

No. 63 of 2022.

Prime Minister and National Executive Council (Amendment) Act 2022.

Certified on : 1 DEC 2022



No. of 2022.

Prime Minister and National Executive Council (Amendment) Act 2022.

ARRANGEMENT OF SECTIONS.

1. Amendment of Long Title.
2. Interpretation (Amendment of Section 2).
3. National Security Advisory Committee (Amendment of Section 11).
4. Repeal and replacement of heading of Part V.

“PART V. - CHIEF SECRETARY TO GOVERNMENT.”.

5. Repeal and replacement of Section 19.

“19. CHIEF SECRETARY TO GOVERNMENT.”.

6. Repeal and replacement of Section 20.

“20. FUNCTIONS OF THE CHIEF SECRETARY TO GOVERNMENT.”.

7. Repeal and replacement of Section 21.

“21. POWERS OF THE CHIEF SECRETARY TO GOVERNMENT.”.

8. Repeal and replacement of Section 22.

“22. ANNUAL REPORT BY CHIEF SECRETARY TO GOVERNMENT.”.

9. Central Agencies Co-ordination Committee (Amendment of Section 24).



No. of 2022.

AN ACT

entitled

Prime Minister and National Executive Council (Amendment) Act 2022,

Being an Act to amend the ***Prime Minister and National Executive Council Act 2002***, and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

1. AMENDMENT OF LONG TITLE.

The Principal Act is amended in the Long Title by repealing Paragraph (e) and replacing it with the following new paragraph:

“(e) to establish the office of the Chief Secretary to Government and to provide for its functions and powers: and”.

2. INTERPRETATION (AMENDMENT OF SECTION 2).

Section 2 of the Principal Act is amended by repealing the definition of “Secretary” and replacing it with the following new definition:

““Chief Secretary to Government” means the Chief Secretary to Government under Section 19;”.

3. NATIONAL SECURITY ADVISORY COMMITTEE (AMENDMENT OF SECTION 11).

Section 11 of the Principal Act is amended in Subsection (2) by repealing Paragraph (a) and replacing it with the following new paragraph:

“(a) the Chief Secretary to Government, who shall be the Chairman: and”.

4. REPEAL AND REPLACEMENT OF HEADING OF PART V.

Part V of the Principal Act is amended by repealing the heading and replacing it with the following new heading:

“PART V. - CHIEF SECRETARY TO GOVERNMENT.”.

5. REPEAL AND REPLACEMENT OF SECTION 19.

The Principal Act is amended by repealing Section 19 and replacing with the following new section:

“19. CHIEF SECRETARY TO GOVERNMENT.

(1) There is established within the National Public Service an office of Chief Secretary to Government.

(2) The substantive holder of the office of Departmental Head of the Department of the Prime Minister and National Executive Council is the Chief Secretary to Government.

(3) Where an acting appointment of Chief Secretary to Government is necessary, the appointment shall be made from one of the members of the Central Agencies Co-ordination Committee referred to in Section 24(2)(b) to (f) inclusive, but the acting Chief Secretary to Government shall not hold the office of acting Departmental Head of the Department of the Prime Minister and National Executive Council.

(4) The Chief Secretary to Government is the senior officer of the National Public Service.”.

6. REPEAL AND REPLACEMENT OF SECTION 20.

The Principal Act is amended by repealing Section 20 and replacing with the following new section:

“20. FUNCTIONS OF THE CHIEF SECRETARY TO GOVERNMENT.

The functions of the Chief Secretary to Government are -

- (a) to be the principal adviser to the Prime Minister and to the National Executive Council; and
- (b) to co-ordinate policies and initiatives of the National Executive Council; and
- (c) to ensure that decisions, directions and policies of the National Executive Council are implemented by the National Public Service and by public bodies; and
- (d) to ensure that the National Public Service and public bodies perform effectively and are accountable to the National Executive Council and to the Parliament; and
- (e) to oversee public sector reform; and
- (f) to assist the Prime Minister in formulating the Ministers’ Key Result Areas and tracking their performances; and
- (g) to collaborate with the Secretary for the Department of Personnel Management to ensure that the Key Result Areas and Key Performance Indicators Commitments of the Departmental Heads and Agency Heads, made with their respective portfolio Ministers in the performance management system, are tracked and monitored; and
- (h) to oversee the functions of the Central Agencies Co-ordination Committee; and
- (i) such other functions as are determined by the National Executive Council, or any other law.”.

7. REPEAL AND REPLACEMENT OF SECTION 21.

The Principal Act is amended by repealing Section 21 and replacing with the following new section:

“21. POWERS OF THE CHIEF SECRETARY TO GOVERNMENT.

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

- (a) enter premises occupied or used by -
 - (i) a Department; or
 - (ii) a Provincial Government; or
 - (iii) a public body; and
- (b) question a person who appears likely to have information relevant to the functions of the Chief Secretary to Government; and
- (c) require any person to provide information relative to the functions of the Chief Secretary to Government; and
- (d) require any person to produce documents within his possession or subject to his control where such documents are relevant to the functions of the Chief Secretary to Government; and
- (e) make and retain copies of any document produced under Paragraph (d); and
- (f) issue direction relative to his functions to a Departmental Head and to the head of a public body.”.

(2) All Departmental Heads, heads of public bodies and officers of the National Public Service and of public bodies shall -

- (a) co-operate with the Chief Secretary to Government in the performance of his functions and the exercise of his powers under this Act; and
- (b) comply with any directions issued under Subsection (1)(f).”.

8. REPEAL AND REPLACEMENT OF SECTION 22.

The Principal Act is amended by repealing Section 22 and replacing it with the following new section:

“22. ANNUAL REPORT BY CHIEF SECRETARY TO GOVERNMENT.

(1) The Chief Secretary to Government shall, no later than 31 March in each year, give to the Prime Minister, for presentation to the National Executive Council, a report in respect of implementation by the National Public Service and public bodies, during the year ending 31 December preceding, of Governmental policies and decisions.

(2) Nothing in Subsection (1) prevents the Chief Secretary to Government from making, on his own initiative or at the direction of the Prime Minister, other reports on the implementation, by the National Public Service and public bodies, of Governmental policies and decisions.”.

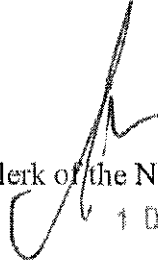
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9. **CENTRAL AGENCIES CO-ORDINATION COMMITTEE (AMENDMENT OF SECTION 24).**

Section 24 of the Principal Act is amended in Subsection (2) by repealing Paragraph (a) and replacing it with the following new paragraph:

“(a) the Chief Secretary to Government, who is the Chairman; and”.

I hereby certify that the above is a fair print of the *Prime Minister and National Executive Council (Amendment) Act 2022*, which has been made by the National Parliament.



Clerk of the National Parliament.

1 DEC 2022

I hereby certify that the *Prime Minister and National Executive Council (Amendment) Act 2022*, was made by the National Parliament on 23 November 2022.



Speaker of the National Parliament.

1 DEC 2022