

Chapter 169.
University of Papua New Guinea Act 1983.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 169.

University of Papua New Guinea Act 1983.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

University of Papua New Guinea Act 1983,¹

Being an Act to provide for the governance and continued incorporation of the University of Papua New Guinea established by the *University of Papua New Guinea Act* and for the repeal of that Act and for related matters.

PART I. – PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

(1) This Act, to the extent that it regulates or restricts the right to freedom of information conferred by Section 51 of the *Constitution*, is a law that is made for that purpose.

(2) For the purposes of Section 53 (*protection from unjust deprivation of property*) of the *Constitution* and of this Act and of any other law, the purposes of the University are public purposes.

2. INTERPRETATION.

In this Act, unless the contrary intention appears—

²“**academic posts**” includes Principalships, Directorships, Professorships, Lectureships and any other category determined by the Council from time to time;

“**authority**” means an authority of the University as specified in Section 8;

“**by-laws**” means the by-laws of the University as approved by the Council;

“**the commencement date**” means 2 February 1984, being the date on which the *University of Papua New Guinea Act 1983* came into force;

¹ Short title replaced by No. 18 of 1983.

² Section 1 (definition of “Academic Board”) repealed by No 63 of 2000.

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

“connected institutions” means institutions connected with the University in accordance with Section 6(d);

“Council” means the Council of the University established under Section 9;

³**“Dean”** means a Dean of a School;

“graduate” means a person whose name is inscribed on a roll to be kept by the Council of holders of degrees conferred by the University;

“the repealed Act” means the *University of Papua New Guinea Act* replaced by this Act;

“Rules” means Rules made by an appropriate authority or officer of the University;

⁴**“Senate”** means the Senate established by Section 11;

“Statute” means a Statute of the University in force under Part V.;

“this Act” includes the Statutes, by-laws or Rules;

“the University” means the University of Papua New Guinea, established by the repealed Act and continued by Section 3 of this Act.

³ Section 1 (definition of “Dean”) amended by No 63 of 2000.

⁴ Section 1 (definition of “Senate”) inserted by No 63 of 2000.

PART II. – THE UNIVERSITY.

3. CONTINUATION OF ESTABLISHMENT OF THE UNIVERSITY.

(1) The University of Papua New Guinea established by the repealed Act is deemed to be established under this Act and shall continue its legal entity without interruption and shall be governed by this Act.

(2) The University–

- (a) is a corporation by the name of The University of Papua New Guinea; and
- (b) has perpetual succession; and
- (c) shall have a common seal; and
- (d) is capable by that name of–
 - (i) suing and being sued; and
 - (ii) taking, purchasing and holding property, (including property devised, bequeathed or given to the University); and
 - (iii) granting, selling, alienating, assigning and demising property; and
 - (iv) doing all other matters and things incidental or appertaining to a corporation.

4. CUSTODY AND USE OF THE SEAL.

(1) The seal of the University shall be kept in such custody as the Council directors and shall not be used except by resolution of the Council or in such other manner as is authorized by the Statutes.

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

5. OBJECTS OF THE UNIVERSITY.

(1) The University shall be dedicated to the pursuit, advancement and dissemination of knowledge, understanding and wisdom.

(2) In pursuing the objects specified in Subsection (1), the University shall be mindful of the manpower and other needs of Papua New Guinea and shall endeavour, by the example of its corporate life, academic achievements and professional excellence, to promote national well-being and progress.

6. POWERS OF THE UNIVERSITY.

The University shall have the power–

- (a) to grant such degrees as are authorized by the Statutes and such diplomas, certificates or other academic awards as it determines; and
- (b) to provide instruction and facilities for study, education and research to persons registered as preparing for degrees, diplomas, certificates or other awards of the University; and
- (c) to provide facilities for extra-mural study, containing education to persons, whether members of the University or not, in such fields and in such manner as the University may from time to time determine; and
- (d) to co-operate in pursuance of any of the objects of the University with any other bodies or persons and to enter into agreements authorized by Statutes with institutions for their association with or incorporation into the University; and
- (e) subject to the *Salaries and Conditions Monitoring Committee Act 1988*, to appoint academic, administrative and other staff on such terms and conditions of service as the University may determine; and
- (f) to provide for promoting the health and general welfare of the students of the University, including the establishment and supervision of residences; and
- (g) to regulate and enforce discipline among the employees and students of the University by such measures as the University may determine; and
- (ga)⁵ to devise and operate a Home Ownership Scheme for the staff of the University; and
- (h) to cancel, annul or revoke any act done in the exercise of these powers; and
- (i) to do all such other acts or things as may be done under the provisions of this Act or as may be conducive to the exercise of these powers or to the attainment of any of the objects of the University.

7. NO DISCRIMINATION ON GROUNDS OF RELIGION, SEX OR RACE.

A person shall not be denied—

- (a) admission as a student to the University; or
- (b) appointment to an office or post of the University; or
- (c) graduation; or
- (d) any benefit or privilege of the University,

on the grounds only of religious or political belief, sex or ethnic origin.

⁵ Section 6(ga) inserted by *University of Papua New Guinea (Amendment) Act 1998* (No. 44 of 1998), s1.

PART III. – ADMINISTRATION.

8. AUTHORITIES OF THE UNIVERSITY.

The authorities of the University consist of–

- (a) the Council, which is the principal executive authority of the University; and
- (b)⁶ the Senate, which is the principal academic body of the University; and
- (c) such other authorities as may be established and declared by Statute to be authorities of the University.

9. THE COUNCIL.

⁷There is established a Council which shall consist of–

- (a) the following members *ex officio*:–
 - (i) the Chancellor, who shall be Chairman; and
 - (ii) the Pro-Chancellor; and
 - (iii) the Vice-Chancellor; and
 - (iv) the Pro Vice-Chancellors; and
 - (v) the Vice-Chancellor of the Papua New Guinea University of Technology; and
 - (vi) the Departmental Head of the Department of the National Public Service responsible for higher education matters; and
- (b) three members of the Parliament appointed by the Speaker of the National Parliament; and
- (c) not more than two members of the full-time academic staff of the University elected by such staff; and
- (d) not more than two Deans elected by the Senate; and
- (e) not more than two Heads of higher education institutions, appointed by the Council; and
- (f) two graduates, not being employees or currently registered students of the University, appointed by the Council; and
- (g) the President of the Students Representative Council and the female Vice-President of the Students Representative Council (if the President is a student male) or the male Vice-President of the Students Representative Council (if the President is a student female); and

⁶ Section 8(b) amended by No 63 of 2000.

⁷ Section 9 repealed and replaced by No 63 of 2000.

- (h) two currently employed members of the non-academic staff of the University elected by such staff; and
- (i) 10 persons, at least two of whom shall be women, and of whom five shall be nominated by the Minister and appointed by the Council.

10. FUNCTIONS OF THE COUNCIL.

(1) Subject to Subsection (2), the functions of the Council are—

- (a)⁸ to appoint Officers of the University, Deans, Professors, academic, administrative and other staff of the University; and
- (b) to have the charge of the management and administration of the revenue, property and personnel of the University, and the conduct of all matters relating to the University not otherwise provided for in or under subordinate legislation made in accordance with this Act; and
- (c) to approve the Annual Report, Annual Accounts Audit Report and the budget of the University for the next financial year; and
- (d) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act; and
- (e) generally, to take such action as appears to it best calculated to promote the interests of the University.

(2)^{9 10}In determining any matter which directly affects the academic policy of the University, the Council shall consult with the Senate.

11. SENATE.

¹¹There is established a Senate which shall consist of—

- (a) the following members ex officio:—
 - (i) the Vice-Chancellor, who shall be Chairman; and
 - (ii) the Pro Vice-Chancellors; and
 - (iii) the Registrar; and
 - (iv) the Librarians; and
 - (v) the Deans; and
 - (vi) the Directors of University Institutes created by the Council; and
 - (vii) the Chairperson of the Higher Degree Committee; and
 - (viii) one Professor from the staff of each School elected by staff or if no professor, a senior academic; and

⁸ Section 10(a) amended by No 63 of 2000.

⁹ Section 10(2) amended by No 63 of 2000.

¹⁰ Section 10(2) amended by No 63 of 2000.

¹¹ Section 11 repealed and replaced by No 63 of 2000.

- (b) two currently enrolled full-time students of the University, one of whom shall be a woman, elected by the whole body of the students; and
- (c) one member nominated by the Academic Board of the Papua New Guinea University of Technology from among its members; and
- (d) two currently employed members of the full-time academic staff of the University one of whom shall be a woman, appointed by the Senate; and
- (e) the Departmental Head of the Department of the National Public Service responsible for higher education matters, or his nominee; and
- (f) one currently enrolled full-time post graduate student of the University, elected by the whole body of the Post Graduate students; and
- (g) one member appointed by the Council from among its members.

12. FUNCTIONS OF THE SENATE.

¹²The functions of Senate are:

- (a) to have the control and general regulation, and be responsible for the maintenance of standards of admission, instruction, education, research and examination; and
- (b) to decide matters relating to award or conferment of degrees, diplomas, certificates and other academic distinctions; and
- (c) to receive and consider such matters as are referred to it by the Council and to review, revise or endorse any policy proposals submitted to it by the committees of the Senate or of the Council, and make such recommendations to the Council as are necessary; and
- (d) to oversee the implementation of the policies governing the University; and
- (e) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act.

13. OTHER AUTHORITIES.

The composition, chairmanship, powers and functions of such other authorities as may be declared by Statute to be authorities of the University, shall be as prescribed by the Statutes under which they are established.

14. MEMBERSHIP OF AUTHORITIES GENERALLY.

(1) A person other than a student appointed or elected to an authority holds office for a period of three years and is eligible for re-appointment or re-election.

(2) A student appointed or elected to an authority holds office for one year and is not eligible for re-appointment or re-election.

¹² Section 12 repealed and replaced by No 63 of 2000.

15. DISQUALIFICATIONS.

A person who—

- (a) is not of the full age of 18 years, unless he is a student of the University; or
- (b) is an undischarged bankrupt or has his affairs under liquidation by arrangement with his creditors; or
- (c) has been convicted of an offence and sentenced to imprisonment and who has not been granted a free pardon or undergone the sentence; or
- (d) is a person of unsound mind within the meaning of the laws relating to insanity or unsoundness of mind; or
- (e) is barred from membership under the provisions of a Statute governing staff or student discipline,

is not qualified to be elected or appointed as, or to remain as, a member of an authority.

16. VACATION OF OFFICE.

(1) If a member of an authority—

- (a) dies; or
- (b) declines to act; or
- (c) resigns his seat; or
- (d) is absent without leave from three consecutive meetings of the authority; or
- (e) in the case of a member of the Parliament—ceases to be a member of the Parliament; or
- (f) in the case of a student—ceases to be a student or to reside permanently in the country; or
- (g) not being a person referred to in Paragraph (e) or (f)—ceases to have the qualification by virtue of which he was elected; or
- (h) becomes a person referred to in Section 15,

his seat becomes vacant and shall be filled as a casual vacancy in accordance with Section 17.

(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*.

17. FILLING OF VACANCIES.

Where a person ceases to be a member of an authority—

- (a) on the expiration of his term of office; or

(b) for some other reason or in some other circumstances,

the election or appointment to fill the vacancy shall, subject to Section 18(2), be held or made as soon as is practicable, and in any case not later than two months after the date on which the vacancy occurs.

18. CASUAL VACANCIES.

(1) In the event of a casual vacancy in an authority, a member shall—

- (a) be elected or appointed in accordance with the appropriate provisions relating to the election or appointment of that member to that authority; and
- (b) hold office, subject to this Act, for the residue of his predecessor's term of office.

(2) If a casual vacancy occurs within three months before the expiration of the term of office of a member, the vacancy shall not be filled for the remainder of the term.

19. QUORUM AT MEETING.

(1) Subject to Subsection 2, at a meeting of an authority, unless a Statute otherwise provides, not less than half of the total number of members for the time being is a quorum.

(2) Where—

- (a) at any meeting of an authority no quorum is present; and
- (b) alternative arrangements are made for reconvening the meeting after an interval of not less than 24 hours; and
- (c) members of the authority are advised of those arrangements telegraphically or by equally fast means,

there shall be no requirement of quorum at that reconvened meeting.

20. VOTING AT MEETINGS.

(1) All questions to be decided at a meeting of an authority shall be decided by a majority of the members present.

(2) The member presiding at a meeting of an authority shall have a deliberative and, in the case of an equality of votes on any question, also a casting vote.

(3) A member of an authority shall not be entitled to vote either in the authority or in any Committee of the authority on any subject in which he has a direct pecuniary interest.

21. LIMITATIONS ON STUDENT MEMBERS OF AUTHORITIES.

(1) In this section, subject to Subsection(3), “**reserved business**” includes business relating to—

- (a) appointments, promotions and other matters affecting the personal affairs of staff; and
- (b) admission and assessment of individual students.

(2) Student members of—

- (a) the Council; and
- (b)¹³ the Senate; and
- (c)¹⁴ such other authorities or committees as the Council or the Senate may from time to time determine,

shall not—

- (d) participate in the consideration of; or
- (e) receive or be entitled to receive papers relating to,

reserved business.

(3) In any case where there is doubt as to whether business is reserved business, the Chairman of the meeting of the authority at which it is to be discussed or decided shall, in his own absolute judgement, decide whether or not it is reserved business.

22. CHAIRMANSHIP.

In the absence of the Chairman of an authority at a meeting of the authority, a member elected by the members present from amongst their own number shall preside.

23. COMMITTEES.

(1) An authority may by resolution constitute and appoint such committees as it thinks fit.

(2) A committee constituted in accordance with Subsection (1) shall exercise, subject to the jurisdiction of the various authorities, such powers as are conferred on it by the resolution constituting the committee.

24. DELEGATION.

An authority may by resolution delegate any of its powers and functions (except its power of delegation and, in the case of the Council, its power to make Statutes) to—

¹³ Section 21(2)(b) amended by No 63 of 2000.

¹⁴ Section 21(2)(c) amended by No 63 of 2000.

- (a) any member of the authority; or
- (b) a committee consisting of members of the authority with or without other persons; or
- (c) an Officer of the University.

PART IV. – OFFICERS.

25. OFFICERS OF THE UNIVERSITY.

The Officers of the University shall be—

- (a) the Chancellor; and
- (b) the Pro-Chancellor; and
- (c) the Vice-Chancellor; and
- (d) the Registrar; and
- (e) the Bursar; and
- (f) such other persons in the service of the University as may be declared by Statutes to be Officers of the University.

26. THE CHANCELLOR.

(1) There shall be a Chancellor who shall be appointed in the manner and for the term prescribed by the Statutes.

(2) The Chancellor shall be the ceremonial head of the University and, if present, shall preside at Convocations of the University for conferring degrees and at meetings of the Council.

(3) The Chancellor shall perform such other functions and duties as may be prescribed by this Act.

27. THE PRO-CHANCELLOR.

(1) There shall be a Pro-Chancellor who shall be appointed in the manner and for the term prescribed by the Statutes.

(2) The Pro-Chancellor shall, in the absence of the Chancellor, perform the functions of the Chancellor.

28. THE VICE-CHANCELLOR.

(1) There shall be a Vice-Chancellor who shall be appointed in the manner and for the term prescribed by the Statutes.

(2) The Vice-Chancellor shall be a full-time salaried Officer of the University and, subject to the *Salaries and Conditions Monitoring Committee Act 1988*, matters relating to his emoluments and other terms and conditions of employment shall be prescribed by the Statutes.

29. FUNCTIONS AND POWERS OF VICE-CHANCELLOR.

The Vice-Chancellor shall—

- (a)¹⁵ be the academic and administrative Head of the University and shall exercise general supervision and control over the affairs of the University and as and when the attendance of the university is required to represent it within or without the country; and
- (b) give effect to the decisions of the authorities of the University and ensure that the provisions of this Act are duly observed; and
- (c) where, in his opinion, there has arisen an emergency which requires that immediate action be taken, take such action as he deems necessary and report the same to the next meeting of the authority which, in the ordinary course, would have dealt with the matter; and
- (d)¹⁶ be the *ex officio* Chairman of the Senate and of such authorities as the Council determines and, in the absence of the Chancellor and the Pro-Chancellor, preside at any Convocation of the University for conferring degrees; and
- (e) be a member *ex officio* of all authorities, boards or committees of the University and be entitled to be present at and address any meeting of any staff or student association recognized by the University; and
- (f)¹⁷ have the power to convene meetings of the Council, Senate and all other authorities, committees, sub-committees and boards of the University and staff and student bodies recognized by the University; and
- (g) exercise such other powers and perform such other functions as may be prescribed by this Act.

30. PRO VICE-CHANCELLORS.

¹⁸(1) There shall be one or more Pro Vice-Chancellors who shall be appointed in the manner and for the term prescribed by the Statutes.

(2) A Pro Vice-Chancellor shall, in the absence of the Vice-Chancellor, exercise the powers, perform the functions and discharge the duties of the Vice-Chancellor.

(3) A Pro Vice-Chancellor shall exercise such powers, perform such functions and discharge such duties as the Vice-Chancellor may, from time to time delegate to him, or as may be imposed or conferred on him by this Act.

31. OTHER OFFICERS.

The powers, duties and functions of other Officers of the University shall be prescribed by the Statutes.

¹⁵ Section 29(a) amended by No 63 of 2000.

¹⁶ Section 29(d) amended by No 63 of 2000.

¹⁷ Section 29(f) amended by No 63 of 2000.

¹⁸ Section 30 repealed and replaced by No 63 of 2000.

PART V. – STATUTES.**32. STATUTES.**

(1) The Council may make Statutes in respect of–

- (a) any matter for which this Act specifically provides; and
- (b) the attainment of any of the objects of the University; and
- (c)¹⁹ the powers and duties of the Council, Senate, any authority or other body or any Officer of the University; and
- (d) generally, the management and government of the University.

(2) The Statutes may provide for empowering any authority or Officers of the University to make by-laws, rules or orders (not inconsistent with this Act) for–

- (a) regulating any specified matter; or
- (b) carrying out or giving effect to the Statutes,

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

(3) A Statute affecting the constitution, powers or functions of any existing authority shall be made until the authority has been afforded the opportunity to submit a written report on it to the Council.

33. APPROVAL AND PUBLICATION.

(1) Every Statute shall be–

- (a) sealed with the common seal of the University; and
- (b) transmitted by the Chancellor to the Minister for approval by the Head of State, acting on advice,

and when so approved shall be notified in the National Gazette.

(2) The notification of a Statute in the National Gazette shall specify the place at which copies of the Statute may be purchased.

(3) A Statute shall not be expressed to take effect from a date before the date of notification in a case where, if it so took effect–

- (a) the rights of a person (other than the University) existing at the date of notification would be affected in a manner prejudicial to him; or
- (b) liabilities would be imposed on a person (other than the University) in respect of anything done or omitted to be done before the date of notification.

(4) A copy of each Statute shall be laid before the Parliament within six sitting days of the Parliament after notification of the Statute in the National Gazette.

(5) The production of–

¹⁹ Section 32(1)(c) amended by No 63 of 2000.

- (a) a copy of a Statute under the common seal of the University; or
- (b) a document purporting to be a copy of a Statute and to have been printed by the Government Printer or on behalf of the University,

is, in all proceedings, sufficient evidence of the Statute.

(6) The Statutes made in each secular year shall be numbered in regular arithmetical series, beginning with the number 1, in the order in which they are notified in the National Gazette.

PART VI. – FINANCE, PROPERTY, ETC.**34. APPLICATION OF PUBLIC FINANCES (MANAGEMENT) ACT 1995.**

The *Public Finances (Management) Act 1995* applies to and in relation to the University, subject to the exceptions, limitations, conditions, additions and modifications set out in Schedule 1.

35. BASIC FINANCE.

(1) The State shall each year pay to the University a sum of money, which shall be determined by the National Executive Council on the advice and recommendation of the Commission for Higher Education.

(2)²⁰ ²¹The amounts payable to the University under this section shall be paid out of the Consolidated Revenue Fund.

36. ACQUISITION, CONTROL AND MANAGEMENT OF PROPERTY.

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

(2) Subject to this section, the Council has the control and management of all property vested in or acquired by the University, and may dispose of property in the name of and on behalf of the University.

(3) The Council shall not, except with the approval of the Minister, alienate, mortgage, charge or demise any lands, tenements or hereditaments of the University, except by way of lease for a term not exceeding 21 years from the time the lease is made.

37. INVESTMENT FUNDS.

The Council may—

- (a) establish one or more investment funds for the collective investment of trust funds held by or in the custody of the University; 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.

38. BORROWING.

Subject to this Act, the Council may borrow money at interest by way of mortgage, bank overdraft or otherwise—

²⁰ Section 35(2) amended by *Appropriation (Administrative Arrangements) Act 1996* (No. 37 of 1996), s15.

²¹ Section 35(2) amended by *Appropriation (Administrative Arrangements) Act 1996* (No. 37 of 1996), s15.

- (a) for the purpose of carrying out or performing any of its powers, functions, duties and responsibilities; or
 - (b) for the repayment or partial repayment of any sum previously borrowed,
- within such limits and on such conditions as to security or otherwise as the Minister approves.

39. LENDINGS.

(1) Subject to Subsection (2), the University shall not advance or lend money to any person without the prior consent of the Minister.

(2) Subsection (1) does not apply to or in relation to—

- (a) money to which Section 36(1) or 37 applies; or
- (b) loans to members of the staff or students, or the remission or postponement of fees.

PART VIA.²² – HOME OWNERSHIP SCHEME.**39A. SPECIAL CATEGORIES OF HOUSES.**

²³(1) The Minister may, with the approval of the Council given after the approval of the National Executive Council, declare any houses owned by the University to be Special Categories of houses which may be sold in accordance with this Part.

(2) A declaration under Subsection (1) shall–

- (a) specify the terms and conditions under which the Special Categories of houses are to be sold; and
- (b) be published in the National Gazette.

39B. LOANS FOR HOUSING PURPOSES.

²⁴(1) The University may make a loan to, or guarantee a mortgage on behalf of, a member of the staff of the University for the purpose of house purchase or construction, where such member of the staff has been accepted to take part in a Home Ownership Scheme devised by the University.

(2) For the purposes of this Part, “**member of the staff of the University**” means a citizen who is on full-time employment with or on work contract with the University.

39C. HOME OWNERSHIP SCHEME ACCOUNT.

²⁵(1) The University shall open and maintain such bank accounts as are necessary for a Home Ownership Scheme and shall pay into them–

- (a) all moneys received by the University for the sale of houses under the Home Ownership Scheme and otherwise for the sale and leasing of houses; and
- (b) all other moneys received by the University in the exercise and performance of its powers and functions under the Home Ownership Scheme.

(2) Out of the moneys standing to the credit of the accounts of the University referred to in Subsection (1), the University–

- (a) shall pay–
 - (i) all monies payable by it in payment of advances under the Home Ownership Scheme and as interest on such advances; and

²² Part VIA inserted by *University of Papua New Guinea (Amendment) Act 1998* (No. 44 of 1998), s2.

²³ Section 39A inserted by *University of Papua New Guinea (Amendment) Act 1998* (No. 44 of 1998), s2.

²⁴ Section 39B inserted by *University of Papua New Guinea (Amendment) Act 1998* (No. 44 of 1998), s2.

²⁵ Section 39C inserted by *University of Papua New Guinea (Amendment) Act 1998* (No. 44 of 1998), s2.

- (ii) the costs, charges and expenses incurred by the University in the performance of its functions under the Home Ownership Scheme; and
 - (iii) the remuneration and allowances of persons employed by the University for the purposes of the Home Ownership Scheme; and
 - (iv) any other payments the University is authorized or required to make under the Home Ownership Scheme; and
- (b) may—
- (i) make loans to the staff of the University to assist with home ownership; and
 - (ii) pay the cost of redeveloping or purchasing residential properties to be made available to the Home Ownership Scheme.

39D. REPORT ON HOME OWNERSHIP SCHEME.

²⁶The University shall, at least once in each fiscal year, furnish to the Minister, for presentation to the National Executive Council, a report on any Home Ownership Scheme devised and operated by the University.

²⁶ Section 39D inserted by *University of Papua New Guinea (Amendment) Act 1998* (No. 44 of 1998), s2.

PART VII. – MISCELLANEOUS.

40. VALIDITY OF PROCEEDINGS.

Any act or proceedings of any authority or committee or by any person acting as a member of that authority or committee or as an Officer of the University shall not be invalidated by reason of—

- (a) a defect in the appointment of such a person; or
- (b) a disqualification of such a person; or
- (c) a defect in the convening of a meeting; or
- (d) a vacancy in the number of members of an authority.

PART VIII. – TRANSITIONAL.

41. CONTINUATION OF UNIVERSITY.

Notwithstanding the repealed Act, the University continues its establishment as provided by Section 3 and all the assets, property, rights, obligations and liabilities which, immediately before the commencement date, were vested in or imposed on the University shall, on that date, continue to be vested in or imposed on the University.

42. PRIVILEGES, HONOURS, ETC., TO BE DEEMED TO HAVE BEEN GRANTED UNDER THIS ACT.

All privileges, awards, degrees, honours, distinctions and duties granted, conferred, awarded, imposed or incurred under the repealed Act shall be deemed to have been granted, conferred, awarded, imposed or incurred under this Act.

43. OFFICERS APPOINTED, ETC., UNDER REPEALED ACT.

All Officers of the University elected, nominated or appointed under the repealed Act shall continue to hold such offices on the terms and conditions determined under the repealed Act and until the expiry of the period for which they were elected, nominated or appointed or until such officers are elected, nominated or appointed under this Act, whichever first occurs.

44. SAVING OF CONTRACTS.

All contracts, agreements, conveyances, leases, deeds, licences and other instruments and undertakings entered into by, made with or addressed to the University, whether alone or with any other person, before, and in effect immediately before, the commencement date, continue on that date, to the extent that they were previously binding on and enforceable against the University, to be binding and of full force and effect in every respect against or in favour of the University as if entered into, made with or addressed to the University after the commencement date.

45. ACTIONS, ETC., NOT TO ABATE.

Where, immediately before the commencement of this Act, any action, arbitration or proceeding, or any cause of action, arbitration or proceeding, was pending or existing by, against or in favour of the University, it does not, on that date, abate or discontinue or be in any way affected by any provision of this Act, but it may be prosecuted, continued and enforced by, against or in favour of the University as if this Act had not been made.

SCHEDULE 1 – EXCEPTIONS AND MODIFICATIONS TO THE *PUBLIC FINANCES (MANAGEMENT) ACT 1995.*

Sec. 34

Former Provision	Current Provision	Modification
3	53	Does not apply.
10	62	The Council if responsible for carrying out the duties referred to in Section 10.
11	51	Does not apply.
14	61	Does not apply.
15	63	The report and financial statements in Section 15(1) shall be prepared by the Council as soon as practicable after the close of each University year.
Former Provision	Current Provision	Modification
3	53	Does not apply.
10	62	The Council if responsible for carrying out the duties referred to in Section 10.
11	51	Does not apply.
14	61	Does not apply.
15	63	The report and financial statements in Section 15(1) shall be prepared by the Council as soon as practicable after the close of each University year.