrative Arrangements) Act 1996* (No. 37 of 1996), s13.

7. LEAVE OF ABSENCE.

⁶The Prime Minister may grant leave of absence to a member of an official personal staff on such terms and conditions as to remuneration or otherwise as are determined by the Prime Minister after consultation with the Departmental Head of the Department of Personnel Management.

8. RESIGNATION.

A member of an official personal staff may resign by writing under his hand delivered to the Prime Minister.

9. PUBLIC SERVICE RIGHTS, ETC.

Notwithstanding anything in the *Public Services (Management) Act 1995*, where an officer or employee of the Public Service is appointed to be a member of an official personal staff, his service as such a member shall be counted as service in the Public Service for the purposes of determining his rights (if any) in respect of—

- (a) leave of absence on the ground of illness; and
- (b) furlough or pay instead of furlough (including pay to dependants on the death of the officer or employee).

10. OATH OR AFFIRMATION OF SECRECY.

(1) Before entering on the duties of his position, every member of an official personal staff shall take an oath or make an affirmation in the form in Schedule 1.

(2) The oath or affirmation shall be taken or made before the Prime Minister or a person appointed by the Prime Minister for the purpose.

11. DUTIES.

The duties of a member of an official personal staff are to assist in such manner as the Prime Minister determines, the person to whose official personal staff he is appointed in the performance of that person's function in the category in respect of which he is entitled to official personal staff.

12. STATUS.

(1) A member of an official personal staff—

- (a) subject to Subsection (2), has no standing as a member of the Public Service; and
- (b) is responsible solely to the person to whose personal staff he is appointed; and
- (c) has no authority over any officer; and
- (d) is not an officer.

(2) For the purposes of the *Criminal Code 1974*, a member of an official personal staff shall be deemed to be a person employed in the Public Service within the meaning of that Code.

⁶ Section 7 amended by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s68.

s. 13.

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13. REPEAL.

The *Ministerial Personal Staff Act* is repealed.

SCHEDULE 1 – OATH AND AFFIRMATION OF SECRECY.

Sec. 10.

Oath.

“I, . . . , do swear that, except in the course of my duties or as may be required by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my being on the official personal staff of . . .

So help me God!”

Affirmation.

“I, . . . , do solemnly and sincerely promise and declare that, except in the course of my duties or as may be required by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my being on the official personal staff of”

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