

CHAPTER 25:17

ZIMBABWE INSTITUTE OF PUBLIC ADMINISTRATION AND MANAGEMENT ACT

Act 31/1990, 11/1999.

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AN ACT to establish the Zimbabwe Institute of Public Administration and Management and to confer functions thereon; and to provide for matters incidental thereto or connected therewith.

[Date of commencement: 1st July, 1992.]

PART I
PRELIMINARY

1 Short title

This Act may be cited as the Zimbabwe Institute of Public Administration and Management Act [*Chapter 25:17*].

2 Interpretation

In this Act—

“Academic Board”

[Definition repealed by Act 11 of 1999]

“auditors” means one or more persons appointed as auditors of the Institute in terms of section *twenty-three*;

“Board of Governors” means the Board of Governors established in terms of section four;

“financial year” means the period of twelve months ending on the 31st December in each year;

[Definition amended by Act 11 of 1999]

“Institute” means the Zimbabwe Institute of Public Administration and Management established by section *three*;

“member” means a member of the Board of Governors appointed in terms of section *four*;

“Minister” means the Minister of Public Service, Labour and Social Welfare or any other Minister to whom the President may, from time to time, assign the administration of this Act.

PART II

ESTABLISHMENT OF ZIMBABWE INSTITUTE OF PUBLIC ADMINISTRATION AND MANAGEMENT

3 Establishment of Institute

(1) There is hereby established an institute to be known as the Zimbabwe Institute of Public Administration and Management.

(2) The Institute shall be a body corporate, with perpetual succession, and capable of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Institute may, for and in connection with its functions in terms of this Act, purchase, hold, manage and dispose of any property and enter into such contracts and other transactions as may be expedient.

4 Board of Governors

(1) Subject to this Act, the operations of the Institute shall be governed by a Board, to be known as the Board of Governors, which shall consist of—

(a) the Director-General; and

(b) eight other members appointed by the Minister after consultation with the President and in accordance with any directions the President may give him.

[Subsection substituted by Act 11 of 1999]

(1a) Members referred to in paragraph (b) of subsection (1) shall be chosen for their ability and experience in administration and management or for their suitability otherwise for appointment, and at least one of them shall be a member of the Public Service employed in the Ministry for which the Minister is responsible.

[Subsection inserted by Act 11 of 1999]

(2) The Minister shall designate one member as chairman and another as vice-chairman of the Board of Governors, and the vice-chairman shall exercise the functions of the chairman during any period that the chairman is unable to exercise his functions.

(3) Subject to this Act, a member referred to in paragraph (b) of subsection (1) shall hold office for such period, being not more than four years and subject to such other terms and conditions, as the Minister may fix on his appointment.

(4) Any member ceasing to hold office in terms of this section shall be eligible for reappointment.

5 Disqualifications for appointment to Board of Governors

The Minister shall not appoint a person as a member and no person shall be qualified to hold office as a member who—

(a) is not a citizen of Zimbabwe; or

(b) has, in terms of a law in force in any country—

(i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or

(ii) made an assignment to or arrangement or composition with his creditors which has not been rescinded or set aside;

or

(c) has been convicted of an offence involving dishonesty.

6 Vacation of office by member

A member shall vacate his office and his office shall become vacant—

- (a) one month after the date he gives notice in writing to the Minister of his intention to resign his office or after the expiration of such shorter period as he and the Minister may agree; or
- (b) on the date he is convicted of an offence involving dishonesty; or
- (c) if he ceases to be a citizen; or
- (d) if he is required in terms of section *seven* to vacate his office.

7 Minister may require member to vacate office

(1) The Minister may require a member to vacate his office if the Minister is satisfied that the member—

- (a) has been guilty of any conduct which renders him unsuitable to be a member; or
- (b) has failed to comply with any term or condition of his office fixed by the Minister in terms of subsection (3) of section *four*; or
- (c) is mentally or physically incapable of efficiently performing his duties as a member.

(2) The Minister, on the recommendation of the Board of Governors, may require a member to vacate his office if the Minister is satisfied that the member has been absent without the permission of the Board of Governors from three consecutive meetings of the Board of Governors of which he has had due notice, and that there was no just cause for the member's absence.

8 Filling of vacancies

On the death of, or the vacation of office by, a member, the Minister shall, subject to section *four*, appoint a person to fill the vacancy.

9 Meetings and procedure of Board of Governors

(1) The Board of Governors shall hold its first meeting on such date and at such place as the Minister may fix and thereafter the Board of Governors shall meet for the dispatch of business at such place and time as the chairman may direct, so, however, that, the Board shall meet at least four times in a year.

(2) The chairman of the Board of Governors may at any time and shall, at the request in writing of not less than two members, convene a special meeting of the Board of Governors.

(3) If at a meeting of the Board of Governors the chairman and the vice-chairman are both absent, the members present may elect one of their number to preside at that meeting as chairman.

(4) A majority of members shall form a quorum at a meeting of the Board of Governors.

(5) All acts, matters or things authorized or required to be done by the Board of Governors may be decided by a majority vote at a meeting of the Board of Governors at which a quorum is present.

(6) At all meetings of the Board of Governors each member present shall have one vote and, in the event of an equality of votes, the person presiding shall have, in addition, a casting vote.

(7) The Board of Governors may, with the approval of the Minister, co-opt any person to the Board of Governors, but a co-opted person shall have no vote in any decision by the Board of Governors.

(8) Subject to this section, the Board of Governors may regulate its own procedure.

10 Remuneration and expenses of members

A member shall be paid from the funds of the Institute such remuneration and allowances as the Minister may, with the approval of the Minister responsible for finance, fix for members of the Board of Governors generally.

11 Validity of decisions and acts of Board of Governors

No decision or act of the Board of Governors or act done under its authority shall be invalid by reason only of the fact that—

- (a) the Board of Governors consisted of less than the number of persons for which provision is made in section *four*; or
- (b) a disqualified person acted as a member at the time the decision was taken or the act was done or authorized;

if the decision was taken or the act was done or authorized by a majority vote of the persons who at the time were entitled to act as members.

12 Execution of contracts and other instruments of Institute

Any agreement, contract or instrument approved by the Board of Governors may be entered into or executed on behalf of the Institute by any person or persons authorized by the Board of Governors for that purpose.

13 Members to declare interest in dealings with Institute

(1) If a member or his spouse—

- (a) tenders for or acquires or holds a direct or indirect pecuniary interest in a contract with the Institute; or
- (b) knowingly acquires or holds a direct or indirect pecuniary interest in a company or association of persons negotiating for a contract with the Institute; or

- (c) owns immovable property or a right in immovable property or a direct pecuniary interest in a company or association of persons which results in his private interests coming or appearing to come into conflict with his duties as a member;

that member shall forthwith disclose that fact to the Board of Governors, and shall take no part in the consideration or discussion of, or vote on, any question before the Board of Governors relating to the contract, right, immovable property or interest referred to in this subsection.

(2) Failure by a member to comply with subsection (1) shall constitute improper conduct for the purposes of paragraph (a) of section *seven*.

14 President of Institute and other honorary office-holders

(1) The President of Zimbabwe shall be honorary President of the Institute.

(2) The Institute shall have such other honorary office-holders as the Board of Governors may, with the approval of the Minister, appoint.

PART III

FUNCTIONS OF INSTITUTE

15 Functions of Institute

The Institute shall generally be responsible for the dissemination of information relating to, and the promotion, teaching, direction, supervision, study and co-ordination of, matters of administration and management with particular reference to the interests of the Public Service, local authorities and parastatals and also of the private sector and shall, as may be appropriate—

- (a) promote, assist and encourage the development of skills in administration and management by co-operation with individuals, organizations, and institutions in the co-ordination of any projects aimed at improving managerial skills; and
- (b) provide training courses in public administration and management to both the public and private sectors of Zimbabwe and encourage the exchange of ideas in administration and management between the public and private sectors; and
- (c) provide consultancy services to the Government, parastatals, local authorities and, with the approval of the Board of Governors, to any interested persons, organizations or institutions; and
- (d) gather, document and disseminate to Government, parastatals, local authorities and the private sector, information relating to administration and management and give advice in relation thereto; and
- (e) undertake any research projects and publish any matter relating thereto; and
- (f) co-operate with persons, organizations or institutions in any other part of the world in matters of administration and management; and
- (g) make donations or grants or award fellowships or any other similar awards to any person for the advancement of skills in administration and management; and
- (h) charge fees in respect of any services rendered by it.

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[Sections repealed by Act 11 of 1999]

19 Director-General of Institute, other officers and supporting staff

(1) The Institute shall have a Director-General appointed by the Minister in consultation with the Board of Governors and in accordance with any directions the President may give him.

[Subsection amended by Act 11 of 1999]

(2) Subject to this Act and to any directions given to him by the Board of Governors, the Director-General shall be responsible for the day-to-day management and administration of the Institute and the efficient conduct of its business.

[Subsection amended by Act 11 of 1999]

(3) Without prejudice to the generality of subsection (2), the Director-General shall—

- (a) ensure the efficient realization of the objects of the Institute, and for that purpose shall have such power to appoint staff as may be delegated to him by the Board of Governors;
- (b) prepare annually for the consideration of the Board of Governors such programmes of activity relating to the functions of the Institute as may be required by the Institute, together with such supporting budgets as may be necessary;
- (c) after consultation with the Board of Governors, organize the Institute into such operational divisions as may be necessary for the efficient conduct of the business of the Institute;
- (d) carry out such directions as may from time to time be given by the Board of Governors.

[Subsection amended by Act 11 of 1999]

(4) The Board of Governors shall appoint a Deputy Director-General who shall generally assist the Director-General and perform such functions as the Director-General may assign to him, and shall also exercise the func-

tions of the Director-General during the absence of the Director-General or during any period of vacancy in the office of Director-General.

[Subsection amended by Act 11 of 1999]

(5) The Board of Governors shall, appoint to head the divisions of the Institute referred to in paragraph (c) of subsection (3) such persons as the Director-General may recommend.

[Subsection amended by Act 11 of 1999]

(6) Persons appointed in terms of subsections (1) and (4) shall be citizens of Zimbabwe.

(7)

[Subsection repealed by Act 11 of 1999]

(8) The Board of Governors may employ, on such terms and conditions as it may determine, employees who are necessary for the conduct of the Institute's operations and, subject to any other law, may promote, suspend or discharge any such employee.

[Subsection inserted by Act 11 of 1999]

20 Annual Report

(1) The Institute shall as soon as possible and in any case not later than six months after the end of its financial year submit to the Minister, in such form as the Minister may determine, an annual report on the activities of the Institute.

(2) The annual report submitted in terms of subsection (1) shall include a copy of—

- (a) the balance sheet; and
- (b) the income and expenditure account; and
- (c) the annual report of the auditors.

(3) The annual report submitted in terms of subsection (1) shall be laid before Parliament by the Minister on one of the ten days on which Parliament sits next after the Minister has received the report.

(4) The Institute shall submit to the Minister together with the annual report submitted in terms of subsection (1) a statement of capital expenditure reported upon by the auditors—

- (a) showing the general heads of such expenditure as compared with the figures provided therefor in the capital budget or supplementary capital budget approved for that financial year; and
- (b) explaining any difference between such figures.

(5) A copy of any report made to the Institute by the auditors on the audit of the accounts of the Institute shall be sent by the auditors to the Minister at the time the auditors make the report.

(6) The Institute—

- (a) shall submit to the Minister such other reports as the Minister may require; and
- (b) may submit to the Minister such other reports as the Board of Governors may deem advisable;

in regard to the operations, undertakings and property of the Institute.

(7) The Institute shall give to the Minister all such information relating to the undertakings of the Institute as the Minister may at any time require.

PART IV

FINANCIAL PROVISIONS

21 Funds of Institute

The funds of the Institute shall consist of—

- (a) such moneys as may be payable to the Institute from moneys appropriated for the purpose by Parliament; and
- (b) any moneys to which the Institute may be entitled from time to time, whether by way of gifts, fees or otherwise.

22 Accounts of Institute

(1) The Institute shall keep proper books of account and other records relating thereto in respect of all its activities, undertakings and property, including such particular accounts and records as the Minister may direct.

(2) The Institute shall prepare and submit to the Minister a statement of accounts in respect of each financial year or such other period as the Minister may direct.

23 Appointment of auditors and audit of accounts of Institute

(1) The Institute shall appoint as auditors one or more persons approved by the Minister who are registered as public auditors in terms of the Public Accountants and Auditors Act [Chapter 27:12].

(2) The accounts of the Institute kept in terms of subsection (1) of section *twenty-two* shall be examined by the auditors.

(3) The auditors shall make a report to the Board of Governors and the Minister on the statement of accounts prepared in terms of subsection (2) of section *twenty-two* and in such report shall state whether or not in their opinion the statement of accounts gives a true and fair view of the financial affairs of the Institute.

(4) In addition to the report referred to in subsection (3), the Minister may require the Institute to obtain from the auditors such other reports, statements or explanations in connection with the activities, undertakings and property of the Institute as the Minister may consider expedient.

(5) If, in the opinion of the auditors—

(a) they have not obtained the information and explanations they require; or

(b) the accounts and records relating thereto have not been properly kept; or

(c) the Institute has not complied with this Part;

the auditors shall include in the report made in terms of subsection (3) or (4), as the case may be, statements to that effect.

24 Powers of auditors

(1) The auditors shall be entitled at all reasonable times to require to be produced to them all books of accounts and other records relating thereto kept by the Institute or its agents and to require from any member or person employed by the Institute or its agents such information and explanations as in their opinion are necessary for the purposes of their audit.

(2) Any member or employee or agent of the Institute who fails without just cause to comply with a requirement of an auditor in terms of subsection (1) shall be guilty of an offence and liable to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

PART V

GENERAL

25 Investigation into affairs of Institute

(1) The Minister may at any time cause an investigation to be made into the affairs of the Institute by one or more persons appointed by him in writing.

(2) Any person appointed in terms of subsection (1) shall have the same powers as are conferred upon a commissioner by the Commissions of Inquiry Act [*Chapter 10:07*], other than the power to order a person to be detained in custody, and sections 9 to 13 and 15 to 19 of that Act shall apply, *mutatis mutandis*, in relation to an investigation made in terms of subsection (1) and to any person summoned to give or giving evidence at that investigation.

26 Minister's power of direction

The Minister may from time to time give directions in writing to the Institute of a general policy nature not inconsistent with this Act, and the Institute shall be bound to comply therewith.

[Subsection amended by Act 11 of 1999]

27 Regulations

The Minister may make regulations prescribing anything which under this Act is required or permitted to be prescribed or which, in the opinion of the Minister, is necessary or convenient to be prescribed for carrying out or giving effect to this Act.