

**Royal Decree Establishment of the Hydro and Agro Informatics Institute
(Public Organization) B.E. 2551 (2008)**

His Majesty the King Bhumibhol Aduleyadej
promulgated on 27 December B.E. 2551
in the 63rd year of His Majesty's Reign

His Majesty the King Bhumibhol Adulyadej has graciously consented to proclaim that:

Whereas it is appropriate to establish the Hydro and Agro Informatics Institute as a legitimate Public Organization under the law on public organizations.

By virtue of the power vested under Section 187 of the Constitution of the Kingdom of Thailand and Section 5 of the Public Organization Act B.E. 2542, be it, henceforth, enacted as a Royal Decree by the King as follows:

Section 1

This Royal Decree is called "The Royal Decree on the Establishment of the Hydro and Agro Informatics Institute (Public Organization) B.E. 2551 (2008)".

Section 2

This Royal Decree shall come into force as of the day following the date of its publication in the Royal Thai Government Gazette.

Section 3

In this Royal Decree:

"Hydro and Agro Informatics" means the running of data relating to water resources or agriculture through the information management processing which generates information on water resources or agriculture, which may be in the forms of statements, tables, graphs or geographical information, that is ready for task operation, decision making, management planning, and a conclusive knowledge;

"Information management" means the classification of data into related groups for analysis and processing in order to generate the ready-to-use information, for which research and technological development are required for the procedure, processing, data analysis, and output display for creating system to manage the information.

"Institute" means the Hydro and Agro Informatics Institute (Public Organization)

"Committee" means the Administrative Committee of the Hydro and Agro Informatics Institute;

"Committee members" mean the members of the Administrative Committee of the Hydro and Agro Informatics Institute;

"Director" means the director of the Institute;

"Officers" mean the officers of the Institute;

"Employees" mean the employees of the Institute;

"Minister" means the minister in charge with this Royal Decree;

Section 4

The Minister of Science and Technology shall be in charge with this Royal Decree.

Chapter 1

Establishment, Objectives, Power and Duty

Section 5

A public organization called "Sa-ta-bun sa-ra-son-ted sup-pa-ya-korn num lae ka-set (Ong-karn ma-ha chon)" shall be established and abbreviated as "Sor Sor Nor Kor". The name in English of the Institute shall be "the Hydro and Agro Informatics Institute" and abbreviated as "HAII".

Section 6

The Institute's headquarters shall be located in Bangkok or the adjacent provinces.

Section 7

The Institute shall have the following objectives:

- (1) Research and development of science and technology, including collecting and analyzing data respecting to the management of hydro and agro informatics;
- (2) Presentation of the research and development results so that other organizations can utilize for increasing efficiency in the management of water resources and agriculture;
- (3) Promotion of both national and international co-operation for research and development of science and technology respecting to the management of hydro and agro informatics;
- (4) Provision of services on dissemination of technology resulting from the Institute's research and development to people and communities to use conveniently and effectively.

Section 8

In order to achieve the objectives set forth in Section 7, the Institute shall have the power and duties as follows:

- (1) To hold title, possession rights, and any property rights;
- (2) To establish any right, or enter into every kind of juristic acts binding its properties, and any other juristic actions for the benefit of carrying out the Institute's activities;
- (3) To arrange for or provide funding for the support of the operation of the Institute;
- (4) To participate in the joint venture with other juristic persons in any activities relating to the objectives of the Institute;
- (5) To acquire loans for the benefit of the operation in accordance with the objectives of the Institute;
- (6) To agree and cooperate with other domestic or international private or public organizations or agencies in any activities relating to the objectives of the Institute;
- (7) To collect fees, subscriptions, remuneration, or service charges for the activities in accordance with the regulations and rates prescribed by the Committee;
- (8) To be an agent, or delegate or employ any other person or juristic persons to carry out activities pursuant to the objectives of the Institute;
- (9) To take any other actions necessary or continually for the achievement of the Institute's objectives;

The participation in the joint venture under (4) and the acquisition of loans under (5) shall be in compliance with the regulation(s) prescribed by the Council of Ministers.

Chapter 2

Capital, Income, and Property

Section 9

The capital and property for the operation of the Institute shall be:

- (1) The money or property transferred to it pursuant to Section 39;
- (2) The money granted by the government as the initial capital;
- (3) General financial support allocated by the government as it deems appropriate;
- (4) Financial support from the private sector, local administrative bodies, or other organizations, including foreign countries or international organizations, as well as money or property donated by individuals;
- (5) Fees, subscriptions, remuneration, service charges, or earnings from the operation;
- (6) Interest on money or earnings from the Institute's property.

Receiving of money or property under (4) shall not affect the independence and impartiality of the Institute

Section 10

The income of the Institute shall not be treated as one to be remitted to the Ministry of Finance as prescribed in the laws on the money inventory and the laws on budgetary procedures.

In case necessity or having appropriate reason, the Institute with approval of the Committee may remit any amount of the income it deems appropriate to the Ministry of Finance as the revenue of the State.

Section 11

The title of the immovable property acquired by the Institute, whether from gratuities or purchase with the Institute's own income, shall be vested into the Institute.

The Institute shall have the authority to take charge of, take responsibility for, maintain, use, distribute and procure benefits from the Institute's property.

Section 12

The Institute's expenditure shall be for the Institute's affairs. Particularly, the safekeeping and disbursement of the Institute's money shall be in compliance with the regulations prescribed by the Committee.

Chapter 3

Administration and Operation

Section 13

There shall be a committee called "the Administrative Committee of the Hydro and Agro Informatics Institute" comprising of:

- (1) A committee chairperson, appointed by the Council of Ministers, who has the knowledge, expertise, and high experience in the field of management or science and technology for the management of hydro and agro informatics ;
- (2) Three ex-officio committee members, namely the Permanent Secretary to the Ministry of Science and Technology, the Secretary General of the Royal Development Projects Board and the Director General of the Royal Irrigation Department;
- (3) Six qualified members, appointed by the Council of Ministers, who prominently have the knowledge, expertise and experience in the field of science and technology or management or other fields relevant and beneficial to the operation of the Institute, and among whom there shall be (at least) one non civil servant or person not serving in any government agencies.

The Director shall serve as an ex-officio committee member and secretary and appoint an assistant secretary as he/she deems necessary.

Section 14

The committee chairperson and the qualified committee members shall have the qualifications and not be subject to any of the prohibitions as follows:

- (1) Being a Thai national;
- (2) Being no less than forty years and no more than seventy years of age;
- (3) Not being a bankrupt, incompetent or quasi-incompetent person;
- (4) Not having been imprisoned by final judgment except for an offence committed through negligence or a petty offence;
- (5) Not being an officer or employee of the Institute or advisor or specialist under a contract with the Institute;
- (6) Not holding any political position, nor being a member of a local council or a local administrator, nor holding a position responsible for the administration of a political party, nor being an advisor of a political party, nor being an officer of a political party;
- (7) Not having a vested interest in any affairs conducted with the Institute or in any affairs which compete with the Institute's or any that are in conflict with or oppose to the Institute's objectives whether directly or indirectly, except for being the person appointed by the Committee to be the chairperson or a member in a committee or a representative of the Institute in any joint venture with other juristic persons pursuant to Section 8 (4).

The provision of (1) shall not apply to any foreign committee member whom the Institute is bound to appoint under a commitment or who possesses distinguished qualifications suitable to the Institute's affairs.

Section 15

The term of office of the committee chairperson and qualified committee members shall be for four years.

In the event where the committee chairperson or a qualified committee member vacates his/her office prior to the expiry of the term, or in the event where the Council of Ministers appoints any additional committee member while the existing committee members are still serving in their term of office, the term of office of the person thus appointed to fill the vacancy or to be an additional committee member shall be the remainder of the term of the committee members previously appointed; unless the remainder of the term is less than 90 days, the appointment of a replacement shall be optional.

Upon the expiration of the term of office stipulated in the first paragraph, if the new committee chairperson or qualified committee members have not been appointed, the

committee chairperson or committee members whose term of office has expired shall continue to serve until a new chairperson or committee members assume the posts.

Section 16

The committee chairperson or qualified committee members whose term of office has expired may be re-appointed but shall not hold office for more than two consecutive terms.

In the event where the committee chairperson or any committee member vacates the office prior to the expiry of his/her term, the Committee shall comprise of the remaining committee members until a new committee chairperson or qualified committee member is appointed pursuant to Section 15 paragraph 2, and in the event where the committee chairperson vacates his/or office prior to the expiry of the term the remaining committee members shall elect a temporary chairperson.

Section 17

In addition to the retirement of the office upon the expiry of the term of office, the committee chairperson and committee members shall vacate the office upon:

- (1) death;
- (2) resignation;
- (3) being removed from the office by the Council of Ministers due to neglect of duties, misconduct or incompetency;
- (4) lack of qualifications or being subject to any of the prohibitions under Section 14.

Section 18

The Committee shall have power and duties to administrate the general affairs of the Institute so that they are in compliance with its objectives and, especially, have power and duties as follows:

- (1) To determine the directions, goals, and administrative policy of the Institute;
- (2) To approve task plans, investment plans, financial plans and annual budget of the Institute;
- (3) To take responsibility for the financial status and stability, approve financial reports, consider financial auditors' reports, and set rules, regulations or prohibitions of financial matters;
- (4) To prescribe regulations, methods and conditions concerning financial support in all matters;
- (5) To give advice or suggestions for the resolution of difficulties or hindrances resulting from the administration and management, including proposing to the Council of Ministers or the Minister to consider making an order to where there exist difficulties or hindrances in coordination with the carrying out of the objectives, power and duties of the Institute;
- (6) To approve the prescription of fees, subscriptions, remuneration and other service charges arising in connection with the operation of the Institute;
- (7) To select, to appoint, to assess the performance of and to remove the Director;
- (8) To issue rules, regulations, directives or announcements concerning the general administration and management of the Institute, the designation of divisions of the Institute and scope of power and duties of such divisions, the management of human resources, salary and wages of the those who work with the Institute, finance, inventory of supplies and properties, budgeting, accounting, disposal of property from the account at no value (Salvage value), internal auditing, the selection of or search for the Director, the performance of the Director, and the

appointment of another person to act for or take charge of functions in place of the Director;

- (9) To take any actions necessary to carry out the objectives, power and duties of the Institute or those assigned by the Council of Ministers.

Rules concerning disposal of property at no value (Salvage value) under (8) must comply with the regulations prescribed by the Council of Ministers.

Section 19

The quorum of the meetings of the Committee shall be constituted by the presence of not less than half of the total number of the committee members.

In a committee meeting, if the committee chairperson is absent or unable to officiate, the committee members present shall select a committee member to act as the chairperson of that meeting.

In the performance of his/her duties, the committee chairperson or any committee member who has a vested interest, whether directly or indirectly, in the subject being considered by the Committee, shall inform the meeting and the meeting shall determine whether it is appropriate for the committee chairperson or the said committee member to remain present at the meeting or cast a vote in the meeting of that subject or not, provided rules prescribed by the Committee are complied with.

The resolutions of the meeting shall be passed by the majority of votes. Each committee member shall have one vote. In case of equality of votes, the chairperson of the meeting shall have the casting vote.

Section 20

The Committee shall have the power to appoint qualified person(s) with expertise to serve as the Committee's advisor(s) and the power to appoint sub-committees and working groups to consider or undertake any assignments given by the Committee.

The Committee's advisor(s), members of sub-committees and working groups shall not have any vested interest in any affairs conducted with the Institute or in any affairs which compete with those of the Institute, whether directly or indirectly, except for being a person appointed by the Committee to be the chairperson or a member in a committee or a representative of the Institute in a joint venture with other juristic persons pursuant to Section 8 (4).

The provisions of Section 19 shall be applied *mutatis mutandis* to any meeting of the subcommittees and working groups.

Section 21

The committee chairperson, committee members, the Committee's advisors, the chairpersons of sub-committees and members of sub-committee shall receive meeting allowances and other remuneration in accordance with the regulations prescribed by the Council of Ministers.

Section 22

The Institute shall have one Director.

The Committee shall have the power to search for, appoint and remove the Director.

In the case of vacancy of a Director or where the Director cannot officiate, the deputy

Director with precedence of seniority shall act in his/her place. In the case where there is no deputy Director, the Committee shall appoint a committee member to act in place of the Director.

Section 23

The Director shall be able to devote his/her full time for the Institute and shall have the qualifications and not be subject to any of the prohibitions as follows:

- (1) Being a Thai national;
- (2) Being no less than forty years and no more than sixty five years of age on the date of appointment;
- (3) Being a qualified person with knowledge, competency and experience suitable to the Institute's affairs as stipulated in the objectives, power and duties under Section 7 and Section 8;
- (4) Not being subject to any of the prohibitions prescribed in Section 14 (3), (4), (5), (6) or (7).

Section 24

The Director shall hold office for a term of four years and may be reappointed but may not serve more than two consecutive terms.

Section 25

In addition to the retirement upon the expiry of term of office, the Director shall vacate office upon:

- (1) Death;
- (2) Resignation;
- (3) Being removed by the Committee for neglecting duties, misconduct or incompetency;
- (4) Lack of qualifications or be subject to any of the prohibitions set forth in Section 23.

The decision of the Committee to remove the Director in accordance with (3) shall consist of no less than a two-thirds majority of the votes of the existing committee members, excluding that of the Director.

Section 26

The Director shall have the duty to administer the Institute's affairs in accordance with the law, the Institute's objectives, rules, regulations, directives, policies, resolutions and announcements of the Committee and shall serve as supervisor of officers and employees in all positions except the internal auditor under Section 34 paragraph two, as well as having the following duties:

- (1) to propose to the Committee the goals and task plans to ensure that the operation of the Institute attains the objectives;
- (2) to submit to the Committee annual reports concerning the performance of all affairs of the Institute, including financial reports and accounting, and to submit financial and budget plans of the forthcoming year for consideration;
- (3) to submit to the Committee comments concerning the improvement of the affairs and operations of the Institute to ensure the efficiency and attainment of the objectives.

The Director shall report to the Committee for the administration of the Institute's affairs.

Section 27

The Director shall have the power:

- (1) to appoint, with the Committee's approval, a deputy director or assistant director to assist the Director with his/her work as assigned;
- (2) to engage, appoint, increase, decrease, cut salaries or wages and take disciplinary actions against officers and employees, including discharging officers and employees in accordance with the rules or regulations prescribed by the Committee;

- (3) to prescribe rules concerning the operation of the Institute without repugnant to or inconsistent with the law, resolutions of the Council of Ministers, rules, regulations, directives, announcements, policies or resolutions of the committee.

Section 28

In matters relating to a third person, the Director shall represent the Institute for which he/she may authorize any person to carry out a specific task on his/her behalf. The authorization shall comply with the rules or regulations prescribed by the Committee.

Any juristic act done by the Director or the person authorized by the Director which violates the rules or regulations prescribed by the Committee shall not bind the Institute, except it has been ratified by the Committee.

Section 29

The Committee shall set the salary scale and other benefits of the Director in accordance with the regulations prescribed by the Council of Ministers.

Chapter 4

Personnel of the Institute

Section 30

There shall be three categories of personnel of the Institute as follows:

- (1) Officers or employees, namely staff members who receive salary or wages from the budget of the Institute;
- (2) Advisors or specialists, namely those who are employed under a contract to serve as advisors or specialists;
- (3) Government officers who work for the Institute on a temporary secondment under Section 33.

Section 31

Officers shall have qualifications and not be subject to any of the prohibitions as follows:

- (1) Being a Thai national;
- (2) Being no less than eighteen years and no more than sixty years of age;
- (3) Being capable of devoting his/her full time to the Institute;
- (4) Being a qualified person or having experience suitable to the objectives, power and duties of the Institute;
- (5) Not being a civil servant, officer or employee of any government agency, state enterprise or other state agency, or officer or employee of any local administration agency;
- (6) Not being under any of the prohibitions under Section 14 (3) (4) (6) or (7).

The provision under (1) shall not be imposed upon foreign officers whom the Institute is bound to employ or appoint under the commitment or the nature of the operation of the Institute.

Section 32

Officers shall vacate office upon:

- (1) death;
- (2) resignation;

- (3) lack of qualifications or be subject to any of the prohibitions prescribed in Section 31;
- (4) being removed because of the inability to pass a performance assessment in accordance with the rules and methods prescribed by the Committee in the rules and regulations;
- (5) being dismissed or discharged for violation of disciplinary principles in accordance with the rules and methods prescribed by the Committee in the rules and regulations

Section 33

For the benefit of the administration of the Institute, the Minister may request the temporary secondment of civil servants, government officers, officers or other staff members of ministries, bureaus, departments, provincial administration agencies, local administration agencies, state enterprises, other public organizations or other state agencies to the Institute, serving as its officers or employees, provided that such secondment shall be effective upon the authorization of supervisors or employers of the persons concerned and there is an agreement concluded for the approval of secondment.

Civil servants, government officers, officers or other staff members authorized to serve the Institute as its officers or employees on the temporary secondment under the provision of paragraph one shall be deemed as having been authorized to depart from their government office or their post to engage in any task. The term during which the person serves at the Institute shall be included towards the calculation of retirement benefits, pensions or other similar benefits as if he/she had served the government or worked full time as such, as the case may be.

Upon expiry of the authorized period of the secondment to serve at the Institute, the government officers under the provision of paragraph one shall have the right to be engaged and appointed to the posts and paid a salary not lower than that previously received in the original government agencies in accordance with the agreement concluded for approval of the said secondment.

Chapter 5

Accounting, Auditing and Assessment of Achievements of the Institute

Section 34

Accounting of the Institute shall be based on international principles and in accordance with the forms and regulations prescribed by the Committee. In addition, arrangements shall be made for internal auditing of finance, accounting and inventory supplies of the Institute. Results of the audit shall be reported to the Committee at least once a year.

For the purposes of internal auditing, a staff member of the Institute shall serve specifically as the internal auditor and shall be responsible and report directly to the Committee according to the rules or regulations prescribed by the Committee.

Section 35

The Institute shall maintain balance sheets, financial balances and operating accounts and submit the same to the internal auditor within one hundred and twenty days as from the end of every accounting year.

In every year the Office of Auditor-General, or an external auditor appointed by the Committee with the approval of the Office of Auditor-General, shall audit the accounts and assess the outcome of the expenditure of money as well as property of the Institute, thereby providing analytical opinions as to what extent the expenditure has achieved the

objectives, economic and yield results of the goals. The audit results shall be recorded and duly submitted to the Committee.

For these purposes, the auditor shall have the power to inspect all books of accounts and substantiating documents of the Institute, ask questions to the Director, internal auditor, officers and employees or other persons and request submission of additional books of accounts as well as substantiating documents of the Institute as deemed necessary.

Section 36

The Institute shall submit an annual report to the Minister at the end of each fiscal year. This report shall include the performance of the Institute during the previous year, operating accounts together with the auditor's report, as well as explanations about the Committee's policies, projects and future task plans.

Section 37

For the benefit of the development and improvement of the operating system of the Institute to ensure efficiency, achievements, accountability to and creditability of the general public in the affairs of the Institute, and to monitor the progressiveness and audition of the Institute's operation for the attainment of its objectives, projects and prepared task plans, the Institute shall cause to have an assessment of the achievements of its operation at periodic intervals as determined by the Committee but not exceeding every three years.

The assessment under the first paragraph shall be made by the Institute, agencies, units or a group of persons who are impartial and have expertise in the assessment of the operational achievements, selected or appointed in accordance with the methods prescribed by the Committee.

The assessment of the achievements of the operation under the first paragraph shall illustrate the productivity, efficiency and organizational development and any other additional details as determined by the Committee.

In the case of necessity of any specific time, the Committee may cause to have an assessment from time to time at other intervals under this Section as well.

Chapter 6 Supervision

Section 38

The Minister shall have the power and duties to supervise the operation of the Institute to ensure that its compliance with the law and the objectives of the establishment of the Institute, the government's policy and the resolutions of the Council of Ministers relating to the Institute. For these purposes, the Minister shall have the power to order the Institute to provide clarification, opinions, reports or to refrain from any actions of the Institute which are contrary to the objectives of the establishment of the Institute, the government's policy or resolutions of the Council of Ministers relating to the Institute, as well as ordering investigations into facts concerning the operation of the Institute.

Transitory Provisions

Section 39

Upon the coming into force of this Royal Decree, the Minister shall submit to the Council of Ministers a request to proceed in accordance with Section 9 of the Public Organization Act

B.E. 2542 to approve for the transfer all the affairs, property, rights, debts and budgets of the National Science and Technology Development Agency, specifically belonging to the Hydro and Agro Informatics Institute on the effective date of this Royal Decree to the Institute in accordance with this Royal Decree.

Section 40

At the initial state, pending the appointment of the Committee under this Royal Decree, the committee of the Hydro and Agro Informatics Institute appointed pursuant to the order of the National Science and Technology Development Committee No. 3/2547 on the subject of the appointment of the Committee of the Hydro and Agro Informatics Institute, and the order of the National Science and Technology Development Committee No. 1/2548 on the subject of the appointment of the Committee of the Hydro and Agro Informatics Institute (additional) existing on the date this Royal Decree comes into force, shall serve as the interim committee under this Royal Decree but for no longer than one hundred and eighty days from the date this Royal Decree comes into force.

Section 41

The director of the Hydro and Agro Informatics Institute under the National Science and Technology Development Agencies, the Ministry of Science and Technology, in office on the date this Royal Decree comes into force shall serve as the interim Director until a Director is appointed pursuant to this Royal Decree, but for no longer than one hundred and eighty days from the date this Royal Decree comes into force.

Section 42

Any of the staff members and employees of the Hydro and Agro Informatics Institute under the National Science and Technology Development Agencies, wishing to transfer to become officer or employee of the Institute shall inform his/her supervisor in writing of his/her intention in accordance with the rules prescribed by the Committee under Section 40 within 30 from the date this Royal Decree comes into force, and he/she must pass the selection and assessment in accordance with the rules and methods prescribed by the Committee under Section 40.

The transfer of persons to become officers or employees of the Institute under this Royal Decree shall not be considered as termination of existing employment due to redundancy by the Hydro and Agro Informatics Institute under the National Science and Technology Development Agencies.

The engagement and appointment of those who have passed the selection and assessment under the first paragraph shall take effect on the date the Council of Minister passes the resolution to approve the arrangements under Section 39.

Section 43

Those engaged and appointed as officers or employees under Section 42 shall receive salary, wages or benefits according to their positions, salary scale and wages as determined by the Committee under Section 40, as well as receiving welfare and other benefits which, all combined, shall not lower than the salary, wages, remuneration or welfare and other benefits that the said officers or employees have previously received.

Section 44

For the purposes of calculating the term of service and benefits due in accordance with the Institute's regulations, officers or employees of the Hydro and Agro Informatics Institute under the National Science and Technology Development Agencies who have transferred to work as officers or employees of the Institute under this Royal Decree and wish to have their term served as officers and employees of the Institute, previously held by the National Science and Technology Development Agency, continued into the term served as officers or employees of the Institute shall have the rights to do so under the rules, methods and conditions prescribed by the Committee.

Section 45

Pending the issuance of rules, regulations, announcements or directives of the Institute under this Royal Decree, the rules, regulations, announcement or directives of the Hydro and Agro Informatics Institute, the National Science and Technology Development Agency, Ministry of Science and Technology concerning the operation within the objectives or power and duties to be belonging to the Institute under this Royal Decree which were applicable prior to the date this Royal Decree comes into force, shall apply *mutatis mutandis*.

Counter-signed by

Mr.Somchai Wongsawas

Prime Minister

Remarks:

The reasons for promulgating this Royal Decree are that water and agricultural resources are crucial to the sustainability of people's life and the development of the country but Thailand still currently suffers from drought, flood, polluted water, as well as problems concerning other aspects of water resources which lead to economic, social and agricultural damage. Therefore, in order to ensure the efficiency of the management of information and coordination among the agencies involved in the management of water resources and agriculture by the use of science and technology for the collection of data and management of information on water resources and agriculture for resolving the problems about water resources and agriculture in due time, and increase the efficiency of the research and development of knowledge base in the area of water resources and agriculture and the knowledge dissemination to the communities, it is appropriate to establish the Hydro and Agro informatics Institute as being a public organization under the public organization law to assure the efficiency of the problem solving and smoothness, rapidity and efficiency in the operation of said affairs and it is, hence, necessary to promulgate this Royal Decree.

Disclaimer

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