

SECRETARIAT OF THE PACIFIC COMMUNITY**THIRTY-FIRST MEETING OF THE
COMMITTEE OF REPRESENTATIVES OF GOVERNMENTS AND ADMINISTRATIONS**
(Nauru, 14-16 November 2001)**PROPOSED CHANGES TO THE FINANCIAL REGULATIONS AND STAFF REGULATIONS**

(Paper presented by the Secretariat)

PURPOSE

1. The purpose of this paper is to bring to the attention of CRGA any proposed amendments and changes to the Financial and Staff Regulations stemming from the decisions of the previous meetings of CRGA and Conference and/or any proposed amendment being put forward by the Secretariat.

BACKGROUND

2. CRGA has been delegated the authority to approve amendments to the Financial and Staff Regulations.
3. Some of the proposed changes being considered in this paper, are quite straightforward, cosmetic in nature, without any change as to the substance of the existing regulations. A couple of these, however, would originate from decisions of CRGA with reference to Working Paper 4.2 on Financial Policies to be discussed at the November 2001 CRGA.
4. The documents reflecting the proposed changes and amendments are attached for consideration by the Meeting. These are as follows:
 - Proposed Financial Regulations
 - Proposed Staff Regulations.

PROPOSED CHANGES TO THE FINANCIAL REGULATIONS

5. The first of this proposed changes is the inclusion of the definition of Governing Body in the Regulations. The proposed definition is:

Governing Body means the Conference of the Pacific Community. However, except for the appointment of the Chief Executive of the Organisation, CRGA has been empowered to carry out this governing role at its "between Conference" meetings.

6. The next proposed change follows from the above. The word "Conference" has been substituted with "Governing Body", to reflect that the said decisions attributed to Conference only, can also be approved by CRGA when sitting as the "Governing Body" of the organisation at its "between Conference" meetings.
7. The third proposed change would only be effected if the Governing Body approved the names and purposes of the different funds currently in operation within the organisation. The proposed change will appear Under Definitions, Regulations 2 and subsequently under Regulations 15.

Under Regulations 2, the proposed definitions will be as follows:

Specific Funds are funds set up by the Director General for specific purposes as approved by the Governing Body. They are regarded as encumbered and generally not available for use other than for the specific purpose.

Special Funds are funds set up specially for self-funding entities, namely the Housing Fund and the Canteen Fund".

The current definition reads as follows:

Trust Funds and Special Accounts are funds and accounts set up by the Director-General for specific purposes as approved by the Conference.

Under Regulations 15, the proposed wordings are as follows:

Regulations 15 - Setting Up and Use of , Special Funds and Specific Funds.

Special Funds and Specific Funds may be established by the Director General with the approval of the Governing Body. The purpose and limits of each of these funds shall be clearly defined and unless otherwise directed by the Governing Body, such Funds shall be administered in accordance with these Regulations.

The current Regulation reads as follows:

Regulations 15 - Setting Up and Use of Trust Funds and Special Accounts.

Trust Funds and Special Accounts may be established by the Director General with the approval of the Conference. The purpose and limits of each Trust Fund and Special Account shall be clearly defined and unless otherwise directed by the Conference, such Funds and Accounts shall be administered in accordance with these Regulations.

8. The final proposed change refers to Regulation 38 - Power to amend the Financial Regulations. The proposed change reads as follows:

CRGA has been empowered by Conference to amend these Financial Regulations.

The current Regulation reads as follows:

The Financial Regulations are subject to approval by the Conference and only the Conference may amend these Regulations.

PROPOSED CHANGES TO THE STAFF REGULATIONS

9. The Secretariat is proposing only one change in the Staff Regulations. This is to do with Regulation 26 - Age Of Retirement. The Regulation reads as follows:
 - (a) The normal age of retirement for staff members shall be 60 years.
 - (b) In exceptional circumstances the Director-General may extend this age limit if it is in the interest of the Organisation to do so.

SPC prides itself as an equal opportunities employer; yet it is not fully so if our Regulations sets an age limit. It is noted that almost all international organisations no longer specify a retirement age in their terms and conditions of service. It is also illegal in some countries to discriminate against age. Members may wish to note that the Secretariat requires potential and current staff to undergo medical checks.

The Secretariat therefore proposes that in order to be in line with modern management practices, Regulations 26 - Age of Retirement be deleted altogether.

10. If the above proposed change is accepted, then this would necessitate the re-numbering of the subsequent Regulations.

RECOMMENDED ACTION

11. CRGA is invited to consider each of the proposed changes in the Financial and Staff Regulations and recommend the adoptions of these by the 2nd Conference of the Pacific Community.

29 October 2001