ROYAL DECREE

ESTABLISHMENT OF COMMUNITY ORGANIZATIONS DEVELOPMENT INSTITUTE (PUBLIC ORGANIZATION)

B.E. 2543 (2000)

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BHUMIBOL ADULYADEJ, REX;

Given on the 21st Day of July B.E. 2543 (2000)

Being the 55th Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to establish Community Organizations Development Institute to be a public organization according to the Public Organization Law.

By virtue of the provisions in Section 221 of the Constitution of the Kingdom of Thailand and Section 5 of the Public Organization Act B.E. 2542 (1999), be it, therefore, enacted by the King as follows:

**Section 1** This Royal Decree is called the "Royal Decree on the Establishment of Community Organizations Development Institute (Public Organization) B.E. 2543 (2000)".

**Section 2**[1] This Royal Decree shall come into force upon expiration of ninety days as from the day following the date of its publication in the Government Gazette. Unless Section 4, Section 42, Section 43, and Section 44, they shall come into force as from the day following the date of its publication in the Government Gazette.

**Section 3** In this Royal Decree:

"Community" means a group of people who have the interrelated way of living, and usually and continuously communicate among themselves due to living in the same area or having the same career or engaging in the activities with the common objectives or having common culture, belief, or interest.

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[1] Government Gazette, Volume 117/Part 71 Kor/Page 5/27 July B.E. 2543 (2000)

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"Community Organization" means a group of people who have the management system established by the community members for joint operation under the objectives for benefits in occupation, career development, increase in income, development of housing and environment, or development of the group members' livelihood.

"Community Organization Network" means a group of the community organizations which are aggregated under the objective of performing any undertakings for the benefits of the community organizations in that group.

"Fund" means capital, reserve, and net profit balance following appropriation, after deduction of the arisen loss in every accounting period.

"Board" means a Board of the Community Organizations Development Institute.

"Institute" means Community Organizations Development Institute (Public Organization).

"Board Member" means a member of the Community Organizations Development Institute's Board.

"Director" means a Director of Community Organizations Development Institute.

"Official" means an official of Community Organizations Development Institute.

"Employee" means an employee of Community Organizations Development Institute.

"Minister" means the Minister of Social Development and Human Security.

**Section 4** The Minister of Social Development and Human Security* shall be on duty pursuant to this Royal Decree.

## CHAPTER 1

## ESTABLISHMENT, OBJECTIVES AND POWERS AND DUTIES

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**Section 5** The Public Organization shall be established and called "Community Organizations Development Institute (Public Organization), and called in acronym of "CODI", and the English name of "Community Organizations Development Institute (Public Organization) is used and called in acronym of "CODI".

**Section 6** The Institute's head office shall be in Bangkok or nearby province.

**Section 7** The objectives of the Institute are as follows:

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(1) to support and provide assistance to community organizations and community organization networks about the occupation, career development, increase in income, development of housing and environment, and development of way of living of the members in both urban and rural communities by adhering to the principle of holistic or integrated development and the principle of development which is participated by the community members as a significant guideline so as to reinforce the strength of community and civil society;

(2) to support and provide financial assistance to community organizations and community organization networks;

(3) to support and provide assistance for developing community organizations and community organization networks, as well as to coordinate the said supports and assistance from both public and private agencies;

(4) to promote and support, and create cooperation of community organizations and community organization networks at local level, provincial level and national level.

**Section 8** To achieve the objectives as prescribed in Section 7, the Institute shall also have powers and duties as follows:

(1) to coordinate agencies' development of community organizations to access communities according to the actual community requirements;

(2) to study and research into community organizations and community organization development;

(3) to encourage and advise that community organizations and community organization networks shall play a suitable role in developing community livelihood for improvement, as well as developing business activities;

(4) to certify the status as a community organization and a community organization network to derive benefits from the undertakings within the Institute's power;

(5) to grant credit to community organizations and community organization networks;

(6) to provide training, seminar or learning services in other forms to community organizations and community organization networks to ensure the efficient management development in various areas;

(7) to raise fund to be used in the Institute's operations;

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(8) to perform joint venture with community organizations, community organization networks, financial institutions, and the organizations or juristic persons. Total of all joint ventures shall not exceed thirty percent of the Institute's fund, and the joint venture with any community organizations, community organization networks, financial institutions, and an organization or a juristic person shall not exceed five percent of the Institute's fund, unless upon the Minister's consent;

(9) to acquire, dispose, perform a juristic act or carry out whatever relating to all rights in assets both inside and outside the Kingdom;

(10) to borrow or lend money inside and outside the Kingdom;

(11) to issue any other bonds or instruments for investment;

(12) to appoint an agent or a broker, assign or employ other person to operate activities to achieve the Institute's objectives;

(13) to act as an agent or a broker, being assigned or employed by other person to operate the undertakings within the scope of the Institute's objectives;

(14) to perform any other acts to achieve the Institute's objectives.

The joint venture in the undertakings pursuant to (8), borrowing pursuant to (10) and issuance of any other bonds or instruments for investment pursuant to (11) shall be in line with the rules prescribed by the Cabinet.

## CHAPTER 2

## FUND, INCOME AND PROPERTY

**Section 9** The fund and properties in operations of the Institute's undertakings consist of:

(1) money and properties received pursuant to Section 41;

(2) general subsidy appropriately allocated by the Government on yearly basis;

(3) subsidy from private sector or local administrative organizations both from foreign countries or international organizations, and money or assets being donated to it;

(4) fee, maintenance fee, remuneration, service charge, or income from its operation;

(5) profit of money or income generated from the Institute's assets.

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**Section 10** All the incomes of the Institute are not the incomes which shall be delivered to the Ministry of Finance according to the Treasury Reserves Law, and the Budgetary Procedure Law.

**Section 11** Immovable properties acquired by the Institute from giving to or from buying by income of the Institute shall be under its proprietary right.

The Institute shall have power in governing, supervising, maintaining, using, disposing, and making benefits from its assets.

**Section 12** The expenditure of the Institute shall be specifically spent on its undertakings.

The money storage and disbursement shall be in line with the regulations prescribed by the Board.

**Section 13** The reserves of the Institute consist of ordinary reserve established for provision, debt redemption reserve, business expansion reserve, and other reserves for each specific purpose as deemed appropriate by the Board.

These reserves can be used only upon the Board's consent.

## CHAPTER 3
## ADMINISTRATION AND UNDERTAKING

**Section 14**[2] There shall be a Board called "the Board of the Community Organizations Development Institute consisting of:

(1) Chairperson of the Board appointed by the Cabinet from the person who has knowledge, expertise, and considerable experiences in community development or organizational management;

(2) The administrative agency or related agency members, comprising a representative of the Ministry of Social Development and Human Society, a representative of the Community Development Department, a representative of the Fiscal Policy Office, and a representative of the National Economic and Social Development Board;

(3) Three community organization representative members appointed by the Cabinet from the persons who are recruited from the community organization representatives;

[2] Section 14 has been amended by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

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(4) Two competent members appointed by the Cabinet from the persons who obviously have knowledge, expertise, and considerable experiences in community development, organizational management, finance, or other areas which are useful for the Institute's undertakings.

The Director shall be the ex officio Board member and the secretary, and the director shall appoint an official to be the Assistant Secretary as necessary.

The Chairperson of the Board and the Board members pursuant to (3) and (4) shall not be the civil servants who have permanent positions or salaries, the officers, or employees of the administrative agencies, government agencies, state enterprises, or local administrative organizations, unless being the instructors in the government higher education institutions.

The rules and procedures for recruiting the persons for proposing the Cabinet to appoint as the Chairperson of the Board and the Board members pursuant to (3) and (4), and recruitment of the Chairperson of the Board, and the Board members pursuant to (3) and (4) to hold the office in replacement of the persons who retire by rotation according to the regulations prescribed by the Minister through the Board's suggestion which shall be consistent with the central rules prescribed by the Cabinet.

**Section 15** The Chairperson of the Board and the Board members pursuant to Section 14 (3) and (4) shall have qualifications and shall not be under the prohibitions as follows:

(1) being Thai nationality;

(2) being not below completion thirty-five years of age, and not more than completion seventy years of age;

(3) not being a bankrupt, an incompetent person or a quasi-incompetent person;

(4) never having been punished for imprisonment by the final judgment for imprisonment unless it is the punishment for an offence committed by negligence or a petty offence;

(5) not being a political office holder, a member of local council or local administrator, a director or a holder of the office in charge of political party management, a political party advisor, or a political party official;

(6) not being an official or an employee of the Institute or an advisor or an expert who is entered into the employment contract with the Institute.

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**Section 16** The Chairperson of the Board and the Board members of the Institute shall not be the stakeholders in the undertakings performed with the Institute or in the undertakings which are in conflict or contradict to the Institute's objectives either directly or indirectly, unless being the person entrusted by the Board as a joint venture party pursuant to Section 8 (8) or being the Chairperson of the Board or the Board members of the community organization which is granted for credit from the Institute.

**Section 17** The office term of the Chairperson of the Board and the Board members pursuant to Section 14 (3) and (4) shall be three years per term.

Upon expiration pursuant to the term in paragraph one, if the new Chairperson of the Board and the Board members have not yet been appointed, the Chairperson of the Board or the Board members who retire by rotation shall be in the office to further their operations until the newly appointed Chairperson of the Board or the Board members assume their duties.

The Chairperson of the Board or the Board members who retire from rotation may be re-appointed. However, they are unable to continuously hold the office for more than two terms.

**Section 18** Other than retirement by rotation, the Chairperson of the Board and the Board members pursuant to Section 14 (3) and (4) shall retire upon:

(1) death;

(2) resignation;

(3) being dismissed by the Cabinet due to misprision, disgraceful behavior, or incapacity;

(4) being disqualified or possessing any of the prohibited characteristics pursuant to Section 15 or act in the prohibited manners pursuant to Section 16.

**Section 19** In the case where the Chairperson of the Board or the Board members pursuant to 14 (3) and (4) retire by rotation, other persons shall be recruited and proposed to the Cabinet to be appointed to hold the office in replacement. Unless the remaining term is not up to ninety days, the Board members may not be appointed in replacement, and the appointed persons in replacement shall be in the office equal to the remaining term of the appointed Board members.

In the case where the Chairperson of the Board or the Board members pursuant to Section 14 (3) and (4) retire by rotation, the Board shall consist of all existing Board members until the Chairperson of the Board or the Board members pursuant to provision in paragraph one will be appointed.

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In the case where the Chairperson of the Board early retires by rotation, the rest of the Board members shall select one director to temporarily perform the duty of Chairperson of the Board.

**Section 20**[3] The Board has authority to generally control and supervise the Institute's undertakings and operations in conformity with the prescribed objectives. Such authority shall include:

(1) establishing the management policies and giving consent on work plans of the Institute;

(2) approving the annual budget, financial statements, investment plans, and financial plans of the Institute;

(3) issuing the rules, regulations, requirements or notifications relating to the Institute in the following matters;

(a) general management, division of sections, and scope of duties of such sections;

(b) recruitment, appointment, and removal of the Director, the operation and performance assessment of the Director, acting for the Director and assigning another person to deputize the Director;

(c) determination of positions, specific qualifications for those positions, rates of salary, wages and other money for the workers of the Institute pursuant to Section 32 (1) and (3);

(d) determination of code of working ethics for the Board members, Director, and the workers of the Institute;

(e) selection, placement, appointment, development, performance assessment, removal, discipline and disciplinary punishment, vacating the office, petition and appeal against the punishment of workers of the Institute pursuant to Section 32 (1) and (3), including the criteria, procedures, and conditions in hiring the advisors, experts and employees;

(f) financial management and administration, procurement, and assets of the Institute, as well as accounting and writing off assets from the account to be depleted;

(g) provision of welfare and other privileges for the workers of the Institute;

(h) appointment and authority of the Audit Committee;

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[3] Section 20 has been amended by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

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(i) determination of scope of duty performance of the Audit Committee and the internal auditors;

(j) determination of uniforms of the Institute's Director and the workers;

(4) issuing the Regulation on Certification of the Community Organization and Community Organization Network Status;

(5) issuing the Regulation on Criteria and Procedures for Supporting the Development of Community Organizations and Community Organization Networks;

(6) issuing the Regulation on Criteria, Procedures, and Conditions for Granting the Credit to the Community Organizations and Community Organization Networks;

(7) performing any other necessary or continuous acts to achieve the Institute's objectives;

(8) performing other duties as formulated in laws, this Royal Decree, or as entrusted by the Cabinet.

The rule relating to the writing off the assets from account to be depleted pursuant to (3) (f) shall be in line with laws and rules prescribed by the Cabinet.

**Section 20/1**[4] In controlling and supervising the Institute's operations, the Board shall consider prescribing a work guideline of the Institute according to the Rules and Procedures of the Good Government that must take place for the people's happiness, task achievement, task efficiency and worthiness, integrity, work procedure reduction, decentralization in decision making, facilitation, and fulfillment of the people requirement.

**Section 21** The Board members shall attend the Board's meeting not less than half of total Board members to meet a quorum.

In the Board's meeting, if the Chairperson of the Board is absent from the meeting or unable to perform his/her duty, the meeting shall select one Board member to chair the meeting.

A majority vote shall be adhered as a final judgement of the meeting. One Board member shall have one vote in voting. If a tie exists, the Chairperson of the meeting shall additionally perform another vote as casting one.

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[4] Section 20/1 has been added by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

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**Section 22**[5] The Board shall have power to appoint the qualified persons to be its advisors, and appoint the Audit Committee pursuant to Section 20 (3) (g), and the Sub-Committee to consider or operate as entrusted by the Board.

The advisor of the Board, the Audit Committee, and the Sub-Committee shall not be the stakeholders in the undertakings performed by the Institute or in the undertakings which are competitive with the Institute's undertakings either directly or indirectly, unless the advisor of the Board, the Chairperson of the Sub-Committee and the Sub-Committee members entrusted by the Board to be the Chairperson of the Board, the Board member or the representative of the Institute in joint venture pursuant to Section 8 (8).

The provisions in Section 21 shall be applied mutatis mutandis in the Audit Committee and the Sub-Committee's meetings.

**Section 23**[6] The Chairperson of the Board, the Board members, the advisor of the Board, the Chairperson of the Audit Committee, the Audit Committee members, the Chairperson of the Sub-Committee, and the Sub-Committee members shall receive attendance fee and other benefits as specified by the Cabinet in the central criteria.

**Section 24**[7] In the Institute, there shall be one Director as an administrator of the Institute's undertakings under the supervision of the Board.

The Board shall have power to recruit, appoint, and remove the Director.

The Director shall be recruited according to the rules of the Board which shall be consistent with the central criteria prescribed by the Cabinet.

**Section 24/1**[8] In appointing the Director, it must be completed within ninety days from the date of the event where the Director must be appointed. If there is a necessary reason that the Board can extend the period not exceeding sixty days. If the appointment is not completed within

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[5] Section 22 has been amended by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

[6] Section 23 has been amended by the Royal Decreed on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

[7] Section 24 has been amended by the Royal Decreed on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

[8] Section 24/1 has been amended by the Royal Decreed on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

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the said period, the Board shall report the result to the Public Organization Development and Promotion Committee for reporting to the Cabinet for consideration.

**Section 25**[9] The Director must have knowledge, competency, and experiences suitable for the Institute's undertakings as prescribed in the Institute's objectives and authorities, can work full time for the Institute, and must not be the Institute's worker, and also possess the qualifications and non-prohibited characteristics according to the Public Organization Law.

**Section 26** The office term of the Director shall be four years per term and may be re-appointed but not exceeding two consecutive terms.

**Section 27** Other than retirement by rotation, the Director shall retire upon:

(1) death;

(2) resignation;

(3) retirement due to the event specified in the agreement between the Board and the Director;

(4) being dismissed by the Board due to misprision, disgraceful behavior, or incapacity;

(5) being disqualified or possessing any of the prohibited characteristics pursuant to Section 25.

The resolution of the Board on retiring the Director pursuant to (4) shall consist of votes at least two-third of total existing Board members excluding the Director.

The disqualification due to age exceeding completion sixty-five years shall be deemed as retirement in the term of employment contract[10].

**Section 28**[11] Subject to Section 36 paragraph two and paragraph three, the Director shall have duty to manage the Institute's undertakings according to the laws and the Institute's objectives, the resolution of the Cabinet, rules, regulations, requirements, and notifications, policies, and resolutions of the Board, command the Institute's workers in all positions, and have the following duties:

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[9] Section 25 has been amended by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

[10] Section 27 paragraph three has been added by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

[11] Section 28 has been amended by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

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(1) to propose the goals, work plans, projects, and annual budgets to the Board to ensure that the Institute's operations attain the objectives;

(2) to propose the annual report relating to the Institute's overall operation in various areas, including the financial report to the Board for consideration;

(3) to propose the Board for the opinions on improving the Institute undertakings and operations to be efficient and fulfill the objectives.

The Director shall be responsible to the Board for managing the Institute's undertakings.

**Section 29** The Director shall have power:

(1) to place, appoint, promote, decrease, cut salary or wage, disciplinarily punish the officials and employees, as well as to dismiss the officers and employees from their office according to the regulations prescribed by the Board. However, if the Director is the officer or employee from the position of the advisor, expert, Department Director, or holder of the equivalent position and higher shall be firstly approved by the Board;

(2) to issue the rules relating to the Institute's operations without conflict or contradiction with the rules, regulations, requirements, policies, notifications, or resolutions prescribed by the Board.

**Section 29/1**[12] In the case where no one holds the Director office or the Director fails to perform his/her duty, the Deputy Director with the respective seniority shall act for the Director. If the Deputy Director is unavailable or available but fails to perform his/her duty, the Board shall appoint a Board member or a worker of the Institute to act for the Director.

The acting person pursuant to paragraph one shall have the same authority as the Director.

In the case where there are other laws, rules, regulations, or orders in appointing the Director to be a Board member or have any authority, the acting person shall be the Board member or also have the same authority as the Director as the case may be.

**Section 30** In the undertakings relating to the third party, the Director shall be the representative of the Institute. In this regard, the Director can authorize any person to perform specific work instead but must be in line with the regulations prescribed by the Board.

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[12] Section 29/1 has been added by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

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**Section 31** The Board shall set the rate of salary and other benefits of the Director according to the criteria specified by the Cabinet.

## CHAPTER 4

## WORKERS OF THE INSTITUTE

**Section 32** There are three types of workers of the Institute as follows:

(1) an official or an employee: a person who works and receives salary or wage from the Institute's budget;

(2) an advisor or an expert: a person who is employed by the Institute to perform duty as an advisor or an expert under the employment contract;

(3) a public officer who temporarily performs the Institute's works pursuant to Section 35.

**Section 33**[13] The official shall have qualifications or experiences suitable for the objectives and authority of the Institute, can work full time for the Institute, and shall also have qualifications and non-prohibited characteristics according to the Public Organization Law.

**Section 34** The official retire upon:

(1) death;

(2) resignation;

(3) disqualification or possession of any non-prohibited characteristics pursuant to Section 33;

(4) being dismissed or discharged due to fail in the performance assessment or the disciplinary offence pursuant to the criteria and procedures prescribed by the Board in the regulations;

(5) quittance pursuant to the conditions specified in the employment contract.

A disqualification due to the age more than completion sixty years shall be deemed as retirement in the term of the employment contract[14].

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[13] Section 33 has been amended by the Royal Decreed on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

[14] Section 34 paragraph two has been added by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

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**Section 34/1**[15] The Institute may enter into the employment contract with the advisor, expert or employee in the period specified in the employment contract.

**Section 35** For the management benefit of the Institute, the Minister may request other civil servant, officer, official or worker in the Ministry, Sub-Ministry, Department, Provincial Administration, Local Administration, State Enterprise, or other government agencies to temporarily work in the Institute upon approval of the superior or the employer of the said person, and agreement entered in approval.

In the case where other civil servant, officer, official or worker pursuant to paragraph one is approved to work as the Institute's official, it shall be deemed to be approved to leave the government office or leave from work to perform any works, and the time during working attendance in the Institute shall be counted for calculating pension or other benefits similar to performing the said official duty or full-time work as the case may be.

Upon expiration of the working period for the Institute, the persons in paragraph one shall be placed and appointed to hold the office and receive salary in the primary administrative agencies or agencies in the position level not below the primary position level as agreed.

## CHAPTER 5

## ACCOUNTING, AUDITING, AND PERFORMANCE ASSESSMENT

**Section 36**[16] The Institute shall prepare its accounting according to the criteria prescribed by the Board and shall be in line with the accounting standards. There shall be internal auditing on finance, accounting, and procurement of the Institute, and reporting of the audit result to the Board for acknowledgement at least once a year.

In internal auditing, a worker of the Institute shall specifically perform the duty as an internal auditor and be responsible and directly subordinate to the Audit Committee and the Board pursuant to the rules prescribed by the Board.

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[15] Section 34/1 has been added by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

[16] Section 36 has been amended by the Royal Decreed on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

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Appointment, removal, salary increase, promotion, and disciplinary punishment of the internal auditor shall be mutually considered and firstly proposed by the Director and the Audit Committee to the Board for approval before execution.

**Section 37** The Institute shall prepare balance sheet, financial statements, and accounts, and yearly submit them to the auditor within one hundred and twenty days as from the last day of each fiscal year[17].

In each fiscal year, the State Audit Office of the Kingdom of Thailand or the third party as appointed by the Board under approval of the State Audit Office of the Kingdom of Thailand shall be the auditor and assess expenditure of money and assets of Institute by providing the analytical opinions as to what extent such expenditure is conforming to the objectives, and economical, and fulfills the set targets; and then prepare the record of the audit report to the Board.

In this regard, the auditor shall have power to audit all account books and documentary evidence of the Institute, inquire the Chairperson of the Board, the Board members, Director, officials, employees, or other persons who are the representative of the Institute, and ask for subtask of the additional account books and documentary evidence, as necessary.

**Section 38** The Institute shall prepare annual report and propose it to the Minister. This report shall refer to the performance of the Institute in last year, budget accounts, together with the auditor's report, as well as clarification of the Board's policies, projects and work plans which will be prepared in the future.

**Section 39**[18] The performance of the Institute shall be assessed according to the Public Organization Law.

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[17] Section 37 paragraph one has been amended by the Royal Decreed on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

[18] Section 39 has been amended by the Royal Decreed on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

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## CHAPTER 6

## SUPERVISION

**Section 40**[19] The Minister shall have authority to supervise the Institute's operations of undertakings according to laws and in conformity with the objectives of its establishment, national strategies, Government policies, resolutions of the Cabinet, and plans relating to the Institute. For this purpose, the Minister shall have power to order the Institute to clarify, express the opinions, and prepare the report, or suppress the acts of the Institute which are conflict with laws, objectives of its establishment, national strategies, government policies, resolutions of the Cabinet, or plans relating to the Institute, and order to investigate fact relating to the Institute's operations.

## TRANSITORY PROVISIONS

**Section 41** The Minister shall propose the Cabinet to execute pursuant to Section 9 of the Public Organization Act B.E. 2542 (1999) to approve the transfer of authority, undertakings, assets, rights, liabilities, and budget of the Urban Poor Development Projects of the National Housing Authority, and of the Rural Development Fund Office, Office of the National Economic and Social Development Board, available in the effective date of the Royal Decree, to the Institute, and to dissolve the Urban Poor Development Projects of the National Housing Authority, and of the Rural Development Fund Office, Office of the National Economic and Social Development Board.

**Section 42** In the initial term, there shall be a board for preparing the establishment of the Community Organizations Development Institute comprising a representative of the Office of the National Economic and Social Development Board, a representative of the Fiscal Policy Office, a representative of the Community Development Department, and a representative of the National Housing Authority, and a representative of the Community Organizations for three persons, and three competent members appointed by the Minister as the Board members.

[19] Section 40 has been amended by the Royal Decreed on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019).

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The Board members pursuant to paragraph one shall select one Board member to perform the duty as the Chairperson of the Board.

The President of the Urban Community Development Office, National Housing Authority, shall be the ex officio Board member and Secretary.

**Section 43** The Board shall prepare the establishment of the Community Organizations Development Institute to perform the duty to recruit the Chairperson of the Board and the Board members pursuant to Section 14 (1), (3) and (4) for the initial term and perform the duties as much as necessary relating to the operations of the Institute until having the Board according to this Royal Decree.

**Section 44** The employees of the Urban Community Development Office, National Housing Authority, and the employees of the Rural Development Fund Office, Office of the National Economic and Social Development Board, are entitled to request to change their status to be officials or employees of the Institute.

The employees in paragraph one who are willing to be changed to be the officials or employees of the Institute must exercise the right to declare their intention to the superior within thirty days as from the publishing date of this Royal Decree in the Government Gazette according to the criteria, procedures, and conditions prescribed by the Board pursuant to Section 42.

The change to be the officials or employees of the Institute pursuant to this Royal Decree shall not be deemed as quittance from the job due to lay-off by the primary affiliation or the dissolution or retrenchment by authority.

The placement and appointment of the employees pursuant to paragraph one to hold any office shall be based on manpower, qualifications, and rate of salary or wage as specified by the Board in Section 42, requiring the consideration to be consistent with the Institute's structure and manpower which will be available. The said employees shall receive salaries, wages, remuneration, or welfare and other benefits not less than those ever been received by the said employees. However, the said employees shall also pass the selection and performance assessment according to the criteria and procedures prescribed by the Board in Section 42.

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The placement and appointment of the employees who pass the selection and performance assessment to be the officials or employees of the Institute shall be effective in the resolution date for approving on execution pursuant to Section 41.

**Section 45** Any employees of the Urban Community Development Office, National Housing Authority, or the employees of the Rural Development Fund Office, Office of the National Economic and Social Development Board, who have no intention to be transferred to be the employees of the Institute or do not pass the selection and performance assessment pursuant to Section 44, shall be deemed that the said employees quit due to retrenchment or lay-off without fault or they leave the government services due to the authority's dissolution or retrenchment without fault, and they shall be granted for the privilege relating to compensation according to the State Enterprise Employee Relations Law or receive pension according to the Rule of the Ministry of Finance on Employee Pension as the case may be.

**Section 46** For benefit in counting working attendance time for calculating the privilege according to the regulation of the Institute, the working attendance time during being an employee in the primary affiliation or the primary administrative agency shall also be counted in continuity with working attendance time of the official or the employee of the Institute according to the criteria, procedures, and conditions prescribed by the Board in Section 42 by taking account of fairness and other laws, rules or regulations relating to the privilege of the official or employee.

**Section 47** The President of the Urban Community Development Office, National Housing Authority, shall perform his/her duty as the Director pursuant to this Royal Decree as much as necessary until the Director will be appointed pursuant to this Royal Decree, and shall not exceed ninety days from the effective date of this Royal Decree.

Countersigned by

Chuan Leekpai

Prime Minister

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Remark :- The reason to promulgate this Royal Decree is the Thailand's current counter of social problems regarding the income disparity, income distribution, and different growth level between urban and rural society while the community organization which is the key foundation in community and social development has still confronted with problems of lack of management knowledge and skills, resulting in inability to be the true community supporter. Therefore, it is expedient to establish a public organization to support and assist the community organizations and the community organization networks on occupation, career development, increase in income, development of housing and environment, and development of the livelihood of both urban and rural community members, and to provide financial support and assistance for the community organizations and the community organization networks in order to strengthen them, as the key foundation which will contribute to the quality of growth in Thai economy and society, and the extensive and sustainable economic and social prosperity distribution. Therefore, this Royal Decree shall be enacted.

*The Royal Decree has amended the legislation to be consistent with the transfer of the administrative agencies according to the Reorganization of Ministry, Sub-Ministry, and Department Act B.E. 2545 (2002), B.E. 2545 (2002)[20].

**Section 139** In the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) B.E. 2543 (2000), the word of "Minister of Finance" shall be amended to be "Minister of Social Development and Human Security."

Remark :- The reason to promulgate this Royal Decree is that the Reorganization of Ministry, Sub-Ministry, and Department Act B.E. 2545 (2002) enacts the newly establishment of an administrative agency under new missions. The Royal Decree on Transfer of Managing Undertakings and Authority of the Administrative Agency has already been enacted according to the Reorganization of Ministry, Sub-Ministry, and Department Act. As the said Act enacts the transfer of the administrative agency's authority, the Minister who holds the office or performs his/her duty in part of the primary administrative agency to belong to the new administrative agency. The legislations shall also be amended to be consistent with the transferred authority. Hence, for approving according to the principle presented in the said Act and Royal Decree, it is expedient to amend the positive law to

[20] Government Gazette, Volume 119/Part 102 Kor/Page 66/8 October B.E. 2545 (2002)

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be consistent with the transfer of administrative agency to ensure the clarity of the people concerned to introduce the law without requirement of searching in the Authority Transfer Law as to which law, where the administrative agency's missions or the person in charge according to that law, has been transferred to belong to any agency or any person. The positive law has been amended to change the name of the administrative agency, the Minister who holds the office or the person who performs the duty of administrative agency to correspond with the transfer of authority; and to increase the representative of the administrative agency in the Board to correspond with the missions which are reduced and transferred from the primary administrative agency to belong to the new administrative agency, and from the reduction of the primary administrative agency which has already been dissolved. The amendment is performed corresponding to the said Act and Royal Decree. Therefore, this Royal Decree shall be enacted.

The Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) (No. 2) B.E. 2550 (2017)[21].

Remark :- The reason to promulgate this Royal Decree is that it is expedient to reorganize the element of the Board of Community Organizations Development Institute in the proportion of the administrative agency or related agency members to ensure that the management of the Community Organizations Development Institute (Public Organization) is more efficient and consistent with the government policies. In addition, it is expedient to extend the preparation duration of balance sheet, financial statements, and budget accounts submitted to the auditor to enhance the efficiency and working opportunity of the related workers. Therefore, this Royal Decree must be enacted.

The Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) (No. 3) B.E. 2562 (2019)[22].

**Section 2** This Royal Decree shall come into force as from the day following the date of its publication in the Government Gazette.

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[21] Government Gazette, Volume 124/Part 40 Kor/Page 17/8 August B.E. 2550 (2007)

[22] Government Gazette, Volume 136/Part 105 Kor/Page 4/5 October B.E. 2562 (2019).

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**Section 18** The Board of the Community Organizations Development Institute which has been existent in the date before the effective date of this Royal Decree shall be the Board of the Community Organizations Development Institute according to the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) B.E. 2543 (2000) being amended by this Royal Decree. The Chairperson of the Board, the administrative agency or related agency members and the members pursuant to Section 14 (3) and (4) shall continue holding the office until expiration of the office term of the Chairperson of the Board and the members pursuant to Section 14 (3) and (4) as prescribed in the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) B.E. 2543 (2000).

The office term of the Chairperson of the Board and the members pursuant to Section 14 (3) and (4) in paragraph one shall be counted in continuity with the count of term according to the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) B.E. 2543 (2000) being amended by this Royal Decree.

**Section 19** All rules, regulations, requirements, notifications or orders issued by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) B.E. 2543 (2000), and amended and effective in the date before the effective date of this Royal Decree shall be further effective to the extent that they are not in conflict or contradiction with the rules, regulations, requirements, notifications or orders issued by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) B.E. 2543 (2000) being amended by this Royal Decree, until all rules, regulations, requirements, notifications, or orders issued by the Royal Decree on Establishment of the Community Organizations Development Institute (Public Organization) B.E. 2543 (2000), being amended by this Royal Decree, shall be effective. However, they shall be effective not exceeding one year from the effective date of this Royal Decree.

**Section 20** The Minister of Social Development and Human Security shall be on duty pursuant to this Royal Decree.

Remark :- The reason to promulgate this Royal Decree is that it is expedient to amend the legislations in the Royal Decree on Establishment of the Community Organizations Development

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Institute (Public Organization) B.E. 2543 (2000) to be consistent with the legislations in the Public Organization Act B.E. 2542 (1999) being amended by the Public Organization Act (No. 2) B.E. 2559 (2016) for more efficient and effective management and operations of the Community Organizations Development Institute (Public Organization)'s missions. Therefore, this Royal Decree shall be enacted.

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