

No. 44 of 2022.

Innovative University of Enga Act 2022.

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No. 44 of 2022.

AN ACT

entitled

Innovative University of Enga Act 2022,

Being an Act to provide for the establishment and incorporation of the ***Innovative University of Enga***, and for related purposes.

MADE by the National Parliament.

PART I. - PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

(1) This Act, to the extent that it regulates or restricts the right to freedom of information conferred by Section 51 of the ***Constitution***, is a law that is made for the purpose of giving effect to the public interest in public order and public welfare.

(2) For the purposes of Section 53 (protection from unjust deprivation of property) of the ***Constitution*** and of this Act and of any other law, the purposes of the University are public purposes.

2. INTERPRETATION.

(1) In this Act, unless the contrary intention appears -

“Academic Board” means the Academic Board of the University;

“affiliated college” means an educational institution affiliated to the University but not maintained or administered by it;

“authority” means any of the authorities of the University specified or set up in terms of Section 15;

“By-laws” means by-laws made by the Council under this Act and for the time being in force;

“Chairperson” means the Chairperson of the University Council;

“college” means a constituent college or an affiliated college;

“constituent college” means an educational institution, by whatever name described, maintained and administered by the University;

“Council” means the Council of the University;

“Dean” means the head of a Faculty or the head of an academic body granted the status of a Faculty by University By-laws or by the Statutes or Regulations;

“department” means a teaching department maintained and administered, or recognised by the University in the manner prescribed;

“Department” means the Department responsible for higher education, research, science and technology matters;

“Departmental Head” means the Departmental Head of the Department responsible for higher education, research, science and technology matters;

“Director” means the head of an institute established as a constituent institution by the University;

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- “Emeritus Professor” means a scholar extra ordinary who have been awarded the Emeritus Fellowship by a University;
- “faculty” means an administrative and academic unit of the Innovative University of Enga consisting of one or more departments, as prescribed;
- “generally accepted accounting principles” means the common set of accounting principles, standards and procedures that university uses to compile their financial statements;
- “government” means the National Government;
- “Lecturers” include Professors, Associate Professors, Assistant Professors and Lecturers engaged whole-time by the University or by a constituent or affiliated college and such other persons as may be declared to be teachers by Regulations;
- “President” means the President of the Innovative University of Enga;
- “Principal” means the head of a College;
- “review panel” means the Review Panel set up by the Chairperson in accordance with By-laws of the University;
- “Search Committee” means the Search Committee set up by the University Council under the By-laws of the University;
- “this Act” includes the Regulations and the By-laws;
- “University” means the Innovative University of Enga; and
- “University Lecturer” means a whole-time lecturer appointed and paid by the University, or recognised by the University as such.

(2) A reference in this Act to the holder of an office in the University shall be read as including a reference to a person for the time being performing the functions, duties and responsibilities of that office.

3. APPLICATION.

(1) This Act binds the State.

(2) The provisions of this Act shall be applied in accordance with Subsection (3).

(3) For the period on and from the date of coming into operation of this Act until the date on which the Council is duly constituted, the provisions in Division IX.1 in relation to the Interim Council shall apply.

(4) Once the Council has been duly constituted, the provisions of Division IX.1 in relation to the Interim Council shall cease to apply and the provisions of this Act shall apply.

PART II. - THE UNIVERSITY.

4. ESTABLISHMENT AND INCORPORATION OF THE UNIVERSITY.

(1) The University is hereby established.

(2) The University -

- (a) is a body corporate with perpetual succession; and
- (b) shall have a common seal; and
- (c) may acquire, hold and dispose of property; and
- (d) may sue and be sued in its corporate name and style.

(3) The Council may establish or maintain as part of the University, such other colleges or institutions, teaching departments, schools, faculties, institutes, museums and other places of learning for the development of learning, teaching, research and community service, as it deems necessary from time to time.

5. CUSTODY AND USE OF THE SEAL.

(1) The seal of the University shall be kept in such custody as the Council directs and shall not be used except by resolution of the Council or in such other manner as is authorised by the By-laws.

(2) All courts, Judges and persons acting judicially shall take judicial notice of the seal of the University affixed to a document and shall presume that it was duly affixed.

6. OBJECTIVES OF THE UNIVERSITY.

(1) The University shall be dedicated to the pursuit, advancement and dissemination of knowledge, understanding and wisdom in all areas or fields of learning based on Christian philosophy of education and faith.

- (2) In pursuing the objectives specified in Subsection (1), the University shall -
- (a) pay particular attention to the human resource development and other development needs of the Enga Province and Papua New Guinea; and
 - (b) endeavour to achieve academic and professional excellence to meet those needs through learning, teaching, research and community service; and
 - (c) include the provision of university education within the context of the Christian faith, and the University values.

7. FUNCTIONS OF THE UNIVERSITY.

(1) The functions of the University are -

- (a) to encourage and provide facilities for study and education in all subjects and to give instruction and training in all branches of learning and skills; and
- (b) to provide for research into all branches of learning and teaching to assist in its practical application leading to the nation's development; and
- (c) subject to the By-laws, to award and confer degrees, diplomas, certificates and other academic honours; and
- (d) to provide facilities for higher education throughout Papua New Guinea by the affiliation or amalgamation of educational institutions, by the establishment of tutorial classes, online and blended classes, extension classes and vocation classes and by such other means as the Council deems appropriate; and
- (e) to liaise, collaborate and reciprocate with other institutions of learning and training institutions, inside or outside Papua New Guinea, by providing facilities, the recognition of degrees, diplomas and certificates and other status and the interchange of staff, students and information, and in any other way not inconsistent with its status as the University; and
- (f) to uphold Section 55 of the *Constitution* for equality of citizens in all areas of social, economic and political development irrespective of race, tribe, place of origin, political opinion, colour, creed, religion or sex.

(2) Paragraph (f) allows the University to make regulations or By-laws for special benefit, welfare, protection or advancement of females, disabled persons, children and young persons, members of underprivileged or less advanced groups or residents of less advanced areas.

8. POWERS OF THE UNIVERSITY.

The University shall have the power -

- (a) to hold examinations and grant such degrees as are authorised by the By-laws and such diplomas, certificates or other academic awards as it determines; and
- (b) to provide instruction and facilities for study, education and research to persons registered as preparing for degrees, diplomas, certificates or other awards of the University; and

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- (c) to provide facilities for extramural study and continuing education to persons, whether members of the University or not, in such fields and in such manner as the University may from time to time determine; and
- (d) to co-operate in pursuance of any of the objectives of the University with any other bodies or persons and, as authorised by the By-laws, to enter into agreements with institutions for their affiliation with, incorporation into or disaffiliation from, the University; and
- (e) subject to the *Salaries and Conditions Monitoring Committee Act 1988* or the Board of Trustees, to provide adequate number of academic, administrative and other staff on such terms and conditions of employment as the University may determine, which may be different from those applicable to the public service in general; and
- (f) to provide scholarships in any field of learning as it relates to the needs of the University and the Enga Province or Papua New Guinea in such manner as may be prescribed; and
- (g) to confer honorary degrees or other awards in such fields and in such manner as the University may from time to time determine; and
- (h) institute academic posts and appoint persons to those academic posts; and
- (i) to prescribe the academic programs of study to be conducted by a faculty or department and a college and to provide support to the academic development of a faculty, department and college with respect to the conduct of the academic programs of study; and
- (j) to conduct inspection of colleges and other educational institutions affiliated to or seeking affiliation to the University to ensure that they comply with this Act; and
- (k) to maintain linkages with the alumni; and
- (l) to facilitate online or the printing and the publication of research and other works by the University; and
- (m) to promote the health and general welfare of the students of the University, including the establishment and supervision of residences and the extracurricular and recreational activities for the students; and
- (n) to regulate and enforce discipline among the employees and students of the University by such measures as the University may determine; and
- (o) to amalgamate other institutions or cancel, annul or revoke any act done in the exercise of these powers; and
- (p) to do all things necessary or convenient to be done for or in connection with the performance of its functions otherwise conferred on it by this Act and any other law.

PART III. - THE COUNCIL OF THE UNIVERSITY.

9. ESTABLISHMENT OF THE COUNCIL.

The Council of the University is hereby established.

10. CONSTITUTION OF THE COUNCIL.

- (1) The Council shall consist of -
 - (a) the Chairperson; and
 - (b) the Deputy Chairperson; and
 - (c) the President, who shall be an *ex-officio* member; and
 - (d) four other persons nominated by the Enga Children's Fund Trustee Limited and appointed by the Council; and
 - (e) not more than six other persons appointed by the Council of the University.

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(2) A member of the Council referred to in Subsection (1)(a), (b), (c), (d) and (e) shall hold office subject to this Act for such period as is fixed by the By-laws and endorsed by the Board of Trustees, not exceeding three years commencing from the time of appointment.

(3) A member of the Council referred to in Subsection (1)(a), (b), (c), (d) and (e) is eligible for reappointment for two more terms, which must not exceed three consecutive terms.

(4) Where the Minister suspends the Council or the President under Division XIII.2 and Section 152 of the *Higher Education (General Provisions) Act 2014*, the Interim Council or the acting President appointed shall perform the powers and functions of the Office as provided under this Act.

11. FUNCTIONS OF THE COUNCIL.

- (1) Subject to Subsection (2), the functions of the Council are -
- (a) to promote and ensure attainment of the objects of the University; and
 - (b) to determine University mission and monitor the performance of the University in terms of its mission; and
 - (c) to formulate university policies and planning guidelines for University management; and
 - (d) to appoint University officers and academic, administrative and other staff of the University; and
 - (e) to have the charge of the management and administration of the revenue, property and personnel of the University, and the conduct of all matters relating to the University not otherwise provided for in or under subordinate legislation made in accordance with this Act; and
 - (f) to approve the annual report, annual accounts, audit report thereon and the budget of the University for the next financial year; and
 - (g) to exercise such other powers and perform such other duties as may be conferred on it by this Act; and
 - (h) generally, to take such action as appears to it best calculated to promote the interest of the University.

(2) In determining any matter which directly affects the academic policy of the University, the Council shall consult with the Academic Board.

12. POWERS OF THE COUNCIL.

- (1) Except where this Act provides otherwise, the University Council has powers -
- (a) to promote and ensure attainment of the objectives of the University; and
 - (b) to determine the University purpose and monitor the performance of the University in terms of its purpose; and
 - (c) to formulate university policies and planning guidelines for University management; and
 - (d) to endorse policies, terms and conditions under which University staff are appointed; and
 - (e) to provide oversight of the administration of the revenue, property and personnel of the University, and the conduct of all matters relating to the University not otherwise provided for in or under the By-law made in accordance with this Act; and
 - (f) to approve the annual report, annual accounts, audit report and the budget of the University for the next financial year; and
 - (g) to exercise such other powers and perform such other duties as may be conferred on it by this Act; and

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- (h) generally, to take such action in a manner as appears to it best to promote higher education in Papua New Guinea and in the best interest and purpose of the University.

(2) Notwithstanding anything in this Act, where there are findings by the Department responsible for higher education matters -

- (a) of corruption or abuse of power within the Council so as to render the Council either ineffective or lacking in public respect and confidence; or
- (b) of a failure by the Council to keep or cause to be kept proper accounts and records of transactions or dealings with respect to the University finances and property or assets; or
- (c) that the Council has an ineffective internal control system; or
- (d) that the Council has failed to submit reports as required by law or by the Minister; or
- (e) there has been a breakdown in the administration of the University; or
- (f) there has been a deliberate and persistent frustration of or failure to comply with the lawful directions of the National Government on higher education; or
- (g) the Council has deliberately and persistently disobeyed applicable laws, including this Act or any national legislation applicable to the University; or
- (h) there has been a failure to carry out functions in accordance with the development policies and standards of the National Government on higher education,

after an investigation, the Minister shall, under Division XIII.2 and Section 152 of the *Higher Education (General Provisions) Act 2014*, shall intervene and the intervention by the Minister may result in the suspension of the Council or the Vice Chancellor.

PART IV. - ACADEMIC BOARD.

13. ACADEMIC BOARD.

(1) There shall be an Academic Board of the University.

(2) The Academic Board shall consist of the following:

- (a) the President who shall be its Chair *ex-officio*; and
- (b) the Deans of Faculties and such Heads of Departments as may be prescribed in the University's By-laws; and
- (c) five members representing the departments, institutes and the constituent colleges to be elected in the manner prescribed by the Council, if applicable; and
- (d) two Principals of affiliated colleges, if applicable; and
- (e) two Professors including Emeritus Professor; and
- (f) the Registrar; and
- (g) the Librarian; and
- (h) ICT Director.

(3) The Council shall appoint the members of the Academic Board, other than the *ex-officio* and the elected members, on the recommendation of the President.

(4) Members of the Academic Board shall hold office for three years.

(5) The Academic Board shall meet at least once in each quarter.

(6) The quorum for meetings of the Academic Board shall be one half of the total number of members.

14. POWERS AND FUNCTIONS OF THE ACADEMIC BOARD.

(1) The Academic Board shall be the principal academic body of the University and shall, subject to the provisions of the Act and the Council, have the power to establish proper standards of instruction, research and examinations and to regulate and promote the academic life of the University and the colleges.

(2) Without prejudice to the generality of the powers in Subsection (1), and subject to the provisions of this Act, the By-laws and Statutes, the Academic Board shall have the power to -

- (a) approve the policies and procedures pertaining to the quality of academic programs; and
- (b) approve academic programs; and
- (c) approve the policies and procedures pertaining to student related functions including admissions, expulsions, discipline, examinations and certification; and
- (d) approve the policies and procedures assuring quality of teaching and research; and
- (e) recommend the policies and procedures for affiliation or amalgamation of other educational institutions; and
- (f) propose to the Council schemes for the constitution and organisation of faculties, teaching departments and boards of studies; and
- (g) appoint exam paper setters and examiners for all examinations of the University after receiving panels of names from the relevant authorities; and
- (h) institute programs for the continued professional development of University Lecturers at all levels; and
- (i) recognise the examinations of other Universities or examining bodies as equivalent to the corresponding examinations of the University; and
- (j) regulate the award of studentships, scholarships, exhibitions, medals and prizes; and
- (k) frame Academic Regulations for submission to the Council; and
- (l) prepare an annual report on the academic performance of the University; and
- (m) perform such functions as may be prescribed by Regulations.

15. MEMBERSHIP OF AUTHORITIES GENERALLY.

(1) A person, other than an *ex-officio* member, appointed or elected to an authority -

- (a) shall hold office for a period of three years from the date of the appointment or election; and
- (b) is eligible for re-appointment or re-election.

(2) Before entering upon the duties of his office, a member of an authority shall make the Declaration of Office before a District Court magistrate or a person authorised or appointed for the purpose, at a location as may be determined by the Council.

16. PERSONS ELIGIBLE TO BE MEMBERS OF AN AUTHORITY.

A person who -

- (a) is not of the full age of 18 years, unless he is a student of the University; or
- (b) is an undischarged bankrupt or has his affairs under liquidation by arrangement with his creditors; or
- (c) has been convicted of an offence and sentenced to imprisonment and who has not been granted free pardon or undergone the sentence; or
- (d) is a person of unsound mind within the meaning of the laws relating to insanity or unsoundness of mind; or
- (e) is barred from membership under the provisions of a By-law governing staff or student discipline; or

(f) fails to comply with Section 21(a),
is not qualified to be elected or appointed as, or to remain as, a member of an authority.

17. VACATION OF OFFICE.

(1) If a member of an authority -

- (a) dies; or
- (b) declines to act; or
- (c) resigns his seat; or
- (d) is absent without leave from three consecutive meetings of the authority; or
- (e) in the case of a member of Parliament, ceases to be a member of the Parliament; or
- (f) in the case of a student, ceases to be a student or to reside permanently in the country;
or

(g) not being a person referred to in Paragraph (e) or (f), ceases to have the qualification by virtue of which he was elected,

is a person referred to in Section 19, his seat becomes vacant and the seat shall be filled as a casual vacancy in accordance with Section 19.

(2) For the purposes of Subsection (1)(e), a member of the Parliament shall be deemed not to have ceased to be a member of the Parliament while he continues to be paid salaries, allowances and benefits under the *Salaries and Remuneration Commission Act 1988*.

18. FILLING OF VACANCIES.

Where a person ceases to be a member of an authority -

- (a) on the expiration of his or her term of office; or
- (b) for some other reason or in some other circumstances,

the election or appointment to fill the vacancy shall, subject to Section 22, be held or made as soon as is practicable, and in any case not later than two months after the date on which the vacancy occurs.

19. CASUAL VACANCIES.

(1) In the event of a casual vacancy in an authority, a member shall be elected or appointed in accordance with the appropriate provisions relating to the election or appointment of that member to that authority, and shall hold office, subject to this Act, for the balance of his predecessor's term of office.

(2) If a casual vacancy occurs within three months before the expiration of the term of office of a member, the vacancy shall not be filled for the remainder of the term.

20. CHAIR TO PRESIDE, ETC.

(1) The Chair of an authority shall preside at all meetings at which he is present.

(2) In the absence of the Chair of an authority at a meeting of the authority, a member elected by the members present from amongst their number shall preside.

21. QUORUM AT A MEETING.

(1) Subject to Subsection (2), at a meeting of an authority, unless a By-law otherwise provides, not less than half of the total number of members for the time being is a quorum.

(2) Where -

- (a) at any meeting of an authority no quorum is present; and
- (b) alternative arrangements are made for reconvening the meeting; and
- (c) after an interval of not less than 24 hours; and

(d) members of the authority are advised of those arrangements electronically or by other equally fast means,
there shall be no requirement of a quorum at that reconvened meeting.

22. VOTING AT A MEETING.

(1) At a meeting of an authority, all questions shall be decided by a majority of the members present.

(2) The member presiding at a meeting of an authority shall have a deliberative and in the case of an equality of votes on any question, also a casting vote.

(3) A member of an authority shall not be entitled to deliberate upon and vote either in the authority or in any Committee thereof on any subject in which he has a direct pecuniary interest.

(4) A member referred to in Subsection (3), shall notify the Chair of such pecuniary interest prior to the deliberation of the subject in which he has a pecuniary interest and such a notification shall be recorded in the minutes of proceedings.

23. LIMITATIONS ON STUDENT MEMBERS OF AUTHORITIES.

(1) A student, who is a member of authorities or committees as the Council or the Academic Board may from time to time determine, shall -

- (a) not participate in meetings relating to staff or students disciplinary matters or other confidential matters related to the University; and
- (b) not be involved in deciding, by a vote on Paragraph (a) and receive or be entitled to receive information in an electronic form or otherwise or papers relating to reserved business.

(2) For the purpose of Subsection (1), “reserved business” includes business relating to -

- (a) appointments, promotions and other matters affecting the personal affairs of staff; and
- (b) admission and assessment of individual students.

(3) In any case where there is doubt as to whether a business is reserved business under Subsection (2), the Chair of the meeting of the authority at which it is to be discussed or decided shall, in his own absolute judgement, decide whether or not it is reserved business.

24. COMMITTEES.

(1) An authority may, by resolution, constitute and appoint such committees as it thinks fit.

(2) A committee constituted in accordance with Subsection (1) shall exercise, subject to the jurisdiction of the various authorities, such powers as are conferred on it by the authority.

25. DELEGATION.

(1) An authority may, by resolution, delegate any of its powers and functions other than the power of delegation and, in the case of the Council, its power to make By-laws to -

- (a) any member of the authority; or
- (b) a committee consisting of members of the authority with or without another person; or
- (c) an officer of the University.

(2) A delegation under this section shall -

- (a) be revocable by a resolution of the authority; and

- (b) not prevent the exercise of any power or function by the authority.

PART V. - OFFICERS OF THE UNIVERSITY.

26. OFFICERS OF THE UNIVERSITY.

The officers of the University shall be -

- (a) the Chairperson, who has been appointed under Section 27; and
- (b) the Deputy Chairperson, who has been appointed under Section 28; and
- (c) the President, who has been appointed under Section 29; and
- (d) the Vice-Presidents, who has been appointed under Section 38; and
- (e) the Registrar, the Bursar and such other persons in the service of the University, who may be declared by the By-laws to be officers of the University.

27. THE CHAIRPERSON.

(1) Subject to Subsection (4), there shall be a Chairperson who shall be appointed in the manner and for the period prescribed by the By-laws.

(2) The Chairperson shall be the ceremonial head of the University and, if present, shall preside at Convocations of the University for conferring degrees and meetings of the Council.

(3) The Chairperson shall perform such other functions and duties as may be prescribed by this Act or the Board of Trustees.

(4) Notwithstanding anything in this Act and subject to Subsection (5), the Chairperson shall not hold office as the Chairperson for more than three terms.

(5) For the purpose of Subsection (4), a term means a period prescribed by the By-laws under which the Chairperson may hold office.

28. THE DEPUTY CHAIRPERSON.

(1) Subject to Subsection (3), there shall be a Deputy Chairperson who shall be appointed in the manner and for the period prescribed by the By-laws.

(2) The Deputy Chairperson shall, in the absence of the Chairperson, perform the functions and duties of the Chairperson.

(3) Notwithstanding anything in this Act and subject to Subsection (4), the Deputy Chairperson shall not hold office as the Deputy Chairperson for more than three terms.

(4) For the purpose of Subsection (3), a term means a period prescribed by the By-laws under which the Deputy Chairperson may hold office.

PART VI. - APPOINTMENT OF PRESIDENT AND STAFF.

29. PRESIDENT OF THE UNIVERSITY.

(1) Subject to this Act and endorsement by the Council may, from time to time as the occasion requires, appoint a person to be the President of the University.

(2) The President shall be appointed on such terms and conditions as the Council determines.

(3) The term of office of the President may be renewed by the Council at its discretion.

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(4) The President shall be the Chief Executive Officer of the University responsible for all administrative, academic and financial functions of the University and for ensuring that the provisions of the Act, By-laws, Statutes, Regulations and Rules are faithfully observed in order to promote the general efficiency and good order of the University.

(5) The President shall be a full-time salaried officer of the University and subject to the *Salaries and Conditions Monitoring Committee Act 1988*, matters relating to his emoluments and other terms and conditions of employment shall be prescribed by the Statutes.

30. FUNCTIONS OF THE PRESIDENT.

- (1) The President shall -
- (a) be the academic, financial and administrative head of the University and shall exercise general supervision and control over the affairs of the University; and
 - (b) give effect to the decisions of the authorities of the University and shall ensure that the provisions of this Act are duly observed; and
 - (c) where in his opinion, there has arisen an emergency which requires that immediate action be taken, take such actions as he deems necessary and report same to the next meeting of the authority which, in the ordinary course, would have dealt with the matter; and
 - (d) be a member *ex-officio* of authorities, boards or committees of the University; and
 - (e) have the power to request meetings of the Council and shall have powers to convene a meeting of the Academic Board and all other authorities, committees, sub-committees and boards of the University, staff and student bodies recognised by the University; and
 - (f) exercise such other powers and perform such other functions as may be prescribed by this Act.

31. POWERS OF THE PRESIDENT.

(1) The President shall have all powers prescribed for this purpose, including administrative control over the officers, teachers and other employees of the University.

(2) The President shall, if present, be entitled to attend any meeting of any Authority or body of the University.

(3) The President may, in an emergency that in his opinion requires immediate action ordinarily not in the competence of the President, take such action and forward within 72 hours, a report of the action taken to the members of the Emergency Committee of the Council, to be set up by Statute. The Emergency Committee may direct such further action as is considered appropriate.

(4) In addition to the powers under Subsections (1), (2) and (3), the President shall also have the following powers:

- (a) to direct teachers, officers and other employees of the University to take up such assignments in connection with examination, administration and such other activities in the University as he may consider necessary for the purposes of the University; and
- (b) to sanction by re-appropriation, an amount not exceeding an amount prescribed by the Council for an unforeseen item not provided for in the budget and report it to the Council at the next meeting; and
- (c) to make appointments of such categories of employees of the University and in such manner as may be prescribed by the By-laws or Statutes; and

- (d) to suspend, discipline and remove in accordance with prescribed procedure from service, officers, teachers and other employees of the University except those appointed by or with the approval of the Council; and
- (e) to delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer or officers of the University; and
- (f) to exercise and perform such other powers and functions as may be prescribed.

32. OTHER ROLES OF THE PRESIDENT.

(1) The President shall preside at the convocation of the University in the absence of the Chairperson or the Deputy Chairperson.

(2) The President shall present an annual report before the Council within three months of the close of the academic year. The annual report shall present such information as regards to the academic year under review as may be prescribed, including disclosure of all relevant facts pertaining to -

- (a) academics; and
- (b) research; and
- (c) administration; and
- (d) finances.

(3) The President's annual report shall be made available, prior to its presentation before the Council, to all officers and University teachers and shall be published in such numbers as are required to ensure its wide circulation.

33. ESTABLISHMENT OF A SEARCH COMMITTEE.

(1) A Search Committee shall be constituted by the Council on the date and in the manner prescribed by the By-laws or Statutes.

(2) The Search Committee shall consist of -

- (a) two prominent members of society nominated by the Chairperson of whom one shall be appointed the Chair of the Search Committee; and
- (b) two members of the Council; and
- (c) two distinguished University Lecturers who are not members of the Council; and
- (d) one prominent academic not employed by the University.

(3) The two distinguished University Lecturers in Subsection (2)(c) shall be selected by the Council through a process prescribed by the Council that provides for the recommendation of suitable names by the University Lecturers in general.

(4) The Search Committee shall remain in existence until such time that the appointment of the next President has been made by the Council.

34. APPOINTMENT OF THE PRESIDENT.

(1) The President shall be appointed by three-fourths present members of the University Council, by the Council on the basis of recommendations made by the Search Committee.

(2) The persons proposed by the Search Committee for appointment as President shall be considered by the Council and of these a panel of three, in order of priority, shall be recommended to the Council.

(3) The Council may decline to appoint any of the three persons recommended and seek recommendation of a fresh panel.

(4) In the event of a fresh recommendation being sought, the Chair of the Search Committee shall make a proposal to the Council in the prescribed manner.

35. RENEWAL OF APPOINTMENT.

(1) The President shall be appointed for a renewable tenure of five years on terms and conditions prescribed by the By-laws or Statute.

(2) The tenure of an incumbent President shall be renewed by the Chairperson on receipt of a resolution of the Council in support of such renewal on the condition that the Chairperson may call upon the Council to reconsider such resolution.

36. REMOVAL OF THE PRESIDENT.

(1) The Council may, pursuant to a resolution in this behalf passed by three-fourths of its membership, recommend to the Chairperson the removal of the President on the ground of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct, including misuse of position for personal advantage of any kind.

(2) The Chairperson may make a reference to the Council stating the instances of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct on the part of the President that have come to his notice.

(3) After consideration of the reference the Council may, pursuant to a resolution in this behalf passed by three-fourths of its membership, recommend to the Chairperson the removal of the President.

(4) Prior to a resolution for the removal of the President being voted upon, the President shall be given an opportunity of being heard.

(5) A resolution recommending the removal of the President shall be submitted to the Chairperson immediately.

(6) The Chairperson may accept the recommendation and order removal of the President or return the recommendation to the Council.

(7) At any time when the office of the President is vacant, or the President is absent or is unable to perform the functions of his office due to illness or some other cause, the Council shall make such arrangements for the performance of the duties of the President as it may deem fit.

37. THE VICE-PRESIDENTS.

(1) Subject to Subsection (4), there shall be one or more Vice-Presidents, who shall be appointed in the manner and for the period prescribed by the By-laws.

(2) The Vice-Presidents shall, in the absence of the President, exercise the powers, perform the functions and discharge the duties of the President.

(3) The Vice-Presidents shall exercise such powers, perform such functions and discharge such duties as the President may, from time to time delegate to them, or as may be imposed or conferred on them by this Act.

(4) Notwithstanding anything in this Act and subject to this section, the Vice-Presidents shall not hold office as the Vice-Presidents for more than three terms.

(5) For the purpose of Subsection (4), a term means a period prescribed by the By-laws under which the Vice-Presidents may hold office.

38. STAFF.

(1) Subject to this Act and the By-laws, the Council may from time to time appoint such teaching staff and other staff of the University on such terms and conditions as the Council deems necessary.

(2) The powers, duties and functions of the staff under this section shall be prescribed by this Act and the By-laws.

39. THE REGISTRAR.

(1) There shall be a Registrar of the University.

(2) The Registrar shall be responsible, under the direction of the President, for the students' academic administration in the University or such other aspect of that administration as the Council may from time to time determine.

40. THE BURSAR.

(1) There shall be a Bursar of the University.

(2) The Bursar is the Chief Finance Officer of the University and shall be responsible, under the direction of the President -

(a) for the management of the finances of the University; and

(b) expenditure and audit of such finances; and

(c) the acquisition and disposal of the assets and liabilities of the University,

or such other aspect of that management of the finances and the assets and liabilities as the Council may, from time to time, determine.

41. OTHER STAFF.

(1) Subject to this Act and By-laws, the Council may from time to time appoint such teaching staff and other staff of the University, on such terms and conditions as the Council deems necessary.

(2) The powers, duties and functions of the staff under Subsection (1) shall be prescribed by this Act.

(3) Notwithstanding anything in this Act, Subsection (1) or any other law, the Council shall appoint teaching staff and other staff of the University under this section, whether nationals or overseas, on such terms and conditions, which are equal, fair and not based on the grounds of religious belief, creed, sex, race or origin.

(4) Unless the contrary intention appears, a failure to comply with the requirements of Subsection (3) shall -

(a) render a decision of the Council, invalid and unenforceable in a court of law; and

(b) be a ground for the provisions of Subsections (3), (4) and (5) to apply.

PART VII. - ADMISSION TO ACADEMIC PROGRAMS OF STUDY AND CERTIFICATES.

42. ADMISSION TO UNIVERSITY.

(1) Subject to the By-laws, admission to the University shall comply with Subsections (2), (3) and (4).

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(2) A person shall not be denied -
(a) admission as a student of the University; or
(b) appointment to an office of the University; or
(c) graduation or to any benefit or privilege of the University, on the grounds of religious belief, creed, sex, race or origin.

(3) Admission to the University shall comply with all the requirements as specified in this Act and the By-laws.

(4) For the purposes of Subsection (2) and subject to Subsection (3), in order to achieve academic and professional excellence in relation to the human resource development needs of the Enga Province and Papua New Guinea, the University shall endeavour to encourage and facilitate the admission to the University of a number of persons, as may be determined by the University, whose province of origin is Enga Province, if such persons are qualified for admission as students of the University.

43. GRANT OF DEGREES, DIPLOMAS, CERTIFICATES, ETC.

(1) Subject to this Act and the By-laws, the Council may after examination, confer any degree, diploma or certificate in respect of any academic program of study as determined by the Council.

(2) All degrees, diplomas and certificates conferred by the University shall be evidenced in writing under the common seal of the University and signed by the Chairperson of the University Council and the President.

PART VIII. - BY-LAWS.

44. BY-LAWS.

- (1) The Council may make By-laws in respect of -
- (a) any matter for which this Act specifically so provides; and
 - (b) the attainment of any of the objective of the University; and
 - (c) the powers and duties of the Council, Academic Board, any authority or other body or any officer of the University; and
 - (d) generally, the management and administration of the University.
- (2) Without limiting the generality of Subsection (1), the Council may, from time to time make By-laws with respect to all or any of the following matters:
- (a) the management, good governance and discipline of the University; and
 - (b) the use and custody of the common seal; and
 - (c) the manner and time of convening, holding and adjourning a meeting of the Council of the University, the voting at such meetings (including postal and proxy voting), the appointment, powers and duties of the Chairperson, the conduct and record of business, the appointment of Committees of the Council of the University and the quorum, powers and duties of such Committees; and
 - (d) the resignation of members of the Council of the University; and
 - (e) the tenure of office, remuneration, powers and duties of the President; and
 - (f) the tenure of the holder of any office or place established by or under this Act in respect of which this Act does not specify a term of office or provide for the fixing of the term of office otherwise than by the By-laws; and
 - (g) the number, remuneration, manner of appointment and dismissal of the teaching and other staff and servants of the University; and
 - (h) the subjects to be taught and academic program of study to be undertaken at the University; and

- (i) the admission or expulsion and attendance of students; and
- (j) the times, places and manner of holding lectures, classes and examinations and the number and character of such lectures, classes and examinations; and
- (k) the promotion and extension of higher education; and
- (l) the granting of degrees, diplomas, certificates and honours; and
- (m) the granting of scholarships, exhibitions, bursaries and prizes; and
- (n) the admission of students of other colleges or institutions to any corresponding diploma or certificate without examination; and
- (o) the fees to be paid to the University and the exemption of a person or of a class or classes of persons from payment of those fees; and
- (p) the establishment, management and control of libraries, laboratories, museums and other institutions or establishments in connection with the University; and
- (q) the establishment or amalgamation or affiliation of residential colleges within or connected with the University; and
- (r) the affiliation or admission to the University of any educational or research establishment wherever situated; and
- (s) the control and investment of the property of the University; and
- (t) the provision of superannuation benefits for, and for the families of, the salaried teachers and other salaried staff of the University or any class of those teachers or staff; and
- (u) the recognition, in lieu of or for the purpose of any examination or course of study, of any course of study completed or examination passed in any technical University, school or college, high school or secondary school or in any correspondence course or tutorial class; and
- (v) the licensing of boarding houses intended for the accommodation of students; and
- (w) generally, all other matters authorised by this Act or necessary or convenient for giving effect to this Act.

(3) The By-laws may provide for empowering any authority (including the Council or University) or an officer of the University to make rules or orders (not inconsistent with this Act or with any By-laws) -

- (a) for regulating or providing for the regulation of any specified matter (being a matter with respect to which By-laws may be made); or
- (b) for carrying out or giving effect to the By-laws and such rule or order shall have the same force and effect as a By-law.

45. BY-LAWS TO BE SEALED AND APPROVED.

(1) A By-law made by the Council -

- (a) shall be sealed with the common seal; and
- (b) shall not have effect until it has been transmitted by the Chairperson to the Minister of Higher Education for approval by the Head of State, acting on advice and notified in the National Gazette.

(2) A By-law shall not be expressed to take effect from a date before the date of notification in a case where, if it so took effect -

- (a) the rights of a person (other than the University) existing at the date of notification would be affected in a manner prejudicial to that person; or
- (b) liabilities would be imposed on a person (other than the University) in respect of anything done or omitted to be done before the date of notification.

(3) Where, in a By-law, a provision is made in contravention of Subsection (2), that provision shall be void and of no effect.

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(4) The publication of a By-law in the National Gazette shall specify the place at which copies of the By-law may be purchased.

(5) The production of a copy of a duly gazetted By-law under the common seal of the University shall, in all proceedings, be sufficient evidence of the By-law.

(6) The By-laws made in each secular year shall be numbered in regular arithmetical series, beginning with the number 1, in the order in which they are published in the National Gazette.

PART IX. - FINANCE, ETC.

46. APPLICATION OF PART VIII OF THE *PUBLIC FINANCES (MANAGEMENT) ACT 1995.*

Part VIII of the *Public Finances (Management) Act 1995*, applies to and in relation to the University, subject to the exceptions, limitations, conditions, additions and modifications set out in this part.

47. FINANCE.

(1) The State shall each year pay to the University a sum of money as appropriated under an Act of Parliament.

(2) The amounts payable to the University under this section shall be paid out of the Consolidated Revenue Fund.

48. ACQUISITION, CONTROL AND MANAGEMENT OF PROPERTY.

(1) The University may acquire any property by gift, bequest or demise and agree to carry out the conditions of the gift, bequest or demise and create and administer such trust funds as are necessary or expedient for carrying out the condition.

(2) Subject to this section, the Council has the control and management of all property vested in or acquired by the University and may dispose of property in the name of and on behalf of the University.

(3) The Council shall not, except with the approval of the Minister, alienate, mortgage, charge or demise any lands, tenements or hereditaments of the University, except by way of lease for a term not exceeding 21 years from the time the lease is made.

49. INVESTMENT FUNDS.

The Council may -

- (a) establish one or more investment funds for the collective investment of trust funds held by or in the custody of the University; and
- (b) without liability for breach of trust, bring into or withdraw from any such investment fund the whole or any part of any such trust fund.

50. BORROWING.

Subject to this Act and the *Public Finances (Management) Act 1995*, the Council may borrow money at interest by way of mortgage, bank overdraft or otherwise -

- (a) for the purpose of carrying out or performing any of its powers, functions, duties and responsibilities; or
 - (b) for the repayment or partial repayment of any sum previously borrowed,
- within such limits and on such conditions as to security or otherwise as the Minister approves.

51. LENDING.

(1) Subject to Subsection (2), the University shall not advance or lend money to any person without the prior consent of the Minister.

(2) Subsection (1) does not apply to or in relation to -

(a) money to which Section 48(1) or 49 applies; or

(b) loans to members of the staff or students or the remission or postponement of fees.

PART X. - MISCELLANEOUS.

52. STUDENT REPRESENTATIVE COUNCIL.

(1) A Student Representative Council is established.

(2) The composition of the membership, powers, functions, duties and the responsibility of the Student Representative Council, are as prescribed by the By-laws.

(3) The University shall not be liable for the debts, liabilities and other obligations incurred or for any act done or omitted to be done by the Student Representative Council.

53. ENTRY INTO UNIVERSITY PROPERTY.

(1) The entry into a property vested in or acquired by the University by persons, other than students, to -

(a) utilise the university facilities or equipment for recreational purposes or otherwise;
or

(b) attend to or resolve a complaint of a commission of an offence or a disturbance, shall be approved by the President.

(2) The powers, functions and responsibilities of the President under this section, are as prescribed by the By-laws.

(3) The President may, by instrument, delegate any of his powers, functions and responsibilities under this section to an officer of the University.

54. VALIDITY OF PROCEEDINGS.

No act or proceedings of any authority or committee or by any person acting as a member thereof or as an officer of the University shall be invalidated by reason of -

(a) a defect in the appointment of such a person; or

(b) a disqualification of such a person; or

(c) a defect in the convening of a meeting; or

(d) a vacancy in the number of members of an authority.

55. REGULATIONS.

The Board of Trustees, acting on advice of the University Council, may make regulations not inconsistent with this Act prescribing all matters that by this Act are required to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

PART XI. - TRANSITIONAL AND SAVINGS PROVISIONS.

Division 1. - Interim Council.

56. APPLICATION OF SECTION 12.

(1) Section 12 of this Act apply to this Division in so far as applicable and with the necessary modifications and adaptations in respect to the Interim Council and of its committees, to the extent necessary to enable the operation of the Interim Council.

(2) Section 12 are inconsistent with the provisions of this division, the provisions of this division shall prevail.

57. INTERIM COUNCIL.

(1) Until the Council is established, there shall be an Interim Council established to govern and administer the affairs of the University.

(2) The Interim Council shall consist of -

- (a) a Chairperson, appointed by the Minister, after consultation with the Enga Provincial Government and the Chair of the Enga Children's Fund Trustee Limited; and
- (b) the President of the Innovative University of Enga, *ex-officio*; and
- (c) a faculty member of the Innovative University of Enga; and
- (d) three other members appointed by the Enga Children's Fund Trustee Limited; and
- (e) one person appointed by the Departmental Head of the Department of Higher Education, Research, Science and Technology, who shall not be an employee of the Department.

58. POWERS OF THE INTERIM COUNCIL.

The Interim Council shall have all the powers, authorities, functions and duties of the Council under Sections 11 and 12.

59. DUTY OF THE INTERIM COUNCIL.

(1) The Interim Council shall take steps as may be necessary in order that the Council of the University may be duly constituted by the earliest practical date, after the date of the coming into operation of this Act.

(2) The Interim Council shall exercise and perform in particular, all the powers, functions and duties that are necessary for the purpose of establishing the University under this Act.

60. POWERS OF CHAIRPERSON OF THE INTERIM COUNCIL.

The Chairperson shall have in respect of the Interim Council and of the University the same powers, authorities, functions, duties and obligations in all respects as the Chairperson has under Section 27.

61. PROCEEDINGS, ETC.

(1) The Chairperson of the Interim Council shall call the first meeting of the Interim Council within 30 days immediately following the constituting of the Interim Council and there shall be other meetings as may be determined.

(2) At a meeting of the Interim Council, four members present shall constitute the quorum.

(3) Subject to this Act, the Interim Council shall determine its own procedures and the number of meetings.

62. TERM OF OFFICE OF MEMBERS.

(1) Members of the Interim Council shall hold office until the Council is constituted under this Act.

(2) The University shall be deemed to be the same body corporate before and after the dissolution of the Interim Council and no act or thing done or commenced by the Interim Council shall be affected by dissolution of that Interim Council.

63. ADMINISTRATIVE SYSTEM.

(1) Subject to this section, the administrative system (including staff) which provided professional and technical services to the Colleges in Enga Province, prior to the coming into operation of this Act, shall continue to provide the same services to the Interim Council.

(2) The existing administrative system (including staff arrangements) shall continue to operate, in addition to the administrative system provided for under this Act, after the dissolution of the Interim Council, unless otherwise determined under this Act.

Division 2. - Savings.

64. TRANSFER OF COLLEGE CAMPUSES.

(1) The College Campuses operating in Enga Province are transferred to the Innovative University of Enga.

(2) Without prejudicing the generality of Subsection (1), such transfer shall include -

- (a) staff and students; and
- (b) academic programs; and
- (c) administrative system under Section 61; and
- (d) buildings and grounds; and
- (e) equipment; and
- (f) teaching and research facilities; and
- (g) other assets and liabilities both within and outside the college campus.

(2) Where any property vested in the Colleges as transferred by this section is land registered under the *Land Registration Act* (Chapter 191), the Registrar of Titles shall, without formal transfer and without fee, on application in that behalf by the University, enter or register the University in the Register kept under the Act and on entry and registration, grant a certificate of title, lease or other instrument evidencing title to the land within that Act.

65. PREVIOUS DECISIONS AND ACTS IN RELATION TO COLLEGES.

(1) Subject to this Act and notwithstanding anything in Section 63, for the purposes of this section, any arrangement, decision, document, instrument or undertaking under which the Colleges are made an affiliate to or incorporated into a University operating in Enga Province is on and from the date of coming into operation of this Act, revoked and of no effect.

(2) Nothing in Subsection (1) affects the validity of any act or decision made or done by the University in respect to the Colleges in Enga Province before the coming into operation of this Act, and every such act or decision will be taken to be valid and effectual and to have continuing effect despite anything in this Act.

(3) To the extent necessary or desirable for the application or the administration of any Act or law with respect to a University after the coming into operation of this Act -

- (a) any act or decision done or made by a University operating in Enga Province in respect to the Colleges before the coming into operation of this Act, shall be taken to be acts or decisions, as the case may be, of the University; and
- (b) any act or decision done or made by the Vice Chancellor of the University or its Council in respect to the Colleges before the coming into operation of this Act, shall be taken to be acts or decisions, as the case may be, of the Vice Chancellor of the University or its Council.

66. OFFICERS APPOINTED, ETC., UNDER A UNIVERSITY OPERATING IN ENGA.

All officers of the Colleges and a University operating in Enga Province, comprising the staff transferred by Section 62 (2)(a) elected, appointed or nominated under the powers and functions vested in Colleges and the University for the purposes of the Colleges shall, on and from the date of coming into operation of this Act, hold equivalent offices in the University on the same terms and conditions as determined under the powers and functions vested in Colleges and the University operating in Enga Province until -

- (a) the expiry of the period for which they were elected, appointed or nominated; or
 - (b) the termination of their employment otherwise according to law; or
 - (c) elections, appointments or nominations to such offices are made under this Act,
- whichever first happens.

67. SAVINGS OF CONTRACTS.

All contracts, agreements, conveyances, leases, deeds, licences and other instruments and undertakings (so far as relating to any person or thing transferred by Section 62) entered into by or made with or addressed to the Colleges and the University operating in Enga Province for the purposes of the Colleges whether alone or with any other person and in effect immediately before the coming into operation of this Act, continue on that coming into operation, to the extent that they were previously binding on and enforceable against the Colleges and the University operating in Enga Province, to be binding and of full force and effect in every respect against or in favour of the University as if entered into, made with or addressed to the University after the coming into operation of this Act.

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68. ACTIONS, ETC., NOT TO ABATE.

Where, immediately before the coming into operation of this Act, any action, arbitration or proceeding, or any cause of action, arbitration or proceeding (so far as relating to any person or thing transferred by Section 62) was pending or existing against or in favour of the Colleges and the University operating in Enga Province, it does not, on that coming into operation, abate or discontinue or be in any way affected by any provision of this Act, but it may be prosecuted, continued and enforced by, against or in favour of the University as if this Act had not been made.

I hereby certify that the above is a fair print of the *Innovative University of Enga Act 2022*, which has been made by the National Parliament.


Clerk of the National Parliament.

19 JUL 2022

I hereby certify that the *Innovative University of Enga Act 2022*, was made by the National Parliament on 21 April 2022, by an absolute majority in accordance with the *Constitution*.


Speaker of the National Parliament.

19 JUL 2022