

No. 24 of 2002.

Public Services (Management) (Amendment) Act 2002.

Certified on: 10.05.02



INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2002.

Public Services (Management)(Amendment) Act 2002.

ARRANGEMENT OF SECTIONS.

1. Interpretation (Amendment of Section 2).
2. New Section 17A.

“17A. SECRETARIAT OF THE COMMISSION.”

3. Repeal and replacement of Part III.

“PART III. – REVIEW OF PERSONNEL MATTERS.

“18. REVIEW OF PERSONNEL MATTERS IN RELATION TO APPOINTMENT, SELECTION OR DISCIPLINE.”

4. Departments of the Public Service (Amendment of Section 20).
5. Repeal and replacement of Section 21.

“21. FUNCTIONS OF DEPARTMENTS.”

6. Repeal of Part VA.
7. Repeal and replacement of Section 22.

“22. DEPARTMENTAL HEADS.”

8. New Section 24A.

“24A. WORK PERFORMANCE OF DEPARTMENTAL HEADS.”

9. Reports (Amendment of Section 32).
10. Amendment of Heading to Part XVII.
11. New Section 70A.

“70A. CODES OF CONDUCT.”



INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2002.

AN ACT

entitled

Public Services (Management) (Amendment) Act 2002,

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

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 2).

Section 2 of the Principal Act is amended –

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

““Central Agencies Co-ordination Committee” means the Central Agencies Co-ordination Committee established by Section 24 of the ***Prime Minister Act 2002;***” and

- (b) in the definition of “Chief Secretary to Government”, by repealing the words, numbers and letter “under Section 21A” and replacing them with the following:-

“under Section 19 of the ***Prime Minister Act 2002;***” and

- (c) by inserting after the definition of “classification” the following new definition:-

““Code of Conduct” means a Code of Conduct issued under Section 70A;”.

Public Services (Management)(Amendment)

2. NEW SECTION 17A.

Part II of the Principal Act is amended by inserting after Section 17 the following new section:-

“17A. SECRETARIAT OF THE COMMISSION.

(1) There shall be a Secretariat of the Commission in accordance with this section.

“(2) The Departmental Head of the Department of Personnel Management, after consultation with the Commission, shall appoint an officer to be the Head of the Secretariat.

“(3) The terms and conditions of employment of the Head of the Secretariat shall be equivalent to the terms and conditions of employment of a Deputy Secretary of the Department of Personnel Management.

“(4) The Departmental Head of the Department of Personnel Management shall manage all personnel matters relating to the Head of the Secretariat, including determination of disciplinary matters on the recommendation of the Commission.

“(5) There shall be a staff of the Secretariat who –
(a) shall be officers of the National Public Service; and
(b) shall be governed by General Orders specifically made, in consultation with the Commission, for the purpose of management, by the Head of the Secretariat, of the staff of the Secretariat; and
(c) shall be subject to appointment, revocation of appointment and discipline by the Head of the Secretariat,

and the Head of the Secretariat is accorded the powers necessary to enable him to carry out his functions under this section.”.

3. REPEAL AND REPLACEMENT OF PART III.

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

“PART III. REVIEW OF PERSONNEL MATTERS.

“18. REVIEW OF PERSONNEL MATTERS IN RELATION TO APPOINTMENT, SELECTION OR DISCIPLINE.

(1) The Commission shall, following a complaint made by an officer to the Commission in accordance with Subsection (2), review a decision on a personnel matter relating to appointment or selection or discipline connected with the National Public Service, where that officer has been affected by the decision.

“(2) A complaint referred to in Subsection (1) shall be –
(a) in writing; and

Public Services (Management)(Amendment)

- (b) made to the Commission by the officer within 60 days of the date on which the decision was made, but the Chairman may waive the time limit where the delay beyond the period of 60 days was beyond the control of the person seeking to make the complaint; and
- (c) copied to the Departmental Head of the Department of Personnel Management by the officer making the complaint.

“(3) The procedure to be followed in a review under this section is as follows:-

- (a) the Commission shall summons –
 - (i) the Departmental Head of the Department of Personnel Management or his delegate; and
 - (ii) the Departmental Head of the Department in which the officer is or was employed, or his delegate, to represent that Department; and
 - (iii) the officer making the complaint, who may at his request and at his own cost, be represented by an industrial organization of which he is a member, or by a lawyer;
- (b) the persons summonsed under Paragraph (a) shall make themselves available to appear before the Commission within 14 days of the date of summons;
- (c) the Commission shall –
 - (i) consider all the facts relative to the matter, including –
 - (A) the views of the persons summonsed under Paragraph (a); and
 - (B) the personnel management policies of the National Public Service; and
 - (C) the cost implications of any decision which it may make; and
 - (ii) make a decision to uphold, vary or annul the decision the subject of the complaint; and
 - (iii) give immediate notification of its decision to the persons summonsed under Paragraph (a);
- (d) the decision of the Commission under Paragraph (c)(ii) –
 - (i) shall be made within 90 days from the date of receipt by the Commission of the complaint, but this period may be extended by the Commission where the reason for the delay is beyond the control of the Commission; and
 - (ii) shall become binding after a period of 30 days from the date of the decision.”.

Public Services (Management)(Amendment)

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) There shall be –

- (a) a Department of the Prime Minister and National Executive Council established under Section 16 of the *Prime Minister Act 2002*; and
- (b) a Department of Personnel Management; and
- (c) such other Departments as are established under Subsection (2).”.

5. REPEAL AND REPLACEMENT OF SECTION 21.

Section 21 of the Principal Act is repealed and is replaced with the following:-

“21. FUNCTIONS OF DEPARTMENTS.

The functions of –

- (a) the Department of the Prime Minister and National Executive Council are as provided for under Section 18 of the *Prime Minister Act 2002*; and
- (b) the Department of Personnel Management are, subject to Section 24(2), as determined by the Head of State, acting on advice; and
- (c) each Department, other than those referred to in Paragraphs (a) and (b), are as determined by the Head of State, acting on advice, given after consideration of reports made to the National Executive Council by the Departmental Head of the Department of Personnel Management.”.

6. REPEAL OF PART VA.

Part VA of the Principal Act is repealed.

7. REPEAL AND REPLACEMENT OF SECTION 22.

Section 22 of the Principal Act is repealed and is replaced with the following:-

“22. DEPARTMENTAL HEADS.

(1) There shall be –

- (a) an office of Departmental Head of the Department of the Prime Minister and National Executive Council in accordance with Section 17 of the *Prime Minister Act 2002*; and
- (b) an office of Departmental Head of the Department of Personnel Management created by the Head of State, acting on advice, by notice in the National Gazette; and
- (c) such other offices of Departmental Head as are created by the Head of State, acting on advice, by notice in the National Gazette.

Public Services (Management)(Amendment)

“(2) The Head of State, acting on advice, may, by notice in the National Gazette –
(a) abolish; or
(b) alter the designation of,
an office of Departmental Head established under Subsection (1)(c).”.

8. NEW SECTION 24A.

The Principal Act is amended by inserting after Section 24 the following new section:-

“24A. WORK PERFORMANCE OF DEPARTMENTAL HEADS.

(1) The Head of State, acting on advice, given after consideration of recommendations made by the Chairman of the Central Agencies Co-ordination Committee in conjunction with the Commission, may make regulations prescribing standard criteria and procedures for the regular appraisal by the Central Agencies Co-ordination Committee of the performance and discipline of Departmental Heads.

“(2) The Central Agencies Co-ordination Committee shall, through the Departmental Head of the Department of Personnel Management, provide to the Commission, in the prescribed manner, regular appraisals of the performance and discipline of Departmental Heads (other than Departmental Heads who are members of the Central Agencies Co-ordination Committee) and the Commission shall take such appraisals into account where appropriate in making its recommendations in relation to appointment, revocation of appointment and suspension of Departmental Heads (other than Departmental Heads who are members of the Central Agencies Co-ordination Committee).

“(3) The Chief Secretary to Government, after consultation with the respective Ministers, shall , through the Departmental Head of the Department of Personnel Management, provide to the Commission, in the prescribed manner, regular appraisals of the performance and discipline of Departmental Heads (other than himself) who are members of the Central Agencies Co-ordination Committee and the Commission shall take such appraisals into account in making its recommendations in relation to the appointment of such Departmental Heads.

“(4) The Commission shall consult with the Prime Minister on an appraisal of the performance and discipline of the Chief Secretary to Government and shall take such appraisal into account in making its recommendations in relation to the appointment of a Chief Secretary to Government.”.

Public Services (Management)(Amendment)

9. REPORTS (AMENDMENT OF SECTION 32).

Section 32 of the Principal Act is amended –

(a) by repealing Subsection (2) and replacing it with the following:-

“(2) Reports prepared –

(a) under Subsection (1)(a) – shall be forwarded to the Chief Secretary to Government and to the Central Agencies Co-ordination Committee; and

(b) under Subsection (1)(b) or (c) – shall be forwarded to the Departmental Head of the Department of Personnel Management.”; and

(b) by repealing Subsection (3) and replacing it with the following:-

“(3) The reports prepared under Subsection (1)(a) shall be forwarded by the Chief Secretary to Government to the Minister for presentation to the National Executive Council.”.

10. AMENDMENT OF HEADING TO PART XVII.

The heading to Part XVII of the Principal Act is amended by adding the following:-

“AND CODES OF CONDUCT”.

11. NEW SECTION 70A.

Part XVII of the Principal Act is amended by inserting after Section 70 the following new section:-

“70A. CODES OF CONDUCT.

(1) The Head of State, acting on advice, given after considering recommendations from the Departmental Head of the Department of Personnel Management, may issue –

(a) a Code of Business Ethics and Conduct for all officers and employees of the National Public Service; and

(b) a Code of Conduct relating to the specialized function of any Department, Office or Division of the National Public Service.

“(2) A Code issued under Subsection (1) –

(a) shall be published in the National Gazette; and

(b) may otherwise be published or circulated in such manner as the Departmental Head of the Department of Personnel Management determines.

Public Services (Management)(Amendment)

“(3) A Code under Subsection (1) shall specify the persons to whom it applies and it is the duty of each such person to comply with the Code.

“(4) A person who fails to comply with a Code issued under Subsection (1) shall –

- (a) where the failure constitutes an offence or breach of duty under any other law, be dealt with in accordance with that other law; and
- (b) where the failure does not constitute an offence or breach of duty under any other law, be considered to have committed a serious disciplinary offence for the purposes of Section 52 or a serious disciplinary offence under a contract of employment made under Section 28 or 41.”.

I hereby certify that the above is a fair print of the ***Public Services (Management) (Amendment) Act 2002*** which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the ***Public Services (Management) (Amendment) Act 2002*** was made by the National Parliament on 28 March 2002.

Speaker of the National Parliament.

