

No. 8 of 1988.

***Parliamentary Members' Personal Staff Act 1988.***

Certified on: / /20 .



INDEPENDENT STATE OF PAPUA NEW GUINEA.



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**ARRANGEMENT OF SECTIONS.**

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    "Member of Parliament"
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9. Regulations.



INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

*Parliamentary Members' Personal Staff Act 1988,*

Being an Act to provide for personal staff for members of the Parliament and for related purposes.

**1. INTERPRETATION.**

In this Act, unless the contrary intention appears—

**“personal staff”** means the personal staff of a Member of Parliament appointed under Section 3;

<sup>12</sup>**“Member of Parliament”** includes the Prime Minister, Ministers, Leader of the Opposition, Deputy Leader of the Opposition, Leader of a Minority Party, Speaker and Deputy Speaker and Parliamentary Secretaries appointed under the Parliamentary Secretaries Act 2004.

**2. PERSONAL STAFF.**

(1) Subject to this Act, each Member of Parliament is entitled to personal staff.

(2) The entitlement of a Member of Parliament under Subsection (1) is in addition to any entitlement to official personal staff which the Member may have under the *Official Personal Staff Act 1980*.

(3) The Salaries and Remuneration Commission shall determine the number of personal staff which each Member may have.

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<sup>1</sup> Section 1 (definition of “Member of Parliament”) amended by *Parliamentary Secretaries (Consequential Amendments) Act 1990* (No. 28 of 1990), s2; Section 1 (definition of “Member of Parliament”) amended by *Vice-Ministers (Consequential Amendments) Act* (No. 20 of 1994), s2; Section 1 Amended by No. 11 of 2005, Sched. 1.

<sup>2</sup> Section 1 Amended by No. 11 of 2005, Sched. 1.

(4) A determination under Subsection (3) may be by reference to a fixed number or by reference to a ceiling fortnightly amount of salary available for personal staff.

### **3. APPOINTMENT.**

A member of the personal staff of a Member shall be appointed by the Clerk of the Parliament on the recommendation of the Member concerned.

### **4. CONDITIONS OF EMPLOYMENT.**

(1) Subject to this Act, a member of a personal staff holds office at the pleasure of the Member for whom he has been appointed.

(2) When a Member ceases to hold the office of a Member of Parliament, the appointment of a member of his personal staff is terminated.

(3) A member of a personal staff holds office on such terms and conditions as are determined generally or in a particular case, by the Salaries and Remuneration Commission.

### **5. SALARIES.**

(1) The members of personal staff shall be paid salaries at such rates or in accordance with such scale of rates as are determined by the Salaries and Remuneration Commission.

(2) Rates under Subsection (1) may be fixed at a level lower than any minimum wage level fixed by any other law.

### **6. DUTIES.**

The duties of a member of personal staff are to assist the Member in relation to the performance of his functions as a Member within his electorate.

### **7. STATUS OF MEMBERS OF PERSONAL STAFF.**

(1) A member of the personal staff—

- (a) has, subject to Subsection (2), no standing as a member of the Public Service; and
- (b) is responsible solely to his member; and
- (c) has no authority over any officer; and
- (d) is not an officer.

(2) For the purposes of the *Criminal Code 1974*, a member of personal staff shall be deemed to be a person employed in the Public Service within the meaning of that Code.

**8. PAYMENT OF SALARIES, ETC.**

(1) The salaries of members of the personal staff shall be paid out of the Consolidated Revenue Fund.

(2) Notwithstanding anything in any other law, the total amount payable in any financial year under Subsection (1) shall not exceed such amount as is appropriated by the Parliament for the purposes of this section.

**9. REGULATIONS.**

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Office of Legislative Counsel, PNG