

No. 4 of 1997.

Parliamentary Service Act 1997.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



No. 4 of 1997.

Parliamentary Service Act 1997.

ARRANGEMENT OF SECTIONS.

PART I – PRELIMINARY.

1. Interpretation.
 - “classification”
 - “Clerk”
 - “Commission”
 - “office”
 - “officer”
 - “personnel matter”
 - “political party”
 - “repealed Act”
 - “the Service”
 - “this Act”
 - “Speaker”
 - “unattached officer”

PART II – THE PARLIAMENTARY SERVICE.

2. Establishment of the Parliamentary Service.
3. Functions of the Service.
4. Annual Report.
5. The Clerk.
6. Function of the Clerk.
7. Delegation by the Clerk.
8. Creation of offices.

PART III – APPOINTMENT TO THE SERVICE.

9. Qualifications for admission to the service.
10. Recruitment.
11. Appointment, etc., of officers.
12. Employment of non-citizens.
13. Appointment to be on probation.

14. Terms and conditions of employment.
15. Leave to serve under other acts.
16. Temporary and casual employees.
17. Declaration of office.

PART IV – FINANCE.

18. Part VII.–*Public Finances (Management) Act 1995.*
19. Bank accounts.
20. Clerk to establish procedures.
21. Supply and Tenders Board.

PART V – SALARY AND ALLOWANCES.

22. Salary classifications.
23. Allowances.
24. Deductions from officers' entitlements.
25. Recovery of salary and allowances.
26. Pay during suspension.

PART VI – GENERAL ORDERS.

27. General Orders.

PART VII – DISCIPLINE.

28. Disciplinary offences.
29. Minor disciplinary offence.
30. Serious disciplinary offences.
31. Criminal offences.
32. Strikes.

PART VIII – REVIEW OF PERSONNEL MATTERS.

33. Review of personnel matters.

**PART IX – RESIGNATION, RETIREMENT AND
RETRENCHMENT.**

34. Resignation.
35. Officers who resign to become candidates at elections.
36. Retirement.
37. Retirement on account of infirmity or incapacity.
38. Retrenchment of unattached officer.
39. Entitlements.

PART X – MISCELLANEOUS.

40. Hours of duty.
 “non-sessional week”
 “sessional-week”
41. Recreation Leave, etc.
42. Training.
43. Membership of a political party.
44. Salaries and Remuneration Commission.
45. Parliamentary Members Retirement Benefits Fund.
46. Engagement in outside employment and acquisition of land.
47. Insurance cover.
48. Regulations.

49. Repeal.

PART XI – TRANSITIONAL PROVISIONS.

50. Transfer of assets and liabilities.

51. Contracts, etc.

52. Transfer of staff.

53. Former Acts.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Parliamentary Service Act 1997,

Being an Act to implement Section 132 (*the Parliamentary Service*) of the *Constitution* by making provision for and in respect of a Parliamentary Service and to repeal the *Parliamentary Service Act 1995* and for related purposes.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Act–

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

“**Clerk**” means the Clerk of the National Parliament;

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

“**office**” means an office in the Service created under Section 8;

“**officer**” means an officer who is permanently appointed to the Service in accordance with this Act;

“**personnel matter**” means decisions and other service matters concerning an individual whether in relation to his appointment, promotion, demotion, transfer, discipline or cessation or termination of employment’ except termination at the end of his normal period of employment as determined in accordance with law or otherwise;

“**political party**” means a party or organisation whose main purpose is to promote political ideas and includes a political party or organisation registered under the Organic Law on the Integrity of Political Parties and Candidates;

s. 1.

Parliamentary Service 1997

“repealed Act” means the *Parliamentary Service Act 1995* repealed by Section 49 of this Act;

“the Service” means the Parliamentary Service continued in establishment under Section 2 of this Act;

“this Act” includes the Regulations and the General Orders;

“Speaker” means the Speaker of the National Parliament;

“unattached officer” means an officer who is not occupying an office in the Service in accordance with Section 38.

PART II. – THE PARLIAMENTARY SERVICE.

2. ESTABLISHMENT OF THE PARLIAMENTARY SERVICE.

(1) The Service, a State Service provided for under Section 132 of the *Constitution*, established by the repealed Act, is continued in establishment by this Act.

(2) The Service is subject to the direction and control of the Speaker and shall perform its functions impartially.

(3) The Service shall consist of—

(a) the Clerk; and

(b) the officers and employees of the Service.

(4) The Service is a separate State Service from other State Services and shall not be deemed to be a department of the Public Service for the purposes of an Act of Parliament.

3. FUNCTIONS OF THE SERVICE.

The functions of the Service are to provide—

(a) clerical staff to enable the Parliament to operate efficiently; and

(b) maintenance staff to enable the Parliamentary facilities to be properly maintained; and

(c) security staff to maintain proper security for the Members of Parliament and facilities within the precincts of the Parliament; and

(d) advisory services for—

(i) the Speaker; and

(ii) the Committees of the Parliament; and

(iii) the Members of the Parliament, other than Ministers; and

(e) a Parliamentary reporting division; and

(f) such other staff and facilities as are required to ensure the efficient operation of the Parliament.

4. ANNUAL REPORT.

(1) The Service shall, no later than 31 March in each year, give to the Speaker for presentation to the National Parliament, a report on the work of the service during the preceding period of 12 months with recommendations as to improvements as it thinks proper.

(2) Notwithstanding Subsection (1), the Service may make other reports on the work of the Service at its own initiative or at the request of the National Parliament.

5. THE CLERK.

(1) The Clerk is the head of the Service and is responsible to the Speaker for the general working and the efficient conduct of the business of the Service.

(2) The Clerk shall not be deemed to be a departmental head for the purposes of an Act of Parliament.

6. FUNCTION OF THE CLERK.

(1) The Clerk shall report to the Speaker, whenever the necessity arises on—

(a) any alterations in the organisation, staffing or management of the Service that are in his opinion, necessary or expedient for the more economical, efficient or convenient working of the Service; or

(b) any alterations that are in his opinion, necessary in the salaries or allowances of any officers or employees under his control; or

(c) any personnel matter.

(2) The Clerk may perform and exercise other functions conferred on him by this Act.

7. DELEGATION BY THE CLERK.

(1) The Clerk may, in writing, delegate all or any of his powers and functions under this Act to an officer or an employee or officers or employees included in a class of officers or employees.

(2) The Clerk shall not delegate his power of delegation to any person.

8. CREATION OF OFFICES.

(1) This Section does not apply to the office of the Clerk.

(2) The Speaker, on a recommendation of the Clerk and subject to any general directions from the Head of State, acting on advice, may—

(a) create such number of offices in the Service to ensure the efficient operation of the Service; and

(b) abolish, reclassify and change the designation of offices in the Service.

PART III. – APPOINTMENT TO THE SERVICE.

9. QUALIFICATIONS FOR ADMISSION TO THE SERVICE.

A person shall not be appointed to an office under this Act as an officer in the Service unless—

- (a) he provides evidence to the satisfaction of the Clerk of—
 - (i) his health and physical fitness; and
 - (ii) his possession of the qualification that will enable him to perform the duties to which he is to be appointed; and
 - (iii) his good character; and

(b) he informs the Clerk, in writing, of an association with a political party, if the person is so associated with a political party.

10. RECRUITMENT.

(1) The Clerk may, by a notice published in the National Gazette or elsewhere, invite persons to apply for appointment, promotion or transfer to a vacant office in the Service.

(2) The Clerk shall specify in the notice under Subsection (1)—

- (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 the period (if any) within which the qualifications or any of them are required to have been obtained: and
- (d) where applicable, the age limits for appointment; and
- (e) the date by which applications are to be made; and
- (f) such other matters, not inconsistent with this Act, as the Clerk thinks desirable.

11. APPOINTMENT, ETC., OF OFFICERS.

(1) The Clerk may—

- (a) appoint a person to an office; or
- (b) promote an officer from one office to another office having a higher salary classification; or
- (c) transfer an officer from one office to another office having an equivalent salary classification.

(2) The Speaker may, on a recommendation of the Clerk, dismiss an officer from the Service under this Act.

12. EMPLOYMENT OF NON-CITIZENS.

(1) The Speaker, on a recommendation of the Clerk, may engage a suitably qualified or experienced non-citizen to fill a vacant office in the Service in accordance with the provisions of this Part, if—

- (a) he is satisfied that no suitably qualified or experienced citizen is available to provide specialist technical or managerial skills required properly to carry out the duties of a vacant office; or
- (b) he is satisfied that the duties and functions of a vacant office may be properly performed by a suitably qualified or experienced non-citizen.

(2) The terms and conditions of employment of a non-citizen officer in the Service shall be determined by the Speaker in accordance with Section 14 but shall not be inconsistent with the terms and conditions of a non-citizen officer in the Public Service.

(3) The provisions of the *Public Employment (Non-Citizens) Act 1978* shall apply to a non-citizen officer in the Service.

13. APPOINTMENT TO BE ON PROBATION.

(1) A person appointed to an office, other than the office of the Clerk, shall serve on a probationary basis until his appointment is confirmed or annulled in accordance with Subsection (4).

(2) The period of probation is 12 months unless the Clerk, in a particular case, determines that the period should be reduced or extended.

(3) Notwithstanding Part VII of this Act, the services in the Service of a person appointed on a probationary basis may be dispensed with by the Clerk at any time during the period of probation.

(4) The Clerk, may confirm or annul the appointment of a person appointed on a probationary basis in the Service in the prescribed manner, at the end of a period of probation.

14. TERMS AND CONDITIONS OF EMPLOYMENT.

(1) Subject to this Act, the Speaker, on a recommendation of the Clerk, shall determine the terms and conditions of employment in the Service.

(2) An officer shall hold office on terms and conditions in accordance with Subsection (1).

(3) If an officer who was, immediately before this appointment to the Service, an officer of the Public Service, his service as an officer of the Public Service shall be counted as service in the Service for the purpose of determining his rights (if any) in respect of—

- (a) absence or leave on the grounds of illness; and
- (b) furlough or pay in lieu (including pay to dependents or personal representatives on the death of the officer).

15. LEAVE TO SERVE UNDER OTHER ACTS.

(1) An officer may be granted leave to serve in an office provided under an Act, other than this Act.

(2) The Clerk may, on an application by an officer in writing, grant leave of absence without pay for a period not exceeding three years from the date of his appointment under an Act other than this Act, for the officer to serve under another Act.

(3) The period during which an officer is absent on leave under Subsection (2) shall be counted as part of his period of service in the Service.

(4) The Clerk may, at the end of a period of leave under this Section, appoint an officer to an office not lower in classification than his former office, after taking into account any variation in the classification of that office during the period of the officer's leave of absence unless—

- (a) he has committed a disciplinary offence warranting a dismissal from the Service; or
- (b) has been dismissed for a disciplinary offence under this Act; or
- (c) he has attained the age of 60 years.

(5) An officer under this Section becomes an unattached officer where—

- (a) his office in the Service is abolished; or
- (b) his office in the Service is re-classified,

under Section 8 of this Act, during the period of the officer's leave of absence under this Section.

16. TEMPORARY AND CASUAL EMPLOYEES.

(1) The Clerk may appoint temporary or casual employees as he thinks necessary for the purposes of the Service.

(2) Employees appointed under Subsection (1) shall be employed on such terms and conditions as the Clerk determines.

17. DECLARATION OF OFFICE.

Before taking up the duties of his office, an officer shall make the Declaration of Office before the Clerk or a person appointed by the Clerk in the prescribed manner.

PART IV. – FINANCE.**18. PART VII.–PUBLIC FINANCES (MANAGEMENT) ACT 1995.**

Except as otherwise provided for in this Act, Part VIII of the *Public Finances (Management) Act 1995* applies to the Service.

19. BANK ACCOUNTS.

(1) Subject to Subsection (3), the Service shall open and maintain an account or accounts with an approved bank or approved banks, as are necessary for the exercise and performance of its powers and functions under this Act.

(2) The Service shall pay into an account under Subsection (1)–

- (a) all monies received from the Government for the purposes of this Act; and
- (b) all monies appropriated by an Act for the purpose of carrying out or giving effect to this Act; and
- (c) all monies received from the Parliamentary Refreshment Rooms; and
- (d) all other monies received by the Service in the exercise and performance of its powers, functions and duties.

(3) The Clerk shall, approve a bank or banks in which the Service shall open and maintain an account under this Section from time to time.

20. CLERK TO ESTABLISH PROCEDURES.

Subject to Section 21, the Clerk shall establish procedures relating to and expenditures involving–

- (a) official travel; and
- (b) other matters relevant to the efficient operation of the Service not subjected to the requirements of a public tender and contract under this Act,

for the Service.

21. SUPPLY AND TENDERS BOARD.

(1) The Clerk may, after advising the Minister responsible for financial matters, establish a Supply Tenders Board for the Service, to control and regulate–

- (a) the purchase and disposal of property and stores; and
- (b) the supply of works and services,

for the Service.

(2) The Clerk shall make rules for the Service's Supply and Tenders Board not inconsistent with the *Public Finances (Management) Act 1995* prescribing–

- (a) the manner of purchase or disposal of property and stores or the supply of works and services whose estimated cost does not exceed the prescribed amount specified in Subsection (5) of this section; and
- (b) the criteria to be applied in the exemptions from public tender and contract for the purchase or disposal of property and stores or the supply of works and services; and
- (c) the procedures for the meeting of the Board; and
- (d) the manner of inviting tenders publicly; and
- (e) the method of dealing with tenders; and
- (f) the criteria to be applied in the evaluation of tenders; and
- (g) the appointment by the Board of advisers in technical matters; and
- (h) the keeping by the Board of records of the performance of each successful tenderer; and
- (i) the method of obtaining and dealing with quotations for—
 - (i) the purchase and disposal of property and stores; and
 - (ii) the supply of goods and services; and
- (j) the manner of regulating the disposal of property and stores no longer required by the Service.

(3) The members of the Supply and Tenders Board—

- (a) shall comprise of—
 - (i) the Clerk or his nominee, *ex-officio*, as the Chairman; and
 - (ii) two officers nominated by the Clerk; and
 - (iii) a nominee of the Departmental Head of the Department responsible for financial matters; and
- (b) under Paragraph (a) (ii) and (iii), shall be—
 - (i) appointed by the Speaker by a notice in the National Gazette; and
 - (ii) appointed for a period not exceeding three years; and
 - (iii) eligible for re-appointment.

(4) A member, other than an *ex-officio* member, may be terminated from office by the Speaker and cease to hold office as a Member of the Supply and Tenders Board, if he—

- (a) becomes permanently incapable of performing his duties; or
- (b) resigns his office by writing and signed by him and delivered to the Clerk; or
- (c) is absent, except with the consent of the Clerk, from three consecutive meetings of the Board; or

- (d) fails to disclose his direct or indirect interest in a matter being considered by the Board, as soon as possible after the relevant facts have come to his knowledge at a meeting of the Board; or
- (e) becomes bankrupt or applies to take a benefit of any law for the benefit of bankrupt or insolvent debtors, compound with his creditors or makes an assignment of his remuneration for their benefit; or
- (f) is sentenced and convicted of an offence punishable under a law for a term of imprisonment or death.

(5) Subject to Subsection (2), tenders shall be publicly invited and contracts let for the purchase or disposal of property or stores or the supply of works and services, whose estimated cost exceed the prescribed amount of K300,000.00.

PART V. – SALARY AND ALLOWANCES.

22. SALARY CLASSIFICATIONS.

(1) The Speaker, on a recommendation of the Clerk and subject to any general direction of the Head of State acting on advice, shall fix and give such salary classification to an office in the Service.

(2) A salary classification under Subsection (1) may provide for a rate of annual salary or a scale of rates of annual salary.

(3) An officer shall be paid a salary in accordance with Subsection (1).

23. ALLOWANCES.

(1) The Clerk may fix the rate of allowance to be paid to an officer or an employee in the Service.

(2) An officer or an employee may be paid an allowance in accordance with Subsection (1).

24. DEDUCTIONS FROM OFFICERS' ENTITLEMENTS.

(1) The Clerk may, on a request of an officer, in writing, in the prescribed manner, allow the Service to provide a service to an officer or employee.

(2) The Clerk may deduct from the entitlement of an officer or an employee for any service provided by the Service.

25. RECOVERY OF SALARY AND ALLOWANCES.

An officer or employee may recover any amount of salary or allowance payable to him from the Service as a debt in any court of competent jurisdiction.

26. PAY DURING SUSPENSION.

Subject to Section 31, where an officer has been suspended from duty in connection with a charge for an offence under this Act, he may receive his salary during the period of suspension, unless the Clerk orders otherwise.

PART VI. – GENERAL ORDERS.

27. GENERAL ORDERS.

The Clerk may issue directions, to be known as “General Orders”, not inconsistent with this Act or any other law, as to any matter prescribed by this Act to be so provided for or as is necessary or desirable for the efficient management and control of the Service.

PART VII. – DISCIPLINE.

28. DISCIPLINARY OFFENCES.

(1) An officer who—

- (a) commits a breach of this Act; or
- (b) except as authorized in the course of official duty, uses or divulges, directly or indirectly, any information concerning Parliamentary business, or any matters of which he 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 duties; or
- (e) is inefficient or incompetent from causes within his own control; or
- (f) uses intoxicating liquor or drugs to excess in the course of discharging his official duties; or
- (g) solicits or accepts a fee, reward, gratuity or gift in connection with the discharge of his official duties other than his official remuneration; or
- (h) is guilty of disgraceful or improper conduct in his official capacity or otherwise; or
- (i) seeks the influence or interest of any person in order to obtain promotion, transfer or other advantage; or
- (j) commits an act in the course of discharging his duties with the intention of influencing a vote of the Parliament on any matter before it,

commits a disciplinary offence under this Act and is liable to be dealt with under this Part.

(2) The Clerk may, in writing, authorize an officer to—

- (a) deal with disciplinary offences; and
- (b) lay disciplinary charges against an officer; and
- (c) suspend an officer from duty in connection with a charge of an offence—
 - (i) with pay; or
 - (ii) in accordance with Section 26, without pay,

under this Part.

(3) An officer who is—

- (a) charged with an offence under this Part; and
- (b) suspended from duty without pay,

shall be paid all monies payable to him during his period of suspension effective from the first day of the suspension, if the charge is not sustained.

29. MINOR DISCIPLINARY OFFENCE.

(1) A minor disciplinary offence is where the Clerk determines that the disciplinary offence warrants only a caution or a reprimand.

(2) Where the Clerk or an officer authorized by the Clerk to deal with minor disciplinary offences, has reason to believe that an officer has committed a minor disciplinary offence, he may—

- (a) call on the officer for an explanation as to the offence; and
- (b) caution or reprimand the officer, if on the consideration of the explanation under Paragraph (a), he is satisfied that the officer has committed the offence.

30. SERIOUS DISCIPLINARY OFFENCES.

(1) Where there is reason to believe that an officer has committed a disciplinary offence other than an offence that may be dealt with under Section 29 or a criminal offence under Section 31, this Section applies.

(2) An officer, to whom Subsection (1) applies, may—

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

(3) The Clerk or an officer authorized by the Clerk to lay charges under this Part may—

- (a) suspend an officer before, at the time of or after the laying of a charge under this Section; and
- (b) lift a suspension under Paragraph (a) at any time pending the determination of the charge; and
- (c) lift the suspension on a finding that a charge under this Section has not been sustained.

(4) The Clerk or an officer authorized by the Clerk to lay charges under this Part, upon laying a charge under this Section, shall—

- (a) furnish the officer charged with a copy of the charge; and
- (b) direct the officer charged to—
 - (i) reply, in writing, stating whether he admits or denies the truth of the charge; and

(ii) give any explanation he desires in relation to the charge.

(5) An officer charged shall reply in accordance with Subsection (4)(b) within seven days of receiving the copy of the charge.

(6) Where a reply is not given by the officer charged within seven days after his receipt of the copy of the charge, the officer may be deemed to have admitted the truth of the charge.

(7) Where the Clerk, after consideration of the reports relating to the offence and charge, the reply and explanation (if any) of the officer charged and any further report that he considers necessary, is of the opinion that the charge has been sustained, he may—

- (a) fine the officer any sum not exceeding 20% of the officer's gross fortnightly pay; or
- (b) reduce the officer's salary by one point or more in the classification so long as the officer's salary remains within the salary range of the officer's designation; 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
- (e) recommend to the Speaker that the officer be dismissed from the Service; or
- (f) instead of imposing a punishment specified in Paragraph (a), (b), (c) or (d), impose a punishment he deems necessary.

31. CRIMINAL OFFENCES.

(1) The Clerk may suspend an officer without pay, where the officer is charged with a criminal offence.

(2) The Speaker may, on a recommendation of the Clerk, dismiss an officer from the Service, where the officer is convicted of a criminal offence by a court of competent jurisdiction.

(3) The Clerk may re-appoint an officer to the Service, who has been dismissed from the Service under Subsection (2) where—

- (a) the conviction is subsequently squashed; or
- (b) the officer receives a pardon; or
- (c) the conviction is otherwise nullified by the due process of law.

(4) The Clerk may lift the suspension of the officer if the officer, who has been charged with a criminal offence, is not convicted of that offence or any other offence.

(5) The Clerk may charge an officer with a disciplinary offence under this Part, if on the evidence available, the Clerk believes that the officer has committed a disciplinary offence, notwithstanding the non-conviction of the officer.

32. STRIKES.

(1) An officer who aids, abets, foments or takes part in a strike that—

(a) interferes with or prevents; or

(b) is intended or calculated to interfere with or prevent,

the carrying out of any part of the functions of the Service, or who attempts to do so, commits a breach of this Act.

(2) An officer adjudged by the Clerk, after investigation and hearing, to be guilty of any action referred to in Subsection (1), may be dismissed by the Speaker, on a recommendation of the Clerk, having regard to the procedures prescribed in this Act for dealing with disciplinary offences.

PART VIII. – REVIEW OF PERSONNEL MATTERS.

33. REVIEW OF PERSONNEL MATTERS.

(1) The Commission shall review a personnel matter connected with the Service following a complaint by an officer of the Service to the Commission where that officer has been affected by a decision in relation to that personnel matter.

(2) The Commission shall–

- (a) complete the review of a personnel matter within 60 days of the making of the complaint to the Commission under Subsection (1); and
- (b) shall consider whether the decision in relation to the personnel matter was an appropriate decision having regard to the nature of the decision and the views of the officer and of the Clerk; and
- (c) recommend the confirmation variation or revocation of the decision in relation to the personnel matter in writing to the Clerk.

(3) In carrying out a review of a personnel matter, the Commission shall determine its own procedures but shall ensure that the views of the officer affected by the decision are put before it in relation to the personnel matter either in writing or orally.

PART IX. – RESIGNATION, RETIREMENT AND RETRENCHMENT.**34. RESIGNATION.**

(1) Subject to Section 35, an officer may resign, in writing, from the Service, by giving 14 days' notice of his intention to resign to the Clerk.

(2) The period of 14 days referred to in Subsection (1) shall commence on the day the Clerk receives the notice of resignation.

(3) An officer may withdraw the notice of his resignation before the expiration of the period of 14 days referred to in Subsection (1).

35. OFFICERS WHO RESIGN TO BECOME CANDIDATES AT ELECTIONS.

(1) An officer who intends to contest a National or a Local-level Government election or by-election, shall resign or subject to Section 37, retire from the Service by a notice in writing, to the Clerk six months before the commencement of that election.

(2) An officer who—

- (a) resigned or retired from the Service to contest a National or Local-level Government election or a by-election; and
- (b) was a candidate at the election under Paragraph (a) but who failed to be elected as a Member,

shall not be re-appointed to the Service.

36. RETIREMENT.

(1) Subject to this Section, an officer who—

- (a) has attained the age of 60 years, shall be retired from the Service; or
- (b) has completed 25 years service, at his option, retire from the Service.

(2) A retirement under Subsection (1)(a) shall be effected by the Clerk.

37. RETIREMENT ON ACCOUNT OF INFIRMITY OR INCAPACITY.

(1) If an officer of the Service appears to the Clerk, after investigation of the circumstances—

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

the Clerk may retire the officer from the Service.

(2) The retirement of an officer under this Section shall not be on account of mental or bodily infirmity unless it is so stated in the instrument effecting the retirement.

38. RETRENCHMENT OF UNATTACHED OFFICER.

Where an officer, who was substantively holding an office in the Service, becomes an unattached officer as a result of his office being—

- (a) abolished; or
- (b) re-classified,

the Clerk may retrench the unattached officer.

39. ENTITLEMENTS.

(1) An officer who has resigned, retired or been retrenched under this Part, shall be paid his entitlements accordingly.

(2) The entitlements under Subsection (1) shall be as determined by the Clerk in a manner consistent with that prescribed for the Public Service, subject to such variations as are relevant to the Service.

PART X. – MISCELLANEOUS.

40. HOURS OF DUTY.

(1) In this Section–

“**non-sessional week**” means any period of one week during which Parliament does not sit on any day; and

“**sessional-week**” means any period of one week during which Parliament sits for any period.

(2) The hours of duty of officers and employees during a non-sessional week or a sessional week, shall be determined by the Clerk.

41. RECREATION LEAVE, ETC.

(1) The Clerk may grant a leave of absence for recreation to an officer or employee from time to time.

(2) An officer or employee is entitled to leave of absence for recreation for a minimum of 24 days for each completed period of 12 months, exclusive of Sundays and public holidays, as determined by the Clerk.

(3) An officer may be entitled to a leave of absence as may be prescribed time to time.

42. TRAINING.

(1) The Clerk shall be responsible for–

(a) determining the offices for which training is required; and

(b) specifying and approving officers to attend training programmes.

(2) An officer may apply, in writing, to the Clerk to attend a training programme in an institution within or outside the country.

43. MEMBERSHIP OF A POLITICAL PARTY.

(1) An officer of the Service who becomes a financial member of a political party shall immediately notify the Clerk of such a financial membership.

(2) The Clerk may, where he feels the impartiality of the officer or the duties of his office could be affected by such a membership under Subsection (2), require the officer to–

(a) resign his membership of the political party; or

(b) resign from the Service.

44. SALARIES AND REMUNERATION COMMISSION.

(1) The Service shall provide an officer to serve as the Executive Officer to the Salaries and Remuneration Commission and such other staff, materials and support

facilities as may be requested by the Speaker in his capacity as the Chairman of the Commission.

(2) The Service shall be responsible for administering such Determinations of the Salaries and Remuneration Commission as are appropriate for the persons referred to in Section 216A of the *Constitution*.

45. PARLIAMENTARY MEMBERS RETIREMENT BENEFITS FUND.

The Service shall administer the Parliamentary Members Retirement Benefits Fund in accordance with the provisions of the appropriate Act.

46. ENGAGEMENT IN OUTSIDE EMPLOYMENT AND ACQUISITION OF LAND.

(1) Subject to this Section, except with the approval of the Clerk, an officer shall not—

- (a) accept or continue to hold office in or under the Government of another country or in or under any public or municipal corporation; or
- (b) accept or continue to hold or discharge the duties or be employed in, a paid office in connection with any banking, insurance, agricultural, mining, mercantile or other commercial business whether carried on by a corporation, a firm or an individual; or
- (c) engage in or undertake any such business as principal or as an agent; or
- (d) continue in the private practice of any profession, occupation or trade; or
- (e) accept or engage in any remunerative employment other than in connection with the duties of his office or offices in the Service; or
- (f) enter into any employment, whether remunerative or not, with any person, company or firm.

(2) Subject to this Section, Subsection (1) does not prevent an officer from becoming a member or a shareholder only of an incorporated company or of a company or society of persons registered under a law of the country or elsewhere, but he shall not take any part in the conduct of the business of the company or society otherwise than by the exercise of his right to vote as a member or shareholder.

(3) Notwithstanding this Section, an officer may, with the approval of the Clerk, act as a director of a co-operative company.

(4) An officer shall not deal with or acquire land in the country except with the approval, in writing, of the Clerk.

(5) Subsection (4) shall not apply to an officer where he acquires land—

- (a) in accordance with custom; or
- (b) on which a building is to be erected that is to be occupied by him as a resident or a dwelling house for occasional use by him for reason for health.

(6) An approval given under this Section may be withdrawn at any time by the Clerk.

47. INSURANCE COVER.

(1) Subject to Subsections (4) and (9), where an officer travels by air on official duty and suffers death or permanent and total incapacity arising as a result, the Service is liable in accordance with this Section.

(2) The amount of the liability of the Service under this Section is an amount, not being less than K4,000.00 but not more than K30,000.00 as determined by the Head of State, acting on advice, on receipt of a report by the Committee of Inquiry appointed by the Speaker.

(3) The amount of the liability of the Service under Subsection (2) is reduced by any ticket insurance entitlements 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 death of an officer, the Service is not liable under this Section where there are no dependents of the officer surviving him.

(5) In the case of the death of an officer leaving dependents, the amount payable under this Section shall be apportioned between the dependents of the officer in such manner as is fixed by the Clerk.

(6) Any amount that would otherwise be payable under this Section shall be reduced by the amount of any damages received from the owner or operator of the aircraft involved.

(7) Where damages are received by 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 Service 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 Service under the *Workers' Compensation Act 1978* or otherwise.

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

48. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, or for the more efficient control and management of the Service.

49. REPEAL.

The *Parliamentary Service Act 1995* is hereby repealed.

PART XI. – TRANSITIONAL PROVISIONS.

50. TRANSFER OF ASSETS AND LIABILITIES.

All assets and liabilities which, immediately before the coming into operation of this Act, were owned by or vested in the Parliamentary Service under the repealed Act, continue on the coming into operation of this Act, to be assets and liabilities of the Service.

51. CONTRACTS, ETC.

All contracts (other than contracts of employment) and agreements entered into or made with or addressed to the Parliamentary Service under the repealed Act, to the extent that they were, immediately before the coming into operation of this Act, binding on or, and of full force and effect against or in favour of the Parliamentary Service, continue on the coming into operation of this Act, to be binding on and of full force and effect against or in favour of the Service.

52. TRANSFER OF STAFF.

A person who, immediately before the coming into operation of this Act, held an office in the Parliamentary Service under the repealed Act, shall on the coming into operation of this Act, be deemed to hold the equivalent office under this Act.

53. FORMER ACTS.

All acts, proceedings or matters done or undertaken of a legal nature or otherwise for the purposes of the repealed Act, having effect immediately before the coming into operation of this Act, be deemed to have been done or undertaken for the purposes of this Act.

Office of Legislative Counsel, PNG