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NATIONAL PUBLIC SERVICE

Public Services (Management) Act

**PUBLIC SERVICE
CODE OF BUSINESS ETHICS &
CONDUCT**

Issued by the Head of State on advice

Public Services (Management) Act

I, SILAS ATOPARE, G.C.M.G., K. St. J., Governor-General by virtue of the powers conferred by Section 70A of the *Public Services Management Act 1995*, and all other powers me enabling, acting on advice of the National Executive Council, given after considering a recommendation from the Departmental Head of the Department of Personnel Management, hereby issue the following Public Service Code of Conduct: -

CODE OF BUSINESS ETHICS & CONDUCT
MADE BY THE HEAD OF STATE ON ADVICE

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NB The Code of Business Ethics and Business Conduct (**The Code**) is to be translated into Tok Pisin and Motu in shortened format for wide distribution within and outside of the Public Service.

1. FOREWORD BY THE GOVERNOR GENERAL OF PAPUA NEW GUINEA

- 1.1 The first **Code of Business Ethics and Conduct for the National Public Service** has been issued under the Public Services (Management) Act on the initiative of the National Executive Council. **The Code is designed to assist public servants in National Departments and Provincial Administrations to combat corruption.**
- 1.2 **The Code** has been built upon values and principles enshrined in the Constitution and reflects good conduct provisions contained in other legislation. **The Code** has been drafted by the Department of Personnel Management in consultation with Government Departments and Agencies, Constitutional Offices, and the Public Employees Association. The Code also incorporates the views on morality and business ethics in public service of some of our most senior statesmen.
- 1.3 **The Code** becomes binding upon each officer of the Public Service, and it will be circulated to all suppliers and consultants to Government as well as the Public Service. **The Code** is not exhaustive by any means, but the guidance provided takes away from officers any excuse that they are unaware of what constitutes unethical or corrupt behaviour.
- 1.4 **The Code** will enable each officer to understand that in addition to bribery and misappropriation of funds, unethical behaviour includes patronage, nepotism, favours to relatives, friends and political associates, leaking or misusing Government information, unauthorised political activities, abuse of position and power, influence peddling, etc, which are undertaken by officers at the expense of the people and the Country.
- 1.5 Successful implementation of **the Code** rests with each officer, but especially with our Departmental Heads and Provincial Administrators in whom the trust of the Government of the day is placed to lead by their own example. **The Code** applies to them in addition to the **Leadership Code**.
- 1.6 Each officer can now dedicate himself or herself to performing his or her duties in accordance with **the Code**. It will assist each officer to work without improper self interest, always with integrity, openness, free from deception, fraud and corruption in service to the Nation and our people, without fear or favour.
- 1.7 Being a good public servant is not an easy task in this increasingly complex and technical world. Each one of us needs guidance. Each officer must study **the Code** and I trust that each officer will succeed in complying with the rules and guidelines provided by **the Code**.
- 1.8 During the past three years we have been made aware of the extent to which corruption has started to undermine the aspirations of our people and the development of our Nation. I hope and pray that **the Code** will have a significant effect in reducing corruption and restoring integrity to our great institutions of State.

2. PURPOSE OF THE CODE AND DEFINITION OF CORRUPTION

- 2.1 The purpose of **the Code** is to educate and assist officers at all levels in National Departments and Provincial Administrations to understand what is acceptable and what is unacceptable or **corrupt behavior**. **The Code** also provides for the application of disciplinary sanctions against officers who fail to comply with the rules and guidelines.
- 2.2 The National Public Service is created under the Constitution to regulate the laws and to implement the policies and plans of the Executive Government. The Nation's resources are subject to Government regulation exercised by officers of the Public Service. Officers have access to State secrets and trade and business information valuable to the commercial sector. They manage public funds and purchase goods and services for Government and public consumption.
- 2.3 National resources, State information, and public funds and assets must not be used for any other purpose than to serve the people as determined by the National Parliament and the Executive Government of the Day. They must not be used by officers for unlawful purposes or for personal gain at the expense of the people.
- 2.4 In simple terms, the State and the National Public Service, through the Public Services (Management) Act and **the Code**, require that:
- (a) *An officer shall not obtain or seek to obtain from any person (including another officer or Member of Parliament), any property, benefit or payment over and above the officer's normal remuneration, or any favour, on account of any action done or not done in fulfilling his or her official duties.*
- (b) *An officer shall not give or promise to give to any person (including another officer or Member of Parliament), any property, benefit, payment or favour on account of any action done or not done in fulfilling his or her official duties.*
- 2.5 **The Code** seeks to describe different situations and circumstances in which an officer must comply with the requirements in paragraphs 2.4(a) and 2.4(b). An officer who breaches **the Code** under 2.4(a) and 2.4(b) has committed a corrupt and unlawful act and shall be subject to disciplinary action under General Orders or under a contract of employment.
- 2.6 Breach of **the Code** under paragraphs 2.4(a) and 2.4(b) may also be used as evidence against an officer, by the Police authority under the *Criminal Code Act*, resulting in court proceedings.
- 2.7 **The Code** recognises that corrupt practices may be initiated from outside as well as from inside the Public Service from time to time, by persons who may have an interest in causing a break-down of the Public Service regulatory machinery for various reasons.
- 2.8 **The Code** assists officers to recognise conflict of interest situations and corrupt practices and to have the moral strength to resist temptation and reject monetary bribes and other inducements of all kinds to commit corrupt practices.
- 2.9 **The Code** imposes an obligation upon Departmental Heads, Provincial Administrators and management generally, to communicate **the Code** and to counsel officers in its application. It also provides that disciplinary sanctions and legal action can be taken against those who fail to comply with **the Code**.

3. ETHICAL PRINCIPLES OF ACCEPTABLE BUSINESS CONDUCT

In fulfilling the purpose of the Code to combat corruption, the Code requires that at all times each officer shall:

1. *Give loyal service to the State and the Government of the day, without seeking personal favours over and above agreed remuneration and without fearing retribution for lawful actions taken in the interest of the State.*
2. *Uphold all the Laws, Regulations and General Orders which apply to his/her duties and conduct in the Public Service, and inform lawful authorities of wrongdoing by others.*
3. *Strive to achieve excellence in service to the Public Service and the State, and in so doing avoid conflicts of interest, deception, fraud and all other forms of corrupt behaviour for selfish gain, and be open, and transparent in all dealings.*
4. *Deal honestly with all State Institutions, with Government clients, suppliers and consultants, declare all private interests and reject all temptations to pursue private interests at the expense of, or to the detriment of the Public Service and the State.*
5. *Keep separate political views and political associations from Public Service duties and not seek political favours in implementing the policies and plans of the Executive Government.*
6. *Give a full day's work for a full day's pay, and respect and uphold the trust placed in him/her for the proper conduct of public business and for safeguarding and control of public funds and assets, in serving the State's interests.*
7. *Deal with all important Government information entrusted to him/her in confidence and not divulge such information in a manner which will undermine the integrity and security of the Public Service or the State.*
8. *Avoid all behaviour and all situations which may harm the integrity of the Public Service, and in which his/her presence and action may bring his/her name into public disrepute and reflect badly on the Public Service.*
9. *Deal with fellow officers, peers, subordinates and superiors alike, in a just and honest manner, regardless of their gender or their ethnic or regional origins.*
10. *Not associate with or deal with any person who intends to corruptly undermine the integrity of the Public Service, the Executive Government or the State and report such persons to the Ombudsman.*
11. *Abide by the Code of Business Ethics and Conduct attached hereto, in all business and personal dealings, and thereby achieve all of the above objectives in the interest of Papua New Guinea.*

Business ethics in the Code are similar to those espoused by Christian religions, and they have been reflected in an Oath of Loyalty and Service that will be executed by each officer in the presence of a Commissioner for Oaths at the time of being made a permanent officer of the Public Service.

4. OATH OF LOYALTY AND SERVICE TO THE STATE AND TO THE EXECUTIVE GOVERNMENT OF THE DAY

- 4.1 The National Public Service is created as a State Service by the Constitution to give effect to the policies and plans of the Executive Government of the day, and to administer the laws of the land. Each officer shall swear an oath or promise to be loyal to the State and the Executive Government. The **Oath/Affirmation of Loyalty and Service to the State & Executive Government**, attached at Schedule 1, complements the Code.
- 4.2 The **Public Service Oath/Affirmation** makes clear that officers shall serve the State by upholding the laws of the land and by implementing the policies and plans of the Executive Government at both National and Provincial level.
- 4.3 "Loyalty" does not mean loyalty to a particular political party which may be in the Executive Government at any time. It is not intended to be loyalty for political or regional reasons to a particular Minister or Member of Parliament who is a member of the Executive Government.
- 4.4 "Loyalty" is the loyalty that officers give to the Public Service and the State in implementing the policies and plans of the Executive Government and administering the laws of the land to the best of their ability. This applies to officers in both National Departments, and Provincial Administrations.
- 4.5 **Departmental Heads/Provincial Administrators and officers are required by the Code to work together with Government Ministers in a spirit of cooperation and harmony in fulfilling the directive principles of the Constitution and the policy directives of the Executive Government, in serving the best interests of the people.**
- 4.6 Departmental Heads, Provincial Administrators and managements are required to demonstrate by their own example that officers shall remain loyal to the Executive Government and serve the State "**without fear or favour**".
- 4.7 "**Without fear**" means that an officer must be fearless of criticism, and of adverse repercussions from anybody, in advising Government and in administering regulations in the interest of the State. "**Without favour**" means that an officer must perform his/her duties for the State without seeking additional rewards above his/her normal pay.
- 4.8 It is important to remember that neither a Minister nor a Governor is empowered by law or otherwise, to direct their Departments or Administrations in administrative matters or to direct officers in performance of their duties. A Minister or Governor has no power for example to intervene in Public Service appointment procedures, or in disciplinary matters which are the responsibility of Departmental Heads and Provincial Administrators.
- 4.9 Loyalty to the Executive Government must not be confused with loyalty to a particular Minister or political party. Officers must not facilitate misappropriation of funds and assets, or file falsified reports to justify unbudgeted political commitments in order to please political associates.
- 4.10 Officers are to be free of direct political involvement in the conduct of Public Service business, other than by serving the Government of the day. But this is one area in which officers can become easily confused and sometimes succumb to political, regional or family persuasion to make improper concessions contrary to law and the interest of the State. The following Section deals with unacceptable political activities by officers.

5. POLITICAL ACTIVITIES BY OFFICERS UNACCEPTABLE IN THE PUBLIC SERVICE

- 5.1 A cornerstone of the system of Government adopted at Independence is the so called Constitutional principle of the "separation of powers". This principle underlies the relationship between Parliamentarians and the National Public Service.
- 5.2 The Public Service, is a part of the Executive Government. The separation of powers means that political power is not to be exercised over the Executive Government, which includes Public Service Departments, by the National Parliament or by individual politicians.
- 5.3 The meaning of political direction under the Constitution means that only the National Executive Council can give policy and planning direction to the Public Service. Only Provincial Executive Councils can give policy direction within a National policy frame-work to Provincial Administrations. Ministers of State and Provincial Governors are required by the Organic Law to form a mutual alliance and to work closely with the Departmental Heads and Provincial Administrators respectively.
- 5.4 The business of the Public Service and the other State Services is to be free of party political (and individual political) manipulation of any kind. This principle allows officers to serve the State and the Executive Government of the day in implementing policies, plans and laws without political interference, and regardless of their own political view-points.
- 5.5 The law does not allow Ministers to attempt to impose their own political views on the Departmental Heads and officers within the Departments for which they have political responsibility. Party politics has no place in the running of the Public Service. Departmental Heads who may feel forced by Ministers to act along party political rather than Government policy lines, are required to refuse party political direction and report offending persons to the Ombudsman Commission.
- 5.6 The principles for business conduct established by this Section are important at times of National and Provincial elections. Political candidates and their supporters are not permitted to utilise the manpower, funds or assets of the Public Service in their election campaigns.
- 5.7 Departmental Heads/Provincial Administrators or officers are not permitted to allocate Government vehicles or give fuel, utilities, or any other service, free or otherwise in support of aspiring political candidates, whether or not they are members of the Government of the day.
- 5.8 Officers are not permitted to campaign for or to commit Public Service time or to utilise funds, facilities or assets of the State in any way to lend support to political parties and their candidates. Officers shall declare any political affiliations, such as party membership, in the event that they are required to make decisions, or provide advice which will give financial and/or political advantage to political associates.
- 5.9 Officers are required to cooperate with their Departmental Heads/Provincial Administrators in fulfilling the policy directives and plans of their respective Executive Governments and thereby fulfill the genuine policy aspirations of Ministers and/or Governors.

6. COMPLIANCE WITH LAWS, REGULATIONS AND GENERAL ORDERS

- 6.1 Above all else, officers must comply with the laws of the land. Departmental Heads and Provincial Administrators have a duty under their contracts of employment to ensure that their subordinates have sufficient knowledge of the laws affecting their employment and their duties. General Orders have been written for this purpose.
- 6.2 Officers must have a detailed knowledge of the laws and regulations which they administer directly, and a basic knowledge of the following:
- (a) the laws, including regulations, standing orders, and general orders made there under, for which the Department/Administration is responsible.
 - (b) General Orders made under the *Public Services (Management) Act* to govern terms & conditions of employment, personal conduct and work performance, staff appraisal and discipline; and
 - (c) Financial Regulations and Instructions issued from time to time, under the *Public Finances (Management) Act*, governing financial procedures, tendering and procurement procedures, and the acceptance of commissions, fees and gifts.
- 6.3 Departmental Heads/Provincial Administrators and their executive managements are vicariously liable, (they share the blame) at law for unlawful and/or improper acts committed by their subordinates where it is proven that they (Departmental Heads) failed to control the actions of their subordinates.
- 6.4 Public Service General Orders together with **the Code**, contain specific requirements for acceptable performance and for application of discipline. It is a Departmental Head's responsibility to ensure that each and every officer has access to General Orders, has a copy of **the Code** and has executed an Oath of Loyalty & Service as an officer of the Public Services.
- 6.5 The following Sections of **the Code** provide more detail on the kinds of business relationships and dealings that officers must aim to achieve in their work.

7. PROPER ACCOUNTING AND FINANCIAL CONTROLS TO COMBAT CORRUPTION

- 7.1 Delegates of the Secretary for Finance are responsible for the proper implementation and administration of the Regulations made and Instructions issued under the *Public Finances (Management) Act*. The Delegates must ensure that sound procedures and practices are in place to protect public funds and assets.
- 7.2 All public funds and assets must be properly recorded and accounted for in properly identified and authorised accounts. No "secret" unrecorded accounts, no "personal" accounts, and no unlawful accounts are to be established.
- 7.3 Public funds are to be expended only against budgeted appropriations. Expenditure of funds against unbudgeted items, including unauthorised transfers of budgeted funds, is unlawful.

- 7.4 Misappropriation and eventual stealing of public funds by officers could not occur if all financial procedures and controls were to be applied by financial delegates. Hence, financial delegates bear the main responsibility for compliance. Ultimately, Departmental Heads are held responsible for management of their own budgets. They must ensure that every aspect of their accounting and financial control systems are intact and free from corruption.
- 7.5 It has been noted over the years that officers who have been successful in the past in stealing small amounts, move on to more ambitious levels of stealing if left unchecked. Disciplinary action must be taken by Departmental Heads early on for even small offences

8. RELATIONSHIPS BETWEEN DEPARTMENTS AND BETWEEN OFFICERS TO COMBAT CORRUPTION

- 8.1 Inter-Departmental relationships established by Departmental Heads are solely for the purpose of promoting lawful aims and for implementing the policy & planning initiatives of the Executive Government. Official relationships established by officers must serve the same purpose and no other.
- 8.2 Corrupt practices can develop when Departmental Heads/Provincial Administrators and/or officers in different Departments conspire together to relax their regulatory powers, one over the other, to assist each other's improper gains in return for reciprocal favours. Such conspiracies would constitute, at the least, misdemeanors under the *Criminal Code Act* with imprisonment up to 2 years.
- 8.3 **The Central Agencies of Government, including the Attorney General's Department and other regulatory agencies would be most vulnerable to becoming involved in conspiracies with other Departments and State authorities to defraud the State.**
- 8.4 It is critically important that the Central Agencies maintain an adequate staff contingent of inspectors to monitor and report upon the activities of each other to deter corruption. The Central Agencies must remain uncorrupted because of their key role in monitoring and regulating the activities of all other Departments and agencies.
- 8.5 Corruption should not easily be established in other Departments, provided that the Central Agencies themselves remain free of corruption. Therefore all officers need to remain vigilant and corruption free, whilst it is even more critical that officers employed by the Central Agencies and other public authorities directly servicing the machinery of Government remain vigilant and uncorrupted.

9. RELATIONSHIPS WITH CLIENTS TO COMBAT CORRUPTION

- 9.1 Clients of Departments and Provincial Administrations in this context are defined as either:
- (a) members of the public and public/private organisations seeking services from a Public Service organisation as provided for by law; or
 - (b) officers or public employees from other Government organisations seeking advice or approvals for executive actions, as required by law.

- 9.2 Each officer has a duty by law to provide a service to each client in accordance with regulations and orders made under the laws. This is the prime responsibility of all officers who must therefore know the laws regulating their functions.
- 9.3 In providing advice and services to clients, officers are required to:
- (a) be fair and impartial in interpreting the rules and regulations;
 - (b) declare to their supervisor/Departmental Head any direct conflict of interest in dealing with a particular client, who may be a close relative or close associate;
 - (c) refuse the offer of any kind of inducement or “reward”, including money, material, entertainment, sexual favours and other services, from a client or third party in return for providing a service **or for ignoring or not enforcing a lawful requirement;**
 - (d) refuse to be drawn into any kind of conspiracy with another officer to overlook regulations/lawful requirements in return for reciprocal favours, inducements or rewards described above;
 - (e) be prompt, polite and helpful to clients, but at the same time be firm in ones resolve to comply with **the Code** at all times; and
 - (f) report to the Departmental Head /Provincial Administrator and/or Ombudsman any client who attempts bribery or corrupt practice as described herein.
- 9.4 Officers may become entrapped in ever growing and expanding levels of improper behaviour and corrupt practice by the innocent acceptance of initially small gifts and favours – a lunch, a dinner, a party with members of the opposite sex. Officers must act safely and stay true to **the Code. Say No! from the start of a business relationship. Remember that “there are no free lunches” Remember that a favour received from a client today is expected to be returned to the same client tomorrow, which could mean breaching the Code.**
- 9.5 Officers who compromise their behavior and fail to follow the guidelines under 9.3 and 9.4 shall be subject to disciplinary action.

10. **RELATIONSHIPS WITH SUPPLIERS TO COMBAT CORRUPTION**

- 10.1 The Public Service role in dealing with suppliers is to secure the best product or service at the lowest price to meet the Government’s agreed tender specification at the agreed time. Many of the requirements established by Section 9 of **the Code** governing the business relationships between officers and their clients apply equally to business relationships with suppliers.
- 10.2 Suppliers may offer substantial sums of money or favours to officers in order to secure a supply contract. Such inducements often require officers to improperly breach the **Public Finances (Management) Act**, the Regulations and Finance Instructions in the following ways:
- (a) breach the supply and tender procedures and collaborate with suppliers in the award of contracts not in the public interest;
 - (b) allow the State to pay an additional margin (for improper commissions) over and above the true value of the product or service to be provided;

- (c) falsify tender specifications, price, quality and delivery to benefit suppliers;
 - (d) relax supply specifications and allow the supply of sub-standard or inappropriate goods or services outside of the supply contract;
 - (e) make payments up front for goods not supplied, buildings/renovations not completed, or services not rendered and/or allow deferment of the end product in breach of contract; and
 - (f) waive contract penalties for late delivery of goods and services or construction/renovation, without good cause.
- 10.3 Officers who establish improper business relationships with suppliers and commit any of the above offences are in breach of trust, in breach of the law and their employment contracts. They will have committed corrupt acts and be subject to termination from the Public Service and criminal prosecution.
- 10.4 For the above reasons, officers are required to keep their relationships with suppliers “at arms length”, which means a relationship which is impersonal and professional in nature.
- 10.5 A copy of the **Code** shall be provided to every supplier and tenderer in order to inhibit attempts by suppliers to corrupt officers by seeking favours from them in return for inducements.

11. RELATIONSHIPS WITH CONSULTANTS TO COMBAT CORRUPTION

- 11.1 Consultants are engaged by Government organisations either to provide specialist services not available within the Public Service, or to provide impartial analysis and advice in sensitive situations where conflicts of interest are not easily removed.
- 11.2 However, it is not always certain that consultants are themselves entirely impartial, or that they may wish to present a particular political, self motivated or third party interest. Prior monitoring by a Departmental Head/Provincial Administrator of the back-ground and past associations and dealings of consultants is essential prior to engagement.
- 11.3 Consultants enjoy a privileged position in being able to directly influence the views of our most senior politicians and bureaucrats in the highest offices in the Government system. The work of consultants must be monitored by the Public Service. As far as possible, their recommendations must be questioned, verified and/or constructively criticised by other Papua New Guinean sources unconnected to the consultant, before final adoption.
- 11.4 Departmental Heads and Provincial Administrators are responsible for ensuring that proper relationships are established “at arms length” with consultants, and that all information provided by them is sound and properly analysed. All advice provided to Government by consultants must be vetted by competent authorities in the Public Service and “second opinions” obtained as a matter of routine.
- 11.5 A copy of the **Code** shall be provided to every Consultant and tenderer in order to inhibit attempts by Consultants to corrupt officers by seeking favours from them.

12. CONFIDENTIALITY OF INFORMATION IN COMBATTING CORRUPTION AND PROTECTING THE SECURITY OF THE STATE

- 12.1 Officers have access to and care for important and sensitive information from within the Government system which may be of great value to enemies of the State, to commercial exploiters of the Nation's resources, to antagonists of the Executive Government, to persons with claims against the State, others with criminal intentions, and so on.
- 12.2 Release of Government information to unauthorised persons, either deliberately or by accident can do great harm to the Executive Government and to the Nation. Loss of sovereignty, breakdown in security, sell-out of the Nation's resources and assets, decline in the value of the Kina, increasing poverty of the people, etc etc can result.
- 12.3 Officers must be aware of the risks outlined above and must guard against careless release of important and sensitive Government information. Deliberate release of information for personal gain or to harm the State constitutes a serious crime against the State.
- 12.4 Officers must be especially on their guard against the loss of electronic data through computerised networks and through telephonic and satellite linked computer systems. Government computers should not be linked directly to commercial, non-government computer networks. Government gateways for access to commercial networks are to be sufficiently controlled by agencies of the Government to ensure integrity of Government systems and information.
- 12.5 The Department of Personnel Management has issued an **Information Technology Code** which covers protection of Government information. Officers must always question the source of and ultimate destination of, electronic data on Government computer networks. Officers must be always vigilant against improper access of their data.
- 12.6 Departmental Heads/Provincial Administrators are responsible for ensuring the security of all important and sensitive information under their control. Officers who divulge Government information to unauthorised persons will be prosecuted under appropriate laws.

13. PERSONAL CONDUCT AND WORK PERFORMANCE TO COMBAT CORRUPTION

- 13.1 Each officer shall give a full days work for a full days pay. A Departmental Head shall ensure compliance by providing each officer on engagement with an official job description and work instructions, legislation relevant to their job duties, access to Public Service General Orders and a copy of the Code.
- 13.2 Each officer shall conduct himself/herself at the work place in the following manner:
- (a) promptly obey all lawful instructions of an authorised person in charge;
 - (b) question all instructions which appear to be unlawful, and if in doubt refer such orders to a higher authority for verification;
 - (c) refuse to obey all instructions which are contrary to legislation and are clearly unlawful and refer all such incidents to a higher authority, including the Departmental Head/Provincial Administrator, or to the Ombudsman if considered necessary;

- (d) exercise discretionary powers provided by legislation justly and professionally, in such a way as to maximise advantage to the State;
 - (e) not own or participate in any other personal business which may interfere in his/her duties or create a conflict of interest, and seek the authority of the Secretary for the Department of Personnel Management in accordance with the General Orders to receive income from any other business source;
 - (f) comply with all General Orders which regulate personal conduct, including dress, prohibition of tobacco, alcohol, betel nut and other intoxicating substances on Government premises, attendance, time-keeping, and other personal conduct; and
 - (g) treat colleagues, superiors and subordinates with respect for the positions that they hold, as human beings, regardless of gender.
- 13.3 Each officer is required by virtue of **the Code** to report to the Departmental Head, and/or the Ombudsman Commission, the wrongdoing of any other officer, which arise from breaches of **the Code** observed by him or her in the conduct of Public Service business.
- 13.4 The Departmental Head/Provincial Administrator is bound by General Orders to acknowledge receipt of a complaint made by an officer and in the event that no action has been taken by the Departmental Head/Provincial Administrator, the matter must be referred to the Secretary for the Department of Personnel Management, and/or the Chairman of the Public Services Commission for investigation and resolution.
- 13.5 Each officer has a right under General Orders to be appraised and officially notified on account of his/her work performance by a superior officer, in respect of each calendar year. The General Order appraisal form and procedure must be used and an officer not so appraised each year should in the first instance report the matter to the Departmental Head or Provincial Administrator for resolution.
- 13.6 Compliance with **The Code** will be utilised by Departmental Heads to assist in the assessment of each officer's performance and eligibility for annual financial awards, made through a Meritorious Award System established by the Government

14. EMPLOYEE RELATIONS, COUNSELLING AND COMPLIANCE

- 14.1 **The Code** is designed as a deterrent to improper, unacceptable or corrupt behavior and a guide to good conduct in support of the Executive Government and the State. Sound, professional relationships established between Departmental Heads, Provincial Administrators, managers, supervisors and officers are paramount in ensuring compliance with **the Code**.
- 14.2 Every officer who has supervisory responsibility for the work and conduct of others must establish monitoring and control systems within their organisations; for example, records of work attendance, time keeping, performance and discipline, as detailed in General Orders.
- 14.3 Wherever possible, prior to serious infringement of **the Code**, and the need to impose serious disciplinary sanctions, supervisors must counsel the offending officers, utilising the General Orders and **the Code**. A failure to respond to counselling or to verbal warnings shall result in formal written disciplinary action being taken.

15. NON-COMPLIANCE WITH THE CODE AND APPLICATION OF DISCIPLINE

- 15.1 The *Public Services (Management) Act*, the General Orders and individual contracts of employment provide substantial disciplinary powers to Departmental Heads and Provincial Administrators, who are responsible at law for the exercise of discipline in the Public Service.
- 15.2 Departmental Heads and Provincial Administrators and their managements must lead by example. Personal conduct in accordance with the Code must become a way of life in the Public Service.
- 15.3 Officers who fail to comply with the Code, in particular where counselling has been provided, give grounds on which they shall be disciplined. Failure to discipline offenders condones their actions, which in turn gives encouragement to others to follow their example.
- 15.4 An officer empowered to discipline subordinates who fails to do so where a breach of General Orders, or Contract of Employment has been evidenced, is guilty of breach of the General Orders and of the Code.
- 15.5 The *Public Services (Management) Act* provides that a breach of the Code constitutes a breach of the Act and provides grounds for application of disciplinary action under the Act itself, or under the disciplinary provisions of a contract of employment.
- 15.6 Penalties available to Departmental Heads and Provincial Administrators for breach of the Code depend upon the severity of the breach, and are detailed in the General Orders, including termination and referral to the Police authority for prosecution.

16. STATUS OF THE PUBLIC SERVICES (MANAGEMENT) ACT, THE PUBLIC SERVICE GENERAL ORDERS AND THE CODE

- 16.1 The Code is established by the Head of State on advice of the National Executive Council after considering a recommendation from the Secretary for the Department of Personne Management, under Section 70A of the *Public Services (Management) Act*. The Code constitutes a part of the Act itself. The Public Service General Orders are established under the Act and also constitute a part of the Act.
- 16.2 The Code does not in any way supersede the provisions of the Act or the provisions of the General Orders. The three documents are to be read together, where relevant Sections of the three documents deal with the same or related matters of conduct and behavior.
- 16.3 The Code does not provide an exhaustive list of circumstances, or examples to fully describe the required behaviour of officers. The Secretary for the Department of Personnel Management will provide to Departmental Heads, Provincial Administrators and officers on request, an interpretation of the Code in circumstances and situations where required.

Dated this

20th day of June,

2002.


GOVERNOR-GENERAL.



Independent State of Papua New Guinea

PUBLIC SERVICES (MANAGEMENT) ACT

**OATH OF LOYALTY AND SERVICE TO
THE STATE & THE EXECUTIVE GOVERNMENT**

- I, _____ do solemnly swear that at all times to the best of my ability I will:
1. Give loyal service to the State and Executive Government of the day, without seeking personal favours over and above my normal remuneration and without fearing retribution for performing my lawful duties.
 2. Obey and uphold all the Laws, Regulations, General Orders and Instructions which apply to my duties and conduct in the Public Service, and inform lawful authorities of wrongdoing by others which I may know.
 3. Strive to achieve excellence in serving the Public Service and the State and avoid deception, fraud, theft and all other forms of corrupt behaviour, and be open, transparent and loyal to the public interest in all my dealings.
 4. Deal honestly with all State Institutions, with Government clients, suppliers and consultants and reject all temptations to pursue my own personal interest at the expense of the public interest and the State.
 5. Keep separate my political views and political associations from my Public Service duties and not grant favours on political grounds to any person in implementing the policies and plans of the Executive Government.
 6. Give a full days work for an agreed days pay, obey lawful orders and respect and uphold the trust placed in me for the proper conduct of public business and for safeguarding public funds and assets under my control.
 7. Deal with all important Government information entrusted to me in confidence and not divulge such information in a manner which will undermine the integrity and security of the Public Service or the State.
 8. Avoid all behaviour on my part and all situations which may compromise my integrity and in which my presence may bring my name into public disrepute and reflect badly on the Public Service or the State.
 9. Deal with my fellow officers, peers, subordinates and superiors alike, in a just and honest manner regardless of their gender, or their ethnic or regional origins.
 10. Not associate with or deal with any person who intends to corruptly undermine the integrity of the Public Service, the Executive Government or the State and report such persons to the Ombudsman Commission.
 11. Abide by the **Code of Business Ethics and Business Conduct** attached hereto, in all my dealings, and thereby achieve all of the above objectives in the best interest of Papua New Guinea.

So Help Me God!

Signed: _____ Witnessed: _____
Officer of the Public Service Commissioner for Oaths

Date: _____

Public Services (Management) Act 1995

NOTIFICATION OF ISSUE OF CODE OF BUSINESS ETHICS AND CONDUCT.

THE Public is hereby notified that codes of conduct known as Public Service Code of Business Ethics and Conduct was issued by the Head of State, acting on advice of the National Executive Council, given after considering recommendations from the Departmental Head of the Department of Personnel Management.

Copies may be obtained from Peter Tsiamalili, Secretary for Department of Personnel Management.

Dated this 19th day of June, 2002.

P. S. TSIAMALILI, OBE.,
Secretary for Personnel Management.

Civil Aviation Act 2000

**REVOCATION OF APPOINTMENT AND APPOINTMENT OF MEMBERS OF THE
CIVIL AVIATION AUTHORITY**

I, Silas Atopare, G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by Section 20(1)(d) of the *Civil Aviation Act 2000*, acting with, and in accordance with, the advice given after consideration of recommendations from the Minister, hereby—

(a) revoke the appointment of the following persons as members of the Civil Aviation Authority—

Joseph Tauvasa
Jean Kekedo
Capt. Paun Nonggor
Wayne Golding; and

(b) appoint the following persons to be members of the Civil Aviation Authority for a period of three years—

Peter Neville
John W. Khallahle
Doug Kelson
Ted Paki

with effect on and from the date of publication of this instrument in the *National Gazette*.

Dated this 20th day of June, 2002.

SILAS ATOPARE,
Governor-General.

Civil Aviation Act 2000

**REVOCATION OF ACTING APPOINTMENT AND APPOINTMENT OF CHIEF EXECUTIVE OF THE
CIVIL AVIATION AUTHORITY**

I, Silas Atopare, G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by Section 37 of the *Civil Aviation Act 2000*, acting with, and in accordance with, the advice given after consideration of recommendations from the Authority, hereby—

(a) revoke the appointment of Miria Ume as Acting Chief Executive of the Civil Aviation Authority as published in the *National Gazette* No. G44 of 2002; and

(b) appoint Miria Ume to be Chief Executive of the Civil Aviation Authority for a period of four years,

with effect on and from the date of publication of this instrument in the *National Gazette*.

Dated this 20th day of June, 2002.

SILAS ATOPARE,
Governor-General.

National Cultural Commission Act 1994

RE-APPOINTMENT OF EXECUTIVE DIRECTOR OF THE NATIONAL CULTURAL COMMISSION BOARD

I, Silas Atopare, G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by Section 24 of the *National Cultural Commission Act 1994*, and all other powers me enabling, acting with, and in accordance with, the advice of the National Executive Council, hereby re-appoint Jacob Simet to be Executive Director of the National Cultural Commission for a period of four years, commencing on and from the date of publication of this instrument in the *National Gazette*.

Dated this 20th day of June, 2002.

SILAS ATOPARE,
Governor-General.

National Road Safety Council Act 1997

APPOINTMENT OF ACTING EXECUTIVE DIRECTOR OF THE NATIONAL ROAD SAFETY COUNCIL

I, Silas Atopare, G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by Section 21 of the *National Road Safety Council Act 1997* and all other powers me enabling, acting with, and in accordance with, the advice of the National Executive Council, given after considering a recommendation from the Minister, hereby appoint Ayabian A. Bannah to be Acting Executive Director of the National Road Safety Council for a period commencing on and from 30th May, 2002 up to and including 26th June, 2002.

Dated this 20th day of June, 2002.

SILAS ATOPARE,
Governor-General.

Fisheries Management Act 1999

REVOCATION OF ACTING APPOINTMENT AND APPOINTMENT OF ACTING MANAGING DIRECTOR

I, Silas Atopare, G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by Section 16 of the *Fisheries Management Act 1999*, and all other powers me enabling, acting with, and in accordance with, the advice of the National Executive Council, hereby—

- (a) revoke the appointment of Michael Batty as Acting Managing Director of the National Fisheries Authority and published in *National Gazette* No. G118 of 27th September, 2001; and
- (b) appoint Dr Antony Lewis as Acting Managing Director of the National Fisheries Authority until further notice.

with effect on and from 4th July, 2002.

Dated this 20th day of June, 2002.

SILAS ATOPARE,
Governor-General.

Organic Law on the Ombudsman Commission

GRANT OF LEAVE

I, Silas Atopare, G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by Section 8(1)(c) of the *Organic Law on the Ombudsman Commission* and all other powers me enabling, acting with, and in accordance with, the advice of the National Executive Council, hereby grant leave to Ombudsman Peter Masi of the Ombudsman Commission of Papua New Guinea, for a period commencing on and from 8th May, 2002 up to and including 8th July, 2002.

Dated this 20th day of June, 2002.

SILAS ATOPARE,
Governor-General.

NOTICE OF COMMENCEMENT

I, Silas Atopare, G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by the *Compulsory Third Party Motor Vehicles Insurance Industry Act 2002* and all other powers me enabling, acting with, and in accordance with, the advice of the Prime Minister and the Minister for Corporatisation and Privatisation, hereby fix the date of publication of this instrument in the *National Gazette* as the date on which the following Sections of that Act shall come into operation:—

All Sections except Sections 11, 12 and 13.

Dated this 20th day of June, 2002.

SILAS ATOPARE,
Governor-General.

NOTICE OF COMMENCEMENT

I, Silas Atopare, G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by the undermentioned Acts and all other powers me enabling, acting with, and in accordance with, the advice of the Prime Minister and the Minister for Corporatisation and Privatisation, hereby fix the date of publication of this instrument in the *National Gazette* as the date on which the said Acts shall come into operation:—

No. 8 of 2002—*Community Services Trust Act 2002*.

No. 13 of 2002—*Essential Services Act 2002*.

No. 18 of 2002—*Independent Public Business Corporation of Papua New Guinea Act 2002*.

No. 22 of 2002—*Postal Services (Amendment) Act 2002*.

Dated this 20th day of June, 2002.

SILAS ATOPARE,
Governor-General.