

Unvalidated References:

National Library and Archives Act 1993

Boards (Fees and Allowances) Act 1955

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 9 of 1998.

National Library and Archives (National Library and Archives Board) Regulation 1998

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National Library and Archives (National Library and Archives Board) Regulation 1998

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *National Library and Archives Act 1993*.

Dated 200 .

1. Interpretation.

In this Regulation, unless the contrary intention appears—

“**Board**” means the National Library and Archives Board established by Section 37 of the Act;

“**Chairman**” means the Chairman of the Board;

“Deputy Chairman” means the Deputy Chairman of the Board.

2. Tenure of office.

(1) Subject to Section 3, a member of the Board holds office for a period of three years.

(2) A member of the Board is eligible for re-appointment to the Board.

3. Vacation of office.

(1) A member of the Board (other than the Director-General) may resign from the Board by written notice signed by him and delivered to the Minister.

(2) Where a member of the Board—

(a) resigns in accordance with Subsection (1); or

(b) dies; or

(c) becomes permanently incapable of performing his duties; or

(d) is absent, except with the written consent of the Minister, from three consecutive meetings of the Board; or

(e) fails to comply with any provisions of the Act or of this Regulation; or

(f) 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

(g) is found guilty of misconduct in office under the Leadership Code; or

(h) is convicted of an offence punishable under a law by a term of imprisonment for one year or longer, or by death, and as a result of the conviction is sentenced to imprisonment or death,

the Minister shall terminate his appointment.

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

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

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

4. Vacancy not to affect powers or functions.

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

5. Tenure of office of Chairman.

The Chairman shall hold office as such until the termination of his appointment as a member of the Board, and in the event of his re-appointment as a member of the Board, is eligible for re-appointment as Chairman for one further term, but in no case may be Chairman for more than two terms.

6. Deputy Chairman.

(1) At the first meeting of the Board after the coming into operation of this Regulation and thereafter from time to time as the occasion arises the Board shall appoint one of its members to be Deputy Chairman.

(2) The Deputy Chairman shall hold office as such until the termination of his

appointment as a member of the Board and in the event of his re-appointment as a member of the Board is eligible for re-appointment as Deputy Chairman for one further term but in no case may be Deputy Chairman for more than two terms.

(3) The Deputy Chairman shall preside over the Board in the absence of the Chairman and has such other powers as are provided by this Regulation.

7. Calling of meeting.

(1) The Board shall meet as often as the business of the Board requires and at such times and places as the Board determines or as the Chairman, or in his absence, the Deputy Chairman, directs, but in any event shall meet—

- (a) within one month of the first appointment of a Chairman after the coming into operation of this Regulation; and
 - (b) not less than two times in each year.
- (2) Where he receives—
- (a) a request to do so by not less than six members of the Board; or
 - (b) a direction to do so by the Minister,

the Chairman, or in his absence the Deputy Chairman, shall convene a meeting of the Board within 14 days.

(3) For the purposes of this section, the Chairman or Deputy Chairman shall give to every member of the Board at least seven days' notice of a meeting.

8. Meeting of the Board.

(1) At a meeting of the Board—

- (a) seven members constitute a quorum; and
- (b) the Chairman, or in his absence the Deputy Chairman, shall preside, but if both the Chairman and the Deputy Chairman are absent, the members present shall appoint a Chairman for that meeting from amongst their own member; and
- (c) matters arising shall be decided by a 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 on any matter, also a casting vote; and
- (e) the National Librarian and National Archivist may attend in an advisory capacity, but shall not be entitled to vote or be counted toward a quorum.

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

(3) Subject to the Act and this Regulation, the procedures of the Board are as determined by the Board.

9. Committees.

(1) The Board may establish committees (which may be standing or *ad hoc*) for the purpose of providing advice to it on specific subjects.

(2) A committee under Subsection (1) shall consist of persons appointed by the Chairman and may contain—

- (a) persons who are not members of the Board; and
- (b) officers of the Office of Libraries and Archives.

(3) The Chairman shall appoint one of the members of a committee to be the Chairman of the committee.

(4) The procedures and functions of a committee are as determined by the Board.

10. Fees and allowances.

Members (other than officers of the Public Service) of the Board and of committees shall be entitled to fees and allowances as prescribed under the *Boards (Fees and Allowances) Act 1955*.

Office of Legislative Counsel, PNG