

Public Services (Management)(Selection and Appointment of Departmental Heads and Provincial Administrators) Regulation 2003

Unvalidated References:

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 11 August 2003.

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Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 5 of 2003.

[*Public Services \(Management\)\(Selection and Appointment of Departmental Heads and Provincial Administrators\) Regulation 2003*](#)

ARRANGEMENT OF SECTIONS.

1. Declaration of Departmental Head vacancy.
2. Procedure for appointment of Departmental Head.
3. Review of Departmental Head appointment and performance prior to expiry of appointment.
4. Temporary appointment of Departmental Head.
5. Vacancy in the office of provincial administrator.
6. Review of provincial administrator's appointment and performance within prior to expiry of appointment.
7. Temporary appointment of a provincial administrator.
8. Non-Citizens not to be considered for appointment in certain circumstances.
9. Selection processes commenced.
10. Regulation to prevail.

[*Public Services \(Management\)\(Selection and Appointment of Departmental Heads and Provincial Administrators\) Regulation 2003*](#)

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council to be deemed to have come into operation on 11 August 2003.

1. DECLARATION OF DEPARTMENTAL HEAD VACANCY.

(1) Subject to Section 3, the declaration of a vacancy in the office of a Departmental Head, which has occurred or is about to occur, shall be made by the Secretary for the Department of Personnel Management and the vacancy shall be advertised in the National Gazette in a standard format.

(2) Prior to the advertisement being placed under Subsection (1), an incumbent holding office shall be informed by the Departmental Head of the Department of Personnel Management of the intention to declare and advertise the vacancy.

2. PROCEDURE FOR APPOINTMENT OF DEPARTMENTAL HEAD.

(1) Where an office of Departmental Head has been advertised under Section 1 –

(a) the Chief Secretary to Government shall provide specific performance criteria and priority Government Programmes to determine key performance indicators and specific competencies on which to base selection criteria; and

(b) the Departmental Head of the Department of Personnel Management shall –

(i) ensure that the Job Description and Person Description for Departmental Head Appointment in relation to the office is prepared in the prescribed format; and

(ii) ensure that appropriate terms and conditions for Departmental Head position have been ratified by the Salaries and Remuneration Commission; and

(iii) procure candidates for appointment through advertisement in a standard format and obtain the candidates' curriculum vitae in a standard format; and

(iv) in consultation with the Chief Secretary to Government and the Departmental Head of the Department of Treasury, determine a list of not less than five candidates who satisfy the requirements under the Public Services (Management)(Minimum Person Specification and Competency Requirements for Selection and Appointment of Departmental Heads) Regulation 2003; and

(v) submit a list of not less than five names with assessment and recommendation, (together with a list of all other rejected applicants) to the Public Services Commission, pursuant to Section 193 (appointment of certain offices) of the Constitution.

(2) On the receipt of a list and recommendations under Subsection (1)(v), the Public Services Commission shall review the candidates and compile a short list of three candidates on merit (utilising the same appointment criteria from the Public Services (Management)(Minimum Person Specification and Competency Requirements for Selection and Appointment of Departmental Heads) Regulation 2003, for recommendation to the National Executive Council under Section 193 (appointment of certain offices) of the Constitution.

(3) In carrying out a review under Subsection (2), the Public Services Commission –

- (a) may conduct panel interviews of the short listed candidates to further ensure selection on merit; and
- (b) shall present its recommendations to the National Executive Council in a standard format.

(4) For the purposes of presenting recommendations of the Public Services Commission to the National Executive Council under Subsection (3)(b), the Minister for Public Service shall present a Cabinet Submission prepared by the Departmental Head of the Department of Personnel Management, containing recommendations from the Public Services Commission in respect to the three preferred candidates.

(5) In considering the recommendations made under Subsection (4), the National Executive Council may –

- (a) approve a recommendation; or
- (b) reject a recommendation and direct the re-advertisement of the position.

(6) Where the National Executive Council has approved a recommendation under Subsection (5)(a), –

- (a) the Chairman of the National Executive Council shall advise the Head of State to make the appointment in accordance with the decision of the National Executive Council; and
- (b) the Secretary of the National Executive Council shall arrange signing of the notice of appointment by the Head of State and for gazettal of the appointment; and
- (c) the Prime Minister or the Minister for Public Service shall officially inform the successful candidate prior to gazettal and public announcement of the appointment, and the Departmental Head of the Department of Personnel Management shall inform any incumbent in the office of the decision of the National Executive Council under Subsection (5)(a), prior to public announcement of the appointment; and
- (d) the Departmental Head of the Department of Personnel Management shall brief the appointee on specific job requirements and terms and conditions, including the draft of the proposed contract of employment; and
- (e) the Departmental Head of the Department of Personnel Management shall obtain clearance from the State Solicitor, and, through the Secretary of the National Executive Council, arrange for the contract of employment to be executed by Head of State.

3. REVIEW OF DEPARTMENTAL HEAD APPOINTMENT AND PERFORMANCE PRIOR TO EXPIRY OF APPOINTMENT.

(1) Where an appointment to an office of a Departmental Head is about to expire, the Department Head of the Department of Personnel Management shall, within a six month period prior to the expiry of the appointment, initiate through the Chief Secretary to Government a review process of a Departmental Head's performance, and the Departmental Head concerned shall be informed of any such review process to be undertaken.

(2) For the purposes of a review under Subsection (1), an assessment shall be made by the Chief Secretary, in accordance with the [Prime Minister and National Executive Council Act 2002](#), of the Departmental Head's performance and no later than three months prior to

expiry of the contract, the Minister for Public Service, in consultation with the Minister concerned, shall advise the National Executive Council whether or not to renew the contract, or seek alternative candidates for consideration.

(3) In the event that the Minister wishes to proceed to recommend to the National Executive Council that the Departmental Head's appointment be renewed, the Public Services Commission shall be provided with all relevant performance documentation and shall be requested by the Minister to make a recommendation to National Executive Council.

(4) In the event that the Minister, taking into account the advice of the relevant Minister and the Chief Secretary to Government, determines that the position is to be advertised, the affected Departmental Head shall be informed of the decision by the Departmental Head of the Department of Personnel Management.

(5) Where new candidates are to be considered by the National Executive Council, the Departmental Head of the Department of Personnel Management shall initiate the advertisement and selection processes as described Sections 1 and 2.

(6) In the case of the office of Chief Secretary to Government or a member of the Central Agencies Co-ordination Committee, the Public Services Commission shall obtain a performance report from the Prime Minister or the Chief Secretary to Government as appropriate in accordance with the requirements of the Act prior to making a recommendation under this section to the National Executive Council to consider a recommendation for the re-appointment of the Departmental Head.

(7) Where new candidates are to be submitted to the National Executive Council for consideration, the Departmental Head of the Department of Personnel Management shall initiate the advertisement and selection process as specified under this section.

(8) Where a Departmental Head is to be re-appointed as a result of meritorious performance, the recommendation to the National Executive Council shall be made by the Public Services Commission in accordance with the procedure specified in the Act.

4. TEMPORARY APPOINTMENT OF DEPARTMENTAL HEAD.

(1) In the event that a vacancy occurs in the office of a Departmental Head for any reason, the Departmental Head of the Department of Personnel Management may, prior to a substantive appointment being made, initiate a procedure to make an acting appointment for a period not exceeding three months, subject to further review.

(2) In consultation with the Minister for Public Service and the relevant Minister, the Departmental Head of the Department of Personnel Management shall submit to the Public Services Commission a list of three candidates who satisfy the requirements of the Public Services (Management)(Minimum Person Specification and Competency Requirements for Selection and Appointment of Departmental Heads) Regulation 2003.

(3) On the receipt of a list under Subsection (2), the Public Services Commission shall make a recommendation of the candidates in order of preference to the National Executive Council for the temporary appointment.

(4) Where the National Executive Council approves a recommendation under Subsection (3), the Minister for Public Service shall, in accordance with the delegation made to him by the National Executive Council under the Constitution, advise the Head of State to make the temporary appointment.

5. VACANCY IN THE OFFICE OF PROVINCIAL ADMINISTRATOR.

(1) Subject to Section 6, where the office of Provincial Administrator is vacant or about to become vacant, the Departmental Head of the Department of Personnel Management shall, on the advice of the relevant Governor of the Province following a decision of the Provincial Executive Council, declare the office vacant.

(2) Where a vacancy has been declared under Subsection (1), the Departmental Head of the Department of Personnel Management shall cause to be advertised the position in the National Gazette in a standard format.

(3) Where an office has been advertised in accordance with Subsection (2) –

(a) the Departmental Head of the Department of Personnel Management shall ensure that a Job Description and Person Specification for the office in prescribed format is prepared, reflecting the Government's policy requirements and Provincial Executive Council priorities; and

(b) the Departmental Head of the Department of Personnel Management shall procure candidates for appointment through advertisement and shall obtain the curriculum vitae of the candidates in a standard format; and

(c) the Departmental Head of the Department of Personnel Management shall provide to the Public Services Commission a list of not less than five candidates (together with a list of all unsuitable candidates) who satisfy the requirements of the Public Services (Management)(Minimum Person Specification and Competency Requirements of Selection and Appointment of Departmental Heads) Regulation 2003; and

(d) the Public Services Commission shall rank the candidates as assessed against the requirements of the Public Services (Management)(Minimum Person Specification and Competency Requirements for Selection and Appointment of Departmental Heads) Regulation 2003 and any other special requirements for competencies required by the Provincial Government, and compile a list of five candidates with its recommendations to the Provincial Executive Council.

(e) the Chairman of the Public Services Commission, through the Departmental Head of the Department of Personnel Management, shall submit the list of five candidates to the Provincial Governor, who shall table before the Provincial Executive Council the list of names and the assessments on the most suitable candidates for appointment to the office; and

(f) within a period of 14 to 30 days of the receipt of a list of five candidates under Paragraph (e), the Provincial Executive Council may either –

(i) select three candidates and submit them to the Minister for Public Service in preferred order, for inclusion in a Submission to the National Executive Council prepared by the Departmental Head of the Department of Personnel Management; or

(ii) reject all candidates, and request a new list from the Departmental Head of the Department of Personnel Management, in which case, the procedure specified in Paragraph (b) to (e) inclusive shall be followed; and

(g) where the Provincial Executive Council has made a selection of three names and has submitted them to the Minister for Public Service, he shall present a Submission to the National Executive Council in respect of the three candidates selected in order of preference by the Provincial Executive Council; and

(h) provided that the Provincial Executive Council has complied with Paragraph (f), the National Executive Council shall make an appointment taking into account the order of preference indicated by the Provincial Executive Council; and

(i) the Secretary of the National Executive Council, in consultation with the Chairman of National Executive Council, shall cause the appointment to be published in the National Gazette; and

(j) the Minister for Public Service shall officially inform the Chairman of the Provincial Executive Council of the successful candidate; and

(k) the Departmental Head of the Department of Personnel Management shall brief the appointee on specific job requirements and terms and conditions, including a draft of the proposed contract of employment; and

(l) the Departmental Head of the Department of Personnel Management shall inform any incumbent in the office of Provincial Administrator of the decision made by the National Executive Council prior to the making of a public announcement; and

(m) the Departmental Head of the Department of Personnel Management and the Secretary of the National Executive Council shall arrange with the State Solicitor for the contract of employment to be signed by Head of State.

6. REVIEW OF PROVINCIAL ADMINISTRATOR'S APPOINTMENT AND PERFORMANCE WITHIN PRIOR TO EXPIRY OF APPOINTMENT.

(1) The Departmental Head of the Department of Personnel Management shall, within six months prior to expiry of a Provincial Administrator's appointment, inform the relevant Provincial Governor to review the performance of the Provincial Administrator.

(2) For the purposes of a review under Subsection (1), an assessment shall be made by the Chief Secretary, in accordance with the [Prime Minister and National Executive Council Act 2002](#), of the Provincial Administrator's performance, which shall be provided to the Provincial Executive Council and to the Public Services Commission.

(3) The Provincial Executive Council shall, not less than three months prior the expiry of the Provincial Administrator's appointment, having considered the report from the Chief Secretary to Government on the Provincial Administrator's performance, and having considered a recommendation from the Public Services Commission, determine whether or not there are to be other candidates to be considered for appointment.

(4) Where other candidates are to be considered for appointment, the Governor shall notify the Departmental Head of the Department of Personnel Management to initiate the advertisement and selection process specified in Section 5.

(5) Where a Provincial Administrator is to be re-appointment by a Provincial Executive Council as a result of meritorious performance, the recommendation to the National Executive Council shall be made by the Public Services Commission.

7. TEMPORARY APPOINTMENT OF A PROVINCIAL ADMINISTRATOR.

(1) In the event that a vacancy in the office of a Provincial Administrator occurs for any reason, the Departmental Head of the Department of Personnel Management, in consultation with the relevant Governor, may, prior to a substantive appointment being made, initiate procedure to make an acting appointment for a period not exceeding three months, subject to further review.

(2) The Governor shall inform the Department Head of the Department of Personnel Management of the need to make an acting appointment from within the Provincial Administration, or, failing suitable candidates being available, from within the Public Service.

(3) The candidates for the acting appointment shall have been pre-selected by the Provincial Executive Council, on a recommendation of the Public Services Commission, in compliance with the requirements of the Public Services (Management)(Minimum Person Specification and Competency Requirements for Selection and Appointment of Departmental Heads) Regulations 2003.

(4) In accordance with a delegation given to him by the National Executive Council under the Constitution, the Minister for Public Service shall advise the Head of State to make the temporary appointment of a suitable candidate in accordance with the decision of the Provincial Executive Council.

8. NON-CITIZENS NOT TO BE CONSIDERED FOR APPOINTMENT IN CERTAIN CIRCUMSTANCES.

In the event that either the National Executive Council or a Provincial Executive Council or a Provincial Executive Council determines that a non-citizen is not to be appointed to an office to which this Regulation applies, an advertisement under Section 1 or Section 5, as the case may be, shall contain a statement to that effect.

9. SELECTION PROCESSES COMMENCED.

(1) Where, on the coming into operation of this Regulation, a selection process has been commenced to make an appointment to an office to which this Regulation applies under procedures in place prior to that coming into operation, such of the selection processes that are, in the opinion of the Departmental Head of the Department of Personnel Management, inconsistent with –

- (a) Constitutional Amendment No. 25 – The State Services; or
- (b) the Organic Law on Provincial Governments and Local-level Governments (Amendment No.8) Law; or
- (c) the Public Services (Management)(Amendment) Act 2003; or
- (d) this Regulation,

is null and void.

(2) A selection process to which Subsection (1) applies shall be recommenced and undertaken in accordance with the requirements of this Regulation.

10. REGULATION TO PREVAIL.

In the application of this Regulation, where there is an inconsistency between a provision of this Regulation and a provision of a contract of employment of a Departmental Head or a Provincial Administrator –

- (a) this Regulation prevails to the extent of any inconsistency; and
- (b) the State is exempt from any liability arising out of or in relation to any loss suffered by the Departmental Head or Provincial Administrator by reason of Paragraph (a).

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NATIONAL GAZETTE NOTICE
TIFICATION OF A VACANCY UNDER SECTION < > OF THE PUBLIC SERVICES (MANAGEMENT)(AMENDMENT) ACT 2003
<NAME OF OFFICE AND LOCATION>
Applications are invited from suitably qualified and experienced persons from both the public and private sectors who are able to satisfy the Minimum Person Specifications as detailed herein. Applications shall be addressed to:
Secretary
Department of Personnel Management
P O Box 519
WAIGANI
All Applications must reach the Office of the Secretary no later than <closing date>.
Applications submitted by facsimile before the closing date must be followed up immediately with a full written application in the format described below.
All applications and responses to this advertisement will be administered by the Secretary for the Department of Personnel Management.

The Public Services Commission, is responsible for screening all applications and making recommendations to the <Provincial Executive Council in respect to a Provincial Administrator, or to the National Executive Council in respect to a Departmental Head> on the suitability of applicants.

<An appointment to the position of Departmental Head shall be made by the Head of State on the advice of the National Executive Council in accordance with a recommendation made by the Public Services Commission.>

<An appointment to the position of Provincial Administrator shall be made by the National Executive Council on a recommendation from the Provincial Executive Council, made in accordance with a recommendation from the Public Services Commission.>

All information provided by an applicant will be treated in confidence and will not be divulged to any other person for any reason other than purposes of this application.

ALL APPLICATIONS MUST CONTAIN THE FOLLOWING INFORMATION

Appointment No.:in Government Gazette No.: Dated:

Reference No.: Position Title:

Complete Curriculum Vitae with details of educational qualifications, training and employment history in the following format:

Surname: Other Names:

Current Employer:Location:

Current Position:

Position Reporting To:

Remuneration in Current Position:

Academic Qualifications at Secondary and Tertiary Levels (supported by copies of certificates):

Relevant Vocational and Management Qualifications (supported by copies of certificates)

Relevant Training Courses (stating the institution, length of course, and year complete)

Employment History containing brief description of each level of accountability (supported by relevant certificates of employment or employer references where available)

Reasons why you have applied and should be selected for the advertised position.

Names of three persons in past and current employment who may be contacted to

provide or substantiate verbal or written references related to your application.

Contact address, telephone number, facsimile number and e-mail address.

<POSITION NAME AND JOB DESCRIPTION>:

line in Standard Public Service Format

urpose: A description in one sentence of the role played in the Government organization.

ment of Main Duties including reporting relationship and external contracts.

pal Accountabilities: Statement of the key result areas or outputs of the position in meeting the statutory and administration objectives of the organization.

Minimum Person Specification

d qualified to serve as an officer of the National Public Service, as determined hereunder.

y basic health and fitness requirements for occupancy of a Departmental Head position, as determined by the Secretary for Health and certified by a medical officer appointed by/ approved by the Secretary for Health.

ss than 35 years of age and not more than 60 years of age.

ss as a minimum tertiary qualification, a degree from a recognised University, together with post graduate management training, and a management qualification equivalent to the Public Service Intermediate Management Programme.

ss proven skills, experience and competencies gained through relevant work experience of not less than 15 years in public administration, or equivalent private sector experience, covering the following areas:

nt, with a minimum of three years at a level not lower than Deputy Secretary, or Deputy Managing Director or deemed equivalent level in a private sector organisation;

ion & development, strategic/corporate planning, and project management;

eting and manpower planning;

d public relations skills, with an ability to make convincing public presentations of technical information;

public relations skills, with an ability to make convincing public presentations of technical information;

re to maintain a firm position on principle and policy and to uphold the Code of Public Service Business Ethics and Contract.

od character and repute, with no previous criminal record, and a witnessed by suitable

references from at least three persons of standing in the community.

of criminal charges or outstanding court cases of a nature likely to seriously injure the professional standing and reputation of the officer, as verified by the Police Commissioner.

or any outstanding investigations or disciplinary proceedings under any laws, as verified by the Secretary for the Department of Personnel Management.

is barred by virtue of any Constitutional or statutory restriction that may apply; for example, disqualified under the Leadership Code, or disqualified as a serving member of the Defence Force under the Defence Act.

Detailed Job Description, Personnel Specification and Remuneration Package is available to suitable applicants upon request to the Secretary Department of Personnel Management

Authorised by:

<NAME>

Secretary

Office of Legislative Counsel, PNG