

Revocation of Appointments of Provincial Administrators

Section 60B PS(M) Act 1995 (as amended)

PEC

- Submit request to Commission
- Section 60B(a)(ii)

PSC

- Refer matter to DPM
- Section 60B(a)(iii)

DPM

- Conduct Investigations
- Provide report to Commission within 30 days
- Section 60B (b)(i)(ii)

PSC

- Conduct further investigations if any
- Recommend to PEC whether or not the appointment of PA should be revoked
- Section 60B(c)(i)(ii)(iii)

PEC

- Recommend to NEC to revoke appointment of PA
- Section 60B(d)

NEC

- Revoke appointment of PA
- Section 60B(d)

Suspension of Provincial Administrators

Section 60C of the PS(M) Act 1995 (as amended)

PS MINISTER

- Submit request to Commission
- Section 60C (a)(ii)

PSC

- Conduct Investigations
- Section 60(c)(a)(iii)
- Recommend to PEC to suspend PA
- Section 60C

PEC

- Recommend to NEC to suspend PA
- Section 60C

NEC

- Suspend PA from office
- Section 60(c)

Revocation of Appointments of Chief Executive Officers

Section 7 of the RSA Act 2004

BOARD

- Conduct Investigation
- Section 7 (i)
- Submit report to PSC
- Section 7 (3)

PSC

- Conduct further investigations if any
- Section 7 (4) (a)(b)
- Inform BOARD whether or not appointment of CEO should be revoked
- Section 7(4)c

BOARD

- Convey recommendations to Minister
- Section 7 (5)

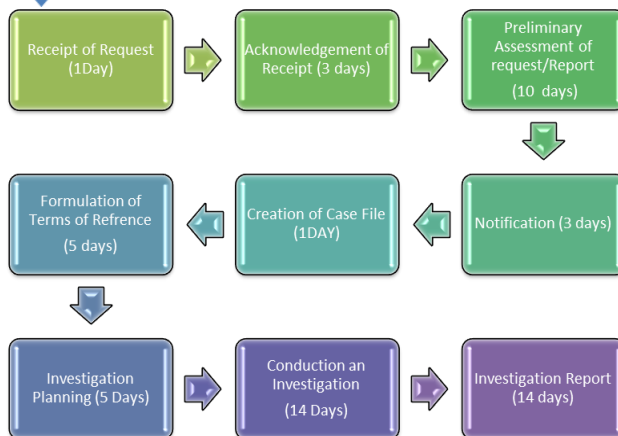
MINISTER

- Convey recommendations to NEC
- Section 7(5)

NEC

- Approves recommendation to revoke appointment of CEO
- Advise Head of State to revoke appointment of CEO
- Section 7 (5)

The Investigation Process



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PAPUA NEW GUINEA PUBLIC SERVICES COMMISSION

ROLE OF THE INVESTIGATION DIVISION



“ To transform the National Public Service into a vibrant effective and efficient service delivery machinery”

Introduction

Public Services Commission is an independent constitutional office established under Section 190 of the Papua New Guinea National Constitution. Thus, the Commission is mandated under Section 193(1) and 208B of the National Constitution, Section 31C ,31D and 60B and 60C of the Public Services (Management) Act 1995 (as amended) and Section 7 of the Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004 (hereinafter referred to as “the RSA Act”) to conduct investigations in relation to appointments, revocation of appointments and suspension of Departmental Heads ,Provincial Administrators and Chief Executive Officers of the Regulatory Statutory Authorities (RSA's) and appointment only of non ex officio members of the RSAs.

What is the role of the Investigation Division ?

The primary role of the Investigation Division is to conduct investigations in accordance with Section 31C, 31D , 60B and 60C of the Public Services (Management) Act 1995 (as amended) and Section 7 of the Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004.

The division conducts investigations into allegations and circumstances relating to the revocation of appointment and suspension of a Departmental Head and Provincial Administrator. It conducts investigations into the conduct, activities or performances of the Chief Executive Officer (CEO)in relation to the revocation of appointment of the CEO.

The Division manages all investigations matters and reports to the Commission of appropriate recommendations resulting from the investigations conducted.

Who submits investigation requests to PSC?

The following by law are appropriate bodies to submit Investigation requests to PSC:

- ◆ National Executive Council (NEC)
- ◆ Minister for Public Service
- ◆ Provincial Executive Council (PEC)
- ◆ BOARDS of Regulatory Statutory Authorities (RSA's)

(Boards of RSA's submit reports on their investigations together with its recommendations to PSC)

Can PSC conduct its own Investigations?

Yes, PSC can conduct its own investigations when it learns or obtain credible information about misconduct or serious allegations raised against Departmental Heads and Provincial Administrators.

According to Section 31C(a)(i), 31D(a) (i), 60B(a)(i) and 60C (a)(i) of the Public Services (Management) Act 1995 (as amended) ,PSC can conduct its own investigations.

How can a request for an Investigation be submitted to PSC?

A request for an investigation should be submitted in writing (letter) to PSC specifying the grounds for investigation.

What can PSC investigate?

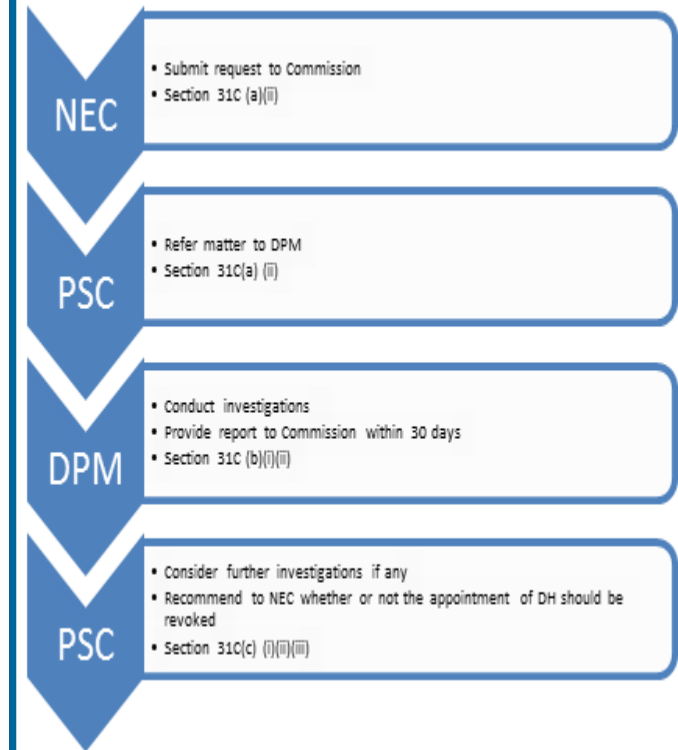
PSC can investigate allegations relating to misconduct, poor work performance and allegations of serious offences under a contract of employment of a Departmental Head , Provincial Administrator and CEOs of RSAs.

Can PSC investigate all investigation requests?

No, PSC will not investigate requests that are not eligible for an investigation. Such requests maybe referred to appropriate authorities or rejected by PSC.

Revocation of Appointments of Departmental Heads

Section 31C of PS(M) Act 1995 as (amended)



Suspension of Departmental Heads

Section 31D of PS(M) Act 1995 (as amended)

