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FIJI

ACT NO. 17 OF 1997



I assent.

[L.S.]

K.K.T. MARA
President

[17 October 1997]

AN ACT

TO FACILITATE AND ASSIST THE DEVELOPMENT OF THE FIJI SCHOOL OF MEDICINE AS AN AUTONOMOUS INSTITUTION, PROVIDING FOR THE RECONSTITUTION OF THE COUNCIL OF THE FIJI SCHOOL OF MEDICINE; THE CONDUCT OF THE COUNCIL'S BUSINESS; FINANCIAL PROVISIONS; THE APPOINTMENT OF DEAN OF SCHOOL AND RELATED MATTERS

ENACTED by the Parliament of Fiji —

Part I — PRELIMINARY

Short title and commencement

- 1.—(1) This Act may be cited as the Fiji School of Medicine Act 1997.
- (2) This Act shall come into force on a date appointed by the Minister and published in the *Fiji Republic Gazette*.

Interpretation

2. In this Act, 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 School of Medicine;

"Council" means the Council of the Fiji School of Medicine established by this Act;

"course" means a course of study or training within a programme contributing or leading to a qualification to be awarded by the Fiji School of Medicine or jointly by the Fiji School of Medicine and another recognised training institution or by the University of the South Pacific to students attending the Fiji School of Medicine;

"Dean of School" means the person appointed to be the Dean of the Fiji School of Medicine;

"Minister" means the Minister responsible for Health;

"Ministry" means the Ministry responsible for Health;

"property" means real and personal property of every description;

"Permanent Secretary" means the Permanent Secretary responsible for Health;

"Secretary" means the Secretary to the Council of the Fiji School of Medicine;

"staff" means employees of the Council of the Fiji School of Medicine.

Part II – COUNCIL OF THE FIJI SCHOOL OF MEDICINE

Reconstitution and continuation of the Council

3. The Council established prior to the commencement of this Act is hereby reconstituted and shall continue under the name of the Council of the Fiji School of Medicine which shall be a body corporate and shall have perpetual succession and a common seal. The Council shall have power to hold real and personal property and may sue and be sued on matters whether relating to contract or tort or otherwise in connection with the exercise of its powers or the carrying out of its functions under this Act.

Composition of the Council

4.—(1) The members of the Council shall be appointed by the Minister and the Council shall comprise:

- (a) a Chairperson;
- (b) the Vice-Chancellor of the University of the South Pacific or his or her representative;
- (c) a nominee of the Senate of the University of the South Pacific;
- (d) Secretary for the Public Service or his or her representative;
- (e) Permanent Secretary for Finance or his or her representative;
- (f) Permanent Secretary for Health;
- (g) Director of Hospital Services;
- (h) Dean or his or her representative;
- (i) nominee of Fiji School of Medicine Academic Board;

- (j) nominee of Fiji School of Medicine Allied Health Sciences Board;
- (k) Senior Member of the Health Profession in Fiji;
- (l) President, Fiji School of Medicine Students Association;
- (m) four other Members from Fiji including the President of the Fiji Medical Association;
- (n) three members as representatives of other Pacific Island Countries appointed by invitation to be members of the Council.

(2) Members other than those specified in paragraph (b), (d), (e), (f), (g), (h) and (l) of subsection (1) 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), two members appointed under paragraph (m) of subsection (1) shall hold office for two years only from the date at which the Council is reconstituted under this Act and thereafter for a term of three years.

(4) The Council may, at its discretion invite any person or persons to observe at any of the Council's meetings.

Functions of the Council

5. The functions of the Council are;

- (a) to appoint a Dean of School in accordance with the provisions of Section 19;
- (b) to appoint, promote, demote, discipline and dismiss staff in accordance with of this Act and within the staffing levels determined by the Council each year;
- (c) to terminate the appointment of the Dean of School subject to the approval of the Minister;
- (d) to set the level of remuneration and the terms and conditions of employment for the Dean of School and other staff each year;
- (e) to set the recurrent budget each year;
- (f) to decide on capital projects to be undertaken at the Fiji School of Medicine whether funded by the Council or by some other source;
- (g) to set the tuition fees and board and lodging charges for students year by year;
- (h) to ensure that the Fiji School of Medicine is managed in accordance with its statements of objectives;

- (i) to strive to ensure that the Fiji School of Medicine attains the highest standards of excellence in training and research;
- (j) to ensure that systems are established for the co-ordination of and accountability for activities within the Fiji School of Medicine to ensure the responsible use of the public resources;
- (k) 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 School of Medicine;
- (l) to confer academic qualifications in accordance with the Statements of Objectives for the Fiji School of Medicine; and
- (m) to establish an Academic Board by regulation.

Part III — CONDUCT OF COUNCIL BUSINESS

Meetings of the Council

6.—(1) The Council shall meet at least twice 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 a vacancy, annual meeting shall be held in the month on 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.

(5) The Secretary shall not have a right to vote at any meeting of the Council.

(6) A member of the Council or any committee of the Council having any direct interest in any matter under discussion by the council or committee shall disclose to the council or committee, as the case may be, the fact of his or her interest and nature thereof.

Powers to make by-laws; minutes and resolutions of the Council

7.—(1) Subject to the provisions of this Act, the Council may make, and may from time to time revoke, 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 meeting of the Council the minutes of the previous meetings 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 Act or by any other regulation made under this Act 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.

Terms of appointment of Chairperson and Committee members

8.—(1) The Chairperson of the Council shall be appointed 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 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, 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 Act and not by delegation.

(4) The Council shall in all case 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 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 provision of subsection (2) of Section 7 (relating to minutes of proceedings) shall apply so far as it is 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 designate 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 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.

(3) Service of any document on the Dean of School or Secretary shall be deemed to be service on the Council.

Allowances of Council members

10. The members of the Council and committees may be given allowances and benefits as may be determined from time to time by the Council with the approval of the Minister.

Liability of Council members

11. The members of the Council shall be exempted from liability for any act or omission of the Council done or omitted to be done in good faith in the course of operation of the Council.

Part IV — FINANCIAL PROVISIONS

Funds of the Council

12. The funds of the Council shall comprise of —

- (a) all money received by the Council out of money appropriated by Parliament for the purpose of the Act;
- (b) all money received by the Council from —
 - (i) tuition fees and other levies;
 - (ii) boarding fees;
 - (iii) other financial activity;
- (c) all money that may be contributed or donated to the Council or may otherwise be lawfully payable to the Council;
- (d) all accumulation of money belonging to the Council.

Council to keep full accounts

13.—(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

14.—(1) The Council shall, not later than the 31st day of March in every year, cause its accounts for the preceding financial year to be balanced and audited 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 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 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 as 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

15. 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 School of Medicine, being the money for the application of which no express provision exists, expend any sum or sums in purchasing land for the benefit of the Fiji School of Medicine and in creating and maintaining suitable buildings and premises thereon for use for purposes of instruction, and may 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 staff employed in connection with the Fiji School of Medicine.

Transfer of credit balance in any trading account

16. 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

17. Out of any credit balance for the time being in the appropriation account kept by it the Council may expend such money as it thinks fit for the benefit of the students of the Fiji School of Medicine 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 the purpose in that year beyond the limit fixed by or pursuant to any Act or regulation.

Dean of School to submit statements of accounts etc.

18. The Dean of School shall submit or cause to be submitted to the Council not later than 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 School of Medicine; and
- (b) a statement of the manner in which the profits from any such activity have been disbursed for the benefit of the Fiji School of Medicine.

Part V— DEAN OF SCHOOL

Appointment of Dean of School

19.—(1) There shall be a Dean of School of the Fiji School of Medicine appointed by the Council.

(2) Before the Council appoints any person to the position of Dean of School 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.

(3) The Dean of School shall devote the whole of his or her services to the Council and shall not, without the written approval of the Council and endorsed by the Minister, occupy any other office of employment whether remunerated or not, except that he or she may act as a member of any board, committee or commission established by the Government.

(4) The Dean of School shall be paid such salary and other benefits as is determined from time to time by the Council.

Powers of Dean of School

20. The Dean of School shall, subject to the general direction of the Council, have the following powers, duties and functions. The Dean of School shall:

- (a) have the control of the buildings and premises of the Fiji School of Medicine and of the apparatus and furniture thereof;
- (b) be responsible for the formulation and preparation of the Statement of Objectives for the Fiji School of Medicine;

- (c) be responsible for the educational direction of the Fiji School of Medicine, general supervision, and to oversee its activities. In this respect the Dean of School's 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 Ministries or Departments of Health and parents, and the co-ordination of the instruction given to the students in classes with the requirement of examining bodies and the occupational needs of the students;
- (d) be responsible for the discipline of the Fiji School of Medicine, and may suspend from attendance any student, and reporting any such action to the Council at its next meeting. The action of the Dean of School shall hold good until the Council has come to some determination in regard to the matter;
- (e) have the power to recommend the appointment or dismissal of officers of the Fiji School of Medicine and to allot their several duties. No staff shall be appointed until the Dean of School has been consulted as to that staff's suitability.

Part VI — MISCELLANEOUS

Power to make regulations

21. The Council may with the approval of the Minister make regulations for the efficient administration of the Fiji School of Medicine and the proper implementation of this Act and for any other purpose connected therewith.

Vesting of equipments, instruments etc in the Council

22. On a date appointed by the Minister after the commencement of this Act, all equipment, instruments, furniture, fixtures and vehicles currently used by the Fiji School of Medicine shall vest in the Council, without conveyance or assignment, subject to all charges, encumbrances, contracts, debts and liabilities and upon the terms and conditions agreed to by the Government and the Council.

Passed by the House of Representatives this third day of September in the year of our Lord, One Thousand Nine Hundred and Ninety-Seven.

Passed by the Senate this first day of October, in the year of our Lord One Thousand, Nine Hundred and Ninety-Seven.