

Independent State of Papua New Guinea

GENERAL ORDER NO. 1

STAFFING ARRANGEMENTS & OTHER PERSONNEL MANAGEMENT MATTERS IN PROVINCIAL & DISTRICT ADMINISTRATIONS

Being a General Order to effect staffing and other personnel management arrangements in Provincial Administrations and District Administrations under the Organic Law on Provincial & Local Level Governments. This General Order covers recruitment, selection, appointment and termination, terms & conditions of employment and other personnel management matters pertinent to Sections 58 to 64 of the Public Services (Management) Act.

Made under the:-

Public Services (Management) Act 1995 (as amended)

I, **John M Kali**, Departmental Head of the Department of Personnel Management, by virtue of the powers conferred by Section 70 of the *Public Services (Management) Act 1995*, and all other powers me enabling, hereby issue **General Order No 1** which reflects the changes in the Organic Law on Provincial & Local Level Governments up to 31st December 2011 **to come into force on 1st January 2012 and remain in force until further notice.**



JOHN M KALI OBE
Secretary

GENERAL ORDER NO.1

STAFFING ARRANGEMENTS & OTHER PERSONNEL MANAGEMENT MATTERS IN PROVINCIAL AND DISTRICT ADMINISTRATIONS

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GENERAL ORDER NO.1

STAFFING ARRANGEMENTS & OTHER PERSONNEL MANAGEMENT MATTERS IN PROVINCIAL AND DISTRICT ADMINISTRATIONS

GENERAL POLICY OBJECTIVES

- 1.1 This General Order incorporates all changes introduced by the National Executive Council in the National Public Service and applicable in the Provincial Administrations up to 31st December 2011.
- 1.2 This General Order now provides ongoing continuity in the maintenance and regulation of personnel management matters in Provincial and District Administrations in the period 1st July 2002 to 31st December 2011.
- 1.3 **Section 72** of the *Organic Law on Provincial Government and Local Level Government* provides for Acts of the Parliament to establish administrative organisations to serve the Provincial and Local Level Governments throughout the Country. **Sections 58 through 69** of the *Public Services (Management) Act* and the General Orders thereto give effect to **Section 72** of the *Organic Law on Provincial Government and Local Level Government*
- 1.4 The Provincial and Local Level Government organisations are to be staffed and administered under provisions for the National Public Service and by virtue of Section 75 of the *Public Services (Management) Act* Provincial Administrators are deemed Departmental Heads for this purpose. The General Orders take into account the legislated role of the Provincial Administrations to give effect to the policy direction of the National Executive Council and to the maintenance of one National Public Service within the Country.
- 1.5 All Provincial Administrators and Heads of National Departments are required by decision of the National Executive Council to cooperate with the Secretary, Department of Personnel Management in the exercise of their delegated powers and functions under **Section 59** of the *Public Services (Management) Act* and all other functions delegated by the Secretary, Department of Personnel Management.
- 1.6 **Section 59** of the *Public Services (Management) Act* provides that the Head of State acting on advice shall, by notice in the National Gazette, determine the administrative functions of Provincial and Local Level Government Administrative Organisations. Until such time as the functions of Provincial Administrations have been newly determined by the Head of State, the functions being performed at 31st December 2011 shall continue to be performed.
- 1.7 The Secretary, Department of Personnel Management has delegated (but not transferred) to individual Provincial Administrators powers under Sections 33 and 41 of the *Public Services (Management) Act* to enable each Provincial Administrator, as chief accountable officer in a Province, to manage organizational and staffing matters within the General Order framework and the National Budget appropriations.

- 1.8 Wherever possible, for purposes of the Provincial Government reforms and as a requirement of the *Organic Law*, functions of National Departments shall be “provincialised” and the staff redeployed or assigned by the Secretary, Department of Personnel Management to the Provincial and District Administrations.

SECTION 1: MEASURES TO ENSURE IMPLEMENTATION OF PROVINCIAL REFORMS IN ACCORDANCE WITH THE SPIRIT & INTENTION OF THE ORGANIC LAW

Managerial Reporting Relationships

- 1.9 The reporting relationships of Provincial and District Administrators have been identified under **Section 9** below. The **Organic Law** requires that Provincial and District Administrators shall have control of the "**Extended Services of the National Departments**" in the Provinces.
- 1.10 Excepting where provided for by delegations under the **Organic Law** and the *Public Services (Management) Act*, referred to in **Section 15** of this General Order, functional heads as representatives of the National Departments and other Agencies in the Provinces shall be coordinators of National functions and advisers to the Provincial and District Administrators. They report to the Provincial and District Administrators on a day to day managerial basis, and to the Heads of National Departments or Agencies, or their delegates in a staff and professional capacity for the purpose of policy and technical advice.

Consultation With Heads of National Agencies on Selection Criteria and Appointments of Heads of Extended Services of the National Agencies.

- 1.11 The Secretary, Department of Personnel Management has delegated to each Provincial Administrator the selection and appointment of all staff below the level of Provincial Administrator. The **Selection Panel** for selection and appointment are as described under Section 12 of this General Order 1.
- 1.12 The Provincial Administrator is therefore responsible for the appointments of all staff in Provincial Administrations of Deputy Administrator and below. However in the spirit of the Provincial Reforms, Heads of National Agencies shall participate in the selection and appointment process of the functional coordinators and advisers (Heads of Extended Services of the National Departments).
- 1.13 In consultation with the Heads of National Agencies, the Provincial Administrator shall determine appropriate selection criteria for the Heads of the Extended Services. Arrangements shall also be made for a delegate from the appropriate National Agency to sit as a voting member of a technical Selection Panel for the purpose of selecting the Heads of Extended Services of the National Agencies.

Distributions of Positions at Provincial Headquarters and District Headquarters

- 1.14 The Spirit and Intention of the Organic Law dictates that staff and resources in the Provinces shall be transferred and shall focus upon development projects and delivery of

services at the district level and the Local Government level. In formulating organisation structures, as far as possible, positions shall be transferred from Provincial Headquarters to District Headquarters. As a result, the number of positions based at Districts shall exceed the number of positions based at Provincial Headquarters.

- 1.15 The purpose of this Section of the General Orders is to ensure that the ratio of the number of positions established at District Headquarters and the number of positions established at Provincial Headquarters shall not be decreased in the future.
- 1.16 A Provincial Administrator exercising the delegated powers of the Secretary, Department of Personnel Management, under Section 33 of the Act, shall ensure that the ratio of positions under General Order 1.15 increases in favour of Districts. As far as possible, no new positions shall be created at Provincial Headquarters, other than to cater for new functions transferred from National Agencies.

Consultation with Heads of National Agencies on Establishments & Staff Ceilings

- 1.17 In revising Administrative structures and establishments affecting Extended Services of the National Departments, the Provincial Administrator shall consult the Heads of National Departments and the Secretary, Department of Personnel Management.
- 1.18 Provincial Administrators shall at all times in managing staffing arrangements in the Provincial and District Administrations ensure that managerial staff are selected on their merit and their experience of managing others. They should as far as possible meet the expectations of their Provincial Governments and of the National Agencies.
- 1.19 Provincial Establishments shall at all times be made consistent with funded staff ceilings determined under annual budgets. Establishments shall "tie together" numbers of positions with approved salary grades so that the total number of established positions at each salary grade level shall not be changed, other than by proper work value studies as described under the General Orders.

Revised Travel Allowances for the Purpose of Travelling within the Province

- 1.20 In order to better utilise budgeted expenditure for travel between Provincial Headquarters and District Headquarters, the General Orders have been issued for the purpose of overnight stays. Two additional lower levels of allowances to cover temporary and/or "mission guest house" type accommodation have been created.
- 1.21 General Order 13 covering terms and conditions of employment shall be utilised for the purpose of applying travel allowances.

Role of the National Monitoring Authority on Provincial Government Reforms

- 1.22 The National Monitoring Authority – Provincial and Local-Level Service Monitoring Authority (PLLSMA), as established under the **Organic Law**, has the responsibility for monitoring the progress of the Provincial Government Reforms. The Personnel Management Sub-Committee of the PLLSMA shall ensure that the General Orders and their implementation continue to uphold the policies of the National Executive Council on personnel matters.

- 1.23 In the event that the PLLSMA requires that any amendment is to be made to the **Public Services (Management) Act** and/or the General Orders, where a new policy or different interpretation of a new policy affects the administration of Provincial and District Administrations, then the Minister for Public Service shall be advised of the need to make a submission to the National Executive Council.
- 1.24 Prior to any proposals being made to the National Executive Council to amend the **Public Services (Management) Act** or General Orders, the Provincial Governors and the Provincial Administrators shall be consulted.

SECTION 2: RECRUITMENT, SELECTION, APPOINTMENT & TERMINATION PROCEDURES FOR PROVINCIAL ADMINISTRATORS

- 1.25 **Section 60** of the **Public Services (Management) Act, 1995** provides the procedure in the event that a vacancy occurs, or is likely to occur, in an Office of Provincial Administrator. **Public Service Regulations**, made pursuant to **Section 60** prescribe the detailed procedures which are to be administered by the Secretary, Department of Personnel Management.
- 1.26 A vacancy in an Office of Provincial Administrator shall be advertised by the Secretary, Department of Personnel Management, in consultation with the Provincial Governor and the Secretary, Department of Provincial & Local Level Government Affairs. The advertisement shall be placed in the National media and internal Public Service publication, as prescribed.
- 1.27 The Secretary, Department of Personnel Management shall convene a Selection Committee for the purpose of compiling a list of (at least five) candidates for the Office of Provincial Administrator, **including any candidates nominated by the Provincial Governor**. The Selection Committee shall comprise the following:
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|-----|--|---|-------------|
| (a) | Secretary, Department of Personnel Management: | - | Chairperson |
| (b) | Secretary, Department of Provincial & Local Government Affairs: | - | Member |
| (c) | Secretary, Department of the Prime Minister & National Executive Council (or Nominee): | - | Member |
| (d) | Attorney General (or Nominee): | - | Member |

provided that a Nominee shall not be of a status below Deputy Secretary level.

- 1.28 In the selection of candidates, the Selection Committee shall ensure that candidates meet the minimum person specification for appointment as defined in the **Public Service Regulations**.
- 1.29 The Secretary, Department of Personnel Management shall ensure the suitability of candidates for the purposes of Section 73(2)(b) of the **Organic Law on Provincial & Local Level Government**. The Minister for Public Service shall consult the Public Services Commission, on behalf of the National Executive Council, as to the suitability of candidates to be appointed to the Office of Provincial Administrator. The list of (at least five) suitable candidates, in order of preference, shall then be submitted by the

Public Service Commission to the Provincial Executive Council for consideration.

- 1.30 The Provincial Executive Council shall consider the list of five preferred candidates and, based solely upon the merit of each candidate to perform the duties of the Office, shall determine a short-list of three preferred candidates for submission to the National Executive Council.
- 1.31 The Provincial Governor on behalf of the Provincial Executive Council shall submit the short-list of preferred candidates to the National Executive Council via the Secretary, Department of Personnel Management, who shall prepare a Submission for the Minister for Public Service to present to the National Executive Council, together with evidence of the consultation held with the Public Service Commission.
- 1.32 The National Executive Council shall, in its sole discretion, advise the Head of State to appoint the Provincial Administrator on the basis of the minimum person selection criteria specified in the **Public Service Regulations** and pursuant to Section 40(2)(a) of the Act, as a deemed Departmental Head under Section 75 of the Act. The Head of State shall execute a contract of employment with the Provincial Administrator, on terms and conditions of employment determined under Section 62(1)(d) of the Act and the determination of the Salaries & Remuneration Commission as a deemed Departmental Head.
- 1.33 Termination of Provincial Administrators shall be effected by a Provincial Government in accordance with the provisions of each contract of employment described in General Order 1.32 herein, and the detailed procedures prescribed by the **Public Service Regulations**.

SECTION 3: CONTRACT TERMS AND CONDITIONS OF PROVINCIAL ADMINISTRATORS

- 1.34 Under Section 62(1)(d) of the *Public Services (Management) Act, 1995*, the Salaries and Conditions Monitoring Committee has determined, pursuant to National Executive Council directions, that the Executive Grade 4 contract terms and conditions of employment shall apply to Provincial Administrators as determined by the Salaries & Remuneration Commission from time to time.
- 1.35 Each Provincial Administrator is subject to the direction of the Provincial Governor in accordance with the policy direction of the Provincial Executive Council and to the policy of the National Executive Council.
- 1.36 For the purpose of terminating an appointment of a Provincial Administrator, for any of the reasons provided under a contract of employment executed by the Head of State, the authority rests with the National Executive Council, as follows.
- 1.37 The Provincial Governor shall, in accordance with a decision of the Provincial Executive Council, through the Minister for Public Service, make recommendations to the National Executive Council for the purpose of removing a Provincial Administrator from Office in the interest of the State, or on disciplinary grounds. The Secretary, Department of Personnel Management, having obtained a legal opinion, shall provide advice on appropriate action to the Minister for Public Service.

- 1.38 The Public Service Commission shall be consulted by the Minister for Public Service on behalf of the National Executive Council and revocation of the appointment may only be effected on a recommendation of the Public Service Commission.
- 1.39 At such time that the National Executive Council determines that the Administrator is to be terminated from office, the Administrator's future employment within the Public Service shall be determined in accordance with the provisions of his or her contract of employment, as advised by the Secretary, Department of Personnel Management and relevant National Executive Council Decisions.

SECTION 4: ACTING APPOINTMENTS OF PROVINCIAL ADMINISTRATORS

- 1.40 In the event that an Office of Provincial Administrator becomes vacant for a short period of time, the Provincial Governor shall request the Secretary, Department of Personnel Management to arrange for the appointment of an acting appointee.
- 1.41 The Secretary, Department of Personnel Management, having regard to the minimum person selection criteria under the **Public Service Regulations** and having considered the advice of the Provincial Governor, shall submit a list of (at least five) candidates to the Public Service Commission for presentation and deliberation by the Provincial Executive Council.
- 1.42 The Provincial Executive Council shall consider the list of candidates and shall determine a short-list of three candidates in order of preference, for submission to the National Executive Council. The procedure to be followed in making the recommendation to the National Executive Council shall follow the procedure described in the **Public Service Regulations**.
- 1.43 Such an acting appointment shall not be made for a period in excess of 90 days and shall not be subject to the contract terms and conditions made under Section 62 of the Act. The acting appointee shall enjoy such contract allowances and benefits as advised by the Secretary, Department of Personnel Management.
- 1.44 Alternatively, and having obtained the concurrence of the Provincial Governor, the Minister for Public Service may facilitate acting appointments for short periods of time to cover for leave and other contingencies, from a list of three candidates as described above, under the provisions of Section 31 of the *Public Services (Management) Act*.

SECTION 5: RECRUITMENT, SELECTION & APPOINTMENT OF DISTRICT ADMINISTRATORS

- 1.45 **Section 73(3)** of the **Organic Law** determines that District Administrators are to be appointed under the same procedure as for public servants. **Section 61** of the *Public Services (Management) Act* provides that the Secretary, Department of Personnel Management shall convene a selection hearing for the purpose of selecting and appointing District Administrators.
- 1.46 The Secretary, Department of Personnel Management shall ensure that the Provincial Administrator and the Secretary, Department of Provincial & Local Government Affairs

are to be involved under this Section.

- 1.47 The Provincial Administrator shall inform the Secretary, Department of Personnel Management and the Secretary, Department of Provincial & Local Government Affairs of the occurrence of a vacancy in the Office of District Administrator, at the earliest opportunity.
- 1.48 The Provincial Administrator, in consultation with the Secretary, Department of Personnel Management and the Secretary, Department of Provincial & Local Level Government Affairs, shall arrange for the vacant position to be advertised internally within the Provincial and Local Government Administrations and externally in the media, prior to commencing the selection process.
- 1.49 The Provincial Administrator, as Chairperson, shall convene a Selection Panel with the following membership:
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|-----|--|---|--------|
| (a) | Secretary, Department of Personnel Management
or representative: | - | Member |
| (b) | Secretary, Department of Provincial & Local
Government Affairs or representative: | - | Member |
| (c) | Senior Officer responsible for District Planning activities: | - | Member |
| (d) | Senior Officer responsible for Staff Development activities: | - | Member |
- 1.50 The successful candidate shall be selected on the basis of the following minimum acceptable person specification:
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| (a) | an officer of the Public Service, with a sound performance record; or, |
| (b) | other person satisfying the Public Service appointment criteria, to be confirmed as a member of the Public Service by the Secretary, Department of Personnel Management; and, |
| (c) | possess a good working knowledge of the laws and customs of the Country, and particularly of the working of the Public Service; and, |
| (d) | possess skills in project planning, staff management and public relations. |
- 1.51 The Chairperson of the Selection Panel shall inform the Secretary, Department of Personnel Management of the preferred candidate and a letter signed by the Secretary, Department of Personnel Management shall be sent to the successful candidate.
- 1.52 The Secretary, Department of Personnel Management shall prepare a contract of employment pursuant to Section 40(2)(b) and Section 41 of the ***Public Services (Management) Act, 1995***, to be signed by the Provincial Administrator and a delegate of the Secretary, Department of Personnel Management.

SECTION 6: CONTRACT TERMS AND CONDITIONS OF DISTRICT ADMINISTRATORS

- 1.53 As determined by the National Executive Council, on the advice of the Salaries and Conditions Monitoring Committee, terms and conditions of contract employment of District Administrators shall be determined by the Secretary, Department of Personnel Management.
- 1.54 Dependent upon the living and working conditions and standard of the accommodation provided at the District level, the Provincial Administrator may recommend to the Secretary, Department of Personnel Management that an allowance of up to 10 percent of salary be paid to a District Administrator according to a scale of "Hardship" ratings to be administered by the Secretary, Department of Personnel Management.

SECTION 7: TERMINATION OF EMPLOYMENT OF DISTRICT ADMINISTRATORS

- 1.55 The employment of a District Administrator may be terminated in writing by the Secretary, Personnel Management, on the advice of the Provincial Administrator, under his or her contract of employment, following consultation with the Secretary, Department of Provincial and Local Level Government Affairs.
- 1.56 The procedures and the conditions applying to the different methods of termination are contained in the contract terms and conditions for District Administrators, to be read together with this General Order.

SECTION 8: ACTING APPOINTMENTS OF DISTRICT ADMINISTRATORS

- 1.57 In the event that an Office of District Administrator becomes vacant for a short period of time due to the absence of the substantive job holder or due to permanent vacation of the Office by a substantive job holder, then the Provincial Administrator shall appoint a suitable person to act in the Office in accordance with General Order 3.
- 1.58 The acting appointment to District Administrator shall be made by the Provincial Administrator in consultation with the Secretary for Provincial & Local Level Government Affairs and the Secretary, Department of Personnel Management.
- 1.59 Such an acting appointment shall not be made for a period in excess of 90 days, and shall not be subject to the contract terms and conditions made under Section 41 of the Act.
- 1.60 The acting appointee shall enjoy the following allowances and benefits as provided under the General Orders:
- (a) where a substantive job holder is in office, Higher Duties Allowance plus contract allowances related to office functions only, including telephone and entertainment allowances, and use of a vehicle; or
 - (b) where no substantive job holder is in office, Higher Duties Allowance and all contractual allowances, other than Contract gratuity.

SECTION 9: REPORTING RELATIONSHIPS AND AUTHORITIES OF PROVINCIAL ADMINISTRATORS & DISTRICT ADMINISTRATORS

- 1.61 Under the **Organic Law**, a Provincial Administrator reports to his or her respective Provincial Governor and for all purposes shall work within the policy frameworks provided by the National Executive Council and the Provincial Executive Council.
- 1.62 A Provincial Administrator is the Chief Executive Officer of the Provincial Government in a Province and is a deemed Departmental Head for purposes of the **Public Services (Management) Act** and the General Orders. He or she shall work within the said policy frameworks in full cooperation with the Provincial Governor and in accordance with the priorities identified by the Provincial Governor, in consultation with the Heads of the Central Agencies and of other National Departments.
- 1.63 The reporting and work relationships of the Provincial Administrator as a deemed Departmental Head are derived from the **Organic Law** and are recorded in the contract of employment of the Provincial Administrator. The Provincial Administrator may only be terminated from office by the National Executive Council on the advice of the Provincial Governor, supported by a Public Service Commission recommendation.
- 1.64 A District Administrator shall be appointed through the normal Public Service selection process, in which the Provincial Administrator is to chair the Selection Panel. Notwithstanding the requirement of the **Organic Law** for the Secretary, Department of Provincial & Local Level Government Affairs to appoint District Administrators, a Provincial Administrator, as Chief Executive Officer and deemed Departmental Head of the Provincial Administration, shall have authority over, and shall give direction to the work of his/her District Administrators. District Administrators report to the Provincial Administrator for all direction. A Deputy Administrator may coordinate the work of the District Administrators under the overall direction of the Provincial Administrator.
- 1.65 The Secretary, Department of Provincial and Local Level Government Affairs has no power of direction over Provincial Administrators. However, Provincial Administrators shall seek policy advice from Secretary, Department of Provincial & Local Level Government Affairs and other National Department Heads or their delegates in the Provinces in seeking to ensure that the Provincial Administration complies with the development priorities of the National Government and other general policy directives.
- 1.66 Provincial Administrators and District Administrators shall seek advice and direction in respect to personnel matters in the Provincial and District Administrations from the Secretary, Department of Personnel Management or his/her delegates in the Provinces.
- 1.67 For the purposes of administering personnel matters, the General Orders of the National Public Service apply to the Provincial and District Administrations in their entirety, unless specific exemptions have been provided by the Secretary, Department of Personnel Management in accordance with the policies of the National Executive Council.
- 1.68 The **Organic Law** and **Public Services (Management) Act** provides that Provincial Administrators and District Administrators may delegate their managerial powers to other officers of the Provincial Administrations in a manner not inconsistent with the intention and the spirit of the **Organic Law** and in accordance with Government policy.

SECTION 10: TERMS & CONDITIONS OF EMPLOYMENT OF PROVINCIAL ADMINISTRATORS & DISTRICT ADMINISTRATORS

- 1.69 The terms & conditions of employment of Provincial Administrators are as determined by the Salaries and Remuneration Commission from time to time, as communicated by the Secretary, Department of Personnel Management.
- 1.70 The terms & conditions of District Administrators are as determined by the Secretary, Department of Personnel Management, subject to ratification by Salaries & Conditions Monitoring Committee from time to time.
- 1.71 All other terms & conditions are contained within the General Orders covering the terms and conditions of public servants.

SECTION 11: SELECTION, APPOINTMENT & STAFFING ETC. OF PROVINCIAL & DISTRICT TREASURIES

- 1.72 All Treasury staff in Provincial Administrations are to be selected and appointed in accordance with selection and appointment procedures under the Public Service General Orders, with the exception of Provincial Treasurers.
- 1.73 The **Organic Law** requires that the Departmental Head responsible for Finance functions at the National level shall appoint Provincial Treasurers, subject to the normal General Order requirements for recruitment and selection of public servants. The Head of the Department of Finance shall take into account the recommendations of the Provincial Administrator in the selection process.
- 1.74 The General Orders apply to Provincial Treasurers and District Treasurers in every respect, including the Disciplinary procedures. The Provincial Administrator shall be the disciplinary officer for the staff of Provincial and District Treasuries, on his/her own volition, or on the advice of the District Treasurers, subject to the over-riding authority of the Secretary, Department of Finance.
- 1.75 The exercise of day to day discipline of Provincial Treasurers and District Treasurers, other than on delegations for financial matters under the *Public Finances (Management) Act*, shall be exercised by the Provincial Administrator and the District Administrator on behalf of the Secretary, Department of Finance, through an instrument of delegation.

SECTION 12: THE PROVINCIAL SELECTION COMMITTEE

- 1.76 Detailed policies and procedures governing recruitment, selection and appointment of the staff in Provincial Administrations are contained in General Order 3, subject to any variations under Special General Orders from time to time, including the arrangements for a Provincial Selection and Appointment Committee which follow.
- 1.77 Each Provincial Administrator shall be responsible for administering its own Selection Committee and making selection decisions, **subject to the conditions of this General Order as listed below**, and a Provincial Selection & Appointment Committee shall consist of the following **VOTING** members:

- (a) the Chairperson, who shall be the Provincial Administrator or his/her delegate, who shall be an officer of Deputy Administrator level or above, or, as determined by the Provincial Administrator in his/her sole discretion, a delegate of the Secretary, Department of Personnel Management, **provided that an acting Provincial Administrator shall have had the acting appointment endorsed by a decision of the National Executive Council (or Minister for Public Service as delegated); and,**
 - (b) the Deputy Chairperson, who shall be an officer of District Administrator level, or above, who may be from outside the Department in which the vacancy exists;
 - (c) the District Administrator or Divisional or Functional Head of the Division or District (as appropriate) in which the vacancy exists; and,
 - (d) the Head of the Human Resource Unit of the Administration;
 - (e) (on the invitation of the Provincial Administrator) the delegate of the Secretary, Department of Personnel Management or his/her delegate in the province; and,
 - (f) a representative of the appropriate National Agency, in respect of the selection of a head of a National function being performed in the Province, to be appointed by agreement with the Provincial Administrator and Agency Head.
 Provided that in the event that members of the Committee are not in attendance, and that the views of the absentee members have been obtained by the Chairman, particularly with regard to the views of a Head responsible for a National function in the Province (see below), then the Committee may proceed to make a selection decision, on the basis of a quorum of members present, which shall be the Chairperson plus the Deputy Chairman plus the Head of the employing division, plus the Head of the Staff Development & Training Unit as the delegate of the Secretary, Department of Personnel Management in the Province.
- 1.78 Pursuant to General Order 1.3 to General Order 1.5, the Provincial Administrator shall submit a short list of candidates for the position of Head of a National function being performed in the Province to the appropriate Head of the National Department for his or her ratification. The Head of the National Department may indicate the undesirability of any candidate for the position and add any other suitably qualified person considered to be worthy of consideration.
- 1.79 The Head of the National Department shall indicate an order of technical preference for the candidates and this order of preference shall be taken into account by the Selection Committee when selecting a person for appointment.
- 1.80 Deputy Administrators are to be appointed by a Selection Committee in which a delegate of the Secretary, Department of Personnel Management **shall be compulsorily present** at each selection hearing and shall be part of any quorum. Such delegate(s) shall be the principal adviser(s) to the Chairperson on interpretation of General Orders, and the Chairperson shall not unreasonably ignore the advice given.
- 1.80 On the advice of his or her delegate, the Secretary, Department of Personnel Management

may annul any decision of a Selection Committee which has been made contrary to these General Orders. A person displaced from office in this manner shall automatically become an unattached officer at his/her former substantive level, unless the Provincial Administrator is able to retain the officer in a formerly held substantive position.

- 1.81 In the event of a disputed selection decision, an officer may be appointed by the Secretary, Department of Personnel Management, to be a NON-VOTING observer at a meeting of the Selection Committee in order to provide independent advice to the Secretary.
- 1.82 The observer may be a representative of an industrial organisation. The Department of Personnel Management will contact the Administrator concerned in order to arrange for an observer to be present at a selection hearing, provided that under General Order 2.12 the Secretary's delegate shall be present.
- 1.83 Where the provisions of General Order 3 and any Special General Orders that may be in force from time to time are persistently not complied with the Secretary, Department of Personnel Management retains the right to withdraw the authority of a Selection Committee and assume responsibility for selection and appointment matters.
- 1.84 The members of any Selection Committee established under this General Order are not, while acting as such, subject to direction or control by any person or authority and each member of the Selection Committee must have in his or her possession a copy of General Order 3 for ready reference.
- 1.85 Before taking up the duties of their office, as members of the Selection Committee each member shall take an oath of the office on Form RS 3.3 under General Order 3.

SECTION 13: APPLICATION OF GENERAL ORDERS BY THE AUTONOMOUS BOUGAINVILLE GOVERNMENT

- 1.86 The Constitutional amendments of 2002 provide that a Bougainville Public Service will be established under an Autonomous Bougainville Government (ABG). In the interim, the provisions of the *Public Services (Management) Act* and the **General Orders** continue to apply subject to interpretation by the Bougainville Executive Council on the advice of the Chief Secretary to the ABG in consultation with the Secretary, Department of Personnel Management.
- 1.87 General Orders governing the creation of District Administrations on Bougainville have not been implemented and are subject to consultation between the Chief Secretary to the ABG and the Secretary, Department of Personnel Management.
- 1.88 All other General Orders continue to apply on Bougainville pending the creation of an Autonomous Bougainville Public Service and specific advice should be sought from the Secretary, Department of Personnel Management in this regard.

SECTION 14: APPLICATION OF GENERAL ORDER NO. 1 IN THE EVENT OF SUSPENSION OF POWERS OF PROVINCIAL GOVERNMENTS

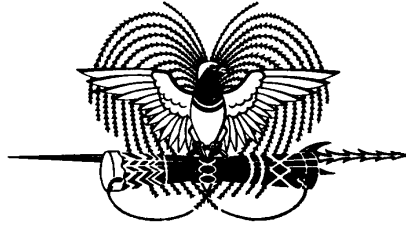
- 1.89 In accordance with the **Organic Law**, in the event that the National Executive Council

suspends the powers of the Provincial Government then the sections of this General Order in which the Governor and the Provincial Executive Council determine matters in regard to the appointment and removal of the Provincial Administrator shall be exercised by the Minister for Provincial & Local Level Government Affairs in consultation with the Minister for Public Service.

- 1.90 Detailed advice on this application will be obtained in writing by the Secretary, Department of Provincial & Local Level Government Affairs from the Secretary, Department of Personnel Management in order to facilitate the advice to the Minister for Provincial & Local Level Government Affairs.

SECTION 15: DELEGATION OF MANAGEMENT POWERS BY PROVINCIAL ADMINISTRATORS & DISTRICT ADMINISTRATORS TO PROVINCIAL ADVISORS ON NATIONAL FUNCTIONS

- 1.91 In order to effect vertical integration of reporting relationships for management of National functions in the Provincial and District Administrations, the Provincial Administrator and the District Administrator shall, where a decision of the Provincial Executive Council so determines, delegate certain managerial functions described hereunder to Provincial Advisers and Coordinators of National functions.
- 1.92 The delegation of such managerial functions shall be effected by instruments prepared by the Secretary, Department of Personnel Management.
- 1.93 In the event that such delegations are to be effected, organisations shall be restructured to provide for vertical integration of reporting relationships whereby staff employed under a National function shall report from Local-level Governments or District level to the functional Head in the Province and through to the Provincial Administrator.



Independent State of Papua New Guinea

NATIONAL PUBLIC SERVICE GENERAL ORDERS

**RECOMMENDATION TO THE SECRETARY, MR JOHN M KALI OBE, TO
APPROVE GENERAL ORDER NO. 1 OF 1ST JANUARY 2012**

**STAFFING ARRANGEMENTS & OTHER PERSONNEL
MANAGEMENT MATTERS IN PROVINCIAL & DISTRICT
ADMINISTRATIONS**

To: Secretary

Date: 08 March 2012

We, the under-signed, confirm that **General Order No. 1 of 1st January 2012**, hereto attached, has been drafted in accordance with Government policies and the appropriate Sections of **Organic Law** the **Public Services (Management) Act**, and the **Regulations** and reflects:


- (a) all policy changes made by the National Executive Council in the period 1st June 2002 to 31st December 2011;
- (b) all changes to the **Constitution**, the **Organic Law on Provincial & Local Level Governments** and the **Public Services (Management) Act 1995**, to effect implementation of the Provincial and Local Level Government Reforms; and,
- (c) all other changes to the **Public Services (Management) Act 1995**, which have been brought into force since 1st June 2002.

On behalf of the Executive Management Team, we recommend that the Secretary authorise this General Order for publication and distribution to line Departments and Agencies.


TAIES SANSAN
Director, Senior Executive Service


RAVU VERENAGI
Deputy Secretary, Policy


ISIKEL MESULAM
Director, Legal & Investigations


RAVU VAGI
Deputy Secretary, Operations

