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MEDIA RELEASE

REFORMS TO NEW APPOINTMENT PROCESS FOR HEADS OF DEPARTMENTS AND PROVINCIAL ADMINISTRATORS

Public Service Minister Hon. Soroi Eoe has clarified the process of appointment of Departmental Heads and Provincial Administrators under the *Public Services (Management)(Amendment) Act 2020* which came into effect on 18th May 2020.

Minister Eoe said under the changes, the National Executive Council (NEC) has approved to delegate its powers under Section 149(4) of the *Constitution* to the Minister for Public Service to advise the Head of State to make acting appointments. These powers include facilitating acting appointments of Departmental Heads in line with Section 31B of the *Public Services (Management) Act 1995 (as amended)* and Provincial Administrators according to Section 73(2) of the *Organic Law on Provincial and Local Level Governments* and Section 7 of the *Public Services (Management) Act 1995 (as amended)* only when the agency head is;

- Absent from Office for more than 10 working days due to short leave such as recreational/sick/compassionate leave or official travel in country or out of country, and
- When the three months acting appointment has lapsed and there is a need to extend the acting appointments

Minister Eoe further stated that the delegated authority from the National Executive Council to make acting appointments as a result of disciplinary action against a substantive Departmental Head and a substantive Provincial Administrator which may lead to suspension and termination is with the Head of State on advice of the NEC.

He further clarified that the only instances where the Head of State makes the appointment on advice is when an acting appointment is required after the term of the current incumbent expires. In this instance, a recommendation is made by the portfolio Minister in relation to Departmental Heads and the Governor for Provincial Administrators, for the substantive incumbent to continue in an acting basis until a new appointment is made for purposes of continuity.

In relation to permanent appointments resulting from the merit based process, these are made by the Head of State on advice from NEC. However, we have put in place new stringent processes to strengthen the merit based appointments.

For the substantive appointment of departmental heads – the merit based process commences with the declaration of the position vacancy by the Secretary of Department of Personnel Management. It is then advertised in the open market to allow interested candidates to express their interest for consideration. Following this, all applications go through a pre-screening process using the merit based selection criteria from which a list of five (5) candidates in rank order is then forwarded to the Public Service Commission (PSC) for an independent assessment. The PSC is then required to make the final recommendation of 3 candidates in order of preference to the NEC through the Minister for Public Service for deliberation before the Head of State is advised to make the appointment.

The same merit based process is applicable for the substantive appointment of Provincial Administrators except that after PSC completes its due diligence checks, and recommends 3 candidates to the Provincial Executive Council for their deliberations. PEC then completes their adjudication and forwards the final list of 3 candidates in order of preference to the Minister for Public Service to prepare the NEC Statutory Business Paper for NEC deliberations. NEC then advises the Head of State to make the appointment.

During the tenure of appointment, all NEC appointees are subject to regular performance management process. This enables them to develop key result areas to perform against during their term in office. Their performance is monitored and performance assessment reports compiled in consultation with the respective portfolio Ministers and Governors and submitted to the Department of Personnel Management for record purposes.

Six months prior to contract expiry, if the incumbent wishes to be reappointed, they must inform the respective portfolio Ministers or Governors in writing their expression of interest to be considered for re-appointment. Based on satisfactory performance during their term, the portfolio Minister or the Provincial Executive Council (PEC) must provide evidence of satisfactory performance against key result areas throughout their tenure in office with a recommendation for re-appointment. The recommendations must be sent to the Minister for Public Service to complete the consultation process with PSC before their recommendation is sent to the NEC for their deliberations. The NEC can either endorse the

recommendation for re-appointment or reject the recommendation and direct that the position is re-advertised. If the NEC endorses the recommendation for re-appointment, then it advises the Head of State to make the reappointment for the Departmental Head or the Provincial Administrator.

Appointments of Heads of Statutory Authorities are subject to the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*. Even though the appointment process has not been reviewed, these are also provided for ease of reference only. Firstly, temporary appointments of heads of statutory bodies is facilitated by the respective boards/governing councils following the same processes explained for both the Departmental Heads and Provincial Administrators. However, in the absence of a fully functional board/governing council, the Department of Personnel Management facilitates the process as a proxy.

In instances where boards require assistance to facilitate the merit based process for substantive appointment, they can request the Department of Personnel Management to assist in the processes from advertisement to pre-screening. Following pre-screening a shortlist of 5 candidates is sent to the respective Boards/Councils for their deliberations before the list is referred to the PSC to conduct the "fit and proper persons checks" which comprises of health, integrity and reference checks. A final list of 3 candidates and recommendations is then sent back to the Board to consult with the portfolio Minister to take to NEC.

"The Marape Steven government is reviewing all areas of the public service and with this a ministerial statement on the public-sector reforms will be presented in parliament this week. This is to fulfil service delivery and development objectives to take back PNG".

As part of the government reform initiatives which calls for a review of Public Service Management Act 1995 (as amended) and the General Orders with a view to have all public servants on performance based key result areas - the Department of Personnel Management has taken on board all these initiatives as part of major public service reforms which is in alignment with implementation directives from the government".

SOROI MAREPO EOE, MP
Minister for Public Service