

BILL NO. 29 OF 2018

A BILL

FOR AN ACT TO AMEND THE FIJI NATIONAL UNIVERSITY ACT 2009

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Fiji National University (Amendment) Act 2018.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Fiji National University Act 2009 is referred to as the “Principal Act”.

Section 14 amended

2. The Principal Act is amended by deleting section 14 and substituting the following—

“Appointed members

14.—(1) There shall be 14 members appointed by the Minister who, in the opinion of the Minister, have adequate qualifications, skills, expertise and knowledge to contribute to the disciplines offered by the University and the general administration and financial management of a tertiary institution.

- (2) The term of an appointed member of the Council shall be 3 years.
- (3) An appointed member shall be eligible for reappointment.”.

Section 15 amended

3. Section 15 of the Principal Act is amended by deleting subsections (1) and (2) and substituting the following—

“(1) There shall be 5 elected members, comprising—

- (a) one head of a college of the University;
- (b) one member of the University’s full-time professorial staff;
- (c) one member of the University’s full-time non-professorial academic staff; and
- (d) representatives of the University’s full-time students, other than persons eligible for membership under paragraph (a) or (b), where—
 - (i) one student represents undergraduate students; and
 - (ii) one student represents postgraduate students.

(2) Each elected member is to be elected by a ballot, at which—

- (a) for the member mentioned in subsection (1)(a), all the heads of the colleges may vote;
- (b) for the member mentioned in subsection (1)(b), all the members of the full-time professorial staff may vote;
- (c) for the member mentioned in subsection (1)(c), all the members of the full-time non-professorial academic staff may vote; and
- (d) for—
 - (i) the member representing full-time undergraduate students, all the full-time undergraduate students may vote; and
 - (ii) the member representing full-time postgraduate students, all the full-time postgraduate students may vote.”.

Section 16 amended

4. Section 16(1) of the Principal Act is amended by deleting “6” and substituting “3”.

Section 17 amended

5. The Principal Act is amended by deleting section 17.

Section 18 amended

6. The Principal Act is amended by deleting section 18 and substituting the following—

“Failure to elect members

18. If a group permitted to elect members under section 15(2) does not elect any member by a date fixed by the Council by written notice given to the group, the Minister, on the advice of the Council, may appoint a suitable member instead.”.

Section 19 amended

7. Section 19 of the Principal Act is amended by deleting subsection (1) and substituting the following—

“(1) If a casual vacancy arises in the office of an appointed member, the Minister shall appoint a person who, in the opinion of the Minister, has adequate qualifications, skills, expertise and knowledge to contribute to the disciplines offered by the University and the general administration and financial management of a tertiary institution to fill the vacancy.”.

Section 35A amended

8. Section 35A(4) of the Principal Act is amended by deleting paragraphs (a), (b) and (c) and inserting the following new paragraphs—

“(a) 2 members appointed by the Council; and

(b) 7 members appointed by the Minister.”.

July 2018

FIJI NATIONAL UNIVERSITY (AMENDMENT) BILL 2018

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Fiji National University Act 2009 (**'Act'**) establishes the Fiji National University (**'University'**) to serve the needs of the post-secondary educational requirements for the Republic of Fiji. The Act provides for the functions, powers, management and administration of the University. The Council of the University (**'Council'**) established under section 7 of the Act is the governing body that exercises the powers conferred on the University by the Act.
- 1.2 Pursuant to section 12 of the Act, the members of the Council consist of official members, appointed members, elected members and co-opted members. The Act provides that there are 4 official members, 14 appointed members, 8 elected members and 6 co-opted members which totals up to 32 members.
- 1.3 The Fiji National University (Amendment) Bill 2018 (**'Bill'**) seeks to amend the Act to reduce the number of the members of the Council from 32 to 26 for the purpose of efficiency and practicality in the operation of the Council.
- 1.4 Moreover, section 14 of the Act empowers the Minister responsible for tertiary education (**'Minister'**) to appoint members of the Council from a closed list of institutions.
- 1.5 This particular provision requires the Minister to appoint members of the Council from a list of institutions and does not require the appointment of persons with adequate qualifications, skills, expertise and knowledge.
- 1.6 The Bill seeks to amend the Act to allow merit-based appointment of the members of the Council. The Bill will enable the Minister to appoint members who, in the opinion of the Minister, have adequate qualifications, skills, expertise and knowledge to contribute to the disciplines offered by the University and the general administration and financial management of a tertiary institution.

- 1.7 Moreover, in relation to the elected members, the Bill amends the Act by introducing the demarcation of student representatives to the Council to specifically state that one student will be elected to represent undergraduate students and one student will be elected to represent postgraduate students.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 14 of the Act to allow the Minister to appoint 14 members who, in the opinion of the Minister, have adequate qualifications, skills, expertise and knowledge to contribute to the disciplines offered by the University and the general administration and financial management of a tertiary institution.
- 2.3 Clause 3 of the Bill amends section 15(1) of the Act by changing the number of elected members of the Council from 8 to 5. Clause 3 of the Bill also amends section 15(2) of the Act to clarify how the election of members will be carried out by ballot.
- 2.4 Clause 4 of the Bill amends section 16(1) of the Act by changing the number of co-opted members of the Council from 6 to 3.
- 2.5 Clause 5 of the Bill deletes section 17 of the Act as it becomes obsolete with the proposed amendment to section 14 of the Act.
- 2.6 Clause 6 of the Bill deletes section 18 of the Act and substitutes a new section 18 to ensure consistency with the proposed amendment to section 15 of the Act.
- 2.7 Clause 7 of the Bill amends section 19 of the Act by deleting subsection (1) and substituting a new subsection (1) to ensure consistency with the proposed amendment to section 14 of the Act.
- 2.8 Clause 8 of the Bill amends section 35A(4) of the Act by deleting references to section 14 of the Act. Furthermore, clause 8 of the Bill also amends section 35A(4) of the Act by setting out the membership of the Board of the National Training and Productivity Centre as follows—
- (a) 2 members appointed by the Council; and
 - (b) 7 members appointed by the Minister.

6

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for tertiary education.

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