



No. 6 of 1993.

Public Services (Management) (Amendment) Act 1993.

Certified on : 21 APRIL 1993

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1993.

Public Services (Management) (Amendment) Act 1993.

ARRANGEMENT OF SECTIONS.

1. Interpretation (Amendment of Section 1).
2. New Part XA.

"PART XA. - CONTRACT EMPLOYMENT."

"38A. DESIGNATION OF SENIOR MANAGEMENT OFFICES."

"38B. CONTRACTS OF EMPLOYMENT."

"38C. EMPLOYMENT UNDER CONTRACT TO CONSTITUTE SERVICE."

"38D. ADMINISTRATION OF CONTRACTS."

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1993.

AN ACT

entitled

Public Services (Management) (Amendment) Act 1993,

Being an Act to amend the *Public Services (Management) Act 1986,*

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

1. INTERPRETATION (AMENDMENT OF SECTION 1).

Section 1 of the Principal Act is amended by inserting after the definition of "the Repealed Acts" the following:-

"'senior management office' means an office designated under Section 38A as a senior management office;"

2. NEW PART XA.

The Principal Act is amended by inserting after Part X the following new Part:-

"PART XA. - CONTRACT EMPLOYMENT.

"38A. DESIGNATION OF SENIOR MANAGEMENT OFFICES.

(1) The Minister may, pursuant to a directive of the National Executive Council, by notice in the National Gazette, designate an office, other than an office of Departmental Head created under Section 21, as a senior management office and the provisions of this Part shall apply to an office so designated.

"(2) A notice under Subsection (1) shall specify, in relation to each senior management office, whether a person is to be appointed to that office by -

- (a) the Head of State, acting on advice; or
- (b) the Departmental Head of the Department of Personnel Management,

and an appointment shall be made in accordance with this Act.

"(3) A person to be appointed to a senior management office shall -

- (a) be an officer of the Public Service; or

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(b) subject to Subsection (4), by virtue of his appointment, become an officer of the Public Service.

"(4) A person referred to in Subsection (3)(b) shall only be appointed if he is eligible for appointment to the Public Service as otherwise required by this Act.

***38B. CONTRACTS OF EMPLOYMENT.**

(1) An officer appointed to a senior management office shall be employed under, and shall hold office in accordance with, the terms and conditions of a contract of employment with the State, made subject to the *Salaries and Conditions Monitoring Committee Act 1988*.

"(2) A contract of employment under Subsection (1) shall be executed on behalf of the State by -

- (a) in respect of appointees under Section 38A(2)(a) - the Head of State; and
- (b) in respect of appointees under Section 38A(2)(b) - the Departmental Head of the Department of Personnel Management,

and by the appointee.

"(3) Notwithstanding the provisions of this Act relating to discipline of officers, a contract of employment under Subsection (1) shall make specific provision for discipline and an officer employed under a contract of employment under Subsection (1) is exempted from the provisions of Part XIII.

"(4) Notwithstanding the provisions of this Act relating to promotion and appointment, where -

- (a) a contract of employment under Subsection (1) terminates or is terminated and is not subsequently renewed; and
- (b) the appointee under that contract of employment is not re-appointed to another office under this Act,

his employment in the Public Service is terminated.

"(5) The provisions of this Act shall apply to an officer employed on a contract of employment under this section only in so far as they are not inconsistent with the terms and conditions of the contract of employment.

***38C. EMPLOYMENT UNDER CONTRACT TO CONSTITUTE SERVICE.**

Employment under contract under this Part shall constitute service in the Public Service for all purposes.

***38D. ADMINISTRATION OF CONTRACTS.**

(1) The Departmental Head of the Department of Personnel Management shall, on behalf of the State, interpret any contract of employment made under this Part.

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"(2) An amendment to be made to a contract of employment under this Part -

- (a) by reason of a directive of the National Executive Council; or
 - (b) to accord with General Orders; or
 - (c) for administrative purposes,
- shall be authorized -
- (d) in respect of contracts of employment to which Section 38A(2)(a) refers - by the Minister; or
 - (e) in respect of contracts of employment to which Section 38A(2)(b) refers - by the Departmental Head of the Department of Personnel Management."

I hereby certify that the above is a fair print of the *Public Services (Management) (Amendment) Act 1993* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Public Services (Management) (Amendment) Act 1993* was made by the National Parliament on 2 March 1993.

Speaker of the National Parliament.

