



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

AUDITOR-GENERAL (AMENDMENT) ACT, 2018

Sponsored by:

HON. MINISTER DAVID PAUL

Received by:

HON. SPEAKER KENNETH A. KEDI

N.B.NO. 149

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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
39TH CONSTITUTION REGULAR SESSION, 2018



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Republic of the Marshall Islands
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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
39TH CONSTITUTION REGULAR SESSION, 2018



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

AUDITOR-GENERAL (AMENDMENT) ACT, 2018

A BILL FOR AN ACT to amend the *Auditor-General (Definition of Duties, Functions and Powers) Act 1986* (3 MIRC Ch. 9) by inserting a new section 921A to enable the Auditor-General to refer matters requiring administrative remedies directly to the respective agency to institute administrative disciplinary proceedings when determination of fault or wrongdoing is by agency's employees.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short title.

This Act may be cited as the Auditor-General (Amendment) Act, 2018.

§102. Amendment

(1) Section 921 shall be amended by inserting a new Section 921A to read as follows:

§921A. Referrals: Administrative Action.

Where the Auditor-General has discovered action which renders administrative remedies, he or she shall refer the matter to the relevant agency or body for appropriate action.

§103. Effective Date.

This Act shall take effect on the date of certification in accordance with the Constitution and the Rules of Procedures for the Nitijela.

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1 NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
2 39TH CONSTITUTION REGULAR SESSION, 2018

3 AUDITOR-GENERAL (AMENDMENT) ACT, 2018

4 BILL SUMMARY

5 A public servant or employee of a governmental institution commits an
6 administrative offense when the action of the employee is prohibited by laws,
7 regulations or policies or failing to do what is prescribed by laws, regulations and
8 policies and doing so intentionally or through negligence. The purpose of
9 administrative discipline is to correct any behavioural deficiencies and ensure
10 adherence to established laws, regulations or rules. Other benefits include:

- 11
- 12 ▪ Ensure that all public servants observe a standard of behaviours in
13 accordance with established public service Values and Conduct;
 - 14 ▪ Enhance good governance through promoting accountability and efficiency
15 in the public service;
 - 16 ▪ Provide speedy and cost-effective process means of dealing with behavioural
17 deficiencies and wrongdoings; and
 - 18 ▪ Ensures government institutions perform and deliver what they were setup
19 to do in the best possible way.

20 Currently, the Auditor-General is required under Section 920 and 921 to report to
21 the Attorney-General when, during performance of his/her duties, the Auditor-
22 General finds grounds to believe that criminal laws have been violated and other
23 circumstances where civil recovery proceedings would be appropriate. Unlike
24 criminal and civil proceedings which could take months (and years) to litigate,
25 administrative disciplinary actions provide a quick and cost-effective means to
26 address behavioural deficiencies and wrongdoings across government institution.

27
28 The amendment will enable the Auditor-General to refer directly matters requiring
29 administrative remedies directly to the relevant agency to institute appropriate
30 administrative disciplines.
31

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
39TH CONSTITUTION REGULAR SESSION, 2018

AUDITOR-GENERAL (AMENDMENT) ACT, 2018

SIGNATURES

DATE: _____ INTRODUCED BY DAVID PAUL [Signature]
Print Name *Signature*

DATE: _____ INTRODUCED BY _____
Print Name *Signature*

DATE: _____ INTRODUCED BY _____
Print Name *Signature*

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Print Name *Signature*

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