NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
45TH CONSTITUTION REGULAR SESSION, 2024

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

OFFICE OF THE CHIEF SECRETARY (DEFINITION OF POWERS, FUNCTIONS, DUTIES AND RESPONSIBILITIES) ACT, 2024

Index

Section		Page
§101.	Short title	3
§102.	Interpretation	3
§103.	Policy Objective	4
§104.	Composition of Office of the Chief Secretary	4
§105.	Organization of the Office	4
§106.	Appointment of the Chief Secretary	4
§107.	Appointment of Staff of the Office	5
§108.	Powers, Duties and Functions of the Chief Secretary	5
§109.	Chief Advisor to the Cabinet:	6
§110.	Head of the Public Service	7
§111.	Other Functions Vested by Law	8
§112.	Authority to Delegate Functions	9
§113.	Annual Reports	9
§114.	Regulations	9
§115.	Effective Date	9

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
45TH CONSTITUTION REGULAR SESSION, 2024

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

OFFICE OF THE CHIEF SECRETARY (DEFINITION OF POWERS, FUNCTIONS, DUTIES AND RESPONSIBILITIES) ACT, 2024

AN ACT to establishing the institutional framework and administrative arrangements Office of the Chief Secretary; setting out the policy objective; composition of the Office; organization of the Office; appointment of the Chief Secretary; appointment of staff; powers of the Chief Secretary; functions of the Chief Secretary; and for related matters connected therewith.

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

§101. Short title.

This Act may be cited as the Office of the Chief Secretary (Definition of Powers, Functions, Duties and Responsibilities) Act, 2024

§102. Interpretation

Unless the context otherwise requires, the following terms shall have the following meanings:

"Heads of Departments and Offices" shall mean all Department Secretaries, and shall include directors, supervisors and or other heads of any Government Office and or Agency;

§103. Policy Objective

To ensure efficiency in the discharge of the functions of the Office of the Chief Secretary, it is imperative that the mandate of the Office of Chief Secretary under Article VII Section 2 of the Constitution, and other laws of the Republic, and its position in the Public Service hierarchy, is clearly articulated.

§104. Composition of Office of the Chief Secretary

1. The Office of the Chief Secretary shall consist of:
    (a) the Chief Secretary;
    (b) such Deputy or Deputies, as deemed necessary;
    (c) administrative and support staff.
2. Where necessary, the Office of the Chief Secretary may engage, and or retain the services of outside experts, specialists and other professional persons, to assist in the discharge of the functions of the Office.

§105. Organization of the Office

The Chief Secretary may in consultation with the Public Service Commission, establish and organize the Office into units and or divisions as the Chief Secretary may deem appropriate, and to prescribe for said units and or divisions, the necessary functions, duties, and responsibilities, in accordance with the overall mandate of the Office, as prescribed under the Constitution and the laws of the Republic.

§106. Appointment of the Chief Secretary

The Chief Secretary is an Officer of the Public Service, and shall be appointed by the Public Service Commission, subject to the provisions below.

(1) Prior to making any such appointment, the Public Service Commission shall consult with the President, and obtain the concurrence of the Cabinet, in the appointment of a suitable person to the post of the Chief Secretary.

(2) No appeal by any person or by any employee of the Public Service shall lie against the appointment, and or promotion of any person to the post of Chief Secretary.

(3) The Chief Secretary may be appointed on a permanent basis, subject to good behavior and or on performance, or to a fixed term, in consultation with the President, and with the concurrence of the Cabinet.

§107. Appointment of Staff of the Office

The administrative and support staff of the Office of the Chief Secretary shall be appointed by the Public Service Commission. Where necessary, the Public Service may, on the recommendation of the Chief Secretary, appoint a person or persons, to serve as a Deputy, or Deputies to the Chief Secretary, to support the Chief Secretary in the discharge of the functions of the Office.

All persons employed under this Section are deemed employees of the Public Service, and shall not engage in any outside employment during their tenure as such.

§108. Powers, Duties and Functions of the Chief Secretary

The Chief Secretary shall serve as the head of the Public Service, and as the Chief Administrative Advisor to the Government. In addition to other duties, functions and powers conferred on the Chief Secretary under the Constitution, and the laws of the Republic, the Chief Secretary shall be responsible to the Cabinet, for the general direction of the work of all Ministries, Departments and Offices, and agencies of government.

Notwithstanding anything to the contrary in any other law, the Heads of Departments and Offices shall, in the discharge of their duties and functions, and in addition to the requirement to account for the work of a Department or Office to the Minister responsible, likewise, account for, and report on the performance of their Departments and Offices, to the Chief Secretary.

In accordance with the above, the Chief Secretary shall, in addition to powers vested in the Office under Article VII Section 2 of the Constitution, the powers, duties and functions setout below.

§109. Chief Advisor to the Cabinet:

As head of the Chief Advisor to the Cabinet, the Chief Secretary serves as the chief policy advisor to the Government, providing strategic, coherent, high quality and timely policy, legislative, and management advice to the President and Cabinet on all matters concerning the State of affairs of the Executive arm of Government and – and in instances, on all matters concerning the State of affairs of the State as a whole.

In this role, the Chief Secretary among others:

(1) plays a key supervisory role, and as a resource person, in reviewing Cabinet policy proposals,analyzingtheseproposals,andtenderingstrategic,coherent,high qualityand timely policy, legislative, and management advice, to support the decision-making by Cabinet;

(2) hold regular consultations with Cabinet on all policy issues related to the Government;

(3) review, analyze and submit advice to Cabinet on all Cabinet proposals to be considered at meetings of the Cabinet;

(4) attend meetings of the Cabinet, and to speak on any matter under consideration by the Cabinet, and to provide Cabinet with strategic, coherent, high quality and timely policy, legislative, and management advice in relation to matters affecting the whole of Government, and other functions as may be determined by Cabinet;

(5) to serve as the equalizer, striking a balance, and ensuring that policy decisions do not result in unintended consequences, but further the role of the Executive, and promote the interests of the Government. The scope, and diversity of policy is extensive, should cover all sectors of Government, including foreign relations and global agenda items such as climate change, Public Service related issues, health related policies, foreign relations and treaty obligations, economic development and national building issues; educational initiatives and strategies; tourism and investment; the operation of SOEs, annual budget appropriation matters; the banking and financial sectors; matters related to domestic transport and

communications services; administration of justice policies and strategies; matters related to internal affairs and security of the State;

(6) seek the advice of the relevant Ministries and Departments in reviewing policy, and developing advice to the Cabinet;

(7) engage temporary and or permanent experts and staff, to assist in the delivery of policy advice in these sectors, to the Cabinet;

(8) ensure that the Office is adequately resourced, in terms of funding and personnel at the time and space, to enable the delivery of this critical service to the Office of the President and Cabinet;

The list above is not intended to be exclusive, and the Chief Secretary is authorized to undertake any other tasks and functions related to his or her role as Chief Advisor to the Cabinet, unless clearly prohibited by law.

§110. Head of the Public Service

As Head of the Public Service, the Chief Secretary shall primary task shall be to ensure that the policies and laws of the Republic are being effectively implemented by the Ministries and Departments. To this end, the powers functions and duties and responsibilities of the Chief Secretary in this instance inter alia, include:

(1) Chief Secretary shall account to the Cabinet on the general direction and performance of the work of Departments and Offices, and the Public Service in general;

(2) ensuring inter-departmental coordination and efficiency in the implementation of Government policies and laws, by reviewing the work of the Ministries, their annual reports and annual performances and providing policy recommendations to Ministries;

(3) providing support guidance and instructions to the Ministries and Departments in the carriage of their duties;

(4) develop and initiate proposals and strategies, best practices and transparent systems and processes, and work plans to promote the work of the Public Service;

(5) serve as the channel of communication from Department Secretaries to Cabinet, and mobilize the Public Service in times of emergencies and disasters;

(6) meet regularly with the Public Service Commission, and refer matters requiring the decision of the Public Service Commission to the Commission, including disciplinary matters;

(7) the authority to request from department heads at anytime, updates, periodic, or annual reports on the performance of any such Department or Office, and to issue directives and instructions to department heads, in accordance with his or her authority under this Act, the Constitution, and other laws of the Republic;

(8) the authority to recommend disciplinary measures to the Public Service Commission on his or her own volition, or on the basis of reports from heads of departments;

(9) may call periodic meetings of Department heads to discuss matters related to the performance of Departments and Offices of Government;

(10) establish and lead committees and bodies necessary to promote the work of the Ministries and Departments;

(11) ensure through the annual budget process that Ministries are appropriately funded each fiscal year;

(12) coordinate the development and implementation of effective institution all arrangements to strengthen governance, policy and planning frameworks in the Government system, and to attain quality performance and management at all levels.

This Section does not limit the duties, functions and powers of the Chief Secretary to the matters prescribed above, and the Chief Secretary may take any other lawful action or perform any other lawful functions not prescribed above, provided that any such action or function is undertaken in accordance with the mandate of the Chief Secretary under Article VII Section 2 of the Constitution and the laws of the Republic.

§111. Other Functions Vested by Law

In addition to the above, the institutional and administrative arrangements of the Office of the Chief Secretary shall be structured in the manner that accommodates the functions, duties and responsibilities of the Chief Secretary, as assigned to the Office under laws of the Republic.

§112. Authority to Delegate Functions

The Chief Secretary may, where in his judgment, it is necessary, delegate certain of his functions to any such units and or divisions, and or to subordinate officers in the Office.

In the absence and or incapacity of the Chief Secretary, the Public Service Commission shall, in consultation with the President and Cabinet, appoint from within, or without, the Office of the Chief Secretary, an employee of the Public Service to temporarily discharge the functions of the Chief Secretary.

§113. Annual Reports

All Departments and Offices are hereby required to produce and transmit to the Chief Secretary, annual reports of the activities of such Department and Offices. Where existing law requires the production and transmission of an annual report of activities of a Department or Office to the Minister responsible, a copy of such a report shall likewise, be transmitted simultaneously to the Chief Secretary.

§114. Regulations

Where necessary, the Chief Secretary may in consultations with the Public Service Commission, promulgate regulations necessary to ensure the effective administration of the provisions of this Act, taking into account matters already prescribed under existing law and or Public Service Regulations, to avoid duplication.

§115. Effective Date

This Act shall take effect on the date of certification in accordance with Article IV Section 21 of the Constitution and the Rules of Procedures of the Nitijela.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: **15** was passed by the Nitijela of the Republic of the Marshall Islands on the 12th day of April 2024; and

2. That I am satisfied that Nitijela Bill No: **15** was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 29th day of April 2024.

Attest:

Brenson S. Wase
Speaker
Nitijela of the Marshall Islands

Morean S. Watak
Clerk
Nitijela of the Marshall Islands