

PUBLIC SERVICE OF PAPUA NEW GUINEA

JOB DESCRIPTION

1. Identification

Department Public Service Commission	Position Number COML.001
Division Executive	Designation/Classification Director – Legal, Advisory & Litigation - Grade 18
Branch Legal, Advisory & Litigation	Local Designation Director – Legal, Advisory & Litigation.
Section	Reporting to: Chairman and/or, PSC Secretary
Location Waigani	Incumbent:

HISTORY OF POSITION

DPM file No.	Date of Variation	Details
O&AS3-2-20	20.10.2000	Created.
O&AS3-2-20	14.11.2001	J.E. Reclassified. Adopted new concept of J.D & Revised Duties.
O&AS3-2-20	12.9.2003	Created.
Impl: 6-2-5	27/07/07	Transfer/Renumber/Redesignate

2. Purpose

To supervise, co-ordinate and control the activities of the Legal Advisory & Litigation functions within the Public Services Commission and its Secretariat and provide and maintain quality control component in the output of all legal advice and conduct of litigation matters, all substantive investigations under Section 18 (personnel review), Sections 31C, 31D, 39A (Suspension & revocation of appointment of Departmental Heads) and Sections 60C and 60D (suspension and revocation of appointment of Provincial Administrators) of the Public Service (Management) Act 1995 (as amended), Section 2 and 3 of Public Service (Management) (Criteria and Procedures for Suspension and Revocation of Appointment of Departmental Heads) Regulation 2003, Section 193 (1C) and (1D) of the Constitution (suspension and revocation of appointment of Departmental Heads), Section 73 (2B) and (2C) of the Organic Law on Provincial Government and Local –Level Government (as amended to date) Section 7 (4) and 8 of the Regulatory Statutory Authorities (Appointment to Certain Offices) Act, 2004 and investigations under all other relevant Organic Laws, Acts and Regulations.

3. Dimension

Manages two (2) Sections in the Branch – the Legal Advisory Section and the Litigation Section. The Legal Advisory Section has one (1) Principal Legal Advisor Grade 16, One (1) Senior Legal Advisor Grade 15, and one (1) Legal Advisor Grade 13. The Litigation Section has one (1) Principal Legal Counsel Grade 16, one (1) Senior Legal Counsel Grade 15, and one (1) Legal Counsel Grade 13.

The Branch also has an Administrative Assistant Grade 8. Office facilities in use are eight (8) computers, one (1) fax machine, one (1) photocopier and a vehicle that service the branch's daily activities.

The Legal Advisory Section functions are as follows:

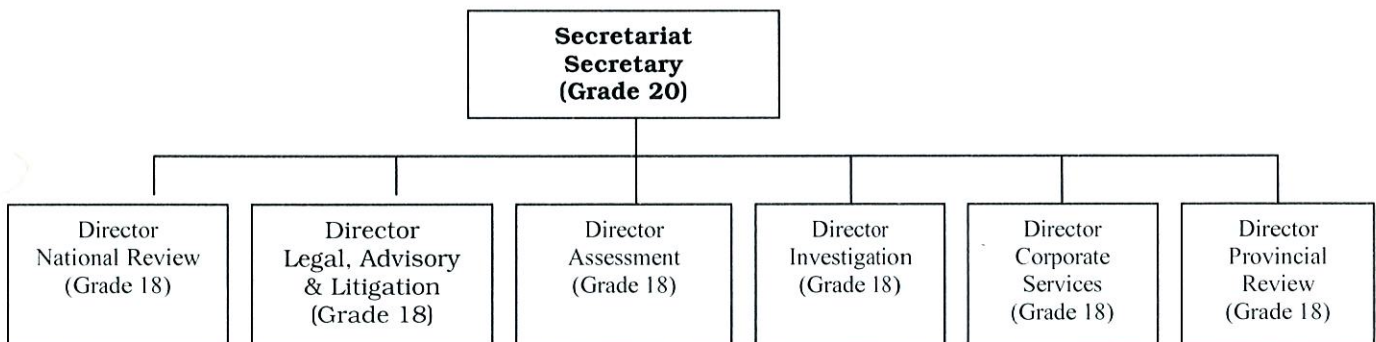
- Provide legal opinion upon request by the Commission.
- Provide legal advice to the Investigation Branches concerning review matters.
- Provide advice on policy matters.
- Correct draft advices of Commission's decision on matters for Chairman's signature.
- Attend Section 18 Commission meeting to consider the decision on Section 18 review matters whenever required by the Commission.
- Represent the Commission or accompany members of the Commission on legal conferences, whenever required.

The Litigation Section functions are as follows;

- Prepare court matters in which the Commission is a party.
- Appearing in court in which Commission is a party.
- Liaise with the Solicitor General & Attorney General on legal matters affecting the Commission.
- Liaise with private law firms representing other parties to legal proceedings in which the Commission is also a party.

4. Nature and Scope Reporting Relationship

It is one of six (6) positions that report to the Secretary of the Secretariat, but on operational matters, the Director – Legal, Advisory & Litigation, and reports directly to the Chairman.

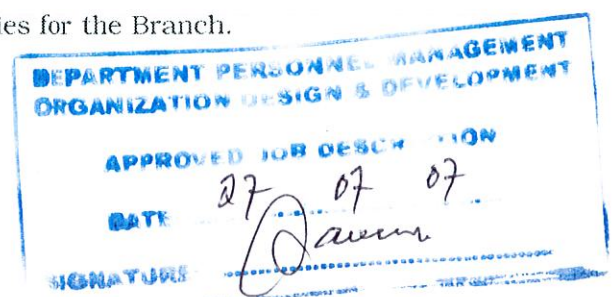


4.1 Work Environment

Responsible for the effective and efficient management and coordination of the Branch. Ensure that legal advice / opinions required by the Commission and the Secretariat are well researched and written and that they are given without undue and unreasonable delay. Also ensure that court cases in which the Commission is a party are well prepared and conducted and the legal issues involved in the case are well researched.

4.2 Constraints Framework and Boundaries

Inadequate office space and proper law library facilities for the Branch.



- **Rules/Procedures**

Broad knowledge of the Public Service (Management) Act, Public Service General Orders, the Constitution, National and Supreme Court Rules, the Supreme Court Act, the relevant Organic Laws, other relevant legislations and the PNG legal system and the PNG laws, generally.

- **Decision**

Allocation/assignment of Tasks/Activities to subordinate positions (staff) in the Branch with time frame to complete the tasks. Occasional request for funding for the Branch's operation. Assist in making strategic decisions in major investigations. Making tactical decisions in all court cases involving the Commission.

- **Recommendations**

Disciplinary action for staff of the Branch; in - house staffing matters (eg: leaves, HAD, SPA, etc).

4.3 Challenges

- Investigation into complex and high - profile and politicised public service matters/ cases.
- Investigation into complex organization - related matters in line Departments and government statutory bodies.
- Representing the Commission in complex and high - profile litigation matters.
- Presenting well - researched and well - written submissions before the court.
- Meeting Court deadlines.

4.4 Working Relationship

- **Internal**

Chairman, Commissioners, Secretary – PSC, Branch Directors and other Senior Officers.

- **External**

Secretary, Department of Personnel Management, Secretary Department of Justice & Attorney General, Chief Secretary – Department of Prime Minister & NEC, Provincial Administrators, State Solicitor, Solicitor General, other lawyers in the Department of Justice and Attorney General, Private Lawyers, Counsel to the Ombudsman Commission, Ombudsman of PNG, Chief Executive Officers of Statutory Regulatory Authorities, Constitutional Office Holders, Registrar of the National and Supreme Courts, First Legislative Counsel, Secretaries of Line Departments, Secretary to NEC, Associates to Judges of the National and Supreme Courts/Clerks of District Courts.

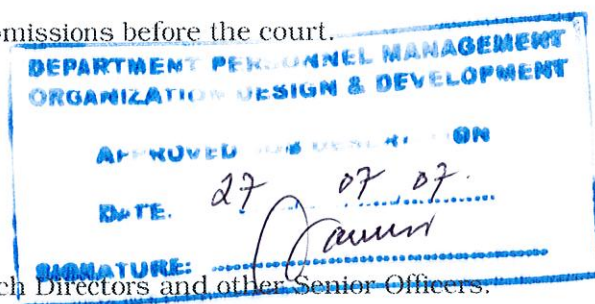
5. Qualifications, Experiences and Skills

5.1 Qualifications

- Degree in Law (LLB) from a tertiary institution recognised by the Commission and fully admitted to the bar as a lawyer of the National and Supreme Courts with a minimum of seven (7) years practical experience as a lawyer.
- Holder of a current Lawyer's Practising Certificate issued by the PNG Law Society.

5.2 Knowledge

- Wide knowledge of the Laws of Papua New Guinea, including the PNG Legal and Judicial systems.
- Good knowledge and understanding of Government system & policies, and the constitutional framework of the Government.



- Good knowledge of Public Service (Management) Act, 1995 (as amended), the Statutory Regulatory Authorities (Appointment to Certain Offices) Act, 2004, Public Service (Management) (Selection and Appointment of Departmental Heads and Provincial Administrators) Regulation 2003, Public Services (Management) (Criteria and Procedures for Suspension and Revocation of Appointment of Departmental Heads and Provincial Administrators) Regulation 2003, Public Service General Orders, Public Finance (Management) Act, the Constitution, Organic Law on Provincial & Local Level Governments, the National and Supreme Court Rules and their application essential.

5.3 Skills

Must have the ability to demonstrate the following:

- High level of written and oral communications.
- Good conceptual and analytical ability.
- High level of good public relations and inter-personal skills.
- High administrative ability and legal research skills.
- Good advocacy skills.
- Good investigative skills.

6. Principal Accountabilities

- Supervise and control the activities of the Legal Advisory & Litigation Branch.
- Co-ordinate preparation of legal and policy advice to the Commission on all aspects of its constitutional roles, functions and operational activities.
- Personally undertake, whenever required, major and complex cases on behalf of the Commission and co-ordinate preparation of advice to the Commission on all legal matters affecting the Commission.
- Represent the Commission in conferences, workshops and seminars pertaining to legal matters.
- Check legal opinions and relevant working documents prepared by subordinate staff for the Branch
- Coordinate preparation of detailed drafting instructions and working drafts of legislative proposals for the Commission.
- Whenever required, personally appear as counsel for the Commission in major and complex litigation matters at the National and Supreme Courts.
- Exercise final quality control and approval of all draft submissions and reports for Commission's decision and correct draft Advice of Commission's decisions on Section 18 review matters.
- Co-ordinate preparation of policy submissions.
- Attend Commission meetings and Section 18 review hearings both in Port Moresby and in the Provinces.

