

No. 5 of 1993.

Papua New Guinea Institute of Public Administration Act 1993.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



No. 5 of 1993.

Papua New Guinea Institute of Public Administration Act 1993.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Papua New Guinea Institute of Public Administration Act 1993,

Being an Act to—

- (a) provide for the establishment of the Papua New Guinea Institute of Public Administration and for its management, functions and powers; and
- (b) repeal the *Administrative College Act* (Chapter 160),

and for related purposes.

PART I. – PRELIMINARY.

1. DEFINITION.

In this Act, unless the contrary intention appears—

“**Commission for Higher Education**” means the Commission for Higher Education established under the *Higher Education Act 1983*;

“**Committee**” means a Committee appointed under Section 16;

“**Council**” means the Governing Council of the Institute established under Section 7;

“**Director**” means the Director of the Institute appointed under Section 21;

“**General Orders**” means the General Orders provided for in Part VI;

“**Institute**” means the Papua New Guinea Institute of Public Administration established under Section 3;

“**member**” means a member of the Council;

“**National Training Council**” means the National Training Council established under the *National Training Council Act 1991*;

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“Papua New Guinea Institute of Public Administration” means the Papua New Guinea Institute of Public Administration established by Section 2;

“this Act” includes the General Orders;

“training programmes” means relevant short inservice courses offered by the Institute.

PART II. – THE INSTITUTE.

2. ESTABLISHMENT OF PAPUA NEW GUINEA INSTITUTE OF PUBLIC ADMINISTRATION.

(1) The Institute, sometime known as the Administrative College of Papua New Guinea and Public Training Centre and latterly known as the Administrative College of Papua New Guinea established by the *Administrative College Act* (Chapter 160), is hereby established as the Papua New Guinea Institute of Public Administration.

(2) The Institute–

- (a) is a body corporate with perpetual succession; and
- (b) shall have a seal; and
- (c) may acquire, hold and dispose of property; and
- (d) may sue or be sued in its corporate name.

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

(4) The seal of the Institute shall be kept in such custody as the Council directs and shall not be used except by resolution of the Council or in such manner as is authorized by the General Orders.

3. FUNCTIONS OF THE INSTITUTE.

The functions of the Institute are–

- (a) to plan, organize, conduct and assess a wide range of practical and relevant training programmes to meet the needs of the public and private sectors in the country and, if applicable, in the South Pacific Region; and
- (b) to undertake relevant research and consultancies on issues and problems of management and administration and to act as a centre for collection, storage, retrieval and dissemination of information; and
- (c) to attract, develop and retain high quality staff to act as professional trainers and advisers to the National Government and other sectors of Papua New Guinea; and
- (d) to maintain a close working relationship with the public and private sector agencies and allied educational and training institutions, including various professional bodies, within the country and abroad; and
- (e) to create, develop and maintain an effective administrative structure to ensure efficient and effective management of the Institute's resources, including manpower, finance and physical facilities; and

- (f) to be involved in any other activities that will contribute towards better development of human resources and increased productivity in the economy as directed from time to time by the National Executive Council; and
- (fa)¹ to establish and provide an effective management for the business and commercial activities and resources of the Institute; and
- (g) to do anything that is necessary or convenient for or incidental to the purpose of its functions.

4. POWERS OF THE INSTITUTE.

²The Institute has power sufficient and identical to the powers of a body corporate to do all things that are necessary or convenient to be done for and in connection with the performance of its functions under this Act.

5. DISCRIMINATION.

A person shall not be denied—

- (a) accreditation to the Institute; or
- (b) admission as a student or course participant of the Institute; or
- (c) appointment to an office of the Institute; or
- (d) any benefit or privilege of the Institute,

on grounds of religious belief, sex, race or place of origin, unless the discrimination is allowed by law for the special benefit of members of underprivileged or less advanced groups or residents of less advanced areas.

¹ Section 3(fa) inserted by No 54 of 2000.

² Section 4 repealed and replaced by No 54 of 2000.

PART III. – ADMINISTRATION.

Division 1.

The Council.

6. ESTABLISHMENT OF THE GOVERNING COUNCIL.

(1) The Governing Council of the Papua New Guinea Institute of Public Administration is hereby established.

(2) The Council is the governing body of the Institute and shall perform the functions, exercise the powers and direct the affairs of the Institute.

7. MEMBERSHIP OF THE COUNCIL.

(1) The Council shall consist of–

- (a) the Director, *ex officio*; and
- (b) the Departmental Head of the Department responsible for personnel management matters or his nominee, *ex officio*; and
- (c) the Departmental Head of the Department responsible for labour and employment matters or his nominee, *ex officio*; and
- (d) the Departmental Head of the Department responsible for provincial affairs matters or his nominee, *ex officio*; and
- (e) the Departmental Head of the Department responsible for finance and planning matters or his nominee, *ex officio*; and
- (f) the President of the Student Council of the Institute, *ex officio*; and
- (g) a representative from the National Training Council; and
- (h) two representatives from the staff of the Institute other than the Director; and
- (i) a representative from the Papua New Guinea Employers' Federation; and
- (j) a representative from the Papua New Guinea Training and Development Society; and
- (k) a representative from the Papua New Guinea Trade Union Congress; and
- (l) a representative from the Commission for Higher Education; and
- (m) a person nominated by the Minister; and
- (n)³ a representative from the Chamber of Commerce; and
- (o)⁴ a representative from the National Alliance of Non-Government Organizations.

³ Section 7(1)(n) added by No 54 of 2000.

(2)⁵ ⁶The members referred to in Subsection (1)(g) to (o) inclusive—

- (a)⁷ shall be appointed in accordance with the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*; and
- (b) shall be appointed for a term of two years and are eligible for re-appointment; and
- (c) hold office on terms and conditions as are determined under the *Board (Fees and Allowances) Act 1955*.

(3) A person nominated under Subsection 1(a) to (e) inclusive shall be of a level not less than Assistant Secretary in the Public Service or the equivalent.

8. ALTERNATE MEMBERS.

(1)⁸ ⁹For each of the members appointed under Section 7(1)(g) to (o) inclusive there shall be an alternate member appointed in the same way and subject to the same terms and conditions as the member for whom he is the alternate.

(2) In the event of the inability of a member to act in relation to a matter, the alternate member has and may exercise all his powers, functions, and duties in relation to that matter and this Act applies accordingly.

(3) An alternate member may attend all meetings of the Council but shall not, except where he is attending in the absence of the member for whom he is the alternate, take part in debates or be counted towards a quorum.

(4) An alternate member may resign his office as an alternate member by giving notice in writing signed by him and addressed to the Minister.

9. CHAIRMAN AND DEPUTY CHAIRMAN.

(1) The Minister shall, by notice in the National Gazette, appoint one of the members to be the Chairman of the Council for such period as the Minister determines, or until he ceases to be a member, whichever shall first happen.

(2) The Council shall appoint another member to be the Deputy Chairman of the Council for such period as may be determined by the Council, or until he ceases to be a member, whichever shall first happen.

10. LEAVE OF ABSENCE OF MEMBERS.

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

⁴ Section 7(1)(o) added by No 54 of 2000.

⁵ Section 7 Subsection (2) amended by No. 97 of 2006, Sched. 1.

⁶ Section 7 Subsection (2) amended by No. 97 of 2006, Sched. 1.

⁷ Section 7 Subsection (2) amended by No. 97 of 2006, Sched. 1.

⁸ Section 8(1) amended by No 54 of 2000.

⁹ Section 8(1) amended by No 54 of 2000.

11. VACATION OF OFFICE.

(1) A member, other than a member referred to in Section 7(1)(a) to (e) inclusive, may resign his office by writing under his hand and addressed to the Minister.

(2) Where a member—

- (a) becomes permanently incapable of performing his functions; or
- (b) resigns his office in accordance with Subsection (1); or
- (c) absents himself from three consecutive meetings of the Council except with the written consent of the Minister; or
- (d) fails to comply with Section 15 or with any provisions of this Act; or
- (e) becomes bankrupt, or applies to take the benefit of any law for the benefit of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (f) is convicted of an offence punishable under a law by a term of imprisonment for one year or longer, or by death, and as a result of the conviction is sentenced to imprisonment or death, or is under a bond to appear for sentence if called on,

the Minister shall terminate his appointment.

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

(4) Within 14 days of the receipt of a notice under Subsection (3), the member may reply in writing to the Minister, who shall consider the reply, and, where appropriate, terminate the appointment.

(5) Where the member referred to in Subsection (3) does not reply in accordance with Subsection (4), his appointment is terminated.

12. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS.

The exercise of a power or the performance of a function of the Council is not invalidated by reason of there being a vacancy in the membership of the Council.

13. CALLING OF MEETINGS.

(1) The Council shall meet as often as the business of the Institute requires, and at such times and places as the Council determines, or as the Chairman, or in his absence, the Deputy Chairman, directs, but in any event shall meet not less frequently than once in every four months.

(2) Where the Chairman receives a written request to do so by the Minister, or by not less than five members, the Chairman, or in his absence the Deputy Chairman, shall convene a meeting of the Council within 14 days.

(3) For the purposes of Subsection (1), the Chairman or the Deputy Chairman, as the case may be, shall give to every member at least 14 days' notice of the meeting.

14. MEETINGS OF THE COUNCIL.

(1) At a meeting of the Council—

- (a) eight members form a quorum; and
- (b) the Chairman, or in his absence the Deputy Chairman, shall preside, but, if both the Chairman and Deputy Chairman are absent, the members present shall appoint a Chairman for that meeting from amongst their own number; and
- (c) subject to this Act—
 - (i) matters arising shall be decided by a majority of the votes of the members present and voting; and
 - (ii) the person presiding has a deliberative and, in the event of an equality of votes on any matter, also a casting vote.

(2) The Council shall cause minutes of its meetings to be recorded and kept.

(3) Subject to this Act, the procedures of the Council are as determined by the Council or by the General Orders.

15. DISCLOSURE OF INTEREST BY MEMBERS.

(1) A member who is directly or indirectly interested in a matter being considered or about to be considered by the Council, otherwise than as a member of, 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 in relation to that matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberation or decision.

16. COMMITTEES OF THE COUNCIL.

(1) The Council may establish such number of Committees (permanent or *ad hoc*) as the Council considers necessary for the purposes of the Institute.

(2) The Council may—

- (a) appoint persons (including members of the Council) to be members of the Committees; and

(b) prescribe the powers, functions and procedures of the Committees.

(3) A member of a Committee shall be paid such fees and allowances as are determined under the *Board (Fees and Allowances) Act 1955*.

Division 2.

Functions and Powers of the Council.

17. FUNCTIONS OF THE COUNCIL.

The functions of the Council are—

- (a) to provide general direction for the efficient and effective management of the Institute; and
- (b) to decide, after consultation with—
 - (i) the National Training Council; and
 - (ii) the Commission for Higher Education; and
 - (iii) the Minister,

courses of study and the content of such courses and other matters of an academic nature consistent with the policy of the National Government as determined from time to time; and

- (c) to establish links with similar or comparative institutions both within and outside Papua New Guinea; and
- (ca)¹⁰ to establish viable commercial and business ventures for financial profitability and sustainability; and
- (d) otherwise to do all things necessary to perform the functions of the Institute.

18. POWERS OF THE COUNCIL.

Subject to this Act, the Council has power to do all things necessary or convenient to be done for or in connection with the performance of its functions and, without limiting the generality of the foregoing, has power—

- (a) to enter into contracts; and
- (b) to erect and maintain buildings; and
- (c) to accept, use and control any land or building owned 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 Institute, whether on trust or otherwise, and to act as trustee of moneys or other property vested in the Council on trust; and

¹⁰ Section 17(ca) inserted by No 54 of 2000.

- (f) to seek grants of property or other resources; and
- (g) to make or seek grants or loans of money, and to provide scholarships or other benefits, on such conditions as it thinks proper; and
- (h) to co-operate and liaise with Departments, instrumentalities and authorities of the National Government in the provision of research data and policy formulation; and
- (i) to do anything incidental or conducive to the performance of any of its powers or functions.

19. DELEGATION.

The Council may, by instrument, delegate all or any of its functions and powers under this Act (except this power of delegation).

20. REPORTS.

(1) The Council shall, by 31 March in each year, furnish to the Minister a report on the progress and performance of the Council in relation to its functions for the year ending 31 December previously.

(2) As soon as practicable after he has received a report under Subsection (1), the Minister shall forward a copy of the report to the Speaker for presentation to the Parliament.

(3) The Council shall, where requested so to do by the Minister, furnish to the Minister such additional report or reports on its functions or on any aspect of its functions as may be required by the Minister.

PART IV. – STAFF.

21. DIRECTOR.

(1)¹¹ ¹²There shall be a Director of the Institute whose manner of appointment, suspension and dismissal is as specified in the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*.

(2) The Director–

(a) shall hold office for a term of three years and on such terms and conditions as are determined by the Minister, subject to the *Salaries and Conditions Monitoring Committee Act 1988*; and

(b) is eligible for re-appointment.

(3) The Director–

(a) is the chief executive officer of the Institute, and in, relation to the staff of the Institute, is deemed to be the Departmental Head; and

(b) is the head of the staff of the Institute; and

(c) is responsible to the Council for the efficient carrying out of the functions of the Council; and

(d) shall manage the Institute in accordance with the policy and directions of the Council; and

(e) shall advise the Council on any matter concerning the Institute referred to him by the Council.

22. OFFICERS.

(1) There shall be appointed as officers to academic and administrative offices in the Institute such number of persons as the Council considers necessary.

(2) The officers referred to in Subsection (1) shall–

(a) be appointed in the manner prescribed by General Orders; and

(b) be employed on terms and conditions determined by the Council subject to the *Salaries and Conditions Monitoring Committee Act 1988*.

(3) The Director and officers referred to in Subsection (1) constitute the staff of the Institute and are deemed to be officers of the National Public Service.

(4) In addition to officers referred to in Subsection (1) the Council may utilize the services of officers seconded from the National Public Service and such officers shall be employed in accordance with the *Public Services (Management) Act 1995*.

¹¹ Section 21 Subsection (1) substituted by No. 97 of 2006, Sched. 1.

¹² Section 21 Subsection (1) substituted by No. 97 of 2006, Sched. 1.

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PART V. – FINANCE.

23. APPLICATION OF PUBLIC FINANCES (MANAGEMENT) ACT 1995.

The provisions of Part VIII of the *Public Finances (Management) Act 1995* apply to and in relation to the Institute.

PART VI. – GENERAL ORDERS.

24. THE GENERAL ORDERS OF THE INSTITUTE.

- (1) The Council may make General Orders with respect to—
- (a) the management, good government and discipline of the Institute; and
 - (b) the use and custody of the seal of the Institute; and
 - (c) the manner and time of convening, holding and adjourning meetings of the Council and, in relation to such meetings—
 - (i) the voting procedure (including postal and proxy voting); and
 - (ii) the appointment, powers and duties of the member presiding; and
 - (iii) the conduct and record of business; and
 - (d) the appointment of Committees, and the quorum, powers and duties of Committees; and
 - (e) the powers, functions, duties and responsibilities of the Chairman, the Deputy Chairman and the Director; and
 - (f) the powers, functions, duties and responsibilities of the permanent Committees and other Committees; and
 - (g) the tenure of office of the holder of any office or place established by or under this Act in respect of which this Act does not specify a term of office or provide for the fixing of the term of office otherwise than by the General Orders; and
 - (h) the organization, powers, duties, functions and responsibilities of the faculties, departments, or divisions of the Institute; and
 - (i) the number, stipends, manner of appointment and dismissal of members of the training and non-training staff and servants of the Institute; and
 - (j) the subjects to be taught and training programmes to be undertaken at the Institute; and
 - (k) the admission and attendance of students; and
 - (l) the times, places and manner of conducting training programmes and assessments, and the number and character of training programmes and assessment; and
 - (m) the promotion and extension of management and administrative training; and
 - (n) the granting of training qualifications; and
 - (o) the granting of scholarships, exhibitions, bursaries and prizes; and

- (p) the admission of students of other training institutes, colleges, schools or on-the-job experience and training to any corresponding training programme or course of study without examination or assessment; and
- (q) the fees to be paid to the Institute and the exemption of persons or classes of persons from the payment of fees; and
- (r) the establishment, management and control of libraries, laboratories, museums and other institutions and establishments in connection with the Institute; and
- (s) the establishment or affiliation of residential centres within or connected with the Institute; and
- (t) the affiliation or admission to the Institute of any training or research establishment, wherever situated; and
- (u) the control and investment of the property of the Institute; and
- (v) the provision of superannuation benefits for, and for the families of, the salaried trainers and other salaried staff of the Institute, or any class or trainer or staff; and
- (w) the recognition, in place of or for the purpose of any examination, assessment of any course of study completed or examination passed in any training institute, technical institute, school or college, high school or secondary school, or in a correspondence course or tutorial class; and
- (x) the licensing of boarding houses intended for the accommodation of students; and
- (y) generally, all other matters that are authorized by this Act, or that are necessary or convenient for giving effect to this Act.

(2) The General Orders may provide for empowering any authority, including the Council or an officer of the Institute to make rules or orders (not inconsistent with this Act or with a General Orders) for—

- (a) the regulation, or providing for the regulation of any specified matter (being a matter with respect to which a General Orders may be made); or
- (b) carrying out or giving effect to the General Orders, and any such rule or order has the same force and effect as a General Order.

PART VII. – MISCELLANEOUS.

25. PURPOSES OF THE INSTITUTE TO BE PUBLIC PURPOSE.

The purposes of the Institute are a public purpose within the meaning of any law.

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PART VIII. – REPEAL AND TRANSITIONAL.

26. REPEAL.

The *Administrative College Act* (Chapter 160) is repealed.

Office of Legislative Counsel, PNG