

No. 24 of 1998.

Public Services (Management) (Amendment) Act 1998.

Certified on : 6.8.98

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1998.

Public Services (Management) (Amendment) Act 1998.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1998.

AN ACT

entitled

Public Services (Management) (Amendment) Act 1998,

Being an Act to amend the *Public Services (Management) Act 1995,*

MADE by the National Parliament.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the *Constitution*, namely -

(a) freedom from arbitrary search and entry conferred by Section 44 of the *Constitution*; and

(b) the right to privacy conferred by Section 49 of the *Constitution*,

is a law that is made for the purpose of giving effect to the public interest in public order and public welfare.

2. AMENDMENT OF LONG TITLE.

The Long Title to the Principal Act is amended by inserting after Paragraph (c) the following new Paragraph:-

“(d) to make provision for ensuring the implementation of decisions, directions and policies of the National Executive Council by the National Public Service and public bodies,”.

3. INTERPRETATION (AMENDMENT OF SECTION 2).

Section 2 of the Principal Act is amended -

“(a) by inserting after the definition of “Chairman” the following new definition:-

“‘Chief Secretary to Government’ means the Chief Secretary to Government under Section 21A;” and

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(b) by inserting after the definition of "Provincial Governor" the following:-

"'public body' means any body, authority or instrumentality (corporate or unincorporate) established by or under an Act or Constitutional Law other than -

- (a) a Constitutional Office-holder or the Office of a Constitutional Office-holder; or
- (b) a body, authority or instrumentality incorporated or continued in existence under the *Companies Act 1997*;"

4. DEPARTMENTS OF THE PUBLIC SERVICE (AMENDMENT OF SECTION 20).

Section 20(1) of the Principal Act is repealed and is replaced with the following:-

"(1) Subject to Subsection (2) there shall be -

- (a) a Department of the Prime Minister and National Executive Council; and
- (b) a Department of Personnel Management; and
- (c) such other Departments as are established under Subsection (2)."

5. NEW PART VA.

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

"PART VA. - CHIEF SECRETARY TO GOVERNMENT.

"21A. CHIEF SECRETARY TO GOVERNMENT.

(1) There is established within the National Public Service an office of Chief Secretary to Government.

"(2) The Departmental Head of the Department of the Prime Minister and National Executive Council is the Chief Secretary to Government.

"(3) The Chief Secretary to Government is the senior officer of the National Public Service.

"21B. FUNCTIONS OF CHIEF SECRETARY TO GOVERNMENT.

The functions of the Chief Secretary to Government are -

- (a) to be the principal adviser to the Prime Minister and to the National Executive Council; and
- (b) to co-ordinate policies and initiatives of the National Executive Council; and
- (c) to ensure that decisions, directions and policies of the National Executive Council are implemented by the National Public Service and by public bodies; and

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- (d) to ensure that the National Public Service and public bodies perform effectively and are accountable to the National Executive Council and to the Parliament; and
- (e) such other functions as are determined by the National Executive Council.

“21C. POWERS OF THE CHIEF SECRETARY TO GOVERNMENT.

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

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

“(2) All Departmental Heads, heads of public bodies and officers of the National Public Service and of public bodies shall co-operate with the Chief Secretary to Government in the performance of his functions and the exercise of his powers under this Act.

“21D. ANNUAL REPORT BY CHIEF SECRETARY TO GOVERNMENT.

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

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

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5. RESPONSIBILITIES OF DEPARTMENTAL HEADS (AMENDMENT OF SECTION 24).

Section 24(1) of the Principal Act is amended by inserting after Paragraph (c) the following new Paragraph:-

“(ca) is responsible for ensuring that Governmental policies and decisions relative to his Department are implemented and for co-operating with, and complying with any directions issued by, the Chief Secretary to Government in this regard; and”.

I hereby certify that the above is a fair print of the *Public Services (Management) (Amendment) Act 1998* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Public Services (Management) (Amendment) Act 1998* was made by the National Parliament on 7 July 1998 by an absolute majority in accordance with the *Constitution*.

Speaker of the National Parliament.