

Independent State of Papua New Guinea

GENERAL ORDER NO. 8

**DEPARTMENTAL HEADS AND
PROVINCIAL ADMINISTRATORS**

Being a General Order, to effect the procedures for appointing Departmental Heads and Provincial Administrators and their roles and responsibilities and terms and conditions of employment in the Public Service, pertinent to Sections 31 & 31A, B, C & D for departmental heads and to Sections 60 & 60A, B, C, and D for provincial administrators, 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 8** which reflects the changes in the **Constitution**, the *Organic Law on Provincial & Local Level Governments*, the *Public Services (Management) Act* and the **Regulations** 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. 8

DEPARTMENTAL HEADS AND PROVINCIAL ADMINISTRATORS

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GENERAL ORDER NO. 8

DEPARTMENTAL HEADS AND PROVINCIAL ADMINISTRATORS

GENERAL POLICY OBJECTIVES

- 8.1 **Public Service Regulations** made pursuant to the *Public Services (Management) Act* govern the minimum person selection criteria, the advertisement, recruitment and selection process, the performance appraisal process, the contract renewal process and the suspension and termination processes. These processes are designed to comply with the requirements of Section 193 of the **Constitution**, and are administered by the Secretary, Department of Personnel Management.
- 8.2 The *Salaries & Remuneration Commission Act (SRC)* made pursuant to Section 216A of the **Constitution** determine the salaries, allowances and other benefits of Departmental Heads and Provincial Administrators, also administered by the Secretary, Department of Personnel Management who is a Member of the SRC.
- 8.3 This General Order applies to all Heads of National Departments and Provincial Administrators, and other officers who are Deemed Departmental Heads, including Chief Executive Officers of Public Hospitals and Provincial Health Authorities who shall be employed on contracts made under the *Public Services (Management) Act 1995*, and shall be read together with the **Regulations**.

MAIN RESPONSIBILITIES OF DEPARTMENTAL HEADS UNDER THE *PUBLIC SERVICES (MANAGEMENT) ACT*

- 8.4 A Departmental Head is responsible for the general working and efficient conduct of his or her Department, and is required to seek advice from the Secretary, Department of Personnel Management on changes considered to be necessary in:
- (a) making the Department work in a more economical efficient or convenient manner;
 - (b) the terms and conditions of officers generally in the Department; and
 - (c) personnel management matters generally which have been devolved to the Departmental Head.
- 8.5 A Departmental Head shall also bring to the attention of the Secretary, Department of Personnel Management, any matter, whether in relation to an officer or to the work of a branch or section of the Department, and to the efficient working of the Department, which he/she considers to be necessary.
- 8.6 The Departmental Head exercises all of the delegated functions governing organization under Sections 33, 34, and 35 of the Act and is responsible for ensuring that approved annual staff and cash ceilings are not exceeded, per General Order 2.

- 8.7 The Departmental Head shall exercise delegated functions governing recruitment & selections under Sections 36 and 37 of the Act, and be the Chairman of any Selection Committee established within the Department to decide on promotions, transfers or to make appointments of persons in the Department. This is dealt with in General Order 3.
- 8.8 The Departmental Head shall decide on which Probationary Officers become Permanent Officers, and which officers shall be retired or terminated for any cause. This is dealt with in General Order 4.
- 8.9 The Departmental Head is responsible for taking disciplinary action against any officer or employee within the Department. These procedures are detailed in General Order 15 for public servants and General Order 9 for contract officers.
- 8.10 The Departmental Head can make acting appointments (other than that of the Office of the Departmental Head) in the Department.
- 8.11 The Departmental Head can approve most types of leave and the payment of most allowances as detailed under General Orders 13 and General Order 14, but may not vary the entitlements there under in any way.
- 8.12 The Departmental Head may transfer an officer on an acting basis, from one office to another within the Department, provided that the officer has the required qualifications for that office, and suffers no loss of pay in the process.

CORPORATE PLANS AND ANNUAL MANAGEMENT PLANS

- 8.13 The Departmental Head shall have in place at all times a Corporate Plan providing the future business strategies and planned objectives of his/her Department over a three to five year period. Based upon the Corporate Plan, and the programmed budgeting approach to managing his/her Departmental resources, the Departmental Head shall provide Annual Management Plans to meet requirements of the Budgetary cycle.

ANNUAL MANAGEMENT REPORT

- 8.14 On 31st March each year the Departmental Head shall forward to the Secretary, Department of Personnel Management a report on the work of his/her Department, and the achievements of his/her Department in relation to the Corporate and Management Plans including the staffing report in a standard format as specified by the Secretary, Department of Personnel Management.
- 8.15 In accordance with the *Public Services (Management) Act*, the Departmental Head may be required to produce other reports if requested to do so by either, the Secretary, Department of Personnel Management, or the National Executive Council.

ANNUAL TRAINING REPORT

- 8.16 The Departmental Head shall submit to the Secretary, Department of Personnel Management an Annual Training Report by 31st March each year, providing details of the staff development programs and training conducted within the Department and the manner in which the trained staff is being utilised.

- 8.17 Annual Training Bids for training to be conducted the following year in accordance with the Corporate Plans will be submitted to the Department of Personnel Management by March of each year. Details of the Reports are further detailed in General Orders 5 and General Order 6.

APPOINTMENT OF DEPARTMENTAL HEADS OF NATIONAL DEPARTMENTS

- 8.18 The appointment procedures are detailed in the **Public Service Regulations** attached to this General Order. In accordance with the *Public Services (Management) Act* a Departmental Head shall be employed on a fixed period contract of four years in duration on terms and conditions determined by the Head of State on advice, subject to the *Salaries & Remuneration Commission Act*.
- 8.19 The *Public Services (Management) Act* provides that the person so appointed on contract shall be/or shall become a public servant, and that prior to termination of the Contract, unless either:
- (a) the contract is renewed by the National Executive Council; or,
 - (b) the Secretary, Department of Personnel Management arranges for transfer; or
 - (c) the Departmental Head secures an alternative position through the Public Service Selection Process outlined in General Order 3 and Regulation 5,

then, employment in the Public Service shall terminate, on conclusion of the three month notice period under the contract.

ACTING APPOINTMENT OF DEPARTMENTAL HEADS

- 8.20 In the event that a Departmental Head is absent from the Office, or is unable to perform the duties of the Office, or is terminated from the Office, then the Head of State acting on advice from the Minister for Public Service, as delegated by the National Executive Council, following a recommendation from the Public Service Commission, may appoint an officer of the Public Service to act in the Office, or to fill a vacancy in the Office on a temporary basis.
- 8.21 A person appointed by the Head of State to act as a Departmental Head shall not be appointed on contract, but shall be paid a Higher Duties Allowance under the General Orders, together with allowances determined by the Salaries & Remuneration Commission from time to time.
- 8.22 In advance of leaving office for temporary periods, a Departmental Head shall inform the Secretary, Department of Personnel Management in advance, and shall nominate suitable candidates who satisfy the minimum person specification to act in the Departmental Head office. Not less than one week's advance notice shall be given to enable the acting appointment to be made in good time.
- 8.23 A Departmental Head has no powers to make acting appointments or to facilitate appointment of a "caretaker" as no such position exists at law, and a Departmental Head shall not appoint a "caretaker" in his or her absence.

DISCIPLINE OF DEPARTMENTAL HEADS

8.24 The Head of State, acting on advice of the National Executive Council given after receiving a recommendation from the Public Services Commission for such action following consultation by the Minister for Public Service, may take the following actions:-

- (a) at any time suspend a Departmental Head from office; or
- (b) at any time dismiss a Departmental Head for cause, having been found guilty of committing a criminal or serious disciplinary offence; or
- (c) at any time terminate the appointment of a Departmental Head;

provided that the Disciplinary Procedure set out in the Departmental Head's contract of employment has been followed in every particular.

VARIATION OF CONTRACT AND TRANSFER TO OTHER NATIONAL DEPARTMENTS

8.25 The Contract provides that the Head of State acting on the advice may "vary, amend, add, or delete" terms and conditions in the Contract, either by mutual agreement with the Departmental Head, or by giving of three months notice".

8.26 In the event that the benefits in the contract are reduced in any way, the Departmental Head may terminate the Contract without penalty, on giving three months notice.

8.27 The Contract also allows for the Head of State acting on advice to transfer a Departmental Head to another position on contract. The **Regulations** provide that the National Executive Council may appoint the departmental head on his/her extant contract of same duration, varied with the details of the new appointment, or on a new contract of four years duration provided that there shall be pay out of accrued entitlements, notice or benefits as a result of the terminated contract.

8.28 Where the salary level of the new position is lower than that of the position originally held, the Departmental Head shall retain the original salary level. Where the salary level of the new position is higher than that of the position originally held, the Departmental Head shall be paid at the higher salary level. The effect of the General Order is that the Departmental Head will be paid the same, or higher salary on transfer; never a lower salary.

APPOINTMENT OF PROVINCIAL ADMINISTRATORS

8.29 In accordance with **Section 75 of the Public Services (Management) Act 1995**, Provincial Administrators are deemed Departmental Heads, to be appointed by the Head of State on advice under **Section 193 of the Constitution** and employed on fixed period contracts, to be signed by the Head of State.

8.30 The detailed procedures for the filling of a vacancy in an office of Provincial Administrator are detailed in the **Public Service Regulations**. An appointment is made by the Head of State on advice of the National Executive Council, acting on

recommendation of the Provincial Executive Council following consultation by the Minister for Public Service with the Public Service Commission under **Section 73 of the Organic Law on Provincial Governments and Local Governments**.

- 8.31 In accordance with the *Public Services (Management) Act* a Provincial Administrator shall be employed on a fixed period contract of four years in duration on terms and conditions determined by the Head of State on advice, subject to the *Salaries & Remuneration Commission Act*.
- 8.32 The *Public Services (Management) Act* provides that the person so appointed as a Provincial Administrator on contract, prior to termination of the Contract, unless either:
- (a) the contract is renewed by the National Executive Council; or,
 - (b) the Secretary, Department of Personnel Management arranges for transfer; or
 - (c) the Departmental Head secures an alternative position through the Public Service Selection Process outlined in General Order 3,

then, employment in the Public Service shall terminate, on conclusion of the three month notice period under the contract.

ACTING APPOINTMENT OF PROVINCIAL ADMINISTRATOR

- 8.33 In the event that a Provincial Administrator is absent from Office, is unable to perform the duties of the Office, or is terminated from the Office, then the Head of State acting on advice from the Minister for Public Service, based upon a recommendation from the Provincial Executive Council and a recommendation from the Public Service Commission, following consultation by Minister for Public Service, as a delegate of the National Executive Council, may appoint an officer of the Public Service to act/fill a vacancy on a temporary basis.
- 8.34 In advance of leaving office for temporary periods, a Departmental Head shall inform the Secretary, Department of Personnel Management in advance, and shall nominate suitable candidates who satisfy the minimum person specification to act in the Departmental Head office. Not less than one week's advance notice shall be given to enable the acting appointment to be made in good time.
- 8.35 A Departmental Head has no powers to make acting appointments or to facilitate appointment of a "caretaker" as no such position exists at law, and a Departmental Head shall not appoint a "caretaker" in his or her absence.
- 8.36 A person appointed by the Head of State to act as a Provincial Administrator shall not be appointed on contract, but shall be paid a Higher Duties Allowance under the General Orders, together with allowances determined by the Salaries & Remuneration Commission from time to time.

DISCIPLINE OF A PROVINCIAL ADMINISTRATOR

- 8.37 The National Executive Council, acting on the recommendation of the Provincial Executive Council, given after consultation with the Public Service Commission, may:-

- (a) at any time suspend a Provincial Administrator from Office; or
- (b) at any time terminate the appointment of a Provincial Administrator; or,
- (c) at any time dismiss a Provincial Administrator, having been found guilty of committing a criminal or serious disciplinary offence;

provided that the Disciplinary Procedure set out in the Provincial Administrator's contract of employment has been followed in every particular.

VARIATIONS OF CONTRACT OF PROVINCIAL ADMINISTRATORS

- 8.38 The Contract provides that the National Executive Council may "vary, amend, add, or delete terms and conditions in the Contract, either by mutual agreement with the Provincial Administrator or by the giving of three month's notice".
- 8.39 In the event that the benefits in the contract are reduced in any way, the Provincial Administrator may terminate the Contract without penalty.

PROCEDURE FOR CONTRACTING DEPARTMENTAL HEADS & PROVINCIAL ADMINISTRATORS

- 8.40 The National Executive Council has delegated the contracting procedures to the Minister for Public Service under the **Public Service Regulations**. The Secretary, Department of Personnel Management shall provide the opportunity to each appointee to fully assess the contract provisions and the implications for future employment within the Public Service, prior to signing the contract.
- 8.41 Following the appointment of a Departmental Head or Provincial Administrator, the Secretary, Department of Personnel Management, shall provide a set of contract documents, duly certificated by the State Solicitor, for signature by the Head of State. The newly appointed Departmental Head or Provincial Administrator shall sign a contract with the Head of State, together with the Secretary, Department of Personnel Management.
- 8.42 Salaries & Allowances of Departmental Heads are determined by the **Salaries & Remuneration Commission** by virtue of the Act made under the **Constitution**. A Departmental Head/Provincial Administrator shall be paid a Salary appropriate to the Salary Grade of the position held in accordance with Determinations of the Salaries & Remuneration Commission from time to time, and ratified by the National Parliament.

PERFORMANCE REPORTS AND ASSESSMENT OF DEPARTMENTAL HEADS AND PROVINCIAL ADMINISTRATORS

Performance Reports on Departmental Heads

- 8.43 The **Public Service Regulations** provide detailed procedures for the regular annual assessment of each Departmental Head and Provincial Administrator.
- (a) The responsible Minister shall provide to the Minister for Public Service a report in a prescribed format on his/her Departmental Head's work performance prior to 31st December each year.

- (b) The Central Agencies Coordinating Committee shall provide a report on each Departmental Head's work performance in a prescribed format to the Minister for Public Service prior to the 31st December each year.

Performance Assessment of Departmental Heads

- 8.44 Based upon the Performance Reports provided by the Minister for Public Service and following an independent performance evaluation, the National Executive Council shall assign an appropriate performance rating for each departmental head.

8.45 Performance Reports on Provincial Administrators

- (a) A Provincial Governor shall submit to the Secretary, Department of Personnel Management, a report in prescribed format, on the Provincial Administrator's work performance, prior to 31st December each year.
- (b) The Central Agencies Coordinating Committee, including the Departmental Head responsible for Provincial & Local Government Affairs, shall also provide to the Minister for Public Service, a report in prescribed format on the work performance of each Provincial Administrator.
- (c) The Minister for Public Service shall in consultation with the Minister for Provincial & Local Level Governments, compile a Report in prescribed format, on the performance of each Provincial Administrator for consideration by each Provincial Executive Council.

Performance Assessment of Provincial Administrators

- 8.46 Based upon the Performance Reports provided by the Minister for Public Service, and following independent assessment and advice from the Public Services Commission an appropriate performance rating will be determined by the National Executive Council.

BENEFITS PAYABLE ON CONTRACT TERMINATION

- 8.47 Upon termination of contract, termination benefits shall be paid in accordance with contract provisions, and the maximum benefits payable under any circumstances are detailed under the **Public Service Regulations** and in particular:
- (a) payments made in lieu of notice are paid at the base salary together with allowances specified in the Contract and gratuity and recreation leave accrued for the notice period;
- (b) on ceasing to hold office, from the date of the decision of the National Executive Council, all benefits and allowances related to the office, shall continue for the period of notice due by the Head of State under the Contract; and,
- (c) should the Departmental Head be required to work any part of the notice period, or he or she has been notified that during notice he or she is under consideration for another position, the Departmental Head will continue to be paid the substantive salary, plus all other allowances, and will continue to accrue gratuity

and recreation leave, and have use of the official Departmental Head vehicle; and,

- (d) the maximum period of the unexpired contract for which termination benefits may be made is 18 months in all circumstances inclusive of the three months notice period;

FUTURE EMPLOYMENT IN THE PUBLIC SERVICE OR OTHER GOVERNMENT AGENCY

8.48 In the event that an ex-Departmental Head or Provincial Administrator is to be considered for employment within the Public Service or other Government Agency following termination of contract, then a decision shall be made by the National Executive Council prior to the expiry of three months notice allowed under the contract.

8.49 The ex-Departmental Head or Provincial Administrator shall be remunerated as under General Order 8.47, and employment in the Public Service shall cease on the expiry of three months notice period, in accordance with the provisions of the *Public Services (Management) Act*.

RETIREMENT OF DEPARTMENTAL HEADS AND PROVINCIAL ADMINISTRATORS

8.50 The same conditions for age retirement apply to Departmental Heads and to Provincial Administrators as those that apply to permanent officers of the Public Service outlined in General Order 4.

RETRENCHMENT OF DEPARTMENTAL HEADS AND PROVINCIAL ADMINISTRATORS

8.51 The same conditions for retrenchment resulting from a redundancy situation and/or ceasing to possess the qualifications necessary to fulfill the duties of office, or as determined by the National Executive Council in the interest of the State, shall be similar to those applicable to permanent officers of the Public Service, provided that the provisions of the Departmental Head's contract have been followed in every particular.

8.52 A Departmental Head or Provincial Administrator retrenched in accordance with the provisions in his/her contract of employment, shall not normally be considered for re-appointment to the Public Service, other than as a Departmental Head, Provincial Administrator or District Administrator in the interest of the State.

TERMINATION OF NATIONAL DEPARTMENTAL HEADS IN THE INTEREST OF THE STATE

8.53 Detailed criteria and procedures defining the term "in the interest of the State" are contained in the **Public Service Regulations**, and no recommendation shall be made to the Public Service Commission, to terminate a Departmental Head or Provincial Administrator, unless in full compliance.

8.54 The Contract provides for termination of a Departmental Head's services "**in the best interest of Papua New Guinea**" as determined by the National Executive Council, as advised by the Minister for Public Service, in accordance with a recommendation from

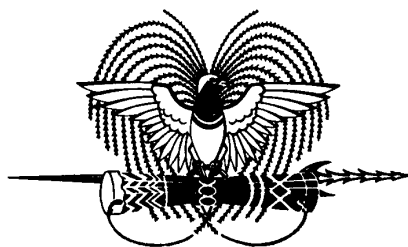
the Public Service Commission.

- 8.55 The responsible Minister will inform the Prime Minister and the Minister for Public Service of his/her reasons for wishing to remove his Departmental Head from office. The Minister for Public Service having consulted the Secretary, Department of Personnel Management. The Secretary, having sought legal advice through the State Solicitor's Office, shall inform the Minister for Public Service of his findings prior to the Minister seeking a recommendation from the Public Service Commission.

The National Executive Council shall in its sole discretion determine whether or not to terminate the Departmental Head's services in the best interest of the State.

TERMINATION OF PROVINCIAL ADMINISTRATORS IN THE INTEREST OF THE STATE

- 8.56 The National Executive Council may on the advice of the Provincial Executive Council remove a Provincial Administrator from service, in the interest of the State, having consulted the Public Service Commission and secured a recommendation to that effect. The Minister for Public Service shall ensure that proper advice is provided to the National Executive Council.
- 8.57 The Provincial Executive Council, through the Provincial Governor, shall inform the Minister responsible for Provincial & Local Level Governments of its intentions regarding termination of the Provincial Administrator. The Minister, having obtained legal advice through the State Solicitor's Office, and having consulted the Minister for Public Service who shall obtain independent recommendation from the Public Service Commission, shall then inform the National Executive Council of his/her findings.
- 8.58 The National Executive Council shall, determine whether or not the Provincial Administrator should be terminated in the best interest of Papua New Guinea.



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. 8 OF 1ST JANUARY 2012**

DEPARTMENTAL HEADS & PROVINCIAL ADMINISTRATORS

To: Secretary

Date: 08 March 2012

We, the under-signed, confirm that **General Order No. 8 of 1st January 2012**, hereto attached, has been drafted in accordance with Government policies and the appropriate Sections of 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 *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 Services

ISIKEL MESULAM
Director, Legal & Investigations

RAVU VERENAGI
Deputy Secretary, Policy

RAVU VAGI
Deputy Secretary, Operations

