



PUBLIC SERVICE ACT 2025

(NO. 5 OF 2025)



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PASSED by the National Parliament this 24th day of October 2025.

(This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the Bill)

Jefferson Hallu

Clerk to National Parliament

ASSENTED to in His Majesty's name and on His Majesty's behalf this 20th day of November 2025.

Patteson John Oti

Acting Governor-General

**AN ACT TO PROVIDE FOR THE MANAGEMENT AND DEVELOPMENT OF
THE PUBLIC SERVICE.**

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.

PUBLIC SERVICE ACT 2025

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PUBLIC SERVICE ACT 2025

PART 1 PRELIMINARY MATTERS

1 Short title

This Act may be cited as the *Public Service Act 2025*.

2 Commencement

- (1) This Act commences on the day or days appointed by the Minister by notice in the *Gazette*.
- (2) The Minister may appoint different days for different provisions.

3 Purpose of Act

The purpose of this Act is to:

- (a) provide for an independent, high-performing public service that delivers services to the Government and the public in a responsive and effective manner; and
- (b) provide a legal framework for:
 - (i) the organisational structure and remuneration of the public service; and
 - (ii) the administration of the human resource management of the public service; and
- (c) promote accountability and transparency in the governance of the public service; and
- (d) define the responsibilities of the Minister, the Commission, the Permanent Secretary and Responsible Officers; and
- (e) define the rights and obligations of public service employees; and
- (f) facilitate uniform employment and management practices in the public service based on merit, fairness and equality of employment opportunity; and

(g) facilitate the training and development of employees.

4 Act binds Crown

This Act binds the Crown.

5 Relationship with other laws

Where a provision of another law (other than the Constitution) is inconsistent with a provision of this Act, the latter prevails to the extent of the inconsistency.

PART 2 INTERPRETATION

6 General definitions

In this Act, unless the context otherwise requires:

“accountable officer” has the meaning given in section 2 of the *Public Financial Management Act 2013*;

“acquire”, in relation to information, includes being in custody of and having access to;

“act” includes omission and inaction;

“Administration Management Principle” has the meaning given in section 18;

“appointment” means appointment to a position, including as a result of promotion or a transfer;

“authorised responsible officer” for a unit, means the holder of the position in the Ministry which the principal responsible officer for the Ministry designates under section 45(1) to be the authorised responsible officer for the unit;

“body” or **“bodies”** established or appointed under this Act include the Public Service Training Board under section 76 and **IPAM** in section 77;

“Budget” means the Government’s annual budget prepared and presented under Part 6 of the *Public Financial Management Act 2013*;

“capabilities” include knowledge, skills, qualifications, experience, attitude, physical and mental capacity and personal qualities;

“classification structure” means the classification structure prepared under section 50;

“Code of Conduct” means the Code of Conduct of the Public Service made under section 24 of this Act;

“collective agreement” means an agreement between the Government and one or more recognised associations;

“Commission” means:

- (a) the Public Service Commission; or
- (b) the Judicial and Legal Service Commission for Solomon Islands established by section 117 of the *Constitution*; or
- (c) the Police and Correctional Services Commission for Solomon Islands established by section 119 of the *Constitution*,

as the context requires;

“constitutional office” means an office established under the *Constitution*;

“constitutional office-holder” means an employee who is specified in the Schedule to the *Constitutional Offices (Terms and Conditions of Service) Act* (Cap. 84);

“contract of employment” means a contract of employment between the Government and an employee;

“demotion” means downgrading an employee to a lower grade level, whether the employee continues to hold the same position or is appointed to another position with the lower grade level;

“employee” means an individual who is employed in the public service;

“employee misconduct” means minor misconduct or major misconduct under section 84;

“employment” means employment in the public service;

“Equality of Employment Opportunity Principle” has the meaning given in section 19;

“Establishment” has the meaning given in section 47;

“financial year” has the meaning given in section 2 of the *Public Financial Management Act 2013* in relation to the National Government;

“function” includes power, responsibility and duty;

“grade level” means a grade level specified in the classification structure;

“Human Resource Management Principle” means the public service principle specified in section 20;

“inability”, of an employee to perform the employee’s functions, means that:

- (a) the employee does not have the capabilities to satisfactorily perform the employee’s functions; or
- (b) the employee is not able to satisfactorily perform those functions because of an illness or a mental or physical disability; or
- (c) because of inattention, tardiness, carelessness or unwillingness to work, the employee does not perform the employee’s functions despite having the capabilities to do so;

“IPAM” means the Institute of Public Administration and Management established by section 77;

“Merit Principle” means the public service principle specified in section 21;

“Minister” means the Minister responsible for Public Service;

“Ministry” includes a Government agency or other Government organisation responsible for an area of Government administration, and the following applies:

- (a) a reference to a Ministry in relation to a principal responsible officer, is a reference to the Ministry the principal responsible officer supervises; and
- (b) a reference to a Ministry in relation to an authorised responsible officer, is a reference to the Ministry in which the unit the authorised responsible officer supervises is placed; and
- (c) a reference to a unit in relation to an authorised responsible officer, is a reference to the unit the authorised responsible officer supervises; and
- (d) a reference to a Ministry in relation to an employee, is a reference to the Ministry in which the employee works;

“Ministry of Finance” means the Ministry responsible for administering the *Public Financial Management Act 2013*;

“occupational group” means a group of employees who perform similar professional functions;

“Performance and Conduct Principle” means the public service principle specified in section 22;

“Permanent Secretary” means the Permanent Secretary of the Ministry responsible for Public Service;

“Permanent Secretaries” refer to Permanent Secretaries responsible for supervising the human resources management of the public service;

“position” means a position in a Ministry specified in the Establishment for a financial year;

“posting” means the assignment or the placement of an employee to a specific position, unit, division, department, ministry, province or location by a relevant authority;

“principal responsible officer”, for a Ministry, means:

- (a) the Permanent Secretary of the Ministry; or
- (b) if the Permanent Secretary is not the accountable officer of the Ministry, the accountable officer;

“Professional Standards Unit” means the unit in the Ministry responsible for Public Service established under section 72;

“promotion” means an appointment to a position with a higher grade level;

“public officer” has the meaning given in section 144 of the Constitution;

“public service” has the meaning given in section 144 of the Constitution;

“Public Service Commission” means:

- (a) the Public Service Commission for Solomon Islands established by section 115 of the *Constitution*; or
- (b) a member of the Commission or public officer who is the delegate of the Public Service Commission under section 116(2) of the *Constitution*;

“Public Service Order” refer to the Public Service Orders in section 125;

“Public Service Principle” is a Public Service Principle in section 17;

“Public Service Values” are the values in section 23;

“recognised association” means an employee association recognised by the Permanent Secretary under section 105;

“recruitment” means all the processes and procedures for appointing a person to a position other than the processes and procedures of the Commissions;

“redundant” has the meaning given in section 68;

“responsible officer”, in relation to an employee is a reference to:

- (a) the principal responsible officer for the employee’s Ministry; or
- (b) the authorised responsible officer for the employee’s unit;

“Secretary to Cabinet” means the Secretary to the Cabinet under section 41 of the *Constitution*;

“special temporary employee” means a political appointee who is not a public officer but an employee of the Government, employed pursuant to section 91 under an Instrument of Appointment to perform specified political tasks;

“statutory office-holder” means a person appointed to an office established under an Act to perform functions expressly conferred by the Act or another law (which person may also hold a position in the Establishment and perform functions of that position that are in addition to those of the statutory office’s);

“training” means training designed to develop employees’ knowledge, skills, behaviour and abilities to enable them to perform their functions;

“transfer” means the appointment from a position under one Commission to a position under another Commission;

“Trustee Principle” is the overarching Public Service Principle as set out in section 17(1);

“unit” means a function or a specialised grouping within a department or division of a Ministry;

“wisdom” in section 23(3) means the ability of a public officer to understand the laws and processes governing the operations of the public service systems, and apply judgment, experience, ethical principles and foresight in timely decision making that best serve the public interest.

PART 3 SCOPE OF APPLICATION OF ACT

7 General application to employees

- (1) This Act applies to employees, except as provided under sections 8 to 14.
- (2) In applying to an employee, this Act applies:
 - (a) irrespective of whether the employee’s employment is:

- (i) probationary; or
 - (ii) permanent or on contract or fixed term appointment; and
- (b) throughout the course of the employee's employment whether the employee is within Solomon Islands or elsewhere.

8 Parliamentarians

This Act does not apply to a person who is a member of the National Parliament of Solomon Islands.

9 Provincial and local government employment

- (1) In this section:
 - (a) **“Clerk”** means the Honiara City Council who is the Chief Executive appointed pursuant to section 42(1) of the *Honiara City Act 1999*; and
 - (b) **“Provincial Secretary”** means the Provincial Secretary for a province.
- (2) This Act does not apply to:
 - (a) a member of a Provincial Assembly; or
 - (b) a member of the government of the Honiara City Council.
- (3) Subject to this section, this Act does not apply to:
 - (a) employment by the Provincial Government as a provincial government officer (within the meaning of section 144(1) of the Constitution); or
 - (b) employment by the Honiara City Council or another local government authority.
- (4) The Minister and the Minister responsible for the Ministry administering the *Provincial Government Act 1997* may jointly, by Order, apply this Act to employment referred to in subsection (3)(a).
- (5) The Minister and the Minister responsible for the Ministry administering the *Honiara City Act 1999* may jointly, by Order, apply this Act to employment referred to in subsection (3)(b).

- (6) An Order under subsection (4) or subsection (5) may:
- (a) apply this Act to employment generally or specify the extent to which this Act applies to employment; or
 - (b) specify any modifications subject to which this Act applies to employment; or
 - (c) confer functions under this Act on the Clerk or the Provincial Secretary.

10 Constitutional office-holders

The following provisions of this Act apply to constitutional office-holders:

- (a) this Part;
- (b) Part 1, Part 2, Part 4, Part 12 and Part 13;
- (c) section 26.

11 Teachers

This Act does not apply to employment of a teacher to whom section 116B of the *Constitution* applies.

12 Police and correctional services

The following provisions of this Act apply to police officers and correctional service officers:

- (a) this Part;
- (b) Part 1, Part 2 and Part 13;
- (c) Part 4, Divisions 1 and 2;
- (d) Part 6, Division 1;
- (e) Part 7;
- (f) section 26(1)(c) and (2), sections 27 and 28, sections 37 and 38, and section 59(1).

13 State Owned Enterprises

- (1) In this section:

“State Owned Enterprise” has the meaning in section 2 of the *State Owned Enterprises Act 2007*.

- (2) Subject to this section, this Act does not apply to employment by a State Owned Enterprise.
- (3) The Minister and the Minister responsible for a State Owned Enterprise may jointly, by Order, apply this Act to employment by the State Owned Enterprise.
- (4) An Order under subsection (3) may:
- (a) apply this Act to employment generally or specify the extent to which this Act applies to employment; or
 - (b) specify any modifications subject to which this Act applies to employment; or
 - (c) confer functions under this Act on officers of the State Owned Enterprise.

14 Voluntary positions

- (1) The reference to employees in section 7 includes a reference to employees who are not remunerated.
- (2) The Minister may, by regulation, specify the provisions of this Act that apply to persons whose service is voluntary.

15 Work experience and training assistance

The Regulations may:

- (a) prescribe the type of work experience, internship or other training assistance program that a person in the public service may be engaged in; and
- (b) specify the provisions of this Act that apply to the engagement of persons on a work experience, internship or other training assistance program.

PART 4 PRINCIPLES, VALUES AND CODE OF CONDUCT

Division 1 Interpretation for Part 4

16 References to Public Service Principles and Public Service Values

A reference in this Part to:

- (a) a Principle is a reference to the Trustee Principle or a Public Service Principle; and
- (b) a Value is a reference to a Public Service Value.

Division 2 Public Service Principles

17 Trustee and Public Service Principles

- (1) The Trustee Principle is the overarching principle that public officers hold their positions of authority and responsibility as *trustees of the people*, and must therefore act with integrity, impartiality, fairness, and accountability and exercise their powers and duties solely for the benefit of the nation and its citizens.
- (2) The following Public Service Principles guide the human resource management of the public service:
 - (a) the Administration Management Principle;
 - (b) the Equality of Employment Opportunity Principle;
 - (c) the Human Resource Management Principle;
 - (d) the Merit Principle;
 - (e) the Performance and Conduct Principle.

18 Administration Management Principle

The Administration Management Principle is the principle that the administration and management of the human resources of the public service must be directed at:

- (a) providing effective, efficient and economical services to the Government and people of Solomon Islands; and
- (b) ensuring the effective, efficient and economical use of public resources; and
- (c) structuring and administering the public service in a manner that:
 - (i) clearly defines responsibilities; and
 - (ii) maintains appropriate levels of accountability.

19 Equality of Employment Opportunity Principle

The Equality of Employment Opportunity Principle is the principle that the human resource management of the public service must be directed to ensuring that:

- (a) all persons have equal opportunity to compete for appointment and training and to pursue careers in the public service; and
- (b) the public service must be managed to eliminate discrimination and to promote diversity among employees reflecting the diversity of Solomon Islands.

20 Human Resource Management Principle

The Human Resource Management Principle is the principle that the human resource management of the public service must be directed at:

- (a) promoting employment based on the Merit Principle and the Equality of Employment Opportunity Principle; and
- (b) ensuring that employees are treated fairly, reasonably and in a non-discriminatory way; and
- (c) facilitating participatory decision making and encouraging employees to have a role in decision making processes; and
- (d) remunerating employees at rates appropriate to their responsibilities; and

- (e) providing employees with access to training and development; and
- (f) providing employees with access to redress if adversely affected by improper and unreasonable decisions about their employment; and
- (g) providing a work environment that is safe and without risks to the health of employees; and
- (h) recognising the contribution of employees and former employees.

21 Merit Principle

The Merit Principle is the principle that the process of appointing a person must be directed at appointing a person on the basis of the person's:

- (a) capabilities; and
- (b) capacity to perform the relevant functions; and
- (c) potential for further development.

22 Performance and Conduct Principle

The Performance and Conduct Principle is the principle that employees must carry out their functions:

- (a) to the best of their ability; and
- (b) in a manner that is productive and directed to achieving assigned outputs; and
- (c) in a manner that makes optimal use of their experience and judgment; and
- (d) in a manner that accords with the Principles, Values and the Code of Conduct; and
- (e) so as to avoid conflicts of interest between their personal and other interests and their functions as employees; and

- (f) in a manner that does not adversely affect the performance of their functions as employees or bring the public service into disrepute.

Division 3 Public Service Values and Code of Conduct

23 Public Service Values

- (1) There are 9 core Public Service Values and an additional Public Service Value.
- (2) The core Public Service Values are:
 - (a) accountability; and
 - (b) equity; and
 - (c) ethicality; and
 - (d) impartiality; and
 - (e) integrity; and
 - (f) professionalism; and
 - (g) respect; and
 - (h) responsiveness; and
 - (i) transparency.
- (3) The additional Public Service Value is to aspire to develop wisdom.

24 Code of Conduct

- (1) The Code of Conduct of the Public Service:
 - (a) specifies standards for conduct and performance for giving effect to the Public Service Values; and
 - (b) must be appropriate for the circumstances of Solomon Islands.
- (2) The Code of Conduct is made by the Minister under section 30.

25 Application of and compliance with Code of Conduct

- (1) The Code of Conduct applies to all employees.
- (2) Each employee must comply with the Code of Conduct.

PART 5 ROLES, RESPONSIBILITIES AND FUNCTIONS

Division 1 General roles and responsibilities

26 General responsibilities of employees

- (1) Employees must at all times perform their functions in a way that:
 - (a) demonstrates the Public Service Values; and
 - (b) complies with the Code of Conduct; and
 - (c) to the extent required under this Act, comply with:
 - (i) this Act; and
 - (ii) the Regulations; and
 - (iii) the Public Service Orders; and
 - (iv) the laws of Solomon Islands; and
 - (v) the terms and conditions of the employee's employment; and
 - (vi) subject to subparagraphs (i) to (v), any other professional codes or standards that apply to employees.
- (2) An employee performing functions in another country must also comply with the laws of that country.

27 Employer's role and responsibilities

- (1) The Government employs all employees.
- (2) The Government has the following responsibilities:
 - (a) to protect the welfare of the public service; and

- (b) to ensure that the public service has the capacity and capability to perform its functions; and
 - (c) to nurture and develop leaders within the public service.
- (3) Functions performed for human resource management under this Act, or otherwise in relation to employees, are undertaken and performed on behalf of the Government.

28 Shared responsibility for human resource management of public service

- (1) The following persons share responsibility for the human resource management of the public service and for other functions performed in relation to employees:
- (a) the Minister;
 - (b) the Commissions;
 - (c) the Commissioner of Police;
 - (d) the Commissioner of Correctional Services;
 - (e) the Permanent Secretary, including as the delegate of the Public Service Commission under section 116(2) of the *Constitution*;
 - (f) responsible officers, including as the delegate of the Public Service Commission under section 116(2), of the *Constitution*.
- (2) A public officer, an officer of the Police Force or an officer of the Correctional Service may have responsibilities and functions under this section as a delegate of the Public Service Commission under section 116(2) of the *Constitution*, a delegate of the Commissioner of Police under section 121(3) of the *Constitution*, or a delegate of the Commissioner of the Correctional Services under section 124(3) of the *Constitution*.

Division 2 Minister

29 Minister's roles and responsibilities

- (1) The Minister is responsible for:

- (a) administering this Act; and
 - (b) supervising the Ministry responsible for Public Service.
- (2) In administering this Act and supervising the Ministry responsible for Public Service, the Minister must aim to ensure that the public service is:
 - (a) accountable; and
 - (b) effective; and
 - (c) efficient; and
 - (d) responsive.
- (3) In administering this Act and supervising the Ministry responsible for Public Service, the Minister must provide general direction and control with a view to ensuring measures for sound, effective and efficient human resource management of the public service, including by:
 - (a) planning for ongoing management of the public service; and
 - (b) planning for human resource training and development within the public service; and
 - (c) planning and developing remuneration policies and procedures for the public service, in consultation with the Minister of Finance; and
 - (d) creating, reviewing, abolishing and amalgamating Ministries' organisational structures; and
 - (e) adopting and integrating modern digital technologies into public service structures and systems, to improve public service records, data management and service delivery; and
 - (f) monitoring and reviewing the effectiveness of public service operations; and
 - (g) monitoring the operation of this Act and subsidiary legislation made under this Act; and

- (h) requiring responsible officers to produce documents relevant to the public service; and
- (i) making the Regulations; and
- (j) making and reviewing the Code of Conduct.

30 Minister makes Code of Conduct

- (1) The Minister must, by notice in the *Gazette*, make the Code of Conduct.
- (2) Before making the Code of Conduct, the Minister must consult about the content of the Code of Conduct with:
 - (a) the Public Service Commission; and
 - (b) the Permanent Secretary; and
 - (c) the principal responsible officers.

31 Minister must review Principles, Values and Code of Conduct

- (1) The Minister must, at least once every 5 years:
 - (a) review the application of the Public Service Principles in section 17, the Public Service Values in section 23, and the Code of Conduct in section 30; and
 - (b) make a report on the review.
- (2) The Minister's report must:
 - (a) describe the operation of the Principles, Values and Code of Conduct:
 - (i) in its first review from after the commencement of this Act; and
 - (ii) in each review thereafter; and
 - (b) specify any amendments that should be made to the Principles, Values and Code of Conduct; and

- (c) if specifying an amendment, include the comments of the Public Service Commission about the amendment and whether the Public Service Commission approves the amendment; and
 - (d) table the report before Parliament; and
 - (e) as soon as practicable after tabling the report, publish a copy of the report in the *Gazette*.
- (3) If Parliament, by resolution, approves an amendment to the Principles, Values or Code of Conduct specified in the report, the Minister must, by notice in the *Gazette*, amend the Principles, Values or Code of Conduct in accordance with the resolution as soon as reasonably practicable after the resolution is passed.

32 Minister may appoint advisory committees

- (1) The Minister may, by notice in writing, appoint an advisory committee to:
- (a) review a matter relating to the human resource management of the public service; and
 - (b) advise and make recommendations on the matter.
- (2) The notice must:
- (a) describe the matter to be reviewed by the committee and specify the committee's terms of reference; and
 - (b) appoint the members of the committee in accordance with subsection (3).
- (3) The Minister:
- (a) must appoint at least 1, but not more than 5, members of the committee; and
 - (b) may appoint a person to be a member of the committee whether or not the person is an employee; and
 - (c) may only appoint a person to be a member if satisfied that the person has the necessary capabilities; and

- (d) if there is more than one member, must specify which member is the presiding member.
- (4) Each committee must:
 - (a) review the matter referred to the committee in accordance with its terms of reference; and
 - (b) make a written report to the Minister on the conduct of the review and providing its advice and recommendations on the matter reviewed.
- (5) The Permanent Secretary must provide each committee with the services, facilities and assistance it requires.

33 Minister's annual report

The Minister must:

- (a) for each year, make a report on the operation of this Act and the human resource management of the public service during the year; and
- (b) include in the report:
 - (i) any reports made by an advisory committee under section 32 during the year; and
 - (ii) the reports made by the Commissions under section 38 for the year; and
- (c) table the report before Parliament within 3 months after the end of the year.

34 Delegation by Minister

- (1) The Minister may delegate any of the Minister's functions under this Act or subsidiary legislation made under this Act except the function to make subsidiary legislation or this function of delegation to:
 - (a) a Permanent Secretary; or
 - (b) any other employee who the Minister is satisfied has the necessary capabilities for performing the functions.

- (2) The delegation:
 - (a) must be in writing; and
 - (b) may be subject to conditions; and
 - (c) does not prevent the Minister from performing the delegated functions; and
 - (d) may be revoked by the Minister at any time.
- (3) The performance of a function by a delegate is to be treated as if the function were performed by the Minister.

Division 3 Commissions

35 Public Service Commission

- (1) The Public Service Commission is responsible for:
 - (a) in accordance with sections 116 and 137 of the *Constitution*:
 - (i) appointing public officers (other than officers for which other Commissions are responsible under the *Constitution*); and
 - (ii) exercising disciplinary control over public officers (other than officers for which other Commissions are responsible under the *Constitution*); and
 - (iii) removing public officers (other than officers for which other Commissions are responsible under the *Constitution*); and
 - (iv) making regulations for regulating and facilitating the performance of its functions under the *Constitution*; and
 - (b) safeguarding the impartiality and integrity of appointments by ensuring they are made in accordance with:
 - (i) the Merit Principle; and
 - (ii) the Equality of Employment Opportunity Principle; and
 - (iii) the other provisions of this Act; and

- (c) safeguarding the impartiality and integrity of the disciplinary proceedings it conducts; and
 - (d) advising and making recommendations under section 36; and
 - (e) performing other functions conferred on it by or under this Act.
- (2) The Public Service Commission may give power to the Professional Standards Unit to:
- (a) summon people to give evidence at the Ministry of Public Service; and
 - (b) require and take information, and carry out investigations.

36 Public Service Commission may advise and recommend

- (1) In this section:
- “matter”** means:
- (a) any aspect of the performance of the Public Service Commission’s functions; or
 - (b) the human resource management of the public officers in respect of whom the Commission performs its functions; or
 - (c) the human resources management of the public service generally; or
 - (d) the administration of this Act.
- (2) The Public Service Commission may, at the request of the Minister or on its own initiative, conduct a review in relation to a matter.
- (3) If the Public Service Commission carries out a review, the Commission must give a report to the Minister on the conduct of the review and set out its advice and recommendations in the report.

37 Other Commissions

Each Commission, other than the Public Service Commission, is responsible for the following matters:

- (a) safeguarding the impartiality and integrity of the appointments it makes by ensuring they are made in accordance with:
 - (i) the Merit Principle; and
 - (ii) the Equality of Employment Opportunity Principle; and
 - (iii) the other provisions of this Act;
- (b) safeguarding the impartiality and integrity of the disciplinary proceedings it conducts;
- (c) advising and making recommendations to the Minister on matters in relation to:
 - (i) the human resource management of the employees in respect of whom the Commission performs its functions; or
 - (ii) the administration of this Act in respect of those employees;
- (d) performing other functions conferred on it by this Act.

38 Commissions' annual reports

Each Commission must:

- (a) for each year, make a report about the performance of its functions during the year; and
- (b) give the report to the Minister within 2 months after the end of the year.

Division 4 Permanent Secretary

39 Roles and responsibilities

- (1) The Permanent Secretary is responsible for supervising the human resource management of the public service.
- (2) In fulfilling that responsibility, the Permanent Secretary must:
 - (a) support the Minister in meeting the Minister's responsibilities under this Act; and

- (b) promote and uphold the Public Service Principles and the Public Service Values and encourage all employees to perform their functions in a way that applies and demonstrates the Principles and Values; and
- (c) make Public Service Orders; and
- (d) give guidance about the interpretation and application of the Public Service Principles, the Public Service Values, the Code of Conduct and the Public Service Orders; and
- (e) conduct or participate in reviews in connection with breaches of the Code of Conduct in accordance with this Act; and
- (f) provide administrative support to each Commission; and
- (g) perform other functions in relation to the human resource management of the public service that are conferred on the Permanent Secretary under this Act or another written law.

40 Permanent Secretary Guidance

- (1) The Permanent Secretary may give guidance to one or more employees or a class of employees by:
 - (a) informing the employees about the conduct that gives effect to the Public Service Principles, the Public Service Values or the Code of Conduct, including by explaining conduct that affects a balance between the Principles, the Values and the Code of Conduct; or
 - (b) interpreting or applying provisions of this Act, the Regulations or the Public Service Orders; or
 - (c) explaining how to comply with the provisions of this Act, the Regulations or the Public Service Orders.
- (2) Any Guidance must be in writing and published in a manner that ensures it is distributed and is readily available to the employees.
- (3) An employee must consider and be informed by the Guidance that is relevant to the employee's position and functions.

41 Delegation by Permanent Secretary

- (1) The Permanent Secretary may delegate any of the Permanent Secretary's functions under this Act or subsidiary legislation made under this Act, except the function to delegate.
- (2) The delegation:
 - (a) must be in writing; and
 - (b) may be subject to conditions; and
 - (c) does not prevent the Permanent Secretary from performing the delegated functions; and
 - (d) may be revoked by the Permanent Secretary at any time.
- (3) The performance of a function by a delegate is to be treated as if it were performed by the Permanent Secretary.

42 Performance management of Permanent Secretaries

- (1) The role of managing the performance of Permanent Secretaries shall be with the Permanent Secretaries Performance Review Committee ("**PSPRC**") within the Office of the Prime Minister and Cabinet.
- (2) The PSPRC must manage the performance of each Permanent Secretary against the performance requirements of the Permanent Secretary's contract of employment.
- (3) The PSPRC must determine its procedures for managing the performance of Permanent Secretaries.
- (4) In managing the performance of a Permanent Secretary, the PSPRC may require, in writing, an employee to give it copies of reports and other relevant documents.
- (5) The employee must comply with any requirements under subsection (4).
- (6) At the beginning of each financial year, the PSPRC must:
 - (a) enter into a performance agreement with each Permanent Secretary; and

- (b) conduct the performance review of Permanent Secretaries at least once during the financial year; and
 - (c) give written notice to each Permanent Secretary specifying its procedures for managing the performance of the Permanent Secretary and how to comply with them.
- (7) The PSPRC must produce a report on the performance of each Permanent Secretary and submit to the Public Service Commission.

Division 5 Responsible officers

43 Responsibility of responsible officers

- (1) A responsible officer who is a principal responsible officer is responsible for the human resource management of the Ministry.
- (2) A responsible officer who is an authorised responsible officer is responsible for the human resource management for the unit of the Ministry in which he or she has been designated the authorised responsible officer.

44 Manner in which responsible officers fulfil their responsibility

In fulfilling the responsibility under section 43, a responsible officer must:

- (a) promote and uphold the Public Service Principles and Public Service Values; and
- (b) encourage all employees in the Ministry to perform their functions in a way that applies and demonstrates the Public Service Principles, the Public Service Values and the Code of Conduct; and
- (c) ensure that all human resource management processes of the Ministry are conducted fairly, properly, safely and lawfully (including, in particular, those relating to recruitment, performance appraisal and reward, training and development and disciplinary control); and
- (d) in performing the functions in relation to the human resource management of the Ministry conferred on the responsible officer under this or another Act:

- (i) comply with the Public Service Orders; and
- (ii) consider and be informed by any Guidance given by the Permanent Secretary under section 40.

45 Designation of authorised responsible officer for a Unit

- (1) The principal responsible officer designates the position in the Ministry, entitled the “***authorised responsible officer***” for a unit.
- (2) Before designating a position in subsection (1), the principal responsible officer must consult the Permanent Secretary.
- (3) The principal responsible officer must:
 - (a) make the designation in writing; and
 - (b) specify the unit the authorised responsible officer is responsible for in the designation.
- (4) The designation:
 - (a) may be subject to conditions; and
 - (b) if subject to conditions, must specify the conditions to which it is subject; and
 - (c) may be revoked or varied at any time.
- (5) Designating a position in subsection (1) does not:
 - (a) prevent the principal responsible officer from performing functions as the responsible officer in relation to an employee in the unit; or
 - (b) relieve the principal responsible officer from the responsibility of supervising the holder of the designated position.
- (6) Each principal responsible officer must:
 - (a) keep a record of each designation (of a position as an authorised responsible officer) he or she makes; and
 - (b) give a copy of the designation to the Permanent Secretary as soon as reasonably practicable; and

- (c) monitor the operations of each authorised responsible officer.
- (7) The Permanent Secretary must:
 - (a) maintain a register of designations; and
 - (b) monitor the operations of each authorised responsible officer.

PART 6 EMPLOYMENT AND MANAGEMENT

Division 1 Establishment

46 Purpose of Establishment

The purpose of the Establishment is to ensure that the public service:

- (a) has the right number of positions necessary to function effectively; and
- (b) is structured in a way that gives value to jobs in the public service and makes the best use of resources.

47 Annual Establishment

- (1) The Minister responsible for finance must include in the Budget for each financial year a document ("***the Establishment***") specifying:
 - (a) the ministries within the public service for that financial year; and
 - (b) the positions in each Ministry for that financial year; and
 - (c) the position title, number, location and grade level for each position; and whether it is filled or vacant.
- (2) The Establishment may include information in addition to the information specified in subsection (1).

48 Preparation of Establishment

- (1) The Permanent Secretary must prepare the Establishment for a financial year.
- (2) The Establishment for a financial year is part of the Budget estimates for the year.

- (3) The Permanent Secretary must prepare the Establishment:
 - (a) by reference to estimates made by Principal Responsible Officers of their Ministries' workforce requirements; and
 - (b) in consultation with the Permanent Secretary of the Ministry responsible for finance.
- (4) Guidance given by the Permanent Secretary to Principal Responsible Officers may address the timing and form of their estimates.
- (5) The Establishment must be:
 - (a) prepared alongside the Budget estimates under sections 46 and 47 of the *Public Financial Management Act 2013*; and
 - (b) tabled before Parliament with the Budget under section 48 of that Act.

49 Variation of Establishment

- (1) Variation of the Establishment is by varying:
 - (a) the structure of a Ministry by creating, transferring, abolishing or amalgamating units; or
 - (b) the number of positions in a Ministry; or
 - (c) the location of a position in the Establishment; or
 - (d) the grade levels of a position or class of position; or
 - (e) the title of a position.
- (2) The Minister may, subject to subsections (3) and (4), during a financial year, vary the Establishment for the financial year, if requested to do so.
- (3) A request to vary the Establishment must be:
 - (a) for the purpose of giving effect to Government policies and priorities; and
 - (b) made by:

- (i) a Principal Responsible Officer and the Permanent Secretary jointly; or
 - (ii) the Permanent Secretary in his or her own capacity.
- (4) If the Minister considers that a variation of the Establishment is likely to affect an amount appropriated in a head or subhead of the Budget, the Minister must ensure that the variation will take effect only if and when all appropriate appropriations or virements or other procedures under the *Public Financial Management Act 2013* are completed.
- (5) The Public Service Orders may detail the processes and procedures for varying the Establishment.

Division 2 Classification structure

50 Purpose and design of classification structure

- (1) The purpose of the classification structure is to ensure that jobs in the public service give good value for money.
- (2) The classification structure must be designed to enhance the efficiency, effectiveness and economy of the public service.

51 Requirements for classification structure

- (1) The Minister, with the endorsement of Cabinet, approves the classification structure for the public service.
- (2) The classification structure must specify:
 - (a) the grade levels to be applied to positions; and
 - (b) the characteristics of each grade level; and
 - (c) the salary range and increments within the salary range that apply to each grade level.
- (3) The classification structure may be presented in a way that specifies the different occupational groups within the public service and the positions, grade levels (with characteristics) and the salary range and increments that apply for each occupational group.
- (4) In this section:

“characteristics” mean the characteristics on which the value of a grade level is determined, and includes the level of capabilities required to perform the functions of the positions to which the grade level applies and the level of judgment and responsibility associated with performing those functions.

52 Assessment, review and variation of classification structure

- (1) The Permanent Secretary must:
 - (a) monitor, and keep data about the operation of the classification structure for the purpose of assessing its effectiveness in giving value to jobs in the public service; and
 - (b) at least once every 5 years, review the classification structure and investigate whether it is effective in giving value to jobs; and
 - (c) on completing the review, give the Minister a report on the Permanent Secretary’s findings and recommendations about whether and how to adjust the classification structure so it is effective in giving value to jobs in the public service.
- (2) After considering the report and taking into account the recommendations made in the report, the Minister may, with the agreement of Cabinet, vary or revoke and revise or replace the classification structure in a way that ensures there is a classification structure that gives value to jobs in the public service.
- (3) The variation or revocation and the revision or replacement of the classification structure must be made by notice published in the *Gazette*.

Division 3 Terms and conditions of employment

53 Minimum age

A person must not be employed in the public service unless the person has attained the age of 18.

54 Remuneration of employees

- (1) An employee must be remunerated for the position the employee holds in the public service.

- (2) An employee's salary or wages must be:
 - (a) determined in accordance with the classification structure; and
 - (b) paid only for the hours the employee is at work or on authorised paid leave; and
 - (c) paid in arrears; and
 - (d) as otherwise prescribed by Regulation.
- (3) An employee must also be paid any other remuneration prescribed by the Regulations.

55 Terms and conditions of employment

- (1) It is a condition of employment that an employee must comply with section 17.
- (2) The Regulations must prescribe the other terms and conditions of employment.

56 Relationship with terms and conditions imposed under other laws

The terms and conditions of employment prescribed by the Regulations have effect subject to the following:

- (a) this Act;
- (b) a collective agreement;
- (c) an order or award under the *Trades Dispute Act* (Cap. 75);
- (d) the *Employment Act* (Cap. 72);
- (e) the *Labour Act* (Cap. 73);
- (f) the *Workmen's Compensation Act* (Cap. 78).

Division 4 Recruitment, appointment and termination

Subdivision 1 Recruitment

57 Application of Merit Principle

The processes for recruiting a person to a position must be conducted in a way that ensures:

- (a) there is a competitive process for selecting the best candidate for appointment to the position; and
- (b) the Merit Principle is applied.

Note to section 57.

Because of the definition of “appointment” in section 6, the Merit Principle applies to all appointments, including appointments by promotion or transfer.

58 Recruitment process

- (1) The Public Service Orders must prescribe the recruitment processes for appointing a person to a position.
- (2) The recruitment process for appointing a person to a vacant position in a unit is the responsibility of the principal responsible officer of the Ministry.
- (3) Subsection (2) does not apply to the recruitment of a Permanent Secretary.

Subdivision 2 Appointments

59 Categories of appointment

- (1) Employment in the public service may be:
 - (a) permanent; or
 - (b) an appointment on contract; or
 - (c) a Fixed Term Appointment; or
 - (d) on probation; or
 - (e) by transfer; or

- (f) on a casual basis; or
 - (g) to act in a position.
- (2) The Public Service Orders must specify the processes and procedures relating to permanent employment, employment on contract and employment on probation.

60 Probation

- (1) This section does not apply to:
- (a) the appointment of a Permanent Secretary; or
 - (b) an appointment on contract; or
 - (c) the transfer or demotion of an employee.
- (2) When a person is appointed to a position in the public service, the appointment is an appointment on probation.
- (3) When a person is appointed to a position in the public service by promotion, the appointment is for a probationary period which is known as an on-trial probation.
- (4) The period of probation under subsections (2) and (3):
- (a) is the period of at least 6 months specified in the employee's terms and conditions of employment; and
 - (b) may be extended for a further period not exceeding the period mentioned in paragraph (a).
- (5) During the period of probation, the employee's performance must be assessed in accordance with the performance management processes prescribed by the Public Service Orders.
- (6) The authorised responsible officer of the unit in which the employee is appointed on probation must consider the assessment of the employee's performance and make and deliver to the relevant Commission a submission making recommendations, and specifying the reasons for the recommendations, about whether to:
- (a) end the employee's probation by confirming the employee's permanent appointment; or

- (b) extend the employee's period of probation; or
- (c) end the employee's employment under Subdivision 3.

61 Postings

- (1) This section does not apply to a Permanent Secretary.
- (2) An employee may be posted:
 - (a) to ensure an appropriate distribution of capabilities across all Ministries; or
 - (b) to ensure essential resources are available because of emergencies caused by threats to national security, natural disasters or public health emergencies or for providing any other urgent humanitarian relief; or
 - (c) to provide the employee with career development opportunities by acquiring new experience; or
 - (d) if the employee's position is redundant.
- (3) An employee who is, or is expected to be, subject to a proceeding under this Act in respect of unsatisfactory performance may not be posted to another Ministry until the proceeding is concluded or is no longer likely to happen.

62 Acting appointments

- (1) An employee may be appointed to act in the position of another employee who is:
 - (a) on secondment for more than 6 months; or
 - (b) on duty but is, for more than 6 months, posted away from the employee's usual place of work in another part of Solomon Islands or outside of Solomon Islands; or
 - (c) on study leave for more than 6 months; or
 - (d) suspended from duty for more than 6 months.
- (2) To avoid doubt:

- (a) the position to which an employee is appointed to act is a vacant position; and
- (b) the acting appointment ends when the position is substantively filled.

63 Direction to perform functions

- (1) This section applies, if:
 - (a) a position is vacant and the recruitment processes for appointing a person to the position are in progress; or
 - (b) the employee holding a position is unable to perform the functions of the position because the employee is:
 - (i) absent from duty for 6 months or less; or
 - (ii) suspended from duty for 6 months or less; or
 - (iii) on secondment for 6 months or less; or
 - (iv) on study leave for 6 months or less; or
 - (v) ill or suffering from a mental or physical incapacity.
- (2) The Permanent Secretary of the Ministry responsible for the position may direct an employee to perform the functions of the position.
- (3) The Permanent Secretary must not direct an employee to perform functions under subsection (2), unless satisfied that the employee has the necessary capabilities to perform the functions.
- (4) The direction must specify the period, not exceeding 6 months, that the employee is to perform the functions.
- (5) The direction in subsection (2) can be extended beyond the period in subsection (4), but the employee may not continuously perform the functions of the position for more than 12 months.
- (6) A direction to perform the functions of a position ends when the first of the following occurs:
 - (a) the direction expires;

- (b) if the position is vacant, a person is appointed to the position;
- (c) if the position is a position referred to in subsection (1)(b), the holder of the position returns to duty.

Subdivision 3 Termination

64 Categories of termination

- (1) Employment in the public service terminates:
 - (a) on retirement; or
 - (b) by resignation in writing; or
 - (c) if the appointment is on probation, on the probation ending without being extended, or the probationer's permanent appointment is confirmed; or
 - (d) if the appointment was made under a contract, on the expiry of the contract; or
 - (e) on redundancy; or
 - (f) on dismissal for misconduct; or
 - (g) on the death of the employee.
- (2) Employment in the public service is not terminated, if:
 - (a) a permanent employee is appointed to a position on contract; or
 - (b) a permanent employee is delayed retirement or is engaged on a Fixed Term Appointment.
- (3) The Public Service Orders must specify the processes and procedures for the termination of employment.

65 Compulsory retirement

- (1) An employee retires from the public service on attaining 55 years of age.
- (2) An employee may be required to retire:

- (a) on medical grounds, if the employee is unable to satisfactorily perform the functions of the employee's position because of illness or a physical or mental disability; or
 - (b) on public interest grounds, if the employee is unable to satisfactorily perform the functions of the employee's position because of inability or another reason.
- (3) The Regulations may prescribe the circumstances and manner in which an employee who retires under subsection (1) may be re-employed in the public service.

66 Voluntary retirement

An employee aged 45 to 55 may voluntarily retire from the public service.

67 Resignation

- (1) An employee may resign at any time.
- (2) Resignation is by written notice to the employee's responsible officer.
- (3) A resignation is not effective until the relevant Commission or other person who appointed the employee accepts the resignation.

68 Redundancy

- (1) An employee is redundant, if the functions of the employee's position are abolished.
- (2) The functions of a position may be abolished because:
 - (a) the position is no longer required; or
 - (b) the number of employees required to perform the functions of the position is reduced; or
 - (c) of a government policy for redundancy.

Division 5 Performance management

69 Purpose of performance management

The purpose of having performance management processes and procedures for employees is to ensure that employees perform their functions:

- (a) to the best of their abilities; and
- (b) in a way that enables them to achieve their assigned outputs.

70 Authorised responsible officers responsible for performance management

The authorised responsible officer for a unit is responsible for:

- (a) managing the performance of the employees in the unit; and
- (b) carrying out the unit's performance management processes and procedures.

71 Performance management processes and procedures

The Public Service Orders must prescribe the processes and procedures for performance management, including:

- (a) carrying out assessments; and
- (b) making counselling, mentoring and training services available for employees undergoing performance management and determining the success of those services.

Division 6 Professional standards

72 Professional Standards Unit

- (1) There is established in the Ministry of Public Service a unit known as the Professional Standards Unit.
- (2) The functions of the Professional Standards Unit are to:
 - (a) manage compliance with professional standards within the public service and support responsible officers' supervision of professional conduct in the Ministries; and

- (b) promote ethical behaviour and integrity in the public service and support responsible officers' supervision of ethical behaviour and integrity in the Ministries; and
- (c) if delegated by a Commission, exercise the powers granted by the Public Service Commission in section 35(2) to investigate employee misconduct and advise on appropriate disciplinary processes; and
- (d) disseminate information and conduct education programs about the application of and compliance with the *Whistleblowers Protection Act 2018* within the public service; and
- (e) assist in protecting employees who make public interest disclosures under the *Whistleblowers Protection Act 2018*.

PART 7 WORKFORCE DEVELOPMENT AND TRAINING

Division 1 Workforce development

73 Workforce development planning

The purpose of workforce development planning is to:

- (a) systematically identify and plan the workforce needs of the public service for undertaking the Government's business activities in a way that aligns with the planning activities of the Government; and
- (b) effectively design jobs to meet those workforce needs; and
- (c) recruit persons with the right knowledge, skills, experience, personal qualities and attitudes to meet those workforce needs; and
- (d) assess and address the capacity building training requirements of the public service and accordingly develop the skills, knowledge, experience and abilities of employees to meet those workforce needs and achieve their assigned outputs; and
- (e) manage workforce performance.

74 Responsibility for workforce development planning

The principal responsible officer for a Ministry must:

- (a) develop periodic strategic plans for conducting the Ministry's business activities and developing its workforce capabilities; and
- (b) for each financial year, make a work plan and a human resource development plan for the Ministry that is consistent with the Ministry's periodic strategic plans referred to in paragraph (a); and
- (c) ensure an individual work plan and development plan is made each year for each employee in the Ministry.

Division 2 Training

75 Training policy

- (1) The Public Service Orders must prescribe a training policy for the public service.
- (2) The training policy must provide for a strategy for assessing the capability and training and development needs of the public service in a way that takes account of equal employment opportunity and promotes the Equality of Employment Opportunity Principle.

76 Public Service Training Board

- (1) The Public Service Training Board is established.
- (2) The functions of the Board are to:
 - (a) receive and consider applications from employees to undertake long term training; and
 - (b) approve or refuse to approve the applications; and
 - (c) perform any other functions specified in the Public Service Orders.
- (3) In performing its functions, the Board must comply with the Public Service Orders.

- (4) The members of the Board are:
 - (a) the Permanent Secretary; and
 - (b) the Secretary to Cabinet; and
 - (c) the Permanent Secretary of the Ministry responsible for finance; and
 - (d) the Permanent Secretary of the Ministry responsible for education; and
 - (e) the Permanent Secretary of the Ministry responsible for national planning; and
 - (f) the Permanent Secretary of the Ministry responsible for provincial government.
- (5) The Permanent Secretary is the Chairperson of the Board.
- (6) The Board may:
 - (a) invite other Permanent Secretaries to attend a meeting of the Board; and
 - (b) give the other Permanent Secretaries all or some of the rights and functions of a member of the Board at those meetings.
- (7) The Permanent Secretary must ensure that appropriate administrative support is provided to the Board.
- (8) The Public Service Orders must prescribe the procedures of the Board.

77 Institute of Public Administration and Management

- (1) The Institute of Public Administration and Management ("**IPAM**") is established.
- (2) The functions of IPAM are to:
 - (a) design and deliver professional development training; and
 - (b) deliver training courses developed by other institutions; and

- (c) conduct research; and
 - (d) inform course designers on the relevancy of training programs; and
 - (e) conduct quality assurance evaluations of training.
- (3) The Public Service Commission appoints the persons who work at IPAM.
 - (4) The Regulations may prescribe the procedures of IPAM, however, IPAM determines its procedures if they are not prescribed.

78 IPAM Advisory Committee

- (1) The IPAM Advisory Committee is established.
- (2) The function of the Committee is to advise IPAM on the performance of its functions generally, and in particular about the following:
 - (a) the courses to offer including the curriculum and delivery methods that includes digital delivery and other information communication technologies;
 - (b) courses provided by other institutions;
 - (c) eligibility to enrol in courses;
 - (d) best practice and emerging issues in learning and development;
 - (e) online learning as a mode of study;
 - (f) mandatory courses for all levels.
- (3) The members of the IPAM Advisory Committee are:
 - (a) the Permanent Secretary, or a person nominated by the Permanent Secretary; and
 - (b) three other members appointed under subsection (4).
- (4) The Minister must, in writing, appoint the members referred to in subsection (3)(b) for a term not exceeding 3 years specified in the notice.

- (5) The Minister must appoint persons who have knowledge and experience in the fields of education, training or public policy.
- (6) A member may be re-appointed but may not be appointed for more than 2 consecutive terms of office.
- (7) The terms and conditions of a member's appointment must be specified in the notice of appointment.
- (8) The Permanent Secretary or a member nominated by the Permanent Secretary is the Chairperson of the Committee.
- (9) The Committee may prescribe its own procedures.

PART 8 EMPLOYEE CONDUCT

Division 1 Preliminary

79 Meaning of employee for Part 8

A reference in this Part to an employee whose employment is unsatisfactory or who allegedly commits misconduct does not include a reference to a Permanent Secretary.

80 Application of Part 8

This Part applies to the conduct of an employee:

- (a) occurring in Solomon Islands or another country; and
- (b) despite any of the following:
 - (i) the conduct is being or has been investigated for the purposes of commencing an action or proceedings under a law other than this Act; or
 - (ii) the action or proceedings are being or have been conducted; or
 - (iii) an investigation, action or proceedings are discontinued.

81 Confidential materials under Part 8

For the avoidance of doubt, the following are confidential:

- (a) reports of performance assessments conducted under Division 2;
- (b) reports under Division 4;
- (c) the records made of the assessments and reports.

Division 2 Inability

82 Employees' inability to perform

An employee's performance may be unsatisfactory because of inability, if:

- (a) the employee's responsible officer has assessed the employee under the performance management processes and procedures under Part 6, Division 5 for the period specified in the Public Service Orders; and
- (b) the responsible officer's assessment is that the employee's performance is unsatisfactory; and
- (c) despite development opportunities provided to the employee through counselling, mentoring and training, the responsible officer arrives at the same assessment.

83 Procedures for employee inability

- (1) The Public Service Orders must prescribe the procedures for:
 - (a) deciding:
 - (i) whether the employee's performance is unsatisfactory; and
 - (ii) the cause of unsatisfactory performance; and
 - (iii) the action to take in response to unsatisfactory performance; and
 - (b) giving the employee an opportunity to respond to the allegation of unsatisfactory performance and to the decision of the responsible officer; and

- (c) arrangements for counselling, mentoring and rehabilitation support.
- (2) A responsible officer who assesses that an employee's performance is unsatisfactory must conduct the processes prescribed under subsection (1).

Division 3 Employee Misconduct

84 Minor misconduct and major misconduct

- (1) An employee commits a misconduct, if in the course of performing his or her functions or otherwise in connection with his or her employment contravenes section 26.
- (2) For the purposes of subsection (1), the Minister shall make regulations to prescribe the following:
 - (a) misconduct that amounts to a minor misconduct;
 - (b) misconduct that amounts to a major misconduct.
- (3) The Permanent Secretary may give guidance to an employee about a minor misconduct or a major misconduct.

Division 4 Reporting misconduct

85 Reports of alleged misconduct

- (1) An employee or other person who suspects or believes that an employee has committed misconduct should report the alleged misconduct to the responsible officer of the Ministry of that employee.
- (2) The report may be oral or in writing, and where the report is made orally, the responsible officer must make a written report of the alleged misconduct on behalf of the person who complained.
- (3) A responsible officer who suspects or believes that an employee has committed misconduct must make a written report of the alleged misconduct.
- (4) A responsible officer who makes a report under subsection (2) or subsection (3) must:

- (a) report the alleged misconduct the subject of the report to the Permanent Secretary of the Ministry and give the Permanent Secretary a copy of the report as soon as practicable; and
 - (b) keep a record of the following:
 - (i) the date the report is made;
 - (ii) the person to whom it is made;
 - (iii) the person who made the report, and that person's occupation and contact details;
 - (iv) the facts and other circumstances giving rise to the alleged misconduct.
- (5) The Permanent Secretary of the Ministry must submit a copy of the report to the relevant Commission.

86 Content of report of alleged misconduct

A report made under section 85(2) or (3) must:

- (a) describe the conduct constituting the alleged misconduct; and
- (b) give as many details of the misconduct as is known, including:
 - (i) the identity of the employee alleged to have committed the misconduct; and
 - (ii) the place where the alleged misconduct was committed; and
 - (iii) the date and time when the alleged misconduct was committed; and
 - (iv) any other information about the misconduct; and
- (c) be signed and dated by the person who reports the misconduct.

PART 9 OTHER EMPLOYMENT

87 Work experience and training assistance programs

- (1) The Permanent Secretary may establish programs providing opportunities for work experience, internship and training assistance in the public service.
- (2) The Public Service Orders must:
 - (a) prescribe the process for engaging a person under a program; and
 - (b) address other matters in relation to the programs.

88 Volunteers

- (1) The Public Service Orders must provide for volunteering in the public service.
- (2) The Permanent Secretary must take all reasonable steps to ensure that volunteers are not used:
 - (a) for work for which the public service would reasonably be expected to pay; or
 - (b) to perform functions that are generally performed by an employee.
- (3) A person may not work as a volunteer in a Ministry unless:
 - (a) the responsible officer for the Ministry has given written approval; and
 - (b) the processes prescribed by the Public Service Orders have been complied with.

89 Secondment

- (1) The Permanent Secretary may enter into a secondment arrangement, if satisfied that it is in the interest of the public service.
- (2) Before entering into a secondment arrangement, the Permanent Secretary must consult relevant responsible officers.

- (3) Arrangements under this section may:
 - (a) second an employee from one Ministry to perform functions for another Ministry or for a provincial government; or
 - (b) second an employee to perform functions for a body outside the public service.
- (4) During secondment, the body to which the employee is seconded in subsection 3(b) is responsible for the employee's remuneration.
- (5) The Permanent Secretary must make Public Service Orders providing for the following:
 - (a) monitoring and assessing secondments;
 - (b) performance management during secondments;
 - (c) prescribing the processes for implementing secondment programs;
 - (d) disciplinary management during secondment;
 - (e) any other matters relevant to secondments.
- (6) In this section, "**body**" refers to an organisation or institution outside of the public service.

90 Statutory office-holders

- (1) A statutory office-holder holds his or her office (in addition to any express terms and conditions of the person's appointment) subject to an implied requirement to perform the functions of the office in a manner that:
 - (a) demonstrates the Public Service Values; and
 - (b) complies with the laws of Solomon Islands.
- (2) The statutory office-holder also holds office subject to implied conditions that the person must:
 - (a) treat as confidential all information acquired in the course of or in connection with the person's functions; and

- (b) act in a way that is most likely to protect and maintain the confidentiality of that information; and
- (c) not disclose that information otherwise than:
 - (i) in the course of performing the person's functions; or
 - (ii) in compliance with a requirement under a written law.
- (3) The Public Service Orders may require a statutory office-holder to enter into a confidentiality agreement or impose other requirements relating to the manner of carrying out the office-holder's functions.

91 Special temporary employees

- (1) The Secretary to Cabinet, if of the opinion that it is necessary to do so, shall in consultation with the Public Service Commission, employ special temporary employees, who shall be persons who have appropriate qualifications to carry out work of a political nature.
- (2) An employee appointed pursuant to subsection (1):
 - (a) shall not be construed as holding any public office within the meaning of the *Constitution*; and
 - (b) shall perform the functions and duties in terms of an instrument of appointment.
- (3) The instrument of appointment in subsection (2)(b) shall include:
 - (a) the terms and conditions of service, including the remuneration payable during the period of employment; and
 - (b) the specific nature of the work to be performed; and
 - (c) that such an employee is not eligible for any entitlement applicable to public officers, except as provided in the instrument of appointment.
- (4) An employee appointed under subsection (1) shall be subject to section 84 and the regulations made thereunder; and sections 85 and 86 also apply.

PART 10 EMPLOYEE GRIEVANCES

Division 1 Miscellaneous matters for Part 10

92 Definitions for Part 10

In this Part:

“action”:

- (a) means an action taken under this Act or taken in purported compliance with this Act or subsidiary legislation made under this Act by an employee; and
- (b) includes refusing or failing to take action; and
- (c) does not include an action of the Commission in performing its functions under the Constitution; and
- (d) does not include an action taken under Part 8 or sections 88. 89 and 90;

“complaint” means a complaint made under section 96;

“complainant” means an employee who makes a complaint;

“internal review” means a review of a complaint about an employee;

“relevant unit” means the unit where the respondent worked at the time of taking the action complained of;

“respondent” means the employee who took the action complained of.

93 Purpose of Part 10

The Purpose of this Part is to give employees a right to an internal review of actions that relate to the employees' employment.

94 Preservation of other rights of action

This Part does not prevent an employee or other person from taking legal proceedings or other proceedings in respect of a matter that is, or has been or might be the subject of an internal review.

95 Responsible officers to provide information about Part 10

A responsible officer must take all reasonable steps to ensure that each employee in the responsible officer's unit or Ministry (as the case requires) understands:

- (a) the employee's entitlement to an internal review under this Part; and
- (b) the process for making complaints and the conduct of internal reviews.

Division 2 Complaints

96 Employee may make complaint

- (1) An employee who is aggrieved by an action relating to the employee's employment taken by another employee may complain about the action.
- (2) The complainant must make the complaint:
 - (a) if the complaint is about a Permanent Secretary, to the Public Service Commission; or
 - (b) if the complaint is about any other employee, to the complainant's responsible officer.
- (3) The complaint must be made within 28 days after the action is taken.
- (4) The Public Service Commission or responsible officer may extend the time for making the complaint if, in the opinion of the Public Service Commission or the responsible officer, there are exceptional circumstances for doing so.

97 Form of complaint

- (1) A complaint must:

- (a) be made orally or in writing; and
 - (b) specify the action complained of and the reasons why the employee is aggrieved by the action; and
 - (c) specify the facts the employee relies on to establish those reasons.
- (2) A complaint may be made:
- (a) by more than one employee; or
 - (b) by an employee or other person as the representative of an employee or a group of employees.

98 Conduct of internal review

- (1) On receiving a complaint, the Public Service Commission or responsible officer must:
- (a) conduct an internal review of the complaint; or
 - (b) arrange for another employee to conduct an internal review of the complaint.
- (2) The Public Service Orders must prescribe the processes and procedures for conducting and determining an internal review.

99 Frivolous complaints

- (1) This section applies, if the Public Service Commission or responsible officer concludes that a complaint should be dismissed because:
- (a) the complaint is frivolous, vexatious or not made in good faith; or
 - (b) the complainant unreasonably delayed:
 - (i) making the complaint; or
 - (ii) initiating the conduct of the internal review process.
- (2) The Public Service Commission or responsible officer must:
- (a) counsel and reprimand the complainant; and

- (b) caution the complainant against:
 - (i) making frivolous or vexatious complaints, or complaints in bad faith; or
 - (ii) delaying making a complaint or initiating the internal review process; and
- (c) warn the complainant that repeatedly making such complaints or delays is a misconduct.

100 Withdrawal of complaint

A complainant may withdraw his or her complaint by notice in writing, signed and dated by the complainant and delivered to the Public Service Commission or responsible officer.

101 Confidentiality

- (1) The following are confidential:
 - (a) complaints, the making of a complaint or any record of a complaint;
 - (b) a report or other record of the arrangement, conduct or outcome of an internal review;
 - (c) the identities of a complainant and a respondent.
- (2) The Public Service Commission, a responsible officer or an employee who, in the course of performing their functions receives information specified in subsection (1), must act in a way that is most likely to protect and maintain the confidentiality of the information.

102 Guidance about complaints and internal reviews

The Permanent Secretary may give guidance about complaints and internal reviews, including making complaints, the content of complaints, withdrawing a complaint and attending internal reviews.

PART 11 EMPLOYMENT RELATIONS

Division 1 Preliminary matters for Part 11

103 Definitions for Part 11

In this Part:

“claim” means a claim made by a recognised association on behalf of its members for a change to the terms and conditions of their employment;

“employee association” means:

- (a) a **“trade union”** within the meaning of section 2 of the *Trade Unions Act* (Cap. 76); or
- (b) any other association of which employees are members the purposes of which include representing and protecting the interests of its members;

“negotiation” means a negotiation about a claim, but does not include a negotiation that is conducted by way of a proceeding under the *Trades Dispute Act* (Cap. 75);

“party”, of a negotiation, means:

- (a) the Permanent Secretary, or an employee authorised by the Permanent Secretary, representing the Government in the negotiation; or
- (b) each recognised association that represents in the negotiation;

“terms and conditions” of an employee, means all the terms and conditions of the employee’s employment, including remuneration.

104 Employees’ right to representation

For the avoidance of doubt, an employee is not prevented from joining a trade union or other representative association by the operation of this Act.

105 Recognition of employee associations

- (1) The Permanent Secretary may recognise an employee association for the purpose of negotiating collective agreements, if satisfied that a significant number of employees are members of the association.
- (2) Recognition of the employee association is by notice in writing from the Permanent Secretary to the association.
- (3) Subject to subsection (4), the recognition is valid for 2 years, but an employee association may in writing, request a further term of recognition.
- (4) If a trade union's registration under the *Trade Unions Act* (Cap. 76) is cancelled or suspended, on the cancellation or suspension taking effect:
 - (a) the trade union is not eligible to be a recognised association until its registration is restored or renewed; and
 - (b) if a recognised association:
 - (i) the recognition ceases to have effect immediately, and
 - (ii) if the trade union's registration is restored or renewed, the trade union may re-apply for recognition.

Division 2 Collective bargaining

106 Application of Part 11, Division 2

This Division does not apply to the negotiation of the terms and conditions of a contract of employment.

107 Claims

- (1) A recognised association may:
 - (a) make and negotiate a claim on behalf of its members who are employees; and
 - (b) be joined as a party to a negotiation so as to represent its members who are employees in the negotiation.
- (2) A claim for the purpose of subsection (1)(a) must be:

- (a) in the form prescribed by the Public Service Orders; and
- (b) delivered to the Permanent Secretary.

108 Negotiations

- (1) A claim may be negotiated in whole or in part.
- (2) In negotiating a claim, all parties must act in good faith for the purposes of reaching an agreement that balances the interests of the employees and the interests of the Government.
- (3) The interests of the Government include:
 - (a) affordability; and
 - (b) productivity; and
 - (c) upholding the Public Service Values.

109 Joinder of claims and parties

- (1) If two or more recognised associations make claims that are substantially the same, they may, by agreement between themselves and the party representing the Government:
 - (a) join all or some of the claims, or parts of all or some of the claims, and negotiate them as one claim; or
 - (b) join all or any of the recognised associations as parties to the claim; or
 - (c) join any other recognised association, whose members the Permanent Secretary considers should be represented in the negotiation, as a party to the claim.
- (2) If a claim is made about a term or condition that is relevant to the conditions of employment of all employees:
 - (a) the claim must be negotiated (and determined) as if it were made on behalf of all employees; and
 - (b) the party representing the Government may either:

- (i) negotiate with only the recognised association who made the claim; or
 - (ii) join all recognised associations as parties to the negotiation.
- (3) A party to a negotiation may, at any time before the claim is determined under section 110, refer the claim being negotiated to the Trade Disputes Panel as a trade dispute under the *Trade Disputes Act* (Cap. 75).

110 Determination of claim

A claim may be determined:

- (a) by collective agreement; or
- (b) if it is referred as a trade dispute to the Trade Disputes Panel, by an order or award under the *Trade Disputes Act* (Cap. 75).

111 Collective agreements

- (1) A collective agreement:
 - (a) must be in the prescribed form; and
 - (b) can only be varied while in force by agreement of all parties.
- (2) A collective agreement applies:
 - (a) subject to the laws of Solomon Islands; and
 - (b) to an employee, if and to the extent that it is relevant to the employee's position.
- (3) A collective agreement must specify the period for which it has effect, which must be not less than 5 years and not more than 10 years.
- (4) A collective agreement comes into force on the date on which it is made, subject to the transitional provisions specified in it.

112 Regulations on collective agreements

The Regulations may:

- (a) prescribe the process for recognising employee associations; and
- (b) provide the records that must be kept under this Division; and
- (c) prescribe the form of claims and collective agreements; and
- (d) provide for monitoring the operation of collective agreements and orders and awards made under the *Trade Disputes Act* (Cap. 75) applying to employees; and
- (e) require the Permanent Secretary to keep a register of those collective agreements, orders and awards.

Division 3 Strikes

113 Application of Part 11, Division 3

This Division applies, if a dispute to which a strike relates is referred to the Trade Disputes Panel under the *Trade Disputes Act* (Cap. 75).

114 Return to work

- (1) Employees on strike must return to work on the day after the day on which the dispute is referred to the Trade Disputes Panel.
- (2) If an employee continues strike action and does not return to work, the employee:
 - (a) is absent from duty on leave without pay; and
 - (b) must not be paid any remuneration other than housing allowance for each day the employee does not return to work; and
 - (c) commits major misconduct, if the employee is absent from duty without leave for 5 or more consecutive working days.
- (3) If subsection (2)(c) applies, the Permanent Secretary must:
 - (a) make a report of the employee's alleged misconduct under section 85(3) as if the Permanent Secretary was the responsible officer referred to in that subsection; and
 - (b) accordingly:

- (i) give a copy of the report to the relevant Commission and the Permanent Secretary of the employee's Ministry under section 85(4)(a) and (5); and
- (ii) keep a record of the matters specified in section 85(4)(b).

PART 12 OFFENCES AND PENALTIES

115 Impersonating an employee

A person commits an offence, if the person:

- (a) represents, by words or conduct, that the person or another person is an employee; and
- (b) knows the representation is false.

Maximum penalty: 50,000 penalty units, or imprisonment for 5 years, or both.

116 Failure to provide information

It is an offence for an employee to fail, without lawful excuse, to comply with a requirement of a Commission, or any other person or body with a function under this Act that involves obtaining information, to:

- (a) produce a document or provide information, in the form or by the means required by the Commission, person or body; or
- (b) attend proceedings of the Commission, person or body to answer questions.

Maximum penalty: 20,000 penalty units, or imprisonment for 2 years, or both.

117 Giving false or misleading information

(1) A person commits an offence, if the person:

- (a) makes a statement or otherwise provides for a purpose under this Act, information that is false or misleading information; and
- (b) the person knows that, or is reckless as to whether, the statement or information is false or misleading information.

Maximum penalty: 50,000 penalty units, or imprisonment for 5 years, or both.

(2) In this section:

“misleading information” means information that is misleading in a material particular or because there is an omission of a material particular.

118 Obstruction

It is an offence for an employee to hinder or obstruct, or attempt to hinder or obstruct, another employee or a member of a Commission or other body established under this Act, in the performance of their functions under this Act.

Maximum penalty: 50,000 penalty units, or imprisonment for 5 years, or both.

119 Misbehaviour

(1) It is an offence for an employee in the course of or in connection with the performance of the employee’s functions to:

- (a) use abusive, threatening or insulting language to a person; or
- (b) assault a person; or
- (c) damage, or remove without authority, Government property.

Maximum penalty: 50,000 penalty units, or imprisonment for 5 years, or both.

(2) It is an offence for an employee to subject a person to sexual harassment.

Maximum penalty: 50,000 penalty units, or imprisonment for 5 years, or both.

(3) In this section ***“sexual harassment”*** means subjecting a person to unwanted conduct (oral, written, physical or otherwise) that is, or would be taken by a reasonable person to be, of a sexual nature.

120 Theft of Government property

It is an offence for a present or former employee to omit, without reasonable excuse, to comply with a requirement of a responsible officer to return Government property that is in the present or former employee's possession.

Maximum penalty: 100,000 penalty units, or imprisonment for 10 years, or both.

121 Undue influence

- (1) It is an offence for a person to make false or misleading representations for the purpose of influencing, directly or indirectly, decisions that may be made or taken by any of the following persons in performing their functions under this Act:

- (a) a Minister;
- (b) a member of a Commission;
- (c) a member of a body established under this Act;
- (d) an employee.

Maximum penalty: 50,000 penalty units, or imprisonment for 5 years, or both.

- (2) A reference in subsection (1) to influencing a person does not include making representations or submissions in the course of a negotiation or other proceeding under this Act.

122 Victimisation and discrimination

It is an offence for an employee ("E1") to victimise or discriminate against another employee ("E2") because E2 reported or gave information about E1 or other person under Part 8 or Part 11.

Maximum penalty: 100,000 penalty units, or imprisonment for 10 years, or both.

123 Non-disclosure of information

- (1) This section applies to present and former:

- (a) Ministers; and
 - (b) Permanent Secretaries; and
 - (c) members of a Commission; and
 - (d) members of bodies appointed under this Act; and
 - (e) employees.
- (2) A person to whom this section applies, must not disclose any information the person acquires or has acquired, has or had custody of or has or had access to in the course of carrying out the person's functions under this Act.

Maximum penalty: 50,000 penalty units, or imprisonment for 5 years, or both.

- (3) Subsection (2) does not apply, if the person:
- (a) discloses the information in the course of performing his or her functions under this Act; or
 - (b) is authorised to disclose the information by a lawful direction given under this or another Act; or
 - (c) is required to disclose the information in accordance with a written law; or
 - (d) is complying with an order of a court or tribunal.
- (4) A person to whom this section applies commits an offence, if the person uses information the person acquires or has acquired, has or had custody of or has or had access to, in the course of carrying out the person's functions under this Act to gain an advantage:
- (a) whether directly or indirectly; and
 - (b) whether for the person or another person.

Maximum penalty: 150,000 penalty units, or imprisonment for 15 years, or both.

PART 13 MISCELLANEOUS MATTERS

Division 1 Subsidiary legislation

124 Regulations

- (1) The Minister may make regulations, not inconsistent with this Act, to prescribe matters that are necessary or expedient for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may prescribe any of the following:
 - (a) terms and conditions of employment;
 - (b) allowances and benefits;
 - (c) remuneration;
 - (d) pensions and severance payments;
 - (e) age and length of service of employees, including by providing for assumptions (rebuttable or otherwise) and for use of information in specified documents or classes of documents;
 - (f) other matters relating to the management of the public service.
- (3) The Minister must consult the Minister responsible for finance, before making regulations prescribing the matters referred to in subsection (2)(a) to (e).
- (4) The regulations may:
 - (a) require a matter to be approved by, or to be to the satisfaction of, the Permanent Secretary; or
 - (b) make provision for a matter by applying, adopting or incorporating, wholly or in part and with or without modification, as in force at a specified date or as in force from time to time, documents prescribed or published by a person for a human resource management purpose (whether prescribed or published in Solomon Islands or another country); or

- (c) make provision applying generally, or only to specified cases or circumstances; or
- (d) make different provisions for different cases or circumstances.

125 Public Service Orders

- (1) The Permanent Secretary must make Public Service Orders specifying:
 - (a) matters specified under this Act as permitted or required to be provided for by the Public Service Orders; or
 - (b) processes or procedures for efficient and effective human resource management of the public service; or
 - (c) forms; or
 - (d) processes for making submissions to a Commission.
- (2) For the avoidance of doubt, the Public Service Orders are subsidiary legislation and must comply with Part X of the *Interpretation and General Provisions Act* (Cap. 85).

Division 2 Other miscellaneous matters

126 Changes in position or office

- (1) This section applies where a position or office referred to in this Act (“the former position or office”):
 - (a) becomes known by a new name; or
 - (b) ceases to exist; or
 - (c) ceases to be responsible for certain functions; or
 - (d) acquires responsibility for new functions.
- (2) The Minister may by notice in the *Gazette* amend the reference to a former position so as to:
 - (a) refer to a new position or office which the Minister considers to be equivalent, or the closest equivalent, to the former position or office; or

- (b) expand the reference to refer both to the former position or office and to a new position or office; or
- (c) modify the reference so that it refers to the former position or office to a specified extent.

127 Protection from liability: office holders and employees

- (1) This section applies to present and former:
 - (a) Ministers; and
 - (b) Permanent Secretaries; and
 - (c) members of a Commission; and
 - (d) members of bodies appointed under this Act; and
 - (e) employees.
- (2) A person to whom this section applies is not civilly or criminally liable for an action done or omitted to be done by the person in good faith in performing or purporting to perform a function under this Act.
- (3) Nothing in this section limits the liability of the Government.

128 Protection from liability: persons generally

- (1) No person incurs civil or criminal liability by reason only of:
 - (a) reporting actual or suspected employee misconduct in accordance with this Act; or
 - (b) complying or cooperating with a process under this Act.
- (2) A person may take an action specified in subsection (1) despite any written law about confidentiality.

129 Political candidacy

- (1) An employee is disqualified from being a candidate in an election for:
 - (a) the National Parliament; or
 - (b) a provincial assembly; or

- (c) the Honiara City Council; or
 - (d) any local government authority.
- (2) Subject to the Constitution, an employee who wishes to contest an election of a kind specified in subsection (1) must first resign.
- (3) The Public Service Orders may specify a process for the resignation under subsection (2), including timing, which provisions may specify different processes and conditions for different classes of election.

PART 14 REPEAL, TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS

130 Definitions for Part 14

In this Part:

“commencement” means the commencement of this Act;

“repealed Act” means the Act repealed by section 131.

131 Repeal

The *Public Service Act* (Cap. 92) is repealed.

132 Validation and savings of General Orders

- (1) In this section:

“General Orders 1985” means the General Orders that came into force on 1 November 1985 and that are known as the General Orders 1986 Edition, as amended;

“General Orders 2006” means the General Orders that came into force on 1 January 2006 and that are known as the General Orders 2007 Edition, as amended;

“Public Service Circulars” means a memorandum issued by the responsible authority in the Public Service directed to all relevant Government ministries, agencies and public officers purposely to inform, instruct, announce new policies, amend existing ones, or clarify procedures of the public service.

- (2) The General Orders 1985, the General Orders 2006 and Public Service Circulars are declared to be, and to always have been valid, lawful and effective as if the orders or circulars were validly made by the Minister under section 4 of the repealed Act and published and laid before Parliament under sections 61 and 62 of the *Interpretation and General Provisions Act* (Cap. 85).
- (3) All actions taken under the General Orders 1985, the General Orders 2006 and Public Service Circulars, and the consequences of those actions, are not and have never been invalid, unlawful or ineffectual by reason only of the grounds of their making and being in compliance with sections 61 and 62 of the *Interpretation and General Provisions Act* (Cap. 85).
- (4) Any disciplinary action or proceeding against an employee under the repealed Act continues until its completion.
- (5) On the commencement of this Act:
 - (a) the General Orders 1985, the General Orders 2006 and the Public Service Circulars disseminated since their commencement dates:
 - (i) continue in force, and may be amended or repealed, as if they were Public Service Orders; and
 - (ii) have effect as if Public Service Orders made in accordance with and subject to this Act; and
 - (b) a reference in a law or document to the General Orders or a Public Service Circular is to be taken to be a reference to the Public Service Orders made under this Act.

Note to section 132.

Under section 24(4) of the Interpretation and General Provisions Act (Cap. 85), the repeal of the repealed Act has the effect of repealing any subsidiary legislation made under the repealed Act except so far as the subsidiary legislation is expressly saved by this Act.

133 Subsidiary laws saved

The following subsidiary laws continue in effect until and unless they are amended, revoked or substituted under the Act:

- (a) Public Service (Permanent Secretary) (Terms and Conditions) Rules 2024;
- (b) Terms and Conditions of Service (Chairman of Law Reform Commission) Rules 2013;
- (c) Public Service (Special Temporary Employees) Rules 2005;
- (d) Public Service (Government Properties) (Vehicles and Plants) Rules 1992;
- (e) Public Service (Overseas Service) Rules 1994;
- (f) Delegation of Power (LN No. 17 of 2011).

134 Transitional provisions relating to employment

- (1) A person who, immediately before the commencement, held a position in the public service under the repealed Act continues to hold the position, with the same functions and subject to the same terms and conditions, on and after the commencement.
- (2) For the avoidance of doubt, on and after the commencement:
 - (a) an appointment to a position made under the repealed Act and in effect immediately before the commencement must be treated as an appointment under this Act; and
 - (b) nothing in this Act affects the status or terms and conditions of employment or engagement of the person holding the position; and
 - (c) this Act applies to and in relation to the person appointed as if the person is an employee appointed under and in accordance with this Act; and
 - (d) this Act does not apply to enable any right or obligation which expired before the commencement to apply or be enforced under this Act by reason only that a longer period is specified in or under this Act.

135 Transitional regulations

- (1) The Regulations may provide for transitional, consequential and savings provisions that:
 - (a) relate to the coming into force of this Act; or
 - (b) facilitate the orderly transition from the repealed Act to this Act.
- (2) A regulation made under subsection (1) may:
 - (a) have retrospective operation to a day not earlier than the commencement; or
 - (b) provide for continued application of the repealed Act or continued operation of a thing done under the repealed Act:
 - (i) in whole or in part; or
 - (ii) with specified modifications or subject to any necessary modifications; or
 - (iii) generally, or only for specified cases or circumstances.

136 Consequential amendments

- (1) The *Honiara City Act 1999* is amended in section 12 by substituting paragraph (e) with a new paragraph as follows:

“(e) he holds, or is acting in, any public office or is an employee of the City Council;”.
- (2) The *Provincial Assemblies and Honiara City Council Electoral Act 2023* is amended in section 11(1) by substituting paragraph (e) with a new paragraph as follows:

“(e) holds, or is acting in, any public office or is an employee of the City Council; or”.