



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

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

Introduced by:

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**MINISTER BREMITY LAKJHON**

Received by:

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**SIGNATURE**

*NB No. 15*



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



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



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

**A BILL FOR 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.

- 1 (2) 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 (3) 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 The administrative and support staff of the Office of the Chief Secretary  
10 shall be appointed by the Public Service Commission. Where necessary, the  
11 Public Service may, on the recommendation of the Chief Secretary, appoint  
12 a person or persons, to serve as a Deputy, or Deputies to the Chief Secretary,  
13 to support the Chief Secretary in the discharge of the functions of the Office.

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

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

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

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

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

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**§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, analyzing these proposals, and tendering strategic, coherent, high quality and 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

- 1 communications services; administration of justice policies and strategies;
- 2 matters related to internal affairs and security of the State;
- 3 (6) seek the advice of the relevant Ministries and Departments in reviewing
- 4 policy, and developing advice to the Cabinet;
- 5 (7) engage temporary and or permanent experts and staff, to assist in the
- 6 delivery of policy advice in these sectors, to the Cabinet;
- 7 (8) ensure that the Office is adequately resourced, in terms of funding and
- 8 personnel at the time and space, to enable the delivery of this critical
- 9 service to the Office of the President and Cabinet;

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

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

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

- 19 (1) Chief Secretary shall account to the Cabinet on the general direction and  
20 performance of the work of Departments and Offices, and the Public  
21 Service in general;
- 22 (2) ensuring inter-departmental coordination and efficiency in the  
23 implementation of Government policies and laws, by reviewing the  
24 work of the Ministries, their annual reports and annual performances  
25 and providing policy recommendations to Ministries;
- 26 (3) providing support guidance and instructions to the Ministries and  
27 Departments in the carriage of their duties;
- 28 (4) develop and initiate proposals and strategies, best practices and  
29 transparent systems and processes, and work plans to promote the work  
30 of the Public Service;
- 31
- 32 (5) serve as the channel of communication from Department Secretaries to  
33 Cabinet, and mobilize the Public Service in times of emergencies and  
34 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.

**§11. 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.

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

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

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

10 **§113. Annual Reports**

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

17 **§114. Regulations**

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

23 **§115. Effective Date**

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

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1 NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
2 45TH CONSTITUTIONAL REGULAR SESSION, 2024

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

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

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

**SIGNATURES**

DATE: \_\_\_\_\_ INTRODUCED BY \_\_\_\_\_  
*Print Name* *Signature*

DATE: 4/4/24 INTRODUCED BY Breunby Lygo \_\_\_\_\_  
*Print Name* *Signature*

DATE: \_\_\_\_\_ INTRODUCED BY \_\_\_\_\_  
*Print Name* *Signature*

DATE: \_\_\_\_\_ INTRODUCED BY \_\_\_\_\_  
*Print Name* *Signature*

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*Print Name* *Signature*