

No. 19 of 2020.

Prime Minister and National Executive Council (Amendment No. 2) Act 2020.

Certified on : 02 NOV 2020



No. 19 of 2020.

Prime Minister and National Executive Council (Amendment No. 2) Act 2020.

ARRANGEMENT OF SECTIONS.

1. Amendment of the Long Title.
2. Interpretation (Amendment of Section 2).
3. National Security Advisory Committee (Amendment of Section 11).
4. Secretariat (Amendment of Section 15).
5. Repeal of Section 17.
6. Repeal and replacement of Part 5.
7. New Section 23A.

“23A. NATIONAL EXECUTIVE COUNCIL DECISIONS.”

8. Central Agencies Coordination Committee (Amendment of Section 24).
9. Repeal of Section 33.
10. Repeal.
11. Transitional.



No. of 2020.

AN ACT

entitled

Prime Minister and National Executive Council (Amendment No. 2) Act 2020,

Being an Act to amend the ***Prime Minister and National Executive Council Act 2002*** and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with the advice of the Minister.

1. AMENDMENT OF THE LONG TITLE.

The Principal Act is amended in the Long Title by repealing Paragraph (e) and replacing it with the following new paragraph:

“(e) to establish the office of the Secretary for the Department of Prime Minister and National Executive Council and to provide for its powers and functions; and”.

2. INTERPRETATION (AMENDMENT OF SECTION 2).

Section 2 of the Principal Act is amended by repealing the definition of “Chief Secretary to Government” and replacing it with the following new definition:

““Secretary” means the Departmental Head of the Department of Prime Minister and National Executive Council;”.

3. NATIONAL SECURITY ADVISORY COMMITTEE (AMENDMENT OF SECTION 11).

Section 11 of the Principal Act is amended in Subsection (2) by repealing Paragraph (a) and replacing it with the following new paragraph:

“(a) the Secretary who is the Chairman; and”.

4. SECRETARIAT (AMENDMENT OF SECTION 15).

Section 15 of the Principal Act is amended by repealing the word “Commission” and replacing it with the word “Committee”.

5. REPEAL OF SECTION 17.

Section 17 of the Principal Act is repealed.

6. REPEAL AND REPLACEMENT OF PART 5.

Part 5 of the Principal Act is repealed and replaced with the following:

“PART 5. - SECRETARY FOR THE DEPARTMENT OF PRIME MINISTER AND NATIONAL EXECUTIVE COUNCIL.

19. SECRETARY FOR THE DEPARTMENT OF PRIME MINISTER AND NATIONAL EXECUTIVE COUNCIL.

(1) There is established within the National Public Service an office of the Secretary for the Department of Prime Minister and National Executive Council.

(2) The Secretary is the senior officer of the National Public Service.

20. FUNCTIONS OF THE SECRETARY FOR THE DEPARTMENT OF PRIME MINISTER AND NATIONAL EXECUTIVE COUNCIL.

The functions of the Secretary are -

- (a) to be the principal adviser to the Prime Minister and to the National Executive Council; and
- (b) to co-ordinate policies and initiatives of the National Executive Council; and
- (c) to ensure that decisions, directions and policies of the National Executive Council are implemented by the National Public Service and by public bodies; and
- (d) to ensure that the National Public Service and public bodies perform effectively and are accountable to the National Executive Council and to the Parliament; and
- (e) to oversee public sector reform; and
- (f) to assist the Prime Minister in formulating the Ministers' Key Result Areas and tracking their performances; and
- (g) to collaborate with the Secretary for the Department of Personnel Management to ensure that the Key Result Areas and Key Performance Indicators Commitments of Departmental Heads and Agency Heads, made with their respective portfolio Ministers in the performance management system, are tracked and monitored; and
- (h) to oversee the functions of the Central Agencies Coordination Committee; and
- (i) such other functions as are determined by the National Executive Council, or any other law.

21. POWERS OF THE SECRETARY FOR THE DEPARTMENT OF PRIME MINISTER AND NATIONAL EXECUTIVE COUNCIL.

(1) The Secretary may, at any time, for the purpose of the performance of his functions under this Act or any other law -

- (a) enter premises occupied or used by -
 - (i) a Department; or
 - (ii) a Provincial Government; or
 - (iii) a public body; and
- (b) question a person who appears likely to have information relevant to the functions of the Secretary; and
- (c) require a person to provide information relative to the functions of the Secretary; and
- (d) require a person to produce documents within his possession or subject to his control where such documents are relevant to the functions of the Secretary; and

Prime Minister and National Executive Council (Amendment No. 2)

- (e) make and retain copies of any document produced under Paragraph (d); and
- (f) issue directions relative to his functions to a Departmental Head and to the head of a public body.

(2) All Departmental Heads, heads of public bodies and officers of the National Public Service and of public bodies must -

- (a) co-operate with the Secretary in the performance of his functions and the exercise of his powers under this Act; and
- (b) comply with any directions issued under Subsection (1)(f).

22. ANNUAL REPORT BY THE SECRETARY.

(1) The Secretary shall, no later than 31 March in each year, give to the Prime Minister, for presentation to the National Executive Council, a report in respect of implementation by the National Public Service and public bodies, during the year ending 31 December preceding, of Governmental policies and decisions.

(2) Nothing in Subsection (1) prevents the Secretary from making, on his own initiative or at the direction of the Prime Minister, other reports on the implementation, by the National Public Service and public bodies, of Governmental policies and decisions.”.

7. NEW SECTION 23A.

The Principal Act is amended by inserting a new section after Section 23 as follows:

“23A NATIONAL EXECUTIVE COUNCIL DECISIONS.

(1) In this section, “Council” means the National Executive Council established by Section 149 (*The National Executive Council*) of the *Constitution*.

(2) Pursuant to Section 195(5) (*The National Executive Council*) of the *Constitution*, the procedures of the Council are as determined by the Council in accordance with the National Executive Council Procedures Handbook.

(3) Subject to Subsection (4), a decision of the Council is a privileged and confidential document, and is non-justiciable.

(4) A court of competent jurisdiction can inquire into a question of whether or not, the procedures and processes of the Council have been complied with according to law.

(5) A person who is not -

- (a) listed on the distribution list of a Council decision; or
- (b) in any way, affected by a Council decision; or
- (c) an authorised person to receive, possess or deal with, a Council decision in any manner or form,

but has possession and deals with the Council decision is liable to a serious disciplinary offence.

(6) Unauthorised disclosure, use or distribution of a Council decision is a serious disciplinary offence under the *Public Services (Management) Act 1995* and the Public Service General Orders.”.

Prime Minister and National Executive Council (Amendment No. 2)

8. CENTRAL AGENCIES COORDINATION COMMITTEE (AMENDMENT OF SECTION 24).

Section 24 of the Principal Act is amended in Subsection (2) by -

(a) repealing Paragraph (a) and replacing it with the following new paragraph:

“(a) the Secretary who is the Chairman; and” ; and

(b) repealing Paragraph (d) and replacing it with the following new paragraph:

“(d) the Departmental Head of the Department responsible for planning and monitoring; and”.

9. REPEAL OF SECTION 33.

Section 33 of the Principal Act is repealed.

10. REPEAL.

The *Prime Minister and National Executive Council (Amendment) Act 2020* (No. 12 of 2020) is repealed

11. TRANSITIONAL.

The person who holds the position of Acting Chief Secretary to Government continues in office until the coming into operation of this Act and upon the subsequent appointment of a substantive Secretary.

I hereby certify that the above is a fair print of the *Prime Minister and National Executive Council (Amendment No. 2) Act 2020*, which has been made by the National Parliament.


Clerk of the National Parliament.

02 NOV 2020

I hereby certify that the *Prime Minister and National Executive Council (Amendment No. 2) Act 2020* was made by the National Parliament on 2 September 2020.


Speaker of the National Parliament.

02 NOV 2020