

Royal Decree on Criteria and Procedures for Good Governance, B.E.2546 (2003)

Translation

BHUMIBOL ADULYADEJ, REX.

Given on the 9th Day of October B.E. 2546 (2003)

Being the 58th Years of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to prescribe the criteria and procedures for good governance;

By virtue of Section 221 of the Constitution of the Kingdom of Thailand and Section 3/1 and Section 71/10 (5) of the State Administration Act, B.E. 2534 (1991) as amended by the State Administration Act (No.5), B.E. 2545 (2002), the King hereby issues the Royal Decree as follows:

Section 1

The Royal Decree is called the "Royal Decree on Criteria and Procedures for Good Governance, B.E. 2546 (2003)"

Section 2

This Royal Decree shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3

The Council of Ministers, by advice of the Public Sector Development Commission (PDC), shall determine, for the compliance with this Royal Decree, whether which matter shall be implemented by which any government agency during which period and under which conditions.

Section 4

In this Royal Decree:

"Government agency" means government agency under the law on government organization and other governmental units under control of the government, but not include local authority;

"State enterprise" means State enterprise established by the Act of Parliament or by Royal Decree;

"Official" includes officer, employee or other person who working for government agency.

Section 5

The Prime Minister shall have charge and control of the execution of this Royal Decree.

Part I Good Governance

Section 6

The Good Governance is the administration to meet the following targets:

- (1) responsiveness;
- (2) result-based management;
- (3) effectiveness and value for money;

- (4) lessening unnecessary steps of work;
- (5) reviewing mission to meet changing situation;
- (6) providing convenient and favorable services;
- (7) regular evaluation.

Part II

Responsive Public Administration

Section 7

Responsive public administration means public administration with a view to make the delight and good living conditions of people and to maintain public order and safety as well as maximize profit of the nation.

Section 8

In responsive public administration, people shall be deemed to be center to be serviced, and government agency shall comply with the following practices:

- (1) mission of the State and mission of government agency shall be determined in compliance with objective as specified in Section 7, policy of the State, and policy of the Council of Ministers as stated to the Parliament;
- (2) mission of government agency shall be carried out in good faith, transparency, and response to public need, both national and local level;
- (3) before starting the mission, impact analysis in all aspect, transparent step of works, and testing measure for each step of work shall be determined by government agency. If any mission may affect people, the government agency shall consult with, or provide information to, people in order to make good understanding on public benefit derived from such mission;
- (4) an official shall have the duty to be heard about public and customer opinion and pleasure on the mission and service provided by government agency in order to improve the mission or service or to report his or her supervisor to improve public administration method;
- (5) a problem or obstacle incurred in public administration shall be solved by the government agency without delay. If such problem or obstacle caused by another government agency or regulations issued by another government agency, the government agency shall, without delay, inform such another government agency to solve the problem or obstacle and, in the meantime, to inform PDC for its acknowledgement.

In compliance with practices under paragraph one, the government agency shall specify suitable measure for each mission. In this regards, PDC may lay down general guideline to be implemented by the government agency.]

Part III

Result-based Management

Section 9

In performing its duties, government agency, for result-based management, shall:

- (1) make its performance plan prior to the carrying out any mission;

- (2) specify in the performance plan under (1) details on step;
- (3) follow-up and review the performance plan under the Criteria and Procedures as specified by such government agency which shall be complied with standard Criteria and Procedures on such matter as specified by PDC;
- (4) in the case where the carrying out of mission or performance plan affect people, redress such effect or change the performance plan.

Section 10

In the case where the mission is inter-related with many government agencies, or closely with or related to other mission, all related government agencies shall integrate their performance plans for the best result.

The government agency, for the effectiveness of law enforcement and for integrated provincial or abroad administration, shall have the duty to support Provincial Governor or Head of delegation of Thailand on the carrying out their duties.

Section 11

The government agency, for result-based management under this Royal Decree, shall make itself to be global learning organization. For this purpose, the government agency shall acknowledge and analyze information in all aspects and shall then apply analytical result to its administration for correct, quick, and suitable service. The government agency shall also promote and develop capability, vision, attitude and co-learning of its official.

Section 12

PDC may propose the Council of Ministers, for result-based management, such measure for surveillance of public administration as performance agreement or other measures stating responsibility for public administration.

Section 13

The Council of Ministers shall make the State Administration Plan to be employed during its term of office.

After policy of the Council of Ministers has been stated to the Parliament, the Secretariat of the Council of Ministers together with the Office of the Prime Minister, the Office of the National Economic and Social Development Board, and the Budget Bureau shall prepare and propose the State Administration Plan to the Council of Ministers for consideration within ninety days as from the date the policy of the Council of Ministers has been stated to the Parliament.

If the Council of Ministers approves State Administration Plan under paragraph one, the Council of Ministers, Minister, and government agency are bound to finish the mission determined therein.

Section 14

The State Administration Plan under Section 13 shall be four years plan. In making of such plan, the policy of the Council of Ministers stated to the Parliament, the provisions of the Constitution of the Kingdom of Thailand on Policy of the State, and all national development plans shall be taken into consideration. The plan shall, at least, consist of objective and result of works, government agency or person responsible for each mission, estimated income and expenditure, resources for implementation, operation period, and surveillance and evaluation measure.

Section 15

When the State Administration Plan has been announced, the Office of the Council of State and the Office of the Prime Minister shall jointly prepare the Legislative Plan consisting of details of laws which shall be enacted, revised or repealed for the compliance with the State Administration Plan, responsible agency, and operation period.

If the Council of Ministers approves the Legislative Plan as prepared and proposed by the Office of the Council of State and the Office of the Prime Minister, all operation period.

The Office of the Council of State, as it thinks fit, may propose rule on the making legislative plan to the Council of Minister for approval.

Section 16

The government agency shall make its four year performance plan which shall be in accordance with the State Administration Plan under Section 13.

In each fiscal year, the government agency shall prepare and propose its annual performance plan to the Minister in charge for approval. Such plan shall consist of administration policy, target and result of works, estimated income and expenditure, and required resources.

If the Minister in charge approves the annual performance plan under paragraph two, the Budget Bureau shall allocate annual budget to the government agency for the accomplishment of the mission specified in such plan.

The Budget Bureau shall not allocate annual budget for the mission which is not proposed by the government agency or approved by the Minister in charge.

At the lapse of each fiscal year, the government agency shall make a report on the accomplishment of the annual performance plan and propose to the Council of Minister for consideration.

Section 17

In the case where the law on budgetary procedure prescribes that the government agency has to submit its performance plan together with the request for annual budget, the Budget Bureau and PDC shall jointly determine, to lessen burden of the government agency in making performance plan, a guideline for the making of performance plan under Section 16 for the compliance with the performance plan under the law on budgetary procedure.

Section 18

In the case where the annual budget of the government agency has been allocated in accordance with its performance plan, the transfer of budget allocated for implementing one mission to be paid for another mission, whereby such transfer may be detrimental to the target of the transferred mission or whereby such another mission has not been specified in the annual performance plan yet, may be done if an adjustment of the annual performance plan has been approved by the Council of Ministers.

An adjustment of the performance plan under paragraph one shall be made only when the carrying out any specified work or mission could not reach its objective, or such work or mission is no longer necessarily or is not beneficial, or the carrying out such work or mission is not value for money, or there is unavoidable reason.

The State Administration Plan shall then be adjusted for the compliance with the adjustment of the performance plan.

Section 19

In the case where the Prime Minister vacates office, the head of the government agency shall, upon request of the new Prime Minister, reports him the result of the performance plan as well as necessary information so as to be information for determining suitable State administration policy.

Part IV

Effectiveness and Value for Money Administration

Section 20

For effective performance, the government agency shall specify target, action plan, due date of work or project, and budget for each work or project and shall then make such determination known to its official and people.

Section 21

The government agency shall make cost accounting of each category of public service work in compliance with Criteria and Procedures as specified by the Comptroller General's Department.

The government agency shall calculate expenditure in providing public service, per item, subject to period of time as specified by the Comptroller General's Department and report such calculation to the Budget Bureau, the Comptroller General's Department and PDC for their acknowledgement.

In the case where the expenditure in providing public service, per item, of any government agency is higher than that of the other which provide same or similar category and quality, such government agency shall make a plan to reduce expenditure in providing public service, per item, and propose such plan to the Budget Bureau, the Comptroller General's Department and PDC for their acknowledgement. If there is no objection within fifteen days, such government agency shall carry out that plan.

Section 22

The Office of National Economic and Social Development Board and the Budget Bureau shall jointly evaluate the value for money of missions carried out by government agency and report the evaluation to the Council of Ministers for consideration, within the period as specified thereby, whether which mission should be carried on or dissolved. This report shall be a guideline for the making of request for budget of the government agency next year.

The category and condition of each mission, feasibility of the mission or project, benefit to the State and public at large, and expenditure before and after an implementation of mission shall be taken into consideration for an evaluation under paragraph one.

Value for money in this Section means social advantage or disadvantage and other advantages or disadvantages which could not be calculated in term of money.

Section 23

The government agency shall carry out procurement process transparently and fairly. In this regards, social advantage or disadvantage, public burden, quality, purpose of use, price, and long-term benefit of the government agency shall be taken into its consideration.

In the case where quality and maintenance of goods are the core element of the purpose of use, procurement award shall be made irrespective of the lowest price.

The government agency having charge and duty for the execution of procurement regulation shall review that regulation regularly for the effectiveness of an implementation under paragraph one and paragraph two.

Section 24

In carrying out any mission, if the government agency has to apply for permission, approval or consent from another government agency under the law, rule, regulation, ordinance, notification or resolution of the Council of Ministers, the government agency in charge shall inform its decision to the government agency applying for such permission, approval or consent within fifteen days as from the date of its receiving the application.

If the period for delivering or giving permission, approval or consent as specified in the law, rule, regulation, ordinance, notification or resolution of the Council of Ministers is longer than fifteen days, the government agency in charge shall make the government agency applying for such permission, approval or consent know of such period.

In the case where the government agency in charge is unable to make its decision within the period as specified in paragraph one or paragraph two and there are any damages incurred during its delay, it shall be deemed that the responsible official and head of such government agency are seriously negligent, except where he or she can prove that the cause of delay is not his or her fault.

Section 25

There shall be duty of the government agency responsible for each problem to make a decision thereon without delay. The ad hoc committee considering on such matter could be established in the case where there is an unavoidable necessity.

In the matter under the power of the *ad hoc* committee, the resolution of the *ad hoc* committee its representative is absent from the meeting. If the resolution is made by unanimous vote, opinion of the minority shall be recorded in writing.

The provision of paragraph two shall not apply to the decision making on the point of law.

Section 26

An official order shall be made in writing. In the case where a written order could not be made in any situation, the superior may make an oral order. In this case, the inferior shall record such oral order in writing and shall report, in writing, an implementation in accordance with such order to the superior for acknowledgement. Such written report shall refer to an oral order.

Part V

Lessening Unnecessary Steps of Work

Section 27

The government agency shall empower, for quick service and lessening unnecessary steps of work, an official who is responsible directly for any task with the power to make an order, to deliver or give permission or approval, to carry out its duty or to do any matter whatsoever of official in specific position. The purpose of such empowerment is to make convenient and quick public service.

After the empowerment under paragraph one, the government agency shall specify rule for the purpose of control, follow-up, and surveillance the using of such power as well as responsibility of the empowered official and the principal. The rule information technology or telecommunication system may lessen steps of work, enhance effectiveness and save cost, and may not cause damage to public service, the government agency shall, after considering of its budget, apply such information technology or telecommunication system as it thinks fit.

After the empowerment under paragraph one or applying information technology or telecommunication system under paragraph two, the government agency shall make the people known of that.

Section 28

For the purpose of empowerment under Section 27, PDC may determine, with approval of the Council of Ministers, Criteria and Procedures or guideline on empowering between the empowered official and the principal and on lessening steps of work to be applied to government agency.

Section 29

The government agency, in providing public service or in communicating between government agencies, shall make work flow chart showing all steps of work and their executed period as well as details of each step of work and shall disclose such work flow chart at the office of the government agency and in its information network for an examination of people or interested person.

Section 30

The Permanent Secretary of each Ministry, with support of all departments in the Ministry which providing public service, shall establish One-Stop Service Center (OSSC) so as to facilitate people in complying with laws or other rules. The people shall ask for information, permission or approval in a matter under power and duty of all department attached to the same Ministry by contacting official at the OSSC.

Section 31

The OSSC under Section 30 shall have coordinating officer for gathering requests of people and then sending those requests to official of the government agency related therewith for further implementation. The OSSC shall provide people any form, information and documents related to power and duty of all departments in the Ministry.

There shall be duty of related departments to provide, in writing, details of documents and evidences required in applying permission or approval in any matter to coordinating officer of the OSSC. The coordinating officer shall inform people who come to the OSSC, at the first contact, to know about the requirements and follow up whether the requirements have been met, and shall also inform people about consideration period.

The request applied to the OSSC under section 30 shall be deemed to be applied to related government agency as prescribed by law or rule.

In an implementation of work under paragraph one, if there is a problem or obstacle in implementing rule or procedure as prescribed by law or rule, the related government agency shall inform PDC for proposing review of such rule or procedure to the Council of Ministers for approval.

Section 32

The Provincial Governor, Chief District Officer, Assistant District Officer acting as Chief of Sub-district shall make the government agency responsible for same or inter-related tasks to jointly establish coordinating service center at the prefecture, district office or sub-district office, or the other suitable place and then make it known to people. For this purpose, the provisions of Section 30 and Section 31 shall be applied *mutatis mutandis*.

Part VI Mission Review

Section 33

The government agency, after having considered the State Administration Plan, policy of the Council of Ministers, national budget status, value for money of mission, and other situation shall review its mission whether which mission is necessary or which mission should be carried on.

The period for reviewing under paragraph one shall be specified by PDC.

If a mission to be repealed, revised or altered is found by the government agency, it shall improve its power and duty, organizational structure and personnel so as to meet the finding and propose the Council of Ministers for giving approval for such improving.

In the case where PDC is of opinion that a mission under responsibility of any government agency should be altered, repealed or added, PDC shall propose the Council of Ministers for consideration. If the Council of Ministers approves such proposal, the government agency shall improve its mission, power and duty, organizational structure and personnel so as to meet such requirement.

Section 34

In the case where the government agency is dissolved, transferred or annexed to another government agency, whether wholly or party, the establishment of government agency having same or similar mission or power and duty to such government agency is

prohibited; provided that the State Administration Plan has been altered or there is necessary for maintaining national security or economy, or public interest, and approval of PDC has been given.

Section 35

In order for modernizing law, rule, regulation, ordinance and notification to be in line with the world situation or national economic, social and security, the government agency, after having considered public convenience and burden, shall have the duty to explore, examine, and review law, rule, regulation, ordinance and notification under its responsibility and to propose repealing or revising the existing law, rule, regulation, ordinance or notification or to propose having the new one.

In exercising the duty under paragraph one, the government agency shall take the result of public consultation into its consideration.

Section 36

If the Office of the Council of State is of opinion whether any law, rule, regulation, ordinance or notification under responsibility of any government agency does not comply with, or suitable to, present situation, does not facilitate national development, impedes the carrying out of business or living conditions of people, or establish excess burden or troublesomeness to people, the Office of the Council of State shall recommend the government agency to amend, revise or repeal such law, rule, regulation, ordinance or notification without delay.

If the government agency does not agree with the recommendation of the Office of the Council of State, it shall propose this matter to the Council of Ministers for consideration.

Part VII

Convenient and Favorable Public Services

Section 37

The government agency, in providing public service or in communicating between government agencies, shall specify due date of each task and make people and official known of it. In the case where the due date of any task is not specified and PDC is of opinion that due date of such task could be specified or where PDC is of opinion that the specified due date is not suitable, PDC may specify the due date of such task instead of the government agency.

The superior shall have the duty to control the inferior to finish the task within the due date under paragraph one.

Section 38

The government agency, after having received written question on any task under its responsibility from people or other government agency, shall have the duty to answer the question or inform what it has done to person or government having such question within fifteen days or within the specified due date under Section 37.

Section 39

The government agency shall establish its information network for providing any information to, or consulting with, people on its performance of duty.

The information network under paragraph one shall be made in accordance with that of the Ministry of Information Technology and Communication under Section 40.

Section 40

In order to facilitate people to contact with all government agencies quickly, the Ministry of Information Technology and Communication shall establish central information network.

If the government agency is not capable to establish its own information network, it may request the Ministry of Information Technology and Communication may ask for personnel, financial and data support from the requested government agency.

Section 41

After having received a complaint, suggestion or comment on unsuitable or inconvenient means of administration, obstacle or other problems from any person and such complaint, suggestion or comment is informative; the government agency shall finish its consideration thereon. If there is the residence of the person who made a complaint, suggestion or comment, the government agency shall inform the result of its consideration to such person. In this case, the result of consideration may be published in the information network of the government agency.

If the result of consideration is published in the information network of the government agency, name or address of the person who made a complaint, suggestion or comment shall not be disclosed.

Section 42

For effective and quick administration, the government agency having the power to enact rule, regulation, ordinance or notification to be enforced with other government agencies shall have the duty to review whether such rule, regulation, ordinance or notification is the cause of obstacle, overlap or delay in an administration of other government agency and it shall, if any, revise such rule, regulation, ordinance or notification without delay.

If there is a complaint or comment from an official or other government agency related to any rule, regulation, ordinance or notification, the related government agency shall review that rule, regulation, ordinance or notification without delay. If it is of opinion whether such complaint or comment base upon misunderstanding, the government agency enacting that rule, regulation, ordinance or notification shall clarify a person who make a complaint or comment within fifteen days.

A complaint or comment under paragraph two may be sent to the government agency via PDC.

In the case where PDC is of opinion that any rule, regulation, ordinance or notification having a characteristic under paragraph one, it shall inform related government agency so as to amend or repeal such rule, regulation, ordinance or notification without delay.

Section 43

The performance of any official duty shall be disclosed. The official secret may be imposed in the case where there is necessary to maintain national security, national economic stability, or public order, or to protect personal right.

Section 44

The government agency shall disclose its information on annual budget, annual procurement as well as any approved procurement contract, and shall enable people to check out or examine that information at the office of such government agency and on its information network. The disclosure of such information shall not be made if it affects advantage, disadvantage or damage of any person related to such procurement.

In making of procurement contract, there shall not be a clause prohibiting the disclosure of any detail of contract; provided that such detail is subjected to law, rule, regulation or ordinance related to the protection of national security or trade secret.

Section 45

In addition to the follow-up and review measure under Section 9 (3), the government agency shall establish, under the rule, procedure and period as specified by PDC, an independent inspection committee in order to evaluate the performance of duty of the government agency related to the result of the mission, quality of service, pleasure of customer, and value for money.

Section 46

The government agency may evaluate the performance of duty of any class of its superior or unit. Such evaluation shall not be revealed and shall be made for the unity of official.

Section 47

In performance evaluation for the purpose of personnel administration, output produced by each official while he or she is in responsible position, and benefit and result in which the government agency receive from the performance of duty of such official shall be taken into consideration of the government agency.

Section 48

In the case where service provided by any government agency meets the specified quality requirement, purpose and customer pleasure, PDC shall propose the Council of Ministers to allocate extra budget as bonus for such government agency or allow the government agency to employ its unpaid budget so as to be paid for improving the effectiveness of its duty or for awarding bonus to its official under the criteria and procedures specified by PDC with consent of the Council of Ministers.

Section 49

In the case where the performance of duty of a government agency meets the specified purpose or specified result without paying extra budget and value for money, or reduces expenditure per item under the rules as specified by PDC, PDC shall propose the Council of Ministers to allocate extra budget as bonus for such government agency or allow the government agency to employ its unpaid budget so as to be paid for improving the effectiveness of its official duty or for awarding bonus to its official under the rules and procedure specified by PDC with consent of the Council of Ministers.

Part IX

Miscellaneous

Section 50

Otherwise specified in this Royal Decree, PDC with approval of the Council of Ministers, for effective and valuable mission, may specify other duties in which the government agency shall implement or may specify other measures in addition to which specified in Section 48 and Section 49.

Section 51

In the case where this Royal Decree specify whether the government agency has to make performance plan in any matter and, *inter alias*, other laws specify that the government agency has to make a performance plan on such matter, wholly or partly, if the performance plan has been made under any law, it shall be deemed to be performance plan under this Royal Decree.

Section 52

The local authority shall make the rule for Good Governance in accordance with this Royal Decree. Such rule shall have, at least, the rule on lessening step of work and the rule on providing convenient and favorable public service under Part V and Part VII.

The Ministry of Interior shall have the duty to supervise and facilitate the local authority in making the rule under paragraph one.

Section 53

The Public Autonomy Authority and State enterprise shall make the rule for Good Governance in accordance with this Royal Decree.

In the case where PDC is of opinion that a Public Autonomy Authority or State enterprise does not make the rule under paragraph one, or such rule does not comply with the provision of this Royal Decree, it shall inform the Minister in charge of such Public Autonomy Authority or State enterprise so as to make such Public Autonomy Authority and State enterprise to make or revise the rule.

Countersigned by

Police Lieutenant Colonel Taksin Shinawatra

Prime Minister

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