

Royal Decree
Establishing The Zoological Park Organization of Thailand
B.E. 2563 (2020)

His Majesty King Phra Poraminthra Ramathibodi Srisinthon Maha
Vajiralongkorn Phra Vachiraklao Chao Yu Hua

has given on 20 June 2020,
being the fifth year of the present reign

His Majesty King Phra Poraminthra Ramathibodi Srisinthon Maha Vajiralongkorn Phra Vachiraklao Chao Yu Hua has been graciously pleased to proclaim that

by which it is deemed appropriate to revise the law on the establishment of the zoological park organization by virtue of Section 175 of the Constitution of the Kingdom of Thailand and Section 3 of the Government Organization Act, B.E. 2496. Therefore, graciously ordered to issue the royal decree with details as follows:

Section 1 This royal decree is called “The Royal Decree of Establishing The Zoological Park Organization of Thailand, B.E. 2563 (2020)”.

Section 2 This royal decree shall come into force from the day following the date of its publication in the government gazette.

Section 3 The Royal Decree of Establishing The Zoological Park Organization of Thailand, B.E. 2497 (1954) shall be dismissed

Section 4 In this royal decree,

"Animal" means all kinds of animals.

"Breeding" means the propagation of an animal brought up by mating method and includes animal breeding by artificial insemination or embryo transfer or by other means.

"Organization" means the Zoological Park Organization of Thailand.

"Board" means the board of committees of the Zoological Park Organization of Thailand.

"Director" means the Director of the Zoological Park Organization of Thailand.

"Employee" means a worker of the Zoological Park Organization of Thailand.

"Temporary Employee" means a temporary employee of the the Zoological Park Organization of Thailand.

"Minister" means the Minister in charge of this royal decree.

Section 5 The Minister of Natural Resources and Environment shall be in charge of

According to this royal decree.

Category 1

Establishment, Purposes and Duties, and Powers

Section 6 An organization shall be established, called “องค์การสวนสัตว์แห่งประเทศไทย” and the name in English shall be called “The Zoological Park Organization of Thailand”, abbreviated as “ZPOT”, and shall have a logo of the organization as determined by the committee.

Section 7 The organization shall have its head office in Bangkok or other provinces and shall establish branch office where can be held at any places within the kingdom as specified by the board.

Section 8 The organization has the following objectives:

(1) Operating zoo operations in accordance with international standards.

(2) Collecting or promoting the collection of all kinds of animals for the benefits of conservation, education, research, serving the public, and exchanging or broadcasting animal husbandry.

(3) Promoting and arranging for the maintenance and breeding of all kinds of animals in order to maintain and save them from extinction.

(4) Providing assistance in connection with animal acceptance or animal capture that causes trouble to the public in the event that it is not within the authority of other agencies or other agencies unable to operate.

(5) Handling the organization's animal shelters.

(6) Organizing public services for the benefits of education and relaxation of the people.

(7) Conducting business related to zoo operations and other businesses for the benefits of the organization and the public in the service of zoo activities.

Section 9 The competent organization and the competent authority shall perform various activities within the scope of their objectives in accordance with Section 8 and shall include:

(1) Holding ownership and possessing the right to possession or having various genuine rights;

(2) Establishing all kinds of rights or juristic acts for the benefit of the operations of the organization;

(3) Giving advice, surveys, planning, design or construction of the exhibiting animals or zoos to other governmental or private agencies.

(4) Borrowing money or lending money with security with a person or with property;

(5) Collecting service fees or fees for the operations of this organization in accordance with the rules and the rates set by the board;

(6) Issuing bonds or any other instrument for investments;

(7) Holding shares or becoming a partner for joint investments or join businesses with other entities related to organizational objectives;

(8) Establishing a limited company to operate a zoo business and other businesses related to organizational objectives;

(9) Appointing or accepting to be an agent, a broker or a middleman in businesses related to organizational objectives;

(10) Employing or assigning any person to operate any part of the organization.

(11) Coordinating, giving advice, and cooperating with domestic and foreign agencies in the business relating to organizational objectives;

(12) Promoting, cooperating or undertaking trainings and academic education in zoology and related matters;

(13) Doing any other act to promote and subsidize the zoo business.

Category 2

Capital, Income, and Reserve

Section 10 The organization's capital consists of:

(1) Money and properties transferred under Section 40;

(2) Money and assets transferred from the Phingkhanakorn Development Office (Public Organization) as for the Chiang Mai Night Safari Office, according to Section 5 of the royal decree, the dissolution of the Phingkhanakorn Development Office (Public Organization) B.E. 2536 (1993) after deducting all debts;

(3) Money allocated by the government as capital;

(4) Money or property donated or dedicated to including the money received both internal and external assistance and outside the kingdom;

Section 11 The organization may have the following incomes:

(1) Income from property of the organization;

(2) Government grants;

(3) Income from the operations of the organization;

(4) Service fees and other fees;

(5) Interests of money and properties under Section 10;

(6) Other incomes.

Section 12 Income received by the organization from its operations in each year shall be vested in the organization for operating expenses and when deducting operating expenses, various burdens

as appropriate including maintenance costs, depreciation costs, pensions, and rewards reserve as required by the board of committee, contribution to funds for workers' welfare, and investments as received approved by the cabinet. For the remaining amount is to be delivered as state income.

In the event that there is insufficient income for the operations and the organization could not find money elsewhere, the state shall pay the organization for the amount necessary for the organization's operations.

Category 3

Administration and Business Operations

Section 13 There shall be the board of committees called "The Zoological Park Organization of Thailand" consisting of one chairman and not less than six other committees, but not more than nine people in which the cabinet is the appointer.

The director shall be a member and secretary.

Section 14. The chairman and members appointed by the cabinet shall hold office for a term of three years.

When the term is expired in the first paragraph, if a new chairman or director has not yet been appointed, the chairman of the board or committees who vacate office upon the expiration of the term shall be in office until the new chairman or the newly appointed director takes over the office.

The chairman of the board of committees or directors who retire by the expiration of office term can be reappointed to the position again, but will not hold the office term for more than two consecutive terms.

Section 15 In addition to the vacation of office on the expiration of the office term, the chairman and the board of committee inevitably retire from office when

(1) pass away;

(2) resign;

(3) be dismissed by the Council of Ministers because of a defect in the presence of having dishonorable behaviour or being incompetent;

(4) be disqualified or having prohibited characteristics under the law on standard qualifications for committees and employees of state enterprises.

Section 16 In the event where the chairman or members appointed by the cabinet vacate their positions before term of office or in case the cabinet appoints additional members during the time that the appointed members are still during their term of office, may the person who is appointed to replace the vacant position or to be a committee for the remaining term of the chairman of the board or the appointed members, except for the remaining term of office less than ninety days, the chairman or any member may not be appointed.

In the event that the chairman or members appointed by the cabinet vacate office before the term, the board of committees shall consist of all existing members until the appointment of the chairman or committees to replace vacant positions. Moreover, in the event that the chairman of the board vacates office before the termination of office term, the remaining committees shall elect one member to act as the chairman temporarily.

Section 17 The board of committees has duties and powers to supervise in general the business and operations of the organization to meet the objectives and shall include

(1) Formulating management policy;

(2) Approving the annual budget, financial statements, investment plans and financial plans of the organization;

(3) Issuing regulations, requirements or announcements about the organization in the following matters:

(A) General administration allocation of work and scope of duties of the said segment;

(B) Appointment and removal of the director performance and evaluation performance of the director acting for and delegating others to perform their duties;

(C) Appointment of positions, Specifications of features, salary, and other payments of employees and workers

(D) Selection, placement, appointment, performance evaluation, removal of discipline and disciplinary action, termination, grievance and appeals, punishment of employees and workers, including the rules, procedures and conditions of employment of the organization;

(E) Administration and management of finance, supplies, assets and accounting of the organization;

(F) Provision of welfare and other benefits to employees and workers;

(G) Prescribing the director's uniform, employees and workers, and the logo of the organization;

(4) Giving approval in determining service fees and other fees for the operation of the organization's business;

(5) Doing any other necessary or disruptive action to achieve the organization's objectives;

(6) Performing other duties as provided in this royal decree or as entrusted by the cabinet.

Section 18 At a meeting of the board of committees, the presence of not less than half of the members is required of the total number of committees to constitute a quorum.

At the board meeting, if the chairman of the board does not attend the meeting or unable to perform duties, the vice chairman of the board shall preside over the meeting. If the vice chairman does not attend as well or cannot perform the duties, the meeting shall elect one committee to be the chairman of the meeting.

The decision of the meeting shall be made by a majority vote. One committee shall have one vote. If the votes are equal, the chairman of the meeting shall have an additional vote as a casting vote.

Section 19. The board of committees has the power to appoint a subcommittee to consider or act in any way as assigned by the board.

The provisions of section 18 shall apply *mutatis mutandis* to the meeting of the subcommittees.

Section 20 The chairman, committee members and sub-committee members shall receive meeting allowance and other benefits in accordance with the criteria prescribed by the cabinet.

Section 21 The board of committees shall appoint a director from persons having qualifications and not being prohibited by the law on standard qualifications for committees and employees of state enterprises.

Section 22 The director holds office for a term not exceeding one year and may be reappointed, but cannot hold office for more than two consecutive terms.

Section 23 In addition to the vacation of office on the expiration of the term, the director vacates office when

(1) passes away;

(2) resigns;

(3) the employment contract is terminated;

(4) be dismissed by the board of committee due to lack of duty, having bad behaviour or being incompetent;

(5) being disqualified or having prohibited characteristics under the law on standard qualifications for Directors and employees of state enterprises.

The resolution of the board of committees to vacate office under (4) must be made by votes of at least two-thirds of the existing committees, excluding the director's position.

Section 24 The director is responsible for managing the affairs of the organization in accordance with the law, government policy or cabinet resolutions, rules, regulations, announcements, and policies as prescribed by the board of committees and has the power to supervise staff and workers.

The director is responsible to the board for the administration of the affairs of the organization.

Section 25 The director has duties and powers

(1) to instate, appoint, remove, postpone, reduce, cut salary or wages, punish disciplinary action and other personnel management of employees and workers as well as to remove an employee or a temporary worker from office in accordance with the rules or regulations prescribed by the board;

(2) to formulate regulations on the operation of the organization without conflict or inconsistency with the rules or the regulations and policies set by the board.

Section 26 In the event that the director is unable to perform his duties or when the director's position is vacant and has not yet appointed a director, may the deputy director acts on behalf of the director. If there is no deputy director or the deputy director is unable to perform his duties. The board of committees shall appoint any committee or employee acting for the director.

The acting person under paragraph one has the same duties and powers as a director.

Section 27 In business relating to third parties, the director may be a representative of the organization, the director may authorize any person to perform a specific task on his behalf. However, it must be according to the rules or regulations set by the board.

Any juristic act committed by the director or the attorney of the director in violation of regulations or rules stipulated by the board of committees shall not bind the organization unless the the committees will ratify.

Section 28 The board of committees shall determine the salary and other benefits rates of the director in accordance with the criteria prescribed by the cabinet.

The chairman, committees, director, employees and temporary employees may receive their pensions or prize money according to the criteria specified by the cabinet.

Section 29 Staff and employees of the organization are entitled to lodge a complaint in accordance with the rules or regulations specified by the board of committees.

Category 4

Finance, Accounting, and Audit

Section 30 The organization shall prepare an annual budget by classifying the money to be received in each year and the operating expenses.

Operating expenses shall be separated into investments and operating budget for the investment budget, presented to the cabinet for consideration and approval. As for the budget, it must be presented to the cabinet for acknowledgment.

Section 31 The organization shall open a deposit account with a bank in accordance with the regulations prescribed by the Ministry of Finance.

Section 32 The organization shall establish and maintain an accounting system in accordance with generally accepted accounting standards, classified according to the major work categories. There are the list of receipts and payments, assets, and liabilities that show the actual and appropriate business operations by job types along with the sources of the mentioned transactions and there should be an internal audit performed regularly.

Section 33 The organization must keep accounts and financial reports in accordance with generally accepted accounting standards delivered to the auditor within ninety days from the end of the fiscal year.

Section 34 The Office of the Auditor General of Thailand shall be the auditor to perform an audit for account certification including all types of finance of the organization.

The auditor shall prepare an audit report, a financial report, and propose to the board of committees for submission to the cabinet within one hundred eighty days from the end of the fiscal year.

Section 35 The organization shall prepare and disseminate the previous annual report by presenting the financial statements certified by the auditor including the reports on the construction of the organization's performance in the previous year.

Category 5

Supervision and Control

Section 36 The minister shall have general duties and powers to supervise the affairs of the organization and for the purposes of this matter. The minister has the power to summon the chairman, committees, director, employees or temporary employees to explain the facts, comment or make a report of ordering to perform or abolishing any action in accordance with government policy or cabinet resolution as well as having the power to order and investigating facts related to business operations.

Section 37 In the event that the organization is required to submit any matters to the cabinet. The organization shall present to the minister for further submission to the cabinet.

Section 38 The organization shall make a report once a year to the minister. The report mentioned the performance of the organization in the previous year and clarification on the policy of the board of committees and future plans.

Section 39 Actions that must be approved by the cabinet are as follows:

- (1) Borrowing or lending money in an amount exceeding fifty million baht.
- (2) Issuance of bonds or any other instrument for investment.
- (3) Establishment of a limited company to operate a zoo business and other businesses related to organizational objectives.

Transitional Provisions

Section 40 All activities, assets, rights, duties, obligations, budget and income of the Zoological Park Organization under the Royal Decree of Establishing The Zoological Park Organization of Thailand, B.E. 2497 (1954) shall be transferred to the Zoological Park Organization of Thailand under this royal decree.

Section 41 The board of committees of the Zoological Park Organization appointed by the cabinet under the Royal Decree of Establishing The Zoological Park Organization of Thailand, B.E. 2497 (1954), holding office on the day before the date this royal decree comes into force is the board of committees of the Zoological Park Organization of Thailand under this royal decree and continue to perform duties until there is a committee of the Zoological Park Organization of Thailand under this royal decree.

Section 42 All rules, regulations or orders issued under the Royal Decree of Establishing The Zoological Park Organization of Thailand, B.E. 2497 (1954), in force on the day prior to the date of this royal decree coming into force shall remain in force onwards, just as it is not contrary to or inconsistent with this royal decree until there are rules, regulations or orders under this royal decree come into force.

Section 43 The director, the deputy director, employees and temporary employees of the Zoological Park Organization according to the Royal Decree of Establishing The Zoological Park Organization of Thailand, B.E. 2497 (1954), who have held office on the day before this royal decree comes into force as the director, shall be the deputy director, employees and temporary employees of the Zoological Park Organization of Thailand under this royal decree by receiving salaries, wages, including various benefits as previously received. For the director of the Zoological Park Organization, he/she shall continue to serve as specified in the employment contract.

Recipient of the royal order

General Prayut Chan-o-cha

Prime Minister

Note: - The reason for promulgation of this royal decree is that the Royal Decree of Establishing The Zoological Park Organization of Thailand, B.E. 2497 (1954) has been in force for a long time. There are certain provisions inconsistent with the missions and functions, and the authority of the Zoological Park Organization to be changed to meet international standards together with the Royal Decree of The Dissolution of the Phingkhanakorn Development Office (Public Organization) Act B.E. 2562 (2019) to transfer the Chiang Mai office Night Safari belonging to the Pinkanakorn Development Office (Public Organization) and all powers, duties, assets, rights, duties, budgets, and income of the Pinkanakorn Development Office. (Public Organization) as part of the Chiang Mai Night Safari Office to the Zoological Park Organization. The Ministry of Natural Resources and Environment should improve the missions, duties, and powers of the Zoological Park Organization Therefore, it is deemed necessary to enact this royal decree.