



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**OFFICE OF THE CHIEF SECRETARY
(DEFINITION OF POWERS, FUNCTIONS,
DUTIES AND RESPONSIBILITIES) ACT, 2023**

Introduced by:

MINISTER CHRISTOPHER J. LOEAK

Approved:

SPEAKER KENNETH A. KEDI

SIGNATURE

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
44TH CONSTITUTIONAL REGULAR SESSION, 2023**



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Index

Section	Page
OFFICE OF THE CHIEF SECRETARY (DEFINITION OF POWERS, FUNCTIONS, DUTIES AND RESPONSIBILITIES) ACT, 2023	1
PART I - PRELIMINARY	5
§101. Short title.....	5
§102. Interpretation.....	5
§103. Policy Objective.....	6
PART II - ESTABLISHMENT AND ADMINISTRATION	6
§104. Composition of Office of the Chief Secretary	6
§105. Organization of the Office	6
§106. Appointment of the Chief Secretary	6
§107. Appointment of Staff of the Office	7
PART III – POWERS, DUTIES AND FUNCTIONS	7
§108. Powers, Duties and Functions of the Chief Secretary	7
§109. Chief Advisor to the Cabinet:	8
§110. Head of the Public Service.....	9
§111. Other Functions Vested by Law	11
§112. Authority to Delegate Functions	11

<u>1</u>	PART IV – REPORTING, REGULATION, ETC	11
<u>2</u>	§113. Annual Reports.....	11
<u>3</u>	§114. Regulations.....	11
<u>4</u>	§115. Effective Date.....	12
<u>5</u>		

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**OFFICE OF THE CHIEF SECRETARY (DEFINITION OF
POWERS, FUNCTIONS, DUTIES AND
RESPONSIBILITIES) ACT, 2023**

A BILL FOR AN ACT to establish the institutional framework and administrative arrangements for the 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 matters connected therewith.

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

PART I - PRELIMINARY

§101. Short title.

This Act may be cited as the Office of the Chief Secretary (Definition of Powers, Functions, Duties and Responsibilities) Act, 2023.

§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.

PART II - ESTABLISHMENT AND ADMINISTRATION

§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.

- (a) 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.

- 1 (b) No appeal by any person or by any employee of the Public Service
- 2 shall lie against the appointment, and or promotion of any person to
- 3 the post of Chief Secretary.
- 4 (c) The Chief Secretary may be appointed on a permanent basis, subject
- 5 to good behavior and or on performance, or to a fixed term, in
- 6 consultation with the President, and with the concurrence of the
- 7 Cabinet.

8 **§107. Appointment of Staff of the Office**

- 9 (1) The administrative and support staff of the Office of the Chief
- 10 Secretary shall be appointed by the Public Service Commission. Where
- 11 necessary, the Public Service may, on the recommendation of the Chief
- 12 Secretary, appoint a person or persons, to serve as a Deputy, or
- 13 Deputies to the Chief Secretary, to support the Chief Secretary in the
- 14 discharge of the functions of the Office.
- 15 (2) All persons employed under this Section are deemed employees of the
- 16 Public Service, and shall not engage in any outside employment
- 17 during their tenure as such.

18 **PART III – POWERS, DUTIES AND FUNCTIONS**

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

- 20 (1) The Chief Secretary shall serve as the head of the Public Service, and as
- 21 the Chief Administrative Advisor to the Government. In addition to
- 22 other duties, functions and powers conferred on the Chief Secretary
- 23 under the Constitution, and the laws of the Republic, the Chief
- 24 Secretary shall be responsible to the Cabinet, for the general direction
- 25 of the work of all Ministries, Departments and Offices, and agencies of
- 26 government.
- 27 (2) Notwithstanding anything to the contrary in any other law, the Heads
- 28 of Departments and Offices shall, in the discharge of their duties and
- 29 functions, and in addition to the requirement to account for the work
- 30 of a Department or Office to the Minister responsible, likewise, account
- 31 for, and report on the performance of their Departments and Offices, to
- 32 the Chief Secretary.

- (3) 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 set out below.

§109. Chief Advisor to the Cabinet:

- (1) 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.
- (2) In this role, the Chief Secretary among others:
 - (a) plays a key supervisory role, and as a resource person, in reviewing Cabinet policy proposals, analyzing these proposals, and tendering strategic, coherent, high quality and timely policy, legislative, and management advice, to support the decision-making by Cabinet;
 - (b) hold regular consultations with Cabinet on all policy issues related to the Government;
 - (c) review, analyze and submit advice to Cabinet on all Cabinet proposals to be considered at meetings of the Cabinet;
 - (d) 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;
 - (e) 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.
- (3) 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

1 strategies; tourism and investment; the operation of SOEs, annual
2 budget appropriation matters; the banking and financial sectors;
3 matters related to domestic transport and communications services;
4 administration of justice policies and strategies; matters related to
5 internal affairs and security of the State;

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

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

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

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

18 **§110. Head of the Public Service**

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

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

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

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

- 1 (d) develop and initiate proposals and strategies, best practices and
2 transparent systems and processes, and work plans to promote
3 the work of the Public Service;
- 4 (e) serve as the channel of communication from Department
5 Secretaries to Cabinet, and mobilize the Public Service in times
6 of emergencies and disasters;
- 7 (f) meet regularly with the Public Service Commission, and refer
8 matters requiring the decision of the Public Service Commission
9 to the Commission, including disciplinary matters;
- 10 (g) the authority to request from department heads at anytime,
11 updates, periodic, or annual reports on the performance of any
12 such Department or Office, and to issue directives and
13 instructions to department heads, in accordance with his or her
14 authority under this Act, the Constitution, and other laws of the
15 Republic;
- 16 (h) the authority to recommend disciplinary measures to the Public
17 Service Commission on his or her own volition, or on the basis
18 of reports from heads of departments;
- 19 (i) may call periodic meetings of Department heads to discuss
20 matters related to the performance of Departments and Offices
21 of Government;
- 22 (j) establish and lead committees and bodies necessary to promote
23 the work of the Ministries and Departments;
- 24 (k) ensure through the annual budget process that Ministries are
25 appropriately funded each fiscal year;
- 26 (l) coordinate the development and implementation of effective
27 institution all arrangements to strengthen governance, policy
28 and planning frameworks in the Government system, and to
29 attain quality performance and management at all levels.
- 30 (2) This Section does not limit the duties, functions and powers of the
31 Chief Secretary to the matters prescribed above, and the Chief
32 Secretary may take any other lawful action or perform any other
33 lawful functions not prescribed above, provided that any such action
34 or function is undertaken in accordance with the mandate of the Chief
35 Secretary under Article VII Section 2 of the Constitution and the laws
36 of the Republic.

1 **§111. Other Functions Vested by Law**

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

6 **§112. Authority to Delegate Functions**

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

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

15 **PART IV – REPORTING, REGULATION, ETC**

16 **§113. Annual Reports**

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

23 **§114. Regulations**

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

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§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.

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**OFFICE OF THE CHIEF SECRETARY (DEFINITION OF
POWERS, FUNCTIONS, DUTIES AND
RESPONSIBILITIES) ACT, 2023**

3
BILL SUMMARY

4 This Bill proposes to ensure efficiency in the discharge of the functions of the Office
5 of the Chief Secretary, and therefore ensuring better accountability in the
6 performance of the Public Service, it is imperative that the mandate of the Office of
7 Chief Secretary under Article VII Section 2 of the Constitution, and other laws of the
8 Republic, and its position in the Public Service hierarchy, is clearly articulated.


9 The Bill is intended to define the duties, functions and powers of the Chief Secretary
10 as prescribed under the Constitution and laws of the Republic, to clarify reporting
11 lines, between department heads, responsible Ministers and the Chief Secretary.
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OFFICE OF THE CHIEF SECRETARY (DEFINITION OF
POWERS, FUNCTIONS, DUTIES AND
RESPONSIBILITIES) ACT, 2023

3 SIGNATURES

4 DATE: _____ INTRODUCED BY _____
5 *Print Name* *Signature*

6 DATE: 8/30/23 INTRODUCED BY Casten Nerwa 
7 *Print Name* *Signature*

8 DATE: _____ INTRODUCED BY _____
9 *Print Name* *Signature*

10 DATE: _____ INTRODUCED BY _____
11 *Print Name* *Signature*

12 DATE: _____ INTRODUCED BY _____
13 *Print Name* *Signature*
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