

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 153.

Cultural Development.

(Replaced by No. 35 of 1982.)

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Culture and Tourism at the date of its preparation for inclusion, except sections 29(3), 30(3) and 35(3) which were vested in the Minister for Public Service.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

TABLE OF CONTENTS.

| | <i>Page.</i> |
|---------------------------------------|--------------|
| <i>Cultural Development Act</i> | 3 |
| Regulations | — |
| Appendix— Source of Act. | |

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 153.

Cultural Development Act.

ARRANGEMENT OF SECTIONS.

PART I.—PRELIMINARY.

1. Interpretation—
 - “the arts”
 - “the By-laws”
 - “the commencement date”
 - “committee”
 - “the Council”
 - “cultural centre”
 - “cultural development program”
 - “the Cultural Development Service”
 - “cultural institution”
 - “the Director”
 - “member”
 - “the Museum”
 - “National Cultural Institution”
 - “this Act”

PART II. - THE NATIONAL CULTURAL COUNCIL.

2. Establishment of the Council.
3. Constitution of the Council.
4. Acting appointments to the Council.
- 4A. Alternate members of the Council.
5. Leave of absence.
6. Oath and affirmation of office.
7. Vacation of office.
8. Meetings of the Council.
9. Disclosure of interest.
10. Indemnity.
11. Committees of the Council.
12. Annual reports.

PART III. - POWERS AND FUNCTIONS OF THE COUNCIL.

13. Functions of the Council.
14. Powers of the Council.
15. Policy guidelines.
16. Council to act in best interest of cultural development.
17. Delegation.
18. Appeal.

PART IV.—CULTURAL INSTITUTIONS AND CULTURAL CENTRES.

19. Administration and establishment of cultural institutions, etc.
20. National Arts School.
21. National Theatre Company.

Cultural Development

- 22. The Institute of Papua New Guinea Studies.
- 23. Establishment and recognition of cultural institution, etc.
- 24. Constitution, etc., of Management Committees.
- 25. Procedures of Management Committees.
- 26. Functions of Management Committees.
- 27. Powers of Management Committees.
- 28. Annual reports.

PART V. — THE DIRECTOR OF CULTURAL AFFAIRS AND ARTS SCHOOL, ETC,

- 29. Appointment, etc., of Director of Cultural Affairs.
- 30. Appointment, etc., of Directors of National Cultural Institutions.
- 31. Vacation of office.
- 32. Public Service rights.
- 33. Functions of the Director of Cultural Affairs.
- 34. Functions of the other Directors.

PART VI. — THE CULTURAL DEVELOPMENT SERVICE.

- 35. Appointment of officers.
- 36. Temporary and casual employees.
- 37. Consultants.
- 38. Regulations for the Cultural Development Service.
- 39. Supply of Accommodation.
- 40. Use of officers, etc., of other authorities.
- 41. Employment of officers of Cultural Development Service.

PART VII. — FINANCE, ETC.

- 42. Application of the Public Bodies (Financial Administration) Act.

PART VIII.—MISCELLANEOUS.

- 43. Attorney.
- 44. Validity of acts and transactions of the Council.
- 45. Council to obtain goods and services in the country.
- 44. By-laws.
- 47. Regulations.

PART IX. — REPEAL.

- 48. Repeal.

PART X. — TRANSITIONAL.

- 49. Transfer of assets.

SCHEDULES.

SCHEDULE 1.— Oath and Affirmation of office.

SCHEDULE 2.— Exceptions and Modifications to the Public Bodies (Financial Administration) Act.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 153.

Cultural Development Act.

Being an Act—

- (a) to foster, promote, encourage and assist the preservation of national and local indigenous cultures; and
 - (b) to provide for the management and maintenance of various cultural institutions,
- and for related purposes.

PART I. — PRELIMINARY.

1. Interpretation.

In this Act, unless the contrary intention appears—

- “the arts” includes creative and interpretative expression through theatre, literature, music, visual arts, film and crafts;
- “the By-laws” means the By-laws made by the Council under Section 46;
- “the commencement date” means 1 January 1983, being the date on which the *Cultural Development Act 1982* came into force;
- “committee” means a committee of the Council appointed under Section 11;
- “the Council” means the National Cultural Council established by Section 2;
- “cultural centre” means a cultural centre established or recognized under Section 19 but does not include the Museum or any branch of the Museum;
- “cultural development program” means a program for the preservation and development of all aspects of the traditional life of the people and the arts of Papua New Guinea formulated by the Council under Section 13;
- “the Cultural Development Service” means the Cultural Development Service Established by Section 35(2);
- “cultural institution” means a cultural institution established or recognized under Section 19 but does not include the Museum or any branch of the Museum;
- “the Director”, in relation to—
 - (a) the Council, means the Director of Cultural Affairs; and
 - (b) in relation to a National Cultural Institution—means the Director of that Institution appointed under Section 30;
- “member” in relation to—
 - (a) the Council—means a member of the Council appointed under Section 4; and
 - (b) a cultural institution or cultural centre—means a member of the Management Committee of the institution or centre;
- “the Museum” means the National Museum and Art Gallery continued in establishment by the *National Museum and Art Gallery Act*,

"National Cultural Institution" means the cultural institutions specified in Section 19(1)(a)(i),(ii), (iii) and (iv);

"this Act" includes the regulations.

(Amended by No. 30 of 1983, s. 1.)

PART II. — THE NATIONAL CULTURAL COUNCIL.

2. Establishment of the Council.

(1) A National Cultural Council is hereby established.

(2) The Council—

(a) is a corporation, with perpetual succession; and

(b) shall have a seal; and

(c) subject to this Act, may acquire, hold and dispose of property; and

(d) may sue and be sued in its corporate name.

(3) All courts, Judges and persons acting judicially shall take judicial notice of the seal of the Council affixed to a document, and shall presume that it was duly affixed.

(4) The head office of the Council shall be established at Port Moresby or such other place in the country as the Minister, on the recommendation of the Council, appoints.

3. Constitution of the Council.

(1) The Council shall consist of—

(a) a Chairman, appointed by the Minister by notice in the National Gazette; and

(b) not more than eight members who are persons interested in Papua New Guinea culture and arts, appointed by the Minister by notice in the National Gazette; and

(c) the Director of Cultural Affairs; and—

(d) the Secretary for Finance or his nominee.

(Replaced by No. 30 of 1983, s. 2.)

(2) A person is not qualified to be appointed under Subsection (1)(b) unless he is actively engaged in cultural activities or the arts.

(3) The Chairman and the members of the Council referred to in Subsection (1)(b)—

(a) shall be appointed for periods not exceeding three years; and

(b) are eligible for re-appointment; and

(c) shall appoint one of their own number to be the Deputy Chairman.

(4) In making appointments under Subsection (1)(b), the Minister shall arrange the appointments so that the appointments of not more than two members of the Council end on the same day.

(5) Subject to this Act, the terms and conditions of appointment of the Chairman, the Deputy Chairman and members are as fixed by the Minister from time to time.

(6) Subject to the directions of the Chairman, the Deputy Chairman may—

- (a) exercise all or any of the powers; and
- (b) perform all or any of the functions, of the Chairman.

4. Acting appointments to the Council.

(1) The Minister may appoint a person to be an acting member of the Council at any time if—

- (a) a position of an appointed member is not filled on a permanent basis; or
- (b) an appointed member is absent from the country or for any reason is not able to carry out his duties.

(2) The appointment of an acting member continues until—

- (a) a permanent member is appointed; or
- (b) the permanent member returns to the country or becomes able again to carry out his duties,

as the case may be.

(3) An acting member has and may exercise and perform all the powers, functions, duties and responsibilities of a member.

4A. Alternate members of the Council.

(1) For each ex officio member of the Council (other than the Director of Cultural Affairs) an alternate member shall be appointed.

(2) In the event of the absence from the country or the inability to act of an ex officio member of the Council (other than the Director of Cultural Affairs), his alternate has and may exercise all his powers, functions, duties and responsibilities.

(Added by No. 30 of 1983, s. 3.)

5. Leave of absence.

The Minister may grant leave of absence to a member on such terms and conditions as he determines.

6. Oath and affirmation of office.

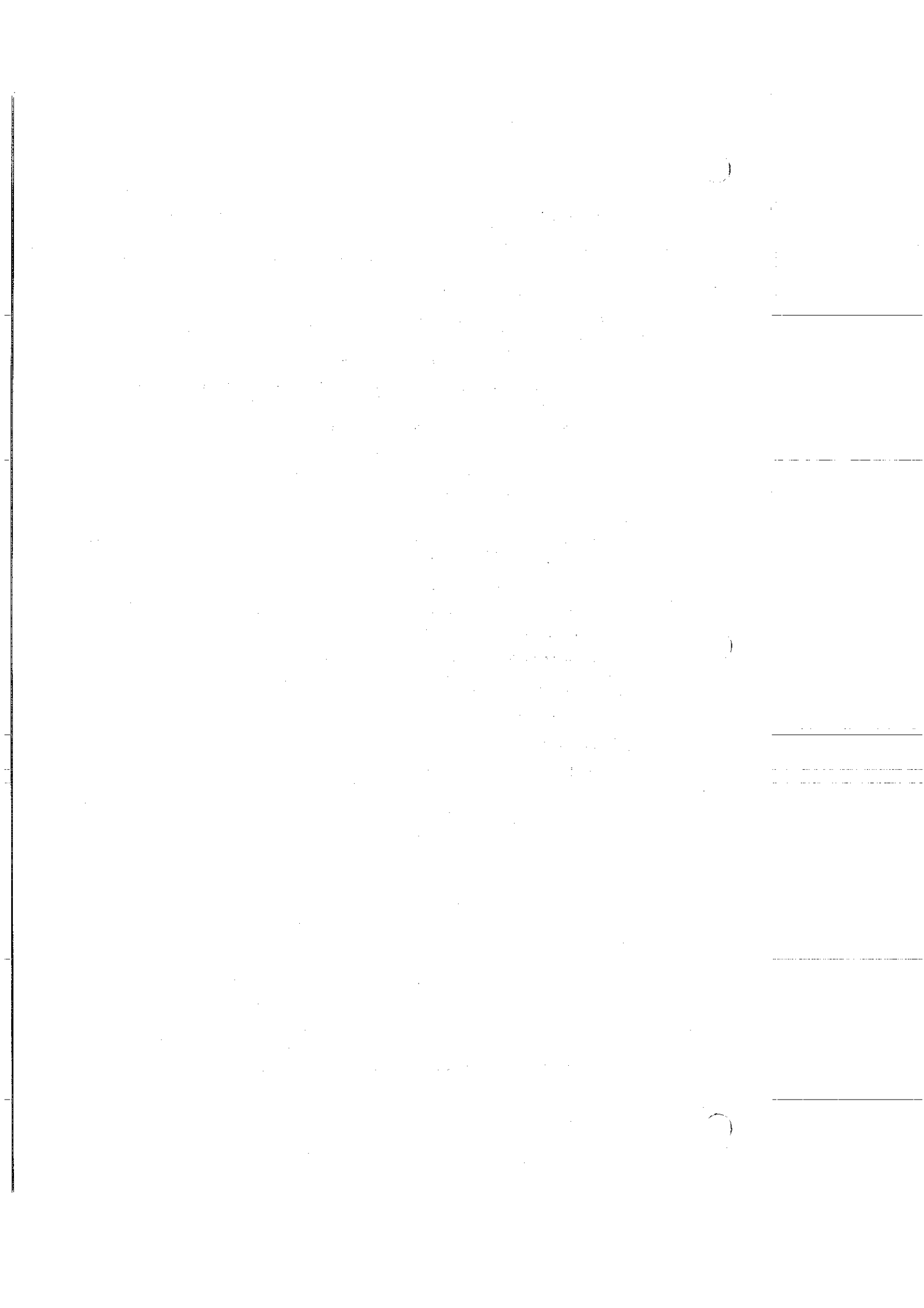
(1) Before entering on the duties of his office, a member shall take an oath or make an affirmation in the form in Schedule 1.

(2) The oath or affirmation referred to in Subsection (1) shall be taken or made before the Minister or a person appointed by him for the purpose.

7. Vacation of office.

(1) If a member—

- (a) becomes permanently incapable of performing his duties; or
- (b) resigns his office by writing under his hand addressed to the Minister; or
- (c) is absent, except on leave granted by the Minister, from all meetings of the Council held during six consecutive months in any period of 12 months; or
- (d) fails to comply with the provisions of Section 9; or



(e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit,

the Minister shall terminate his appointment.

(2) The Minister may, at any time by written notice, advise a member that he intends to terminate his appointment on the grounds of inability, inefficiency or misbehaviour.

(3) Within 14 days of the receipt of a notice under Subsection (2), the member may reply in writing to the Minister who shall consider the reply and as soon as practicable deliver written notice of his decision to the member.

(4) Where the member referred to in Subsection (2) does not, within 14 days of receipt of a notice under that subsection, reply in writing to the Minister, his appointment is terminated.

(5) Where the appointment of a member is terminated under this section, the Minister shall, by notice in the National Gazette, declare his office vacant.

(6) Where an office is declared vacant under Subsection (5), the vacancy shall be filled in accordance with Section 3.

8. Meetings of the Council.

(1) The Council shall meet at such times and places as, in the opinion of the Chairman, are necessary for the efficient conduct of its affairs.

(2) If requested to do so by not less than three members, the Chairman shall call a meeting of the Council as soon as practicable after receiving the request.

(3) At a meeting of the Council—

- (a) a quorum is half of the number of members; and
- (b) the Chairman and Deputy Chairman shall preside; and
- (c) all matters shall be decided by a majority of the votes of the members present and voting; and
- (d) the person presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

(4) The Council shall—

- (a) cause minutes of its meetings to be kept; and
- (b) forward copies of its minutes to the Minister.

(5) The exercise or the performance of any function of the Council shall not be invalidated by reason only of a vacancy in the membership of the Council.

(6) Subject to this Act, the procedures of the Council are as determined by the Council.

9. Disclosure of interest.

(1) A member who is directly or indirectly interested in a contract made or proposed to be made or being considered by the Council, otherwise than as a member and in common with the other members of an incorporated company consisting of not less than 25 persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council.

(2) A disclosure under Subsection (1) shall be recorded in the minutes of the Council and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Council with respect to the contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberation or decision.

10. Indemnity.

A member is not personally liable for any act of the Council, or of a member acting as such, done in good faith.

11. Committees of the Council.

(1) The Council may from time to time appoint and dissolve committees for any general or special purpose that, in the opinion of the Council, would be better regulated and managed by a committee.

(2) An act of a committee of the Council is not binding on the Council until submitted to an approved by the Council, except where the Council has, by resolution, authorized a committee to manage, regulate or conclude a matter.

(3) The number of members of a committee, the term of office of members and the part of the country (if any) within which the committee may exercise authority are as fixed by the Council.

(4) The Chairman of a committee shall be a member of the Council appointed by the Chairman of the Council or, in default of such appointment, by the members of the committee from amongst their own number.

(5) The members of a committee may appoint a Deputy Chairman from amongst their own number.

(6) A committee may include persons who are not members of the Council to a number not exceeding half of the membership of the committee, and if the Council so resolves any such person is entitled to vote and shall be counted towards a quorum at any meeting of the committee.

(6) A committee may include persons who are not members of the Council to a number not exceeding half of the membership of the committee, and if the Council so resolves any such person is entitled to vote and shall be counted towards a quorum at any meeting of the committee.

(8) Meetings of a committee shall be—

- (a) held at such times and places as the Council or the committee determines; and
- (b) convened by its Chairman.

12. Annual reports.

As soon as practicable after 31 March in each year, the Council shall furnish to the Minister, for presentation to the Parliament—

(a) a report—

- (i) on the operations of the Council and of this Act; and
- (ii) on the state of the cultural development program during the year ending on the preceding 31 December; and
- (iii) recommending any changes in legislation or administration that to it seem necessary or desirable for improving the operation or achieving the objectives of this Act and the implementation of the cultural development program; and

(b) financial statements in such form as the Minister approves in respect of that year.

PART III.—POWERS AND FUNCTIONS OF THE COUNCIL.

13. Functions of the Council.

The functions of the Council are—

- (a) to formulate and implement a program for the preservation and development of all aspects of culture and the arts in the country; and
- (b) subject to provincial laws—
 - (i) to guide the formulation and to supervise the implementation of provincial cultural plans; and
 - (ii) to make recommendations on such plans to the Minister; and
- (c) to establish national and local, and, subject to provincial laws, provincial cultural institutions and cultural centres; and
- (d) to control and regulate a National Cultural Development Service; and
- (e) to promote and encourage the development and preservation of national and local culture; and
- (f) to promote the appreciation, understanding and enjoyment of the arts; and
- (g) to foster the expression of a national identity by means of the arts; and
- (h) to provide, and encourage the provision of, opportunities for persons to practise the arts; and
- (i) to promote the knowledge and appreciation of Papua New Guinea culture and arts by persons of other countries; and
- (j) to promote incentives for, and recognition of, achievement in the development and preservation of culture and in the practice of the arts; and
- (k) subject to provincial laws—to encourage and support the development and preservation of culture, and of the arts, by local level government bodies and other persons and organizations; and
- (l) to do anything incidental or conducive to the performance of any of the functions specified in this section; and
- (m) to carry out all the other functions specified in this Act.

14. Powers of the Council.

Subject to this Act, the Council has power to do all things that are necessary or convenient to be done for or in connexion with the performance of its functions and in particular has power—

- (a) to enter into contracts; and
- (b) to erect and maintain buildings; and
- (c) to occupy, use and control any land or building owned or held under lease by the State and made available for the purposes of the Council; and
- (d) to acquire, hold and dispose of property; and
- (e) to accept gifts, devises and bequests made to the Council, whether on trust or otherwise, and to act as trustee of moneys or other property vested in the Council on trust; and
- (f) to make grants or loans of money, and to provide scholarships or other benefits, on such conditions as it thinks fit; and

- (g) subject to provincial laws—to co-operate with any local level government body or authority and with other persons and organizations concerned with the development and preservation of culture or the arts; and
- (b) to trade in artifacts; and
- (i) to do anything incidental to any of its powers.

15. Policy guidelines.

In the exercise and performance of its powers and functions in relation to—

- (a) the national cultural development program formulated by it under Section 13; and
- (b) any other cultural development program; and
- (c) the establishment of cultural institutions,

the Council shall operate within any framework of policy laid down from time to time by the Head of State, acting on advice.

16. Council to act in best interest of cultural development.

The Council shall exercise its powers under Section 14 in such manner as the Council considers to be in the best interest of cultural development in the country.

17. Delegation.

The Council may, by instrument, delegate to a committee or a member of the Council or an officer or employee in the Cultural Development Service all or any of its powers and functions (except this power of delegation).

18. Appeal.

A person aggrieved by a decision of the Council may appeal to the Minister, whose decision is final.

PART IV.—CULTURAL INSTITUTIONS AND CULTURAL CENTRES.

19. Administration and establishment of cultural institutions, etc.

(1) The Council shall—

- (a) manage and control, maintain and administer—
 - (i) the National Arts School; and
 - (ii) the Institute of Papua New Guinea Studies; and
 - (iii) the National Theatre Company; and
 - (iv) on a temporary basis only, pending its formation as a corporate or other business entity—the Raun Raun Theatre; and
 - (v) such other cultural institutions and cultural centres still in operation on the commencement date, and established under the Act replaced by this Act; and
- (b) in relation to the Museum—
 - (i) assist the Trustees of the Museum in carrying out their functions; and
 - (ii) approve the policy of the Museum from recommendations made by the Trustees; and

0

0

- (iii) provide officers (who shall be members of the Cultural Development Service) for the Museum; and
- (iv) approve the financial borrowing policies of the Trustees for the Museum.

(Replaced by No. 30 of 1983, s. 4.)

(2) The Council may—

- (a) establish and administer such—
 - (i) cultural institutions; and
 - (ii) cultural centres,

as, in the opinion of the Council, are necessary for the purposes of this Act; and

- (b) recognize and assist cultural institutions and cultural centres established by any person, group or organization other than the Council.

20. National Arts School.

Subject to this Act, within the limits of funds and other resources lawfully available to it, the National Arts School is responsible to the Council for—

- (a) the development of contemporary cultural forms in the fields of expressive, visual and fine arts and designs; and
- (b) the provision of environment in which persons talented in any of the arts can develop those talents to the full; and
- (c) encouraging persons talented in any of the arts to draw on the culture of the past to develop distinctive contemporary art forms; and
- (d) any other prescribed matter.

21. National Theatre Company.

Subject to this Act, within the limits of funds and other resources lawfully available to it, the National Theatre Company is responsible to the Council for—

- (a) stimulating the writing of stories, books and plays; and
- (b) the establishment of touring drama groups; and
- (c) promoting the writing and production of locally written plays and the development of a national theatre; and
- (d) fostering and encouraging the establishment of indigenous dance troupes and the development of a national dance troupe; and
- (e) the establishment of a system under which grants or fellowships can be offered in the fields of literature, music, drama and film production; and
- (f) any other prescribed matter.

22. The Institute of Papua New Guinea Studies.

Subject to this Act, within the limits of funds and other resources lawfully available to it, the Institute of Papua New Guinea Studies is responsible to the Council for—

- (a) carrying out research into, recording and interpreting all aspects of the traditional culture of the indigenous inhabitants of the country; and
- (b) the establishment of a library of Papua New Guinea folklore; and
- (c) making all its records available for the development of literature, drama, music and the visual arts; and
- (d) the determination of the terms and conditions under which persons wishing to conduct research into any aspect of traditional culture may be allowed to do so; and
- (e) the systematic recording of the music of the country leading to the establishment of a tape and record library of such music; and
- (f) the development of a film-making program to document the indigenous arts and crafts; and
- (g) the development of a publication program to inform the people of the country about all aspects of indigenous cultures; and

- (b) the establishment and maintenance of a trust fund to be used to finance research into the indigenous cultures of the country; and
- (i) any other prescribed matter.

23. Establishment and recognition of cultural institution, etc.

A cultural institution or cultural centre shall not be established or recognized by the Council under Section 20(2) unless—

- (a) there has first been established for that institution or centre a Management Committee; and
- (b) there is vested in the Management Committee, or in some person on its behalf, property suitable for use in the establishment and conduct of a cultural institution or cultural centre, or such property is otherwise under its control; and
- (c) the constitution of the Management Committee is, in the opinion of the Council, appropriate for the purpose of conducting a cultural institution or cultural centre; and
- (d) the Management Committee has, in the opinion of the Council, adequate resources for the conduct of the institution or centre; and
- (e) the Management Committee gives an undertaking that it will operate within any framework of cultural policy laid down in the cultural development program.

24. Constitution, etc., of Management Committees.

(1) A Management Committee shall consist of—

- (a) in the case of a cultural institution or cultural centre established by the Council—
 - (i) the manager of the institution or centre; and
 - (ii) not less than four persons representative of the community served by the institution or centre, appointed by the Council by instrument; and
- (b) in the case of a cultural institution or cultural centre established by a person, group or organization other than the Council—
 - (i) the manager of the institution or centre; and
 - (ii) subject to Subsection (2), not less than four persons representative of the community served by the institution or centre appointed by the person, group or organization, as the case may be.

(2) Not more than half of the persons appointed under Subsection (1)(b)(ii) may represent the persons, group or organization establishing the institution or centre.

(3) The constitution of the Management Committee shall be as determined by the Management Committee with the approval of the Council.

25. Procedures of Management Committees.

(1) A Management Committee shall meet not less frequently than once in every month.

(2) The procedures of a Management Committee are as determined by the Management Committee with the approval of the Council.

26. Functions of Management Committees.

The functions of a Management Committee are as determined by the Council after consultation with the Management Committee.

27. Powers of Management Committees.

A Management Committee has power to do all things that are necessary or convenient to be done for or in connexion with the performance of its functions.

28. Annual reports.

As soon as practicable after 31 March in each year, a Management Committee shall furnish to the Council—

- (a) a report on the operations of the Management Committee; and
- (b) the financial statements of the Management Committee certified by the Auditor-General for the year ending on the preceding 31 December.

PART V.—THE DIRECTOR OF CULTURAL AFFAIRS AND ARTS SCHOOL, ETC.**29. Appointment, etc. of Director of Cultural Affairs.**

(1) There shall be a Director of Cultural Affairs who shall be appointed—

- (a) by the Minister by notice in the National Gazette; and
- (b) for such period as the Minister fixes.

(2) The Director is—

- (a) the Chief Executive Officer of the Council; and
- (b) the head of the Cultural Development Service.

(3) Subject to the *Salaries and Conditions Monitoring Committee Act* the terms and conditions of appointment and service of the Director are as fixed by the Minister responsible for Public Service matters.

(4) A member of the Council is eligible for appointment as the Director.

30. Appointment, etc., of Directors of National Cultural Institutions.

(1) There shall be a Director for each of—

- (a) the National Arts School; and
- (b) the Institution of Papua New Guinea Studies; and
- (c) the National Theatre Company; and
- (d) the Raun Raun Theatre,
- (e) (*Repealed by No. 30 of 1983, s. 5.*)

who shall be appointed—

- (f) by the Minister on the recommendation of the Council, by notice in the National Gazette; and
- (g) for such period as the Minister fixes.

(2) A Director is the Chief Executive Officer of the Institution to which he is appointed.

(3) Subject to the *Salaries and Conditions Monitoring Committee Act* the terms and conditions of appointment and service of a Director under this section are as fixed by the Minister responsible for Public Service matters.

31. Vacation of office.**(1) If a Director—**

- (a) becomes permanently incapable of performing his duties; or
- (b) resigns his office by writing under his hand addressed to the Minister; or
- (c) engages, without the consent of the Minister, in any paid employment outside the duties of his office; or
- (d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (e) is convicted of an offence punishable under a law by death or imprisonment for one year or longer and, as a result of that conviction, is under sentence of death or imprisonment,

the Minister shall terminate his appointment.

(2) The Minister may, at any time, by written notice, advise a Director that he intends to terminate his appointment on the grounds of inability, inefficiency, incapacity or misbehaviour.

(3) Within 14 days of the receipt of a notice under Subsection (2), the Director may reply in writing to the Minister who shall consider the reply and as soon as practicable deliver written notice of his decision to the Director.

(4) Where the Director referred to in Subsection (2) does not, within 14 days of receipt of a notice under that subsection reply in writing to the Minister, his appointment is terminated.

32. Public Service rights.

(1) If an officer of the Public Service is appointed to be a Director, his service as Director shall be counted as service in the Public Service for the purpose of determining his rights (if any) in respect of —

- (a) leave of absence on the grounds of illness; and
- (b) furlough or pay instead of furlough (including pay to dependants on the death of the officer).

(2) Section 104 of the *Public Service Act* applies in relation to the office of a Director as if it had been specifically included in that section.

33. Functions of the Director of Cultural Affairs.**(1) The Director of Cultural Affairs shall—**

- (a) manage the affairs of the Council and any associated service; and
- (b) in relation to the management of those affairs—act in accordance with the cultural development program and the directions of the Council; and
- (c) advise the Council on any matter concerning cultural affairs or the arts referred to him by the Council.

(2) The Director has such other functions as the Council from time to time determines.

34. Functions of other Directors.

(1) A Director appointed under Section 30 shall—

- (a) manage the affairs of the Institution to which he is appointed and any associated service; and
- (b) in relation to the management of those affairs—act in accordance with the cultural development program and any directions of the Council; and
- (c) advise the Council on any matter concerning the affairs of the Institution referred to him by the Council.

(2) A Director of a National Cultural Institution has such other functions as the Council of the Institution from time to time determines.

PART VI.—THE CULTURAL DEVELOPMENT SERVICE.

35. Appointment of officers.

(1) The Council may, on the recommendation of the Director of Cultural Affairs, appoint to be officers of the Council such persons as it thinks fit and necessary for the purposes of the Council.

(2) The Director of Cultural Affairs, the Directors of the National Cultural Institutions and the officers of the Council constitute the Cultural Development Service.

(3) Subject to this Part and to the *Salaries and Conditions Monitoring Committee Act* and to the regulations, officers hold office on such terms and conditions as the Council, with the approval of the Minister responsible for Public Service matters, determines.

(4) If an officer appointed under this section was, immediately before his appointment, an officer of the Public Service, his service as an officer of the Council shall be counted as service in the Public Service for the purpose of determining his rights (if any) in respect of—

- (a) leave of absence on the ground of illness; and
- (b) furlough or pay instead of furlough (including pay to dependants on the death of the officer).

(5) Section 104 of the *Public Service Act* applies in relation to an office in the Cultural Development Service as if it had been specifically included in that section.

36. Temporary and casual employees.

(1) The Director may appoint such temporary and casual employees as he thinks necessary for the purposes of this Act.

(2) Employees appointed under Subsection (1) shall be employed on such terms and conditions as the Council, from time to time, fixes.

37. Consultants.

The Council may, within the limit of funds lawfully available to it, employ such consultants as, in the opinion of the Council, are from time to time necessary, on such terms and conditions as are fixed by the Minister.

38. Regulations for the Cultural Development Service.

The Head of State, acting on advice, may make regulations in relation to the Cultural Development Service and, in particular, may—

- (a) prescribe the terms and conditions of appointment of officers; and

- (b) make provision for a superannuation scheme to provide benefits for the Directors and the officers of the Cultural Development Service on retirement.

39. Supply of accommodation.

The Council may make available to its officers and employees, and to the Directors, such housing or other accommodation as it thinks fit on such terms and conditions as it thinks fit.

40. Use of officers, etc., of other authorities.

By agreement with the appropriate person or authority and on such terms and conditions as are agreed on, the Council may make use of the services of officers and employees, and of the resources, of that person or authority.

41. Employment of officers of cultural Development Service.

A cultural institution or cultural centre established by the Council shall not, without the approval of the Minister, employ any person, other than an officer of the Cultural Development Service or a person employed under Section 36.

PART VII.—FINANCE, ETC.

42. Application of the Public Bodies (Financial Administration) Act.

The *Public Bodies (Financial Administration) Act* applies to an in relation to the Council, and to each National Cultural Institution, subject to the exceptions and modifications specified in Schedule 2.

PART VIII.—MISCELLANEOUS.

43. Attorney.

The Council may, by instrument under its seal, appoint a person (whether inside or outside the country) to be its attorney, and a person so appointed may, subject to the instrument, do any act or execute any power or function that he is authorized by the instrument to do or to execute.

44. Validity of acts and transactions of the Council.

The validity of an act or transaction of the Council shall not be called in question in any legal proceedings on the ground that any procedural provision of this Act has not been complied with.

45. Council to obtain goods and services in the country.

Where it is practicable to do so, the Council shall obtain all the goods and services that it requires for its operations from sources within the country.

46. By-laws.

(1) The Council may make by-laws, not inconsistent with this or any other Act, prescribing matters providing for or in relation to—

- (a) the establishment of cultural institutions and cultural centres; and
- (b) the recognition of an assistance to be given to cultural institutions and cultural centres established by any person, group or organization other than the Council; and

- (c) the use and custody of the seal of the Council; and
 - (d) the control and investment of the property of the Council; and
 - (e) the management, good government and discipline of cultural institutions and cultural centres; and
 - (f) generally, all other matters authorized by this Act, or necessary or convenient for giving effect to this Act; and
 - (g) penalties of fines not exceeding K50.00 for offences against the By-laws.
- (2) A By-law has no force or effect until—
- (a) approved by the Head of State, acting on advice; and
 - (b) published in the National Gazette.

47. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act or for the conduct of the affairs of the Council, prescribing penalties of fines not exceeding K100.00 or imprisonment for terms not exceeding six months, and default penalties of fines not exceeding K25.00, for offences against the regulations.

PART IX.—REPEAL.

48. Repeal.

The *Public Museums and Art Galleries Act* is repealed.

PART X.—TRANSITIONAL.

49. Transfer of assets.

All assets occupied or held by and obligations and liabilities of the Raun Raun Theatre are transferred to the Council on a temporary basis only.

SCHEDULE 1.

Sec. 7.

OATH AN AFFIRMATION OF OFFICE.

Oath.

I, _____, do swear that I will well and truly serve the Independent State of Papua New Guinea in the office of (*insert designation of office*) of the (*insert name of Council or institution*).

So help me God!

Affirmation.

I, _____, do solemnly and sincerely promise and declare that I will well and truly serve the Independent State of Papua New Guinea in the office of (*insert designation of office*) of the (*insert name of Council or institution*).

SCHEDULE 2.

Sec. 42.

EXCEPTIONS AND MODIFICATIONS TO THE PUBLIC BODIES (FINANCIAL ADMINISTRATION) ACT.

| <i>Provision.</i> | <i>Modification, etc.</i> |
|-------------------|--|
| Section 6 | Applies as if the reference to the Head of State, acting on advice, were a reference to the Minister for Finance. |
| Section 8 | Applies as if the reference to the Head of State, acting on advice, were a reference to the Minister for Finance. |
| Section 9 | Applies as as if the reference to the Head of State, acting on advice, were a reference to the Minister for Finance. |
| Section 11 | Applies as if the reference to the Head of State, acting on advice, were a reference to the Minister. |
| Section 13 | Applies as if the reference to the sum specified in the constituent law were a reference to K2 000.00. |
| Section 15(2) | Applies as if the reference to the Head of State, acting on advice, were a reference to the Minister. |
| Section 15(2) | Applies as if the reference to the Head of State, acting on advice, were a reference to the Minister. |

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 153.

Cultural Development Act.

APPENDIX 1.

SOURCE OF THE CULTURAL DEVELOPMENT ACT.

Part A.—Previous Legislation.

Cultural Development Act 1982 (No. 35 of 1982)

as amended by—

Cultural Development (Amendment) Act 1983 (No. 30 of 1983).

Part B.—Cross References.

| Section etc., in Revised | Previous Reference ¹ . | Section, etc., in Revised | Previous Reference ¹ . |
|-----------------------------|--------------------------------------|------------------------------|--------------------------------------|
| 1 | 1 | 27 | 27 |
| 2 | 2 | 28 | 28 |
| 3 | 3 | 29 | 29 |
| 4 | 4 | 30 | 30 |
| 5 | 5 | 31 | 31 |
| 6 | 6 | 32 | 32 |
| 7 | 7 | 33 | 33 |
| 8 | 8 | 34 | 34 |
| 9 | 9 | 35 | 35 |
| 10 | 10 | 36 | 36 |
| 11 | 11 | 37 | 37 |
| 12 | 12 | 38 | 38 |
| 13 | 13 | 39 | 39 |
| 14 | 14 | 40 | 40 |
| 15 | 15 | 41 | 41 |
| 16 | 16 | 42 | 42 |
| 17 | 17 | 43 | 43 |
| 18 | 18 | 44 | 44 |
| 19 | 19 | 45 | 45 |
| 20 | 20 | 46 | 46 |
| 21 | 21 | 47 | 47 |
| 22 | 22 | 48 | 48 |
| 23 | 23 | 49 | 50 |
| 24 | 24 | Schedule 1 | Schedule 1 |
| 25 | 25 | Schedule 2 | Schedule 2 |
| 26 | 26 | | |

¹Unless otherwise indicated, references are to the Act as set out in Part A.

