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## FIJI INSTITUTE OF TECHNOLOGY DECREE 1992

### ARRANGEMENT OF SECTIONS

#### SECTION

#### PART I—PRELIMINARY

1. Short title
2. Interpretation

#### PART II—COUNCIL OF THE FIJI INSTITUTE OF TECHNOLOGY

3. Establishment of the Council
4. Constitution of the Council
5. Functions of the Council

#### PART III—CONDUCT OF COUNCIL BUSINESS

6. Meetings of the Council
7. Power to make by-laws; minutes and resolutions of the Council
8. Appointment of Chairperson and Committees
9. Council secretary
10. Council to keep full accounts
11. Annual accounts of the Council
12. Application of capital fund
13. Transfer of credit balance in any trading account
14. Expenditure of credit balance in appropriation account
15. Director to submit statements of accounts, etc

#### PART IV—DIRECTOR

16. Appointment of Director
17. Powers of Director

#### PART V—MISCELLANEOUS

18. Power to make regulations
19. Commencement

### A DECREE TO ESTABLISH A COUNCIL FOR THE FIJI INSTITUTE OF TECHNOLOGY, SETTING OUT ITS CONSTITUTION AND FUNCTIONS AND RELATED MATTERS

In exercise of the powers vested in me as President of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces, and acting in accordance with the advice of the Prime Minister and the Cabinet, I hereby make the following Decree:

#### PART I—PRELIMINARY

##### *Short title*

1. This Decree may be cited as the Fiji Institute of Technology Decree 1992.

##### *Interpretation*

2. In this Decree, unless the context otherwise requires:  
"By-laws" means the internal rules and regulations determined by the Council for the maintenance of proper order within the Fiji Institute of Technology;

- "Council" means the Council of the Fiji Institute of Technology established by this Decree;
- "Course" means a course of study or training within a programme contributing or leading to a qualification to be awarded by the Fiji Institute of Technology;
- "Director" means the person appointed to be the Director of the Fiji Institute of Technology;
- "Minister" means the Minister responsible for Education;
- "Ministry" means the Ministry responsible for Education;
- "property" means real and personal property of every description;
- "Permanent Secretary" means the Permanent Secretary responsible for Education;
- "Secretary" means the secretary to the Council of the Fiji Institute of Technology, and
- "Staff" means employees of the Council of the Fiji Institute of Technology.

## PART II—COUNCIL OF THE FIJI INSTITUTE OF TECHNOLOGY

### *Establishment of Council*

3.—(1) There is hereby established a Council to be known as the Council of the Fiji Institute of Technology which shall be a body corporate and by that name shall have perpetual succession and a common seal. The Council may sue and be sued in respect of matters, whether relating to contract, tort, or otherwise, arising in connection with the exercise of its power or the carrying on of its functions under the provisions of this Decree.

(2) Service of any document on the Director or Secretary shall be deemed to be service on the Council.

### *Constitution of Council*

4.—(1) The Council shall comprise:

- (a) six members appointed by the Minister to represent the industries and professions served by the Fiji Institute of Technology;
- (b) The Permanent Secretary or his representative;
- (c) The Deputy Secretary for Education responsible for Tertiary and Technical Education;
- (d) the Director General of the Fiji National Training Council or his representative;
- (e) the Director of the Fiji Institute of Technology;
- (f) the Permanent Secretary for Infrastructure and Public Utilities or his representative;
- (g) the Secretary to Government and for the Public Service or his representative;
- (h) the Permanent Secretary for Finance and Economic Planning or his representative;
- (i) one member appointed by the Fiji Employers' Federation;
- (j) one member appointed by the Fiji Institute of Technology Staff Association;
- (k) one member co-opted to represent the community served by the Western Division Technical Centre, Ba; and
- (l) one member appointed by the Council of the University of the South Pacific.

(2) Members other than those specified in paragraphs (b), (c), (d), (e), (f), (g), and (h) of the preceding subsection shall, unless they resign or are removed from office, hold office for a term of three years on a renewable basis.

(3) Notwithstanding the provisions of subsection (2) of this Section, members appointed under paragraphs (i) and (l) of subsection (2) and two members appointed under paragraph (a) of subsection (2) shall hold office for one year only from the date at which the Council is first established and thereafter for a term of three years. The member appointed under paragraph (j) of subsection (1) and two of the members appointed under paragraph (a) of subsection (1) shall hold office for two years, only from the date at which the Council is first established, and thereafter for terms of three years.

(4) The Chairperson shall be appointed by the Minister from the membership of the Council.

### *Functions of the Council*

5. The functions of the Council are:

- (a) to appoint a Director in accordance with subsection (2) of Section 16 of this Decree;
- (b) to employ other staff in accordance with paragraph (d) of Section 17 of this Decree and within the staffing levels determined by the Permanent Secretary from time to time;
- (c) to prepare and negotiate with the Permanent Secretary as to the Statements of Objectives and funding for the Fiji Institute of Technology;
- (d) to ensure that the Fiji Institute of Technology is managed in accordance with its Statements of Objectives and the general policies for vocational training and education as determined by the Minister from time to time;

- (e) to strive to ensure that the Fiji Institute of Technology attains the highest standards of excellence in educational training and research;
- (f) to encourage the greatest possible participation in vocational training and education of all citizens of Fiji;
- (g) to ensure that systems are established for the coordination of and accountability for activities within the Fiji Institute of Technology to ensure the responsible use of public resources;
- (h) to ensure that proper standards of integrity, conduct and concern for:
  - (i) the public interest; and
  - (ii) the well-being of students attending the Fiji Institute of Technology are maintained;
- (i) to confer academic qualifications in accordance with the Statement of Objectives for the Fiji Institute of Technology; and
- (j) to establish an Academic Board in accordance with academic regulations made under Section 18 of this Decree.

### PART III—CONDUCT OF COUNCIL BUSINESS

#### *Meetings of the Council*

- 6.—(1) The Council shall meet at least four times a year.
- (2) The Council shall hold an annual meeting in each year, at such time and place as the Council decides:
- Provided that in any year in which members of the council are to be appointed or elected, other than for the purposes of filling an extraordinary vacancy, the annual meeting shall, unless the Minister otherwise approves, be held in the month in which the newly appointed or elected members take office.
- (3) At all meetings of the Council, the Chairperson, or in that person's absence such member of the Council as the majority of the members assembled choose, shall preside, and the Chairperson or presiding member shall have a deliberative vote, and in all cases of equality of votes shall also have a casting vote.
- (4) At the meetings of the Council a majority of all the members then in office shall constitute a quorum.

#### *Power to make by-laws, minutes and resolutions of the Council*

- 7.—(1) Subject to the provisions of this Decree, the Council may make, and may from time to time revoke, vary, or amend, by-laws for the conduct of business at its meetings, for determining how meetings shall be convened and where they shall be held, for the custody and use of the common seal, and for such other like matters as may be requisite for the conduct of the business of the Council.
- (2) Minutes of the proceedings of the Council shall be regularly entered in a proper book to be kept for that purpose, and at every regular meeting of the Council the minutes of the previous meeting and of any special meeting shall be presented for confirmation by resolution of the Council and signed by the Chairperson of the meeting at which they are confirmed; and the minutes when so signed shall be held for all purposes to be a true statement and record of the proceedings of the Council.
- (3) All things required by this Decree or by any other regulations made under this Decree to be done by the Council shall be done in accordance with and in pursuance of a resolution passed by a majority of the votes of the members present at a meeting of the Council and voting thereon.

#### *Appointment of Chairperson and Committees*

- 8.—(1) The Chairperson of the council shall be appointed by the Minister for a term of three years and shall be eligible for reappointment at the end of each term of appointment.
- (2) The Council may from time to time appoint standing or special committees of one or more of its members and may delegate to any such committee any duties and powers of the Council, either subject to confirmation or in a manner which does not require confirmation by the Council.
- (3) Subject to any general or special directions given or conditions attached by the council, any duties and powers so delegated to any committee may be performed and exercised by the Committee with the same effect as if those duties and powers had been directly conferred by this Decree and not by delegation.

(4) The Council shall in all cases have and retain the right to revoke any appointment of a committee and to revoke the delegation to any committee of any duty or power of the Council.

(5) No delegation under this Section shall prevent the exercise of any power by the Council and unless and until any such delegation is revoked, it shall continue in force according to its tenor.

(6) Unless otherwise provided by the Council, every committee may fix and act by a quorum of its members.

(7) The provisions of subsection (2) of Section 7 of this Decree (relating to minutes of proceedings) shall apply so far as they are applicable and with the necessary modifications, to any committee appointed by the Council.

*Council Secretary*

9.—(1) The Council shall appoint a Secretary, and shall appoint the Secretary or some other person with authority to receive money on the council's account. The Council shall inform the Minister of every such appointment once it is made.

(2) Any notice or other such document given or made by or on behalf of the Council shall be sufficiently authenticated if it is signed by the Secretary, or any person acting as Secretary.

*Council to keep full accounts*

10.—(1) The Council shall keep full and true accounts of all money received and expended by it.

(2) All money received by or belonging to the Council amounting to twenty dollars or more shall, within seven days after it has come into the hands of an officer of the Council, or any other person authorised to receive money on behalf of the Council, be paid into such bank account or accounts as the Council from time to time determines.

(3) No such money shall be withdrawn from the bank except by authority of the Council and by cheque signed by two persons duly authorised by the Council to sign cheques.

*Annual accounts of Council*

11.—(1) The Council shall, not later than the 28th day of February in every year, cause its accounts for the preceding financial year to be balanced, and shall prepare for that financial year, in a manner approved by the Minister:

- (a) an income and expenditure account, an appropriation account, and a balance sheet;
- (b) for each trust, special, and reserve fund, a receipts and payments account;
- (c) for each hostel, a profit and a loss account, an appropriation account and a balance sheet;
- (d) for any bookroom, cafeteria, or other trading activity operated by the council, a trading account and an appropriation account;
- (e) for any other financial activity of the Council, as the Minister may from time to time determine, a true statement of accounts.

(2) The Secretary shall make returns to the Council of the amounts of revenue due and payable to the Council which are unpaid. Returns shall be made in such form and at such times the Council may direct, but at least one return in every year shall be made not later than the 28th day of February in respect of amounts outstanding at the end of the previous financial year which are still unpaid at the date the return is made.

*Application of capital fund*

12. The Council may, out of any capital fund accumulated by it, or out of money coming into its hands by virtue of any Act or otherwise for the benefit of the Fiji Institute of Technology, being money for the application of which no express provision exists, expend any sum or sums in purchasing land for the benefit of the Fiji Institute of Technology, and in erecting and maintaining suitable buildings and premises thereon for use for purposes of instruction, and may, subject to the approval of the Minister, expend any sum or sums in purchasing land and erecting and maintaining suitable buildings thereon for use as boarding houses for the students, or as residences for any officers employed in connection with the Fiji Institute of Technology.

*Transfer of credit balance in any trading account*

13. At the end of each financial year the Council shall transfer not less than 90% of any credit balance in any trading account kept by it to the appropriation account kept by it.

*Expenditure of credit balance in appropriation account*

14. Out of any credit balance for the time being in the appropriation account kept by the Council may expend such money as it thinks fit for the benefit of the students of the Fiji Institute of Technology in such manner as it may determine:

Provided that no payment under this Section shall be made from the said appropriation account in any financial year for any purpose if the payment would increase the amount which may be expended for that purpose in that year beyond the limit fixed by or pursuant to any Act or regulation.

*Director to submit statements of accounts, etc*

15. The Director shall submit or cause to be submitted to the Council not later than the 31st day of March following the immediately preceding financial year, the following statements:

- (a) a statement of the accounts, duly audited to the satisfaction of the Council in respect of any income generating activity conducted by the teaching staff of the Fiji Institute of Technology; and
- (b) a statement of the manner in which the profits from any such activity have been disbursed for the benefit of the Fiji Institute of Technology.

**PART IV—DIRECTOR**

*Appointment of Director*

16.—(1) There shall be a Director of the Fiji Institute of Technology appointed by the Council under paragraph (a) of Section 5 of this Decree.

(2) Before the Council appoints any person to the position of Director, it shall provide the Minister with a summary of that person's qualifications and experience and the appointment shall be subject to the approval of the Minister.

*Powers of Director*

17. The Director shall, subject to the general direction of the Council, have the following powers, duties and functions. He shall:

- (a) have the control of the buildings and premises of the Fiji Institute of Technology and of the apparatus and furniture thereof;
- (b) be responsible for the educational direction of the Fiji Institute of Technology, general supervision, and to oversee its activities: and in this respect his duties shall include the management of the teaching and other staff, the advising of students as to classes and courses suitable to their general needs, consultation with employers and parents, and the co-ordination of the instruction given to students in classes with the requirements of examining bodies and the occupational needs of the students;
- (c) be responsible for the discipline of the Fiji Institute of Technology, and may suspend from attendance any student, and reporting his action to the Council at its next meeting. The action of the Director shall hold good until the Council has come to some determination in regard to the matter;
- (d) have the power to recommend the appointment or dismissal of officers of the Fiji Institute of Technology, and to allot their several duties: and no officer shall be appointed until the Director has been consulted as to that officers suitability, and
- (e) be responsible to the Council for the keeping of attendance registers in such a form as may be required from time to time by the Permanent Secretary and for making such reports to the Permanent Secretary as may be required.

**PART V—MISCELLANEOUS**

*Power to make regulations*

18. The Council may with the approval of the Minister make regulations for the establishment of an Academic Board for the Fiji Institute of Technology and for the proper implementation and efficient administration of this Decree and for any other purposes connected therewith.

*Commencement*

19. This Decree shall come into force on the day it is made.  
Made this 25th day of February 1992.

**PENAIK K. GANILAU**  
President of the Sovereign Democratic Republic of Fiji and  
Commander-in-Chief of the Armed Forces