

No. 22 of 1992.

***Papua New Guinea Science and Technology Council Act 1992.***

Certified on: / /20 .



INDEPENDENT STATE OF PAPUA NEW GUINEA.



No. 22 of 1992.

***Papua New Guinea Science and Technology Council Act 1992.***

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

*Papua New Guinea Science and Technology Council Act 1992,*

Being an Act to establish the Papua New Guinea Science and Technology Council,  
and for related purposes.

**PART I. – PRELIMINARY.**

**1. INTERPRETATION.**

Unless the contrary intention appears–

“**Council**” means the Papua New Guinea Science and Technology Council  
established by Section 2;

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

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

“**Secretariat**” means the Papua New Guinea Science and Technology  
Secretariat established under Section 12;

“**this Act**” includes the Regulations made under this Act.

**PART II. – THE COUNCIL.**

***Division 1.***

***Establishment, Power and Functions.***

**2. ESTABLISHMENT OF THE COUNCIL.**

(1) There is established by this Act a Council by the name of the Papua New Guinea Science and Technology Council.

(2) The Council—

(a) is a body corporate with perpetual succession; and

(b) shall have a common seal; and

(c) may acquire, hold and dispose of real and personal property; and

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

(3) The Council shall provide for safe custody of its seal.

(4) All Courts, judges and persons acting judicially shall take judicial notice of the common seal of the Council affixed to a document and shall presume that it was duly affixed.

**3. FUNCTIONS OF THE COUNCIL.**

The functions of the Council are—

(a) to gather, information on scientific and technological activities taking place or being planned or required and, through a process of analysis and consultation, determine their positive and negative implications and the optimum course of action; and

(b) to maintain liaison with government agencies and organisations, private sector, universities, research institutions and non-government organisations and any international bodies and institutions to ensure cross-sectoral consideration of scientific and technological issues; and

(c) to advise the National Executive Council, Central agencies, Government Departments and other appropriate bodies regarding the merits, implications relative priority, potential duplication and the resource requirements of policies, programmes and projects; and

(d) to review and co-ordinate prospective aid projects specifically related to science and technology and to advise upon priorities for additional donor assistance; and

(e) to facilitate effective links—including joint research and the exchange of specialists between Universities, research Institutes, Statutory Authorities and the private sector; and

(f) to conduct or cause to be conducted technological assessments on the potential social, economic and cultural impacts (both positive and

negative) of projects, and thus anticipate and plan for these consequences; and

- (g) to establish working groups, sub-committees and to implement other such arrangements as the need arises; and
- (h) in addition to sponsoring and supporting other scientific and technology activities, to award and encourage the awarding of grants for research, training scholarships, prizes, pilot applications, visits, special initiatives for women, conferences, exchanges, exhibitions, displays, directories of personnel and of work in progress, publications and other forms of information dissemination; and
- (i) to advise the National Executive Council and Central agencies of Government regarding the best use of the presently available financial resources, facilities, scientists, technologists, educators and trainers.

#### **4. POWERS.**

The Council has, in addition to the powers otherwise conferred on it by this Act and any other law, powers to do all lawful things that are necessary or convenient to be done for or in connection with the performance of its duties and functions under this Act.

#### ***Division 2.***

#### ***Composition.***

#### **5. COMPOSITION OF THE COUNCIL.**

(1)<sup>1</sup> <sup>2</sup>The Council shall consist of—

- (a) the Chairman whose manner of appointment, suspension and dismissal is as specified in the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*; and
- (b) ten other Councillors appointed in accordance with the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*.

(2) The Councillors shall be appointed by the National Executive Council on the recommendation of the Minister responsible for Science and Technology matters.

(3) A person shall not be appointed Chairman unless he has—

- (a) at least a degree in the field of Science and Technology; and
- (b) experience in Science and Technology matters; and
- (c) extensive administrative background.

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<sup>1</sup> Section 5 Subsection (1) substituted by No. 96 of 2006, s. 3.

<sup>2</sup> Section 5 Subsection (1) substituted by No. 96 of 2006, s. 3.

**6. ALTERNATE MEMBERS.**

(1) For each of the Councillors referred to in Section 5(1)(b), there shall be an alternate appointed in the same manner and subject to the same conditions as the member for whom he is the alternate.

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

(3) In the event of the absence or inability of a member to act in relation to a matter or to exercise and perform his powers and functions under this Act, his alternate—

- (a) may act in relation to the matter; or
- (b) has and may exercise and perform all or any of the powers and functions of the member,

and this Act applies accordingly.

***Division 3.******Meetings.*****7. MEETINGS OF THE COUNCIL.**

(1) Subject to Subsection (2), the Council shall meet at least once in each period of three calendar months and may meet as often as may be necessary, and at such time and places as it, or as the Chairman, may determine for the proper discharge of its duties and functions under this Act.

(2) The Council shall—

- (a) in addition to other meetings hold its annual general meeting at least once each year; and
- (b) in a case of emergency hold a Special General Meeting.

(3) The meeting referred to in Paragraph (b) shall not be allowed or held unless on a requisition and is supported by one half of the total members.

(4) At a meeting of the Council—

- (a) one half of the members form a quorum; and
- (b) the Chairman shall preside, but if the Chairman is not present, the members present shall appoint a person to preside for that meeting from amongst their own number; and
- (c) all matters arising shall be decided by the majority of the votes of the members present and voting; and
- (d) the person presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.



(5) Subject to this Act, the Council shall determine or adopt its rules of procedure.

***Division 4.***

***Vacancy and Removal.***

**8. VACANCY OF OFFICE OF MEMBERS.**

(1) Where a member, other than the Chairman—

- (a) dies; or
- (b) fails to attend three consecutive meetings of the Council without good reason; or
- (c) is declared medically unfit to carry out his duties and functions under this Act; or
- (d) becomes permanently incapable of performing his duties and functions; or
- (e) has been absent from meetings of the Council for a period longer than nine consecutive months or more without the permission of the Council; or
- (f) is convicted for an offence punishable by a law for a term of imprisonment of one year or longer and, as a result of the conviction, is sentenced to imprisonment; or
- (g) 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
- (h) fails to perform satisfactorily, and the Council members pass a resolution to have him dismissed,

the Minister shall terminate his appointment.

**9. RESIGNATION.**

A member of the Council may resign by giving notice in writing signed by him and addressed to the Minister and—

- (a) from the date specified in the notice; or
- (b) if no date is specified from the date of the receipt by the Minister of the notice,

he shall cease to be a member of the Council.

**10. TERM OF OFFICE OF MEMBERS.**

(1) A member of the Council shall unless his appointment is sooner terminated or he otherwise ceases to be a member shall hold office for a term of three years and shall be eligible for re-appointment.

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(2) Where a member—

- (a) dies,
- (b) is terminated in accordance with any of the provisions of Section 8; or
- (c) otherwise resigns or vacates his office,

the Minister shall, as soon as possible, appoint a new member, in accordance with this Act, to fill the vacancy.

**11. REMOVAL OF CHAIRMAN.**

The Chairman shall be removed from office—

- (a) if he becomes permanently incapable of performing his duties; or
- (b) on the grounds of incapacity or misbehaviour; or
- (c) on the grounds of mismanagement.

***Division 5.***

***Secretariat.***

**12. SECRETARIAT.**

(1) There shall be a secretariat to be known as the Papua New Guinea Science and Technology Secretariat to service the Council.

(2) The Chairman shall be employed under, and shall hold office in accordance with the terms and conditions of, a contract of employment.

**13. OTHER STAFF.**

(1) Subject to the *Salaries and Conditions Monitoring Committee Act 1988*, the Council may appoint, on such terms and conditions as it may think fit, such staff as it may consider necessary for the purpose of carrying out its functions under this Act.

(2) The Council may from time to time employ—

- (a) overseas volunteers; and
- (b) persons seconded from Universities, international agencies and non-government organisations; and
- (c) persons with expert skills from the private sector,

for the purposes of this Act.

(3) Any person employed under Subsection (2) shall be employed under a contract of employment, and shall hold office in accordance with the terms and conditions of the contract.

**14. FUNCTIONS OF THE CHAIRMAN.**

(1) The Chairman shall—

- (a) be the head of the Secretariat; and
- (b) manage the affairs of the Council and the Secretariat; and
- (c) advise the Council on any matter concerning the functions of the Council and the Secretariat; and
- (d) carry out other duties and functions required of him so far as such other duties and functions are not inconsistent with this Act; and
- (e) perform other duties and functions as the Minister or the Council may from time to time determine.

(2) In the absence of the Chairman the Minister in consultation with the Council shall appoint a senior staff of the Secretariat to act as Chairman of the Secretariat during the absence of the Chairman.

**PART III. – FINANCE.**

**15. FUNDS OF THE COUNCIL.**

- (1) The funds of the Council shall consist of—
  - (a) such monies as may be appropriated to the Council, under an Act of Parliament, for the purpose of the Council; and
  - (b) any moneys or properties which may be donated to the Council; and
  - (c) other monies lawfully received by the Council.
- (2) The funds shall not be used for any purposes except for—
  - (a) payment of costs and expenses incurred by the Council in the performance of its functions under this Act; and
  - (b) grants for research and prizes (including the National Science and Technology prizes), pilot project applications, visits, conferences, displays, exchanges, exhibitions, directories of personnel and of work in progress, registry of available in-country science and technology consultancy services; and
  - (c) publications and other forms of information dissemination and support for other activities; and
  - (d) payment of staff remuneration and other benefits allowances of paid employees; and
  - (e) supporting professional associations in the areas of science and technology; and
  - (f) an endowment fund, administered by the Council and financially supported by the government, the private sector and other sources established to provide grants and scholarships for scientific and technological research.

**PART IV. – MISCELLANEOUS.**

**16. ANNUAL REPORT.**

The Council shall submit before 31 December in each year an annual report to the Minister on the implementation or working of this Act.

**17. APPLICATION OF THE PUBLIC FINANCES (MANAGEMENT) ACT 1995.**

Part VIII of the *Public Finances (Management) Act 1995* shall apply to and in relation to the Council.

**18. REGULATIONS.**

The Head of State, acting on advice may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are convenient to be prescribed for carrying out or giving effect to this Act.

Office of Legislative Counsel, PNG