

Chapter 165.

National Research Institute Act 1975.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 165.

National Research Institute Act 1975.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

National Research Institute Act 1975,¹

²Being an Act to provide for the establishment and incorporation of the National Research Institute, and for related purposes.

PART I. – PRELIMINARY.

1. INTERPRETATION.

³In this Act, unless the contrary intention appears—

⁴“**the by-laws**” means the by-laws of the Institute in force under Section 29;

⁴“**the Chairman**” means the Chairman of the Council;

⁵“**committee**” means a committee of the Council established under Section 14;

⁶“**the Council**” means the Council of the Institute established by Section 7;

⁷“**government**” means the National Government, a Provincial Government, a Local-level Government, and any other levels of government;

⁸“**the Institute**” means the National Research Institute established by Section 2;

¹ Short title repealed and replaced by the *Institute of Applied Social and Economic Research (Amendment) Act 1993* (No. 19 of 1993), s1(a).

² Long title amended by *Institute of Applied Social and Economic Research (Amendment) Act 1993* (No. 19 of 1993), s1(b).

³ Section 1 amended by No. 25 of 1982, s1.

⁴ Section 1 (definition of “the Chairman”) repealed and replaced by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s1.

⁵ Section 1 (definition of “committee”) repealed and replaced by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s1.

⁶ Section 1 (definition of “the Council”) inserted by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s1.

⁷ Section 1 (definition of “government”) inserted by *Institute of Applied Social and Economic Research (Amendment) Act 1993* (No. 19 of 1993), s2(a).

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

⁸ Section 1 (definition of “the Institute”) repealed and replaced by *Institute of Applied Social and Economic Research (Amendment) Act 1993* (No. 19 of 1993), s2(b).

PART II. – THE INSTITUTE.

2. ESTABLISHMENT OF THE INSTITUTE.

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

(2)⁹ ¹⁰The—

- (a) Institute of Papua New Guinea Studies, originally established under the *Cultural Development Act* (Chapter 153) (Repealed); and
- (b) Educational Research Unit originally established by the University of Papua New Guinea,

form part of the Institute with effect from 1 January 1988.

(3)¹¹ ¹²With effect from the coming into operation of the *Institute of Applied Social and Economic Research (Amendment) Act* 1993, the name of the Institute of Applied Social and Economic Research shall be changed to the National Research Institute.

3. INCORPORATION OF THE INSTITUTE.

The Institute—

- (a)¹³ is a corporation by the name of “National Research Institute”; 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.

¹⁴(1)¹⁵ ¹⁶The 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.

⁹ Section 2(2) inserted by *Institute of Applied Social and Economic Research (Amendment) Act* 1987 (No. 44 of 1987), s1.

¹⁰ Section 2(2) inserted by *Institute of Applied Social and Economic Research (Amendment) Act* 1987 (No. 44 of 1987), s1.

¹¹ Section 2(3) inserted by *Institute of Applied Social and Economic Research (Amendment) Act* 1993 (No. 19 of 1993), s3.

¹² Section 2(3) inserted by *Institute of Applied Social and Economic Research (Amendment) Act* 1993 (No. 19 of 1993), s3.

¹³ Section 3(a) amended by *Institute of Applied Social and Economic Research (Amendment) Act* 1993 (No. 19 of 1993), s4.

¹⁴ Section 4 amended by No. 25 of 1982. s3.

¹⁵ Section 4(1) amended by *Institute of Applied Social and Economic Research (Amendment) Act* 1988 (No. 23 of 1988), s4.

¹⁶ Section 4(1) amended by *Institute of Applied Social and Economic Research (Amendment) Act* 1988 (No. 23 of 1988), s4.

(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.

5. OBJECTS OF THE INSTITUTE.

¹⁷The 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)¹⁸ where practicable, the provision, by agreement with the government, person or body concerned, of consultancy services to governments (and to Departments, authorities and instrumentalities of governments) and to other persons and bodies (whether governmental bodies or otherwise);
- (d) the publication and distribution, with the approval of the Council, 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; and
- (h)¹⁹ the promotion of the functions and objects of the Institute of Papua New Guinea Studies, namely—
 - (i) carrying out research into, recording and interpreting all aspects of the traditional culture of the indigenous inhabitants of the country; and
 - (ii) establishing a library of Papua New Guinea folklore; and
 - (iii) making all its records available for the development of literature, drama, music and the visual arts; and

¹⁷ Section 5 amended by No. 25 of 1982, s3.

¹⁸ Section 5(c) repealed and replaced by *Institute of Applied Social and Economic Research (Amendment) Act 1993* (No. 19 of 1993), s5.

¹⁹ Section 5(h) inserted by *Institute of Applied Social and Economic Research (Amendment) Act 1987* (No. 44 of 1987), s2.

- (iv) determining the terms and conditions under which persons wishing to conduct research into any aspect of traditional culture may be allowed to do so; and
 - (v) the systematic recording of the music of the country with a view to the establishment of a tape and record library of such music; and
 - (vi) developing a film-making programme to document indigenous arts and crafts; and
 - (vii) developing a publication programme to inform the people of the country about all aspects of indigenous culture of the country; and
 - (viii) establishing and maintaining a trust fund to be used to finance research into the indigenous culture of the country; and
 - (ix) any other prescribed matter; and
- (i)²⁰ research into all aspects of education by the Institute on its own initiative or on a consultancy basis for National and Provincial Departments of Education.

6. USE OF FACILITIES BY VISITING RESEARCH WORKERS.

²¹The Council 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 Council determines.

²⁰ Section 5(i) inserted by *Institute of Applied Social and Economic Research (Amendment) Act 1987* (No. 44 of 1987), s2.

²¹ Section 6 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

PART III. – ADMINISTRATION.

Division 1.

***The Council*²².**

Subdivision A.*²³ – *Establishment, etc.

7. ESTABLISHMENT OF THE COUNCIL.

- (1) There shall be a Council of the Institute.
- (2) The Council is the governing body of the Institute.

8. CONSTITUTION OF THE COUNCIL.

²⁴(1) The Council shall consist of–

- (a) the Chairman, who shall be appointed by the Head of State, acting on advice, by notice in the National Gazette; and
- (b) four persons appointed by the Head of State, acting on advice, by notice in the National Gazette, comprising–
 - (i) two members of the Parliament; and
 - (ii) one officer of the Public Service or an authority or instrumentality of the Government; and
 - (iii) one community representative; and
- (c) one academic staff member of the University of Papua New Guinea appointed by the Council of that University; and
- (d) one academic staff member of the Papua New Guinea University of Technology appointed by the Council of that University; and
- (e) one person elected in the prescribed manner by the full-time research staff of the Institute; and
- (f) the Departmental Head of the Department responsible for economic planning matters or his nominee; and
- (g) the Director of the Institute.

(2) The members of the Council referred to in Subsection (1)(a), (b), (c), (d) and (e)–

- (a) shall be appointed for periods not exceeding three years; and
- (b) are eligible for re-appointment; and

²² Division III.1: heading amended by No. 25 of 1982, s2.

²³ Subdivision III.1.A repealed and replaced by *Institute of Applied Social and Economic Research (Amendment) Act* 1988 (No. 23 of 1988), s2; Section 7 replaced by No. 25 of 1982, s2; Section 7 repealed and replaced by *Institute of Applied Social and Economic Research (Amendment) Act* 1988 (No. 23 of 1988), s2.

²⁴ Section 8 repealed by No. 25 of 1982, s2; inserted by *Institute of Applied Social and Economic Research (Amendment) Act* 1988 (No. 23 of 1988), s2.

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

(3) Subject to this Act, the terms and conditions of appointment of the members of the Council, other than the members referred to in Subsection (1)(f) and (g), are as fixed by the Minister from time to time.

- (4) The Deputy Chairman may, subject to any directions of the Chairman—

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

of the Chairman.

9. DISQUALIFICATION.

²⁵(1) A person who—

- (a) is not of the full age of 18 years; or
- (b) is an undischarged bankrupt, or has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, or has compounded with his creditors or has made an assignment of his remuneration for their benefit; or
- (c) has been convicted of an indictable offence and is undergoing a sentence of imprisonment; or
- (d) is a person of unsound mind as that expression is used in the *Public Health Act 1973*,

is not qualified for election or appointment as a member of the Council.

(2) The Head of State, acting on advice, may at any time advise a member 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 member may reply in writing to the National Executive Council, who shall consider the reply, and, where appropriate, advise the Head of State to terminate the appointment.

(4) Where the member referred to in Subsection (2) does not reply in accordance with Subsection (3), his appointment is terminated.

(5) Where—

- (a) a member becomes a person referred to in Subsection (1); or
- (b) the appointment of a member is terminated under Subsection (3) or (4),

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 the appropriate provision of Section 8(1).

²⁵ Section 9 repealed by No. 25 of 1982, s2; inserted by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s2.

10. VACATION OF OFFICE.

²⁶(1) If a member—

- (a) dies; or
- (b) declines to act; or
- (c) resigns his seat; or
- (d) is absent without leave from three consecutive meetings of the Council;
or
- (e) in the case of a member appointed under Section 8(1)(b)—ceases to be a member of the Parliament or an officer of the Public Service or of an instrumentality or authority of the Government, as the case may be,

his office becomes vacant and shall be filled in accordance with the appropriate provision of that paragraph.

(2) For the purposes of Subsection (1)(e), a member of the Parliament shall be deemed not to have ceased to be a member of the Parliament while he continues to be paid an allowance under the *Salaries and Remuneration Commission Act 1988*.

11. LEAVE OF ABSENCE OF MEMBERS.

²⁷(1) The Chairman may grant leave of absence to another member of the Council on such terms and conditions as the Chairman determines.

(2) The Minister may grant leave of absence to the Chairman on such terms and conditions as the Minister determines.

12. MEETINGS OF THE COUNCIL.

²⁸(1)²⁹ ³⁰The Council shall meet at such times and places as, in the opinion of the Chairman, are necessary for the efficient conduct of its affairs, but not less often than three times in each year.

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

(3) At a meeting of the Council—

- (a) half the members are a quorum; and

²⁶ Section 10 repealed by No. 25 of 1982, s2; inserted by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s2.

²⁷ Section 11 repealed by No. 25 of 1982, s2; inserted by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s2.

²⁸ Section 12 repealed by No. 25 of 1982, s2; inserted by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s2.

²⁹ Section 12(1) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1993* (No. 19 of 1993), s6.

³⁰ Section 12(1) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1993* (No. 19 of 1993), s6.

- (b) the Chairman or in his absence the Deputy Chairman, or in the absence of the Chairman and Deputy Chairman a member elected by the members present from among their own number, shall preside; and
- (c) all matters shall be decided by a majority of 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 cause minutes of its meetings to be kept, and shall forward copies of its minutes to the Minister.

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

12A. COUNCIL TO MEET COSTS OF TRAVEL.

³¹Where a member of the Council is attending a meeting of the Council, and he is not ordinarily resident in Port Moresby, the Council shall pay for any costs of travel and accommodation incurred by him.

13. DISCLOSURE OF INTEREST BY MEMBERS.

³²(1) A member of the Council 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 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.

14. COMMITTEES OF THE COUNCIL.

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

³¹ Section 12A inserted by *Institute of Applied Social and Economic Research (Amendment) Act 1993* (No. 19 of 1993), s7.

³² Section 13 repealed by No. 25 of 1982, s2; inserted by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s2.

³³ Section 14 repealed by No. 25 of 1982, s2; inserted by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s2.

(2) No act of a committee is binding on the Council until submitted to and 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 and the term of office of members of a committee are as fixed by the Council.

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

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

(6) The members of a committee may appoint a deputy chairman from amongst their own number.

(7) The quorum for a meeting of a committee is such as the Council determines.

(8) Meetings of a committee shall be held at such times and places as the Council determines, and shall be convened by the Chairman of the Council.

Subdivision B.³⁴ – Powers and Functions of the Council.

15. FUNCTIONS OF THE COUNCIL.

³⁵The functions of the Council 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.

16. POWERS OF THE COUNCIL.

³⁶Subject to this Act, the Council has power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions and, in particular, has power–

³⁴ Subdivision III.1.B: heading amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

³⁵ Section 15 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

³⁶ Section 16 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

- (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
- (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.

17. DELEGATION.

³⁷The Council may, by instrument, delegate to a committee, or a member of the Council 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).

18. APPEALS FROM DECISIONS OF THE COUNCIL.

³⁸A person aggrieved by a decision of the Council may appeal to the Minister, whose decision is final.

Division 2.

The Director.

19. APPOINTMENT, ETC., OF THE DIRECTOR.

³⁹(1)⁴⁰ ⁴¹The Council 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.

³⁷ Section 17 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

³⁸ Section 18 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

³⁹ Section 19 amended by No. 25 of 1982, s3.

⁴⁰ Section 19(1) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁴¹ Section 19(1) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

(2)^{42 43}The Director of the Institute holds office for such period as the Council 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.

20. TERMINATION OF APPOINTMENT.

⁴⁴(1)^{45 46}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)⁴⁷ engages, without the consent of the Council, 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 Council shall terminate his appointment.

(2)^{48 49}The Council may terminate the appointment of the Director of the Institute for inability, inefficiency, incapacity or misbehaviour.

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

⁴² Section 19(2) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁴³ Section 19(2) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁴⁴ Section 20 amended by No. 25 of 1982, s3.

⁴⁵ Section 20(1) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁴⁶ Section 20(1) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁴⁷ Section 20(1)(c) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁴⁸ Section 20(2) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁴⁹ Section 20(2) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

- (b) furlough or pay in place of furlough (including pay to dependents on the death of the officer).

(2)⁵⁰ ⁵¹The office of Director of the Institute is an office to which apply the provisions of the *Public Services (Management) Act 1995* relating to leave to serve under another Act.

22. FUNCTIONS OF THE DIRECTOR.

⁵²Subject to any directions of the Council, 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 Council determines.

Division 3.

The Staff of the Institute.

23. APPOINTMENT OF STAFF.

⁵³(1)⁵⁴ ⁵⁵Subject to this Act and the by-laws, the Council 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)⁵⁶ ⁵⁷In making by-laws for the purpose of Subsection (2), the Council 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

⁵⁰ Section 21(2) repealed and replaced by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s43.

⁵¹ Section 21(2) repealed and replaced by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s43.

⁵² Section 22 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁵³ Section 23 amended by No. 25 of 1982, s3.

⁵⁴ Section 23(1) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁵⁵ Section 23(1) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁵⁶ Section 23(3) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁵⁷ Section 23(3) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

- (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.

(5) Subject to the *Salaries and Conditions Monitoring Committee Act 1988*, the terms and conditions of employment of the members of staff of the Institute as are provided in the by-laws.

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 dependents on the death of the officer).

(2)⁵⁸ ⁵⁹The offices of staff of the Institute are offices to which apply the provisions of the *Public Services (Management) Act 1995* relating to leave to serve under another Act.

25. CONSULTANTS.

⁶⁰The 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 specified in the by-laws.

26. USE OF OFFICERS, ETC., OF OTHER AUTHORITIES.

⁶¹The Council may, by agreement with the Departmental Head of the Department of Personnel Management 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.

⁵⁸ Section 24(2) repealed and replaced by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s44.

⁵⁹ Section 24(2) repealed and replaced by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s44.

⁶⁰ Section 25 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁶¹ Section 26 amended by No. 25 of 1982, s3; amended by *Public Service (Management) (Consequential Amendments) Act 1986* (No. 29 of 1986), s45; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

Division 4.
Miscellaneous.

27. VALIDITY OF PROCEEDINGS.

⁶²The exercise or performance of a function of the Council shall not be invalidated by reason of a vacancy in the membership of the Council.

28. INDEMNITY.

⁶³A member of the Council is not personally liable for any act of the Council, or for a member of the Council acting as such, done in good faith.

⁶² Section 27 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁶³ Section 28 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

PART IV. – THE BY-LAWS OF THE INSTITUTE.**29. BY-LAWS.**

⁶⁴(1)⁶⁵ ⁶⁶The Council 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)⁶⁷ ⁶⁸The by-laws may provide for empowering any authority (including the Council) or member of the staff of the Institute to make rules or orders (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.

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.

⁶⁴ Section 29 amended by No. 25 of 1982, s3.

⁶⁵ Section 29(1) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁶⁶ Section 29(1) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁶⁷ Section 29(2) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁶⁸ Section 29(2) amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

PART V. – FINANCE, ETC.

31. ACQUISITION OF PROPERTY.

⁶⁹The 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 Council may create and administer such trust funds as are necessary or expedient for carrying out the conditions.

32. INVESTMENT FUNDS.

⁷⁰The Council 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.

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 FINANCES (MANAGEMENT) ACT 1995.

⁷¹The *Public Finances (Management) Act 1995* applies to and in relation to the Institute and to the Council subject to the exceptions and modifications specified in Schedule 1.

35. EXEMPTION FROM TAXATION.

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

⁶⁹ Section 31 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁷⁰ Section 32 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁷¹ Section 34 repealed and replaced by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s3.

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.

⁷²In any proceedings by or against the Institute, proof is not required, unless evidence is given to the contrary, of—

- (a) the constitution of the Council; or
- (b) a decision of the Council; or
- (c) the appointment of a member of the Council 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 Council.

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.

⁷³The Council 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.

41. ANNUAL REPORT.

⁷⁴As soon as practicable after 31 March in each year, the Council shall furnish to the Minister, for presentation to the Parliament, a report on the operations of the

⁷² Section 37 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁷³ Section 40 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

⁷⁴ Section 41 amended by No. 25 of 1982, s3; amended by *Institute of Applied Social and Economic Research (Amendment) Act 1988* (No. 23 of 1988), s4.

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.

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.

SCHEDULE 1 – ⁷⁵EXCEPTIONS AND MODIFICATIONS TO THE *PUBLIC BODIES (FINANCIAL ADMINISTRATION) ACT*.

Sec. 34.

Provision Modification etc.

Section 57 Applies subject to Section 33 of this Act.

Section 59 Applies as if the sum specified in the constituent law were K2,000.00.

Provision Modification etc.

Section 57 Applies subject to Section 33 of this Act.

Section 59 Applies as if the sum specified in the constituent law were K2,000.00.

⁷⁵ Schedule 1 repealed and replaced by *Institute of Applied Social and Economic Research (Amendment) Act* 1988 (No. 23 of 1998), s5.