

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 165.

*Institute of Applied Social and Economic Research.*

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for National Planning, Development at the date of its preparation for inclusion.

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.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 165.

*Institute of Applied Social and Economic Research Act.*

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  - "the Institute"
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SCHEDULE 1.—Exceptions and Modifications to the Public Bodies  
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 165.

***Institute of Applied Social and Economic Research Act.***

Being an Act to provide for the establishment and incorporation of the Institute of Applied Social and Economic Research, and for related purposes.

PART I.—PRELIMINARY.

1. Interpretation.

In this Act, unless the contrary intention appears—

“the by-laws” means the by-laws of the Institute in force under Section 29;

“the Chairman” means the Chairman of the National Planning Committee;

“the Committee” means the National Planning Committee;

“the Institute” means the Papua New Guinea Institute of Applied Social and Economic Research established by Section 2;

“this Act” includes the regulations and the by-laws.

*(Amended by No. 25 of 1982, s. 1.)*

PART II.—THE INSTITUTE.

2. Establishment of the Institute.

A Papua New Guinea Institute of Applied Social and Economic Research is hereby established.

3. Incorporation of the Institute.

The Institute—

(a) is a corporation by the name of “Papua New Guinea Institute of Applied Social and Economic Research”; and

(b) has perpetual succession; and

(c) shall have a seal; and

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

4. Custody and use of seal.

(1) The seal of the Institute shall be kept in such custody as the Committee directs, and shall not be used except by resolution of the Committee.

(2) 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.

*(Amended by No. 25 of 1982, s. 3.)*

5. Objects of the Institute.

The objects of the Institute include—

(a) the promotion of research into Papua New Guinea society and economy; and

- (b) the undertaking of research into social, political and economic problems of Papua New Guinea in order to enable practical solutions to such problems to be formulated; and
- (c) where practicable, the provision, by agreement with the body concerned, of consultancy services to the Government and to departments, authorities and instrumentalities of the Government; and
- (d) the publication and distribution, with the approval of the Committee, of the results of research undertaken in Papua New Guinea; and
- (e) acting as a channel through which the results of relevant research undertaken in countries other than Papua New Guinea can be made known to interested persons and bodies in Papua New Guinea, including the maintenance of a library of such material; and
- (f) the provision, in association with any university or similar tertiary institution of Papua New Guinea, of practical research opportunities to train Papua New Guinea graduates as research workers; and
- (g) the further extension of links with research organizations in other countries.

*(Amended by No. 25 of 1982, s. 3.)*

**6. Use of facilities by visiting research workers.**

The Committee may accord to—

- (a) university research workers; and
- (b) consultants appointed by the Government or by any instrumentality or authority of the Government,

from Papua New Guinea or a foreign country, the use of any or all of the facilities of the Institute on such terms and conditions as the Committee determines.

*(Amended by No. 25 of 1982, s. 3.)*

**PART III.—ADMINISTRATION.**

*Division 1.—The Committee.*

*(Heading amended by No. 25 of 1982, s. 2.)*

**Subdivision A.—Appointment, etc.**

*(Section 7 replaced, Sections 8-14 repealed, by No. 25 of 1982, s. 2.)*

**7. National Planning Committee to be governing body.**

The National Planning Committee is the governing body of the Institute.

**Subdivision B.—Powers and Functions of the Committee.**

*(Heading amended by No. 25 of 1982, s. 3.)*

**15. Functions of the Committee.**

The functions of the Committee are—

- (a) to do all things necessary for achieving the objects of the Institute; and
- (b) to formulate Institute policy on social, political and economic research in Papua New Guinea with due regard to any general guidelines on those

matters that the Head of State, acting on advice, declares, and to implement such policies through direction and development of the Institute; and

(c) to employ, control and regulate the staff of the Institute.

*(Amended by No. 25 of 1982, s. 3.)*

**16. Powers of the Committee.**

Subject to this Act, the 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 and, in particular, 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 Committee; 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 Committee on trust; and
- (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 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.

*(Amended by No. 25 of 1982, s. 3.)*

**17. Delegation.**

The Committee may, by instrument, delegate to a committee, or a member of the Committee or to an officer or employee of the Institute, all or any of its powers and functions (except this power of delegation and the making of by-laws).

*(Amended by No. 25 of 1982, s. 3.)*

**18. Appeals from decisions of the Committee.**

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

*(Amended by No. 25 of 1982, s. 3.)*

*Division 2.—The Director.*

**19. Appointment, etc., of the Director.**

(1) The Committee shall, by notice in the National Gazette, appoint a person who has suitable qualifications in the Social Sciences to be the Director of the Institute.

(2) The Director of the Institute holds office for such period as the Committee determines.

(3) Subject to this Act, the terms and conditions of appointment and service of the Director of the Institute are as fixed in the by-laws.

(Amended by No. 25 of 1982, s. 3.)

**20. Termination of appointment.**

(1) If the Director of the Institute—

- (a) becomes permanently incapable of performing his duties; or
- (b) resigns his office by writing under his hand addressed to the Chairman; or
- (c) engages, without the consent of the Committee, 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 by death or imprisonment for one year or longer and, as a result of the conviction, is under sentence of death or imprisonment,

the Committee shall terminate his appointment.

(2) The Committee may terminate the appointment of the Director of the Institute for inability, inefficiency, incapacity or misbehaviour.

(Amended by No. 25 of 1982, s. 3.)

**21. Public Service rights of Director to continue.**

(1) If an officer of the Public Service is appointed to be the Director of the Institute, 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 ground of illness; and
- (b) furlough or pay in place 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 the Director of the Institute as if it had been specifically included in that section.

**22. Functions of the Director.**

Subject to any directions of the Committee, the Director of the Institute is responsible—

- (a) for the control and management of the Institute; and
- (b) for ensuring that the Institute research programme is performed,

and has such other functions as the Committee determines.

(Amended by No. 25 of 1982, s. 3.)

*Division 3.—The Staff of the Institute.*

**23. Appointment of staff.**

(1) Subject to this Act and the by-laws, the Committee may, after advertising vacancies in such manner as it thinks necessary, appoint, on the recommendation of the Director of the Institute, such full-time research and other staff of the Institute as it thinks necessary for the purposes of the Institute.



(2) The tenure of office and the terms and conditions of employment of members of the staff of the Institute are as provided in the by-laws.

(3) In making by-laws for the purpose of Subsection (2), the Committee shall have regard—

(a) in the case of members of the research staff of the Institute—to the terms and conditions of employment of members of the academic staff of the University of Papua New Guinea; and

(b) in the case of members of the staff of the Institute, other than members of the research staff—to the terms and conditions of employment of members, other than academic members, of the staff of the University of Papua New Guinea.

(4) By-laws made for the purposes of Subsection (2) shall provide for the right to publish the results of research.

*(Amended by No. 25 of 1982, s. 3.)*

#### **24. Public Service rights of staff members to continue.**

(1) If a person appointed to the staff of the Institute under Section 23 was, immediately before his appointment, an officer of the Public Service, his service as a member of the staff of the Institute 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 in place of furlough (including pay to dependants on the death of the officer).

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

#### **25. Consultants.**

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

*(Amended by No. 25 of 1982, s. 3.)*

#### **26. Use of officers, etc., of other authorities.**

The Committee may, by agreement with the Public Services Commission or other appropriate person or authority, and on such terms and conditions as are agreed on, make use of the services of officers, employees and staff, and of the resources, of the Public Service or of that person or authority.

*(Amended by No. 25 of 1982, s. 3.)*

#### *Division 4.—Miscellaneous.*

#### **27. Validity of proceedings.**

The exercise or performance of a function of the Committee shall not be invalidated by reason of a vacancy in the membership of the Committee.

*(Amended by No. 25 of 1982, s. 3.)*

**28. Indemnity.**

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

*(Amended by No. 25 of 1982, s. 3.)*

**PART IV.—THE BY-LAWS OF THE INSTITUTE.**

**29. By-laws.**

(1) The Committee may make by-laws 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 persons who are to be regarded, for the purposes of this Act, as members of the research staff of the Institute; and
- (d) the tenure and conditions of office of the Director of the Institute; and
- (e) the number, salaries, manner of appointment and dismissal of the members of the research and other staff of the Institute; and
- (f) the control and investment of the property of the Institute; and
- (g) generally, all other matters that are authorized by this Act, or that are necessary or convenient for giving effect to this Act.

(2) The by-laws may provide for empowering any authority (including the Committee) or member of the staff of the Institute to make rules or orders<sup>1</sup> (not inconsistent with this Act or with any by-law) for—

- (a) regulating, or providing for the regulation of, any specified matter or class of matters (being a matter or class of matters with respect to which by-laws may be made); or
- (b) carrying out or giving effect to the by-laws,

and any such rule or order has the same force and effect as a by-law.

*(Amended by No. 25 of 1982, s. 3.)*

**30. Approval and publication.**

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.

**PART V.—FINANCE, ETC.**

**31. Acquisition of property.**

The Institute may acquire any property by gift, bequest or devise, and may agree to carry out the conditions of any such gift, bequest or devise, and the Committee may create and administer such trust funds as are necessary or expedient for carrying out the conditions.

*(Amended by No. 25 of 1982, s. 3.)*

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<sup>1</sup>As the rules and orders are of limited application, they are not included in this Revised Edition.

**32. Investment funds.**

The Committee may—

- (a) establish one or more investment funds for the collective investment of any trust funds held by or in the custody of the Institute; and
- (b) without liability for breach of trust, bring into or withdraw from any such investment fund, the whole or any part of any such trust fund.

(Amended by No. 25 of 1982, s. 3.)

**33. Lending.**

(1) In this section, "authorized short-term money market" means the group of dealer companies authorized by the Central Bank to be approved dealers in short-term loans, and towards which that Bank acts as lender of last resort.

(2) Subject to Subsection (3), the Institute shall not advance or lend money to any person without the prior consent of the Head of State, acting on advice.

(3) Subsection (2) does not apply to or in relation to—

- (a) money to which Section 31 or 32 applies; or
- (b) loans to members of the staff; or
- (c) investment in the securities of an authorized short-term money market.

**34. Application of Public Bodies (Financial Administration) Act.**

The *Public Bodies (Financial Administration) Act* applies to and in relation to the Institute and to the Committee, subject to the exceptions and modifications specified in Schedule 1.

(Amended editorially.)

**35. Exemption from taxation.**

The income, property and operations of the Institute are not subject to income tax under the *Income Tax Act 1959* (Adopted).

PART VI.—MISCELLANEOUS.

**36. Purposes of the Institute to be public purpose.**

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

**37. Proof of certain matters.**

In any proceedings by or against the Institute, proof is not required, unless evidence is given to the contrary, of—

- (a) the constitution of the Committee; or
- (b) a decision of the Committee; or
- (c) the appointment of a member of the Committee or the Director of the Institute, or of a member of the staff or an agent of the Institute; or
- (d) the presence of a quorum at a meeting at which a decision is made or an act done by the Committee.

(Amended by No. 25 of 1982, s. 3.)

**38. Service of proceedings.**

A notice, summons, writ or other proceeding required to be served on the Institute may be served by being left at the office of the Institute or, in the case of a notice, by post.

**39. Authentication of documents.**

A summons, process, demand, order, notice, statement, direction or other document requiring authentication by the Institute is sufficiently authenticated without the seal of the Institute if signed by the Chairman.

**40. Appointment of attorney.**

The Committee may, by instrument under its seal, appoint a person (within 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.

*(Amended by No. 25 of 1982, s. 3.)*

**41. Annual report.**

As soon as practicable after 31 March in each year, the Committee shall furnish to the Minister, for presentation to the Parliament, a report on the operations of the Institute and of this Act during the year ending on the preceding 31 December, and recommending any changes in legislation or administration that seem to it necessary or desirable for improving the operation or achieving the objects of this Act, together with financial statements in respect of that year in such form as the Minister approves.

*(Amended by No. 47 of 1977, Schedule 1 and No. 25 of 1982, s. 3.)*

**42. 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 Institute, and in particular for prescribing penalties of fines not exceeding K100.00 or imprisonment for a term not exceeding six months, or both, and default penalties of fines not exceeding K25.00, for offences against the regulations.

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SCHEDULE 1.

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Sec. 34.

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

<i>Provision.</i>	<i>Modification, etc.</i>
Section 6	Applies subject to Section 33.
Section 13	Applies as if the sum specified in the constituent law were K2 000.00.
Section 15(1)	Does not apply.

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[The next page is 17.]

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 165.

*Institute of Applied Social and Economic Research (Election of Staff Representative) Regulation.*

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ARRANGEMENT OF SECTIONS.

1. Interpretation—
  - "absent member"
  - "absolute majority of votes"
  - "election"
  - "member"
  - "Returning Officer".
2. Qualifications.
3. Nominations.
4. Candidate.
5. Method of election.
6. Returning Officer to preside.
7. Voting.
8. Informal ballot-paper.
9. Declaration of results.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 165.

*Institute of Applied Social and Economic Research  
(Election of Staff Representative) Regulation.*

MADE under the *Institute of Applied Social and Economic Research Act.*

**1. Interpretation.**

In this Regulation, unless the contrary intention appears—

“absent member” means a member who is away on field-work within Papua New Guinea;

“absolute majority of votes”, in relation to any court, means a greater number than one-half of the total number of ballot-papers (not including informal ballot-papers);

“election” means election for the purpose of Section 8(1)(e) of the Act;

“member” means a person, other than the Director, employed on the full-time research staff of the Institute as—

(a) a senior research fellow, research fellow, senior research officer or research officer; or

(b) a visiting research fellow—

(i) engaged under a contract of service with the Institute of or over 12 months duration; or

(ii) engaged under a contract of service with the Institute of or over 24 months duration, through funding by a body other than the Institute,

and includes—

(c) a graduate librarian whether engaged under a contract of service or otherwise; and

(d) a person employed on the editorial staff;

“Returning Officer” means the Secretary of the Institute.

**2. Qualifications.**

A person is not qualified to vote at the election or stand for election unless he is a member.

**3. Nominations.**

(1) The Returning Officer shall call for nominations for the election by placing a notice on the Institute noticeboard or other conspicuous place within the precincts of the Institute.

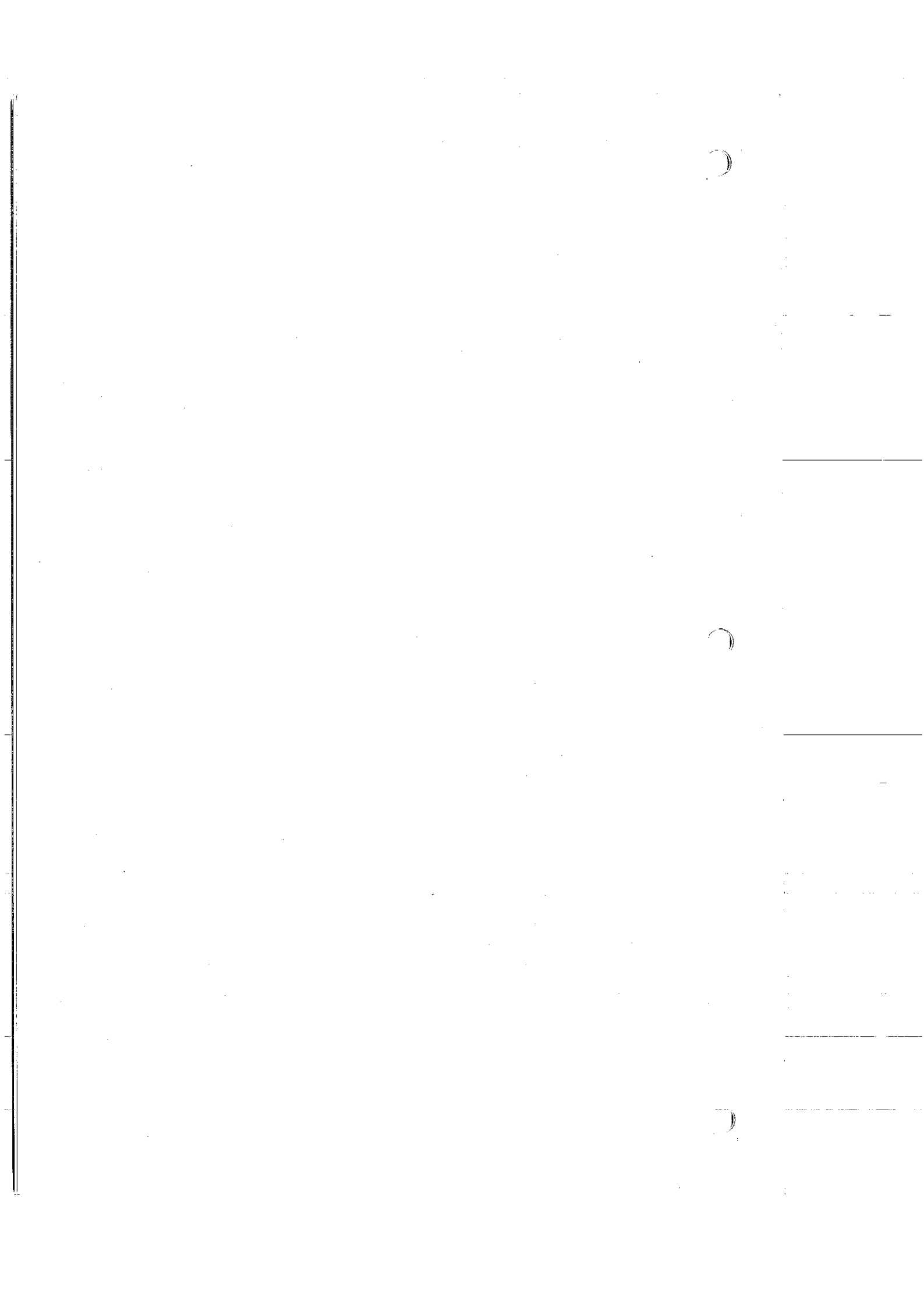
(2) The Returning Officer shall notify any absent member of the fact that nominations are being called.

(3) A notice under this section shall include—

(a) the date on which the nominations are to close; and

(b) the date or dates on which the voting shall take place; and

(c) the date on which the voting shall close.





INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 165.

*Institute of Applied Social and Economic Research.*

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APPENDIX 1.

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SOURCE OF THE INSTITUTE OF APPLIED SOCIAL AND ECONOMIC RESEARCH  
ACT.

Previous Legislation.

*Institute of Applied Social and Economic Research Act*

as amended by—

*Institute of Applied Social and Economic Research (Amendment) Act 1982 (No. 25 of 1982).*

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APPENDIX 2.

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SOURCE OF THE INSTITUTE OF APPLIED SOCIAL AND ECONOMIC RESEARCH  
(ELECTION OF STAFF REPRESENTATIVE) REGULATION.

Part A.—Previous Legislation.

*Institute of Applied Social and Economic Research (Election of Staff Representative) Regulation (Statutory Instrument No. 23 of 1980).*

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous References <sup>1</sup> .	Section, etc., in Revised Edition.	Previous References <sup>1</sup> .
1	1	6	6
2	2	7	7
3	3	8	8
4	4	9	9
5	5		

<sup>1</sup>Unless otherwise indicated, references are to the regulation as set out in Part A.

