

COLLEGE OF HIGHER EDUCATION BILL 1984

(NAME OF BILL)

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Bill

Objects and Reasons

Notice of Presentation

Covering letter from Minister to Clerk to Parliament

(Authorisation from Minister of Finance under s.60 of Constitution)

FROM:

Attorney General's Chambers

4/5/84 80/3/84

TO:

Minister

(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

TO:

Minister of Finance

(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)

TO:

Clerk to National Parliament

(for certificate by Speaker)

14/5/84

TO:

Attorney General's Chambers

(for printing)

TO:

Clerk to National Parliament

(for reference during 1st, 2nd and 3rd Readings)

(Date passed 22/5/84 Act No 2)

14/5/84

TO:

Attorney General's Chambers

(for checking before Assent)

20/5/84

TO:

Governor-General

(for Assent)

22/5/84

TO:

Clerk to National Parliament

(for distribution)

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THE COLLEGE OF HIGHER EDUCATION ACT 1984

NO. 2 OF 1984



THE COLLEGE OF HIGHER EDUCATION ACT 1984

NO. 2 OF 1984

Passed by the National Parliament this twenty-second day of May 1984.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.

J M Tuhaike
J M Tuhaike

Clerk to the National Parliament

Assented to in Her Majesty's name and on Her Majesty's behalf this twenty-second day of June 1984.

B Devesi
B Devesi

Governor-General

Date of commencement: see section 1.

AN ACT to establish an autonomous body by the name of the College of Higher Education for providing higher education in Solomon Islands, and for matters connected therewith or incidental thereto.

ENACTED by the National Parliament of Solomon Islands.

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College of Higher Education Act 1984

ARRANGEMENT OF SECTIONS

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CHAPTER I

PRELIMINARY

Short title
and com-
mencement.

1. This Act may be cited as the College of Higher Education Act 1984, and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

Inter-
pretation.

2. In this Act, unless the context otherwise requires -
- "academic staff" means the academic staff of the College, classified as such by the Council;
 - "administrative staff" means the administrative staff of the college, classified as such by the Council,
 - "College" means the College of Higher Education established by section 3;
 - "Council" means the council of the College constituted under section 9;
 - "college grounds" means all land -
 - (a) held under any tenure by the College; or
 - (b) placed under the control and management of the College pursuant to the provisions of this Act, for, or in connection with, the performance of its functions; and includes all buildings and structures on, and appurtenances to such land;
 - "Director" means the Director of the College appointed by the Council; and
 - "School" means a School of the College specified in section 4;
 - "Statutes" means the Statutes made by the Council and having effect under section 21.

CHAPTER II

THE COLLEGE OF HIGHER EDUCATION

Establish-
ment and
incorporation
of the
College.

3. (1) There is hereby established an educational body to be known by the name of the College of Higher Education for imparting higher education in Solomon Islands:

Provided that the Governor-General may, on the advice of the Minister, alter the name of the College, and the provisions of the Act shall apply as if it were established and incorporated with such altered name.

(2) The College with its constituting units prescribed by section 4 shall be a body corporate under that name with per-

Format for: Gazette Notices, Legal Supplements, Acts of Parliament.

petual succession and a common seal, which may, in that name, sue or be sued, enter into contract, acquire, purchase, take, hold and enjoy real and personal property of every description, and may convey, assign, surrender and yield up, charge, mortgage, transfer or otherwise dispose of, or deal with, in such property, subject to the provisions of this Act.

(3) All deeds, documents and other instruments required to be executed by or on behalf of the College shall be executed by the Director or by some other person authorised by the Council to act in that behalf and shall be required to be sealed with the common seal of the College by the Director or the other person so authorised by the Council and such deed, document and other instrument so executed and sealed shall be sufficient evidence until the contrary is proved, that such deed, document or other instrument was duly executed and sealed by the common seal of the College so as to bind the College.

(4) Service of any document on the College shall be deemed to be effected by delivering the same to the Director or any other person authorised by the Council to act in that behalf, or by sending it by a registered post addressed to the Director.

4. (1) The College shall consist of the following constituting units -

- (a) the Council;
- (b) the School of Education;
- (c) the School of Administration;
- (d) the School of Industrial Development;
- (e) the School of Natural Resources;
- (f) the School of Nursing and Paramedical studies; and
- (g) the School of Marine studies.

(2) Every School shall administer and manage teaching and other academic matters in the field of studies assigned to it under subsection (1):

Provided that the Council may assign to a School more than one field of studies for its management and administration.

(3) Notwithstanding subsection (1) the Council may, establish or discontinue such Schools, departments or divisions within the College as it considers necessary having regard to the functions of the College.

(4) The Council may appoint such committees and boards as it considers necessary or expedient having regard to the functions of the College and may define the composition, powers, functions and duties of those committees or boards, which shall not be inconsistent with the other provisions of this Act.

Constituting units
of the
College.

Privileges
of the
College.

(5) A member of a committee or board appointed under the section shall hold office upon such terms and conditions as may be determined by the Council.

5. (1) The College shall have academic freedom in all matters of imparting of higher education in accordance with the provisions of the Act.

(2) Without prejudice to the generality of the foregoing provision, the College shall -

- (a) confer degrees, diplomas, certificates, fellowships, scholarships and other awards to students who have passed the qualifying examinations after completing their studies prescribed by the Statutes;
- (b) hold qualifying examinations in accordance with the Statutes, for the conferment of degrees, diplomas, certificates, fellowships, scholarships and other awards specified in paragraph (a);
- (c) be exempt from liability to pay any tax or rates under any law; and
- (d) make no discrimination in the exercise of its privileges or performing of its functions or the discharge of its powers and duties under this Act, on the ground of sex, race, religious or political belief.

Functions
of the
College.

6. The functions of the College shall be as follows -

- (a) to assist the Government to meet the manpower needs of the Solomon Islanders by -
 - (i) providing preservice training to persons who have finished their primary or secondary education, in areas which are appropriate to the development needs of the country;
 - (ii) improving the skills and knowledge of the existing work force through in-service education and training;
- (b) to provide the opportunity for an increasing number of Solomon Islanders to undertake further education which is appropriate to their background, abilities and interest by -
 - (i) reducing the barriers to people who have previously been denied access to education and training as a result of geographic isolation, finance, language problems and family commitments;

- (ii) assisting in improving the quality and scope of primary and secondary education in order to ensure that students generally have a sufficient level of preparation to undertake further education;
- (iii) providing the opportunities for students to move progressively through all stages of posts secondary education if they can demonstrate the aptitude and motivation to undertake further studies;
- (iv) creating an awareness of the availability of post secondary education opportunities within the Solomons and overseas;
- (v) assisting in meeting identified needs through the development of community education programs in areas in which the College has expertise;
- (c) to conduct applied research and provide consultancy services and co-operate with other research and advisory groups operating within Solomon Islands;
- (d) to develop the College as an efficient and effective institution of higher education by -
 - (i) laying down standards of higher education;
 - (ii) developing and maintaining effective organisational structure and procedures; and
 - (iii) the development and evaluation of courses of study offered by the College;
- (e) to assist, where possible, other countries of the South Pacific, in meeting their manpower needs in specific areas of study; and
- (f) to liaise with overseas institutions and agencies operating in the field of education, training and applied research.

7. (1) For performing its functions under this Act, the College may -

- (a) appoint administrative staff upon such terms and conditions of service and on such remuneration as may be prescribed by the Statutes;
- (b) with the written consent of the Minister, contribute to any scheme for pensions, gratuities and retiring allowances for its teachers and other employees as may be prescribed by the Statutes;
- (c) recognise foreign qualifications on reciprocal basis or otherwise, for purposes of this Act;

Powers of
the College.

- (d) make provisions for exchange of visiting teachers with foreign educational institutions, on such terms and conditions as may be prescribed by the Statutes; and
- (e) do such other acts and things in accordance with this Act or the Statutes, as it may consider necessary.

Inspection.

- 3. (1) The Governor-General shall be the visitor of the College.
- (2) The Visitor may, at such intervals as may seem to him to be proper, or on the request of the Minister, cause inspection of the College or of its constituting units by such person who has, in his view, necessary academic experience of the administration and management of institutions of higher education with a view to ensuring whether the provisions of this Act are being complied with by the College:

Provided that the Visitor shall not cause such inspection to be made except after directing the attention of the College to such aspects of its functions or any irregularity or default therein as may be specified in the direction, and after considering the comments made, if any, by the College within the time mentioned in the direction.

- (3) The College shall afford to the person making the inspection all such facilities, including access to its record, as he may require by order in writing.

- (4) Where inspection is completed, the person making the inspection shall make a report relating thereto, and the College shall take such measures as may be directed by the Visitor after considering the report, and in consultation with the Minister, for ensuring that the provisions of this Act are complied with.

CHAPTER III

ADMINISTRATION AND MANAGEMENT

Council of
the College.

- 9. (1) The College shall be managed and administered in accordance with this Act, by a Council, consisting of the following -

- (a) the Chairman appointed by the Governor-General on the recommendation of the Minister;
- (b) eight members, each one of them shall be appointed by the Governor-General, to represent the following fields of studies in the College, on the recommendation of -
 - (i) the Minister, to represent the field of studies in Education;

- (ii) the Minister responsible for Employment, to represent the field of studies in labour and employment;
- (iii) the Minister responsible for Finance, to represent field of studies in Accountancy and Financial Administration, other than Administration;
- (iv) the Minister responsible for Health, to represent field of studies in Nursing and Paramedical services;
- (v) the Minister responsible for Agriculture, to represent field of studies in agriculture;
- (vi) the Minister responsible for Natural Resources, to represent field of studies in Science;
- (vii) the Minister responsible for National Development, to represent field of studies in Industrial Development; and
- (viii) the Minister responsible for the Public Services, to represent the field of studies in Administration, other than Accountancy and Financial Administration:

Provided that when there is a change, from time to time, in the nomenclature of assignment of the responsibility of any such Minister, the provisions of this paragraph shall have effect as if for the Minister whose responsibility specified in that paragraph is so changed, and assigned to any other Minister, that other Minister were substituted;

- (c) one member appointed by the Governor-General on the nomination of Solomon Islands Christians' Association;
- (d) one member of staff elected by the administrative staff of the College;
- (e) one member of staff elected by the academic staff of the College;
- (f) ex-officio members who shall be -
 - (i) the Director of the College;
 - (ii) Heads of schools; and
 - (iii) the Vice-Chancellor of the University of the South Pacific or his nominee.

(2) In making a recommendation of a person for appointment under subsection (1) or subsection (2), the Ministers shall have due regard to the academic background, working experience and other relevant considerations in regard to that person so as to promote standards of higher education in accordance with this Act.

(3) The Council shall not, in the exercise of his powers or functions as such, be subject to the direction of any person or body of persons.

(4) No member of the academic or administrative staff, or student, of the College shall be eligible for appointment as Chairman or election as acting Chairman of the Council.

Terms of
office of
members of
Council.

10. (1) Subject to this section and the statutes, a member other than an ex-officio member of the Council shall hold office for a term of three years.

(2) Upon the expiration of his term of office, such member shall, subject to this Act, be eligible for re-appointment or re-election, as the case may be.

(3) A person appointed or elected to fill a casual vacancy before the expiration of the term of his predecessor shall hold office for the residue of the term of his predecessor.

(4) Where a member of the Council does not continue in the capacity by virtue of which he was entitled to election or appointment as such member, he may, if the Council approves, continue as a member of the Council until the expiration of his term of office.

(5) The Governor-General may on the recommendation of the Minister remove the Chairman or any other member of the Council from office -

- (a) for dishonest or dishonourable conduct or any other act of indiscipline; or
- (b) for neglect of duty;
- (c) for acting in contravention of the provisions of this Act; or
- (d) for absence from three consecutive meetings of the Council without leave of the Council:

Provided that no action for such removal shall be taken against any such person without giving him an opportunity to show cause why should he be not removed from office on the allegation brought to the notice of the Governor-General and except after considering such cause, if any, shown by such person.

Responsibilities
of the
Council.

11. (1) The Council shall be the governing body of the College, and shall be responsible for performing the functions and exercising the powers of the College in accordance with the provisions of this Act and the Statutes.

(2) Without prejudice to the generality of the foregoing provision, the Council shall be responsible for the following matters -

- (a) the appointment of the Boards of studies in each school;
- (b) the appointment of the Director and the Deputy Director of administration;
- (c) the creation of posts on the academic staff, or the administrative staff, and the suspension and abolition of such posts;
- (d) the procedures for the appointment of members of the administrative staff;
- (e) the salary structure and other conditions of service of members of the academic staff and the administrative staff (excluding the matters specified in section 116B of the Constitution);
- (f) the institution of fellowships, degrees, diplomas, certificates and other awards as may be prescribed by the Statutes;
- (g) the determination of the courses of study offered by the College after consultation with the Boards of studies;
- (h) the provision of appropriate activities for the personal development and well being of the students;
- (i) the fostering of close association with educational, commercial, research and other appropriate organisations;
- (j) the provision and maintenance of buildings, premises, furniture and other facilities necessary for carrying on the work of the College;
- (k) the receiving of grants from the Government and other gifts, donations and financial assistance for the purposes of the College, from such sources as may be approved by the Minister;
- (l) the management and regulation of the finances of the College, the sanctioning and appropriation of funds and expenditure, maintenance of accounts and investing of the funds of the College, in such manner as may be prescribed by the Statutes;
- (m) the borrowing of funds for and on behalf of the College;
- (n) the regulation and control of admission of persons to the various courses of studies in the College;

- (o) the regulation and control of the academic discipline among the staff and the administrative staff and students, including power to take disciplinary action against the members of the administrative staff and to impose such penalties as may be prescribed by the Statutes,
 - (p) the establishment and discontinuation of any School or body of the College;
 - (q) the fees to be charged by the College for admission into and teaching of any course of study in any school of the College;
 - (r) the provision of training schemes for the development of academic staff and administrative staff;
 - (s) the making of and amendment to the Statutes for the conduct of the affairs of the College; and
 - (t) such other matters as may be prescribed by the Statutes.
- (3) The Council shall have full powers to give effect to its responsibilities specified under subsection (1).

(4) The Council may, by order in writing, delegate any of its responsibilities and powers under this Act and on such conditions and to such persons in the academic staff or the administrative staff of the College, as may be specified in the order:

Provided that such delegation shall not derogate from the responsibilities and powers of the Council under this Act or the Statutes:

Provided further that the Council may revoke such delegation at any time by an order in writing.

Conduct of
business.

12. (1) Subject to quorum, a decision carried by a majority of the votes of the members present at a meeting of the Council shall be the decision of the Council.

(2) A quorum of the Council shall consist of the prescribed number of members of the Council calculated in accordance with subsection (3).

(3) The prescribed number shall be calculated by dividing the number of persons who are for the time being members of the Council by two, ignoring any fraction resulting from the division, and adding one.

(4) The Chairman or, if he is not present, an acting Chairman, elected by the members present at a meeting of the Council, shall preside at that meeting.

(5) The person presiding at a meeting of the Council shall, in the event of equality of votes upon any question arising before

the Council, have a second or casting vote.

(6) Subject to this Act, and the Statutes, the business of the Council of the College, shall be conducted in such manner as the Council may determine.

13. No decision of the Council or act done in pursuance thereof shall be invalid by reason only of any vacancy in the office of a member of the Council or on the ground of any defect in the election, nomination, or appointment of any such member if such decision was taken in accordance with section 12.

Validity of
acts and
decisions
of the
Council.

14. The following shall be officers of the College -

- (a) Director,
- (b) Deputy Director (Academic);
- (c) Deputy Director (Administration);
- (d) Heads of Schools; and
- (e) such other officers as may be designated by the Statutes,

Officers of
the College.

to aid and assist the College in the performance of its functions.

15. (1) The Director shall be responsible to the Council for the conduct of the affairs of the College and relating to its functions.

Duties of
the Director.

(2) Without prejudice to the generality of the foregoing provision, the Director shall be the Chief Executive Officer of the College, shall be responsible for carrying out the policies determined by the Council in regard to the functions of the College, and shall report regularly to the Council, on the matters specified in subsection (1) and in this subsection.

16. (1) The Deputy Director (Academic) shall assist the Director in all academic matters and matters relating to the general welfare of the students, particularly in -

Duties of
Deputy
Director
(Academic).

- (i) the conduct of counselling and welfare services and the discipline of students;
- (ii) the development and accreditation of the College curriculum;
- (iii) the conduct of in-service and community education programmes;
- (iv) the co-ordination of applied pre-service advisory services,
- (v) the control of library and audio visual facilities and services;
- (vi) the development of College publications including the College calendars;

- (vii) the co-ordination of the teaching time-table; and
- (viii) assessing the need for the appointment of teaching staff.

(2) The Deputy Director (Academic) shall act for the Director in his absence.

Duties of
the Deputy
Director
(Administra-
tion).

17. The Deputy Director (Administration) shall be the Administrative Officer of the College and shall assist the Director in -

- (i) the maintenance of all financial and other records of the College;
- (ii) the control of College grounds, residential halls and catering services;
- (iii) the development and implementation of procedures for the appointment of staff and the control of all administrative staff;
- (iv) the provision of secretarial support for the Committees of the College; and
- (v) the undertaking of any other duties assigned by the Director.

Duties of
the Heads of
Schools.

18. (1) Every Head of School shall be the chief academic and administrative officer of the School to which he is appointed.

(2) Without prejudice to the generality of the foregoing provision, every Head of School shall be responsible to the Director for -

- (a) the development and implementation of the prescribed courses of study;
- (b) the assessment of students;
- (c) the control of administrative staff assigned to him;
- (d) the welfare of students within the school in close liaison with the Counselling staff of the College;
- (e) liaison with other groups and institutions operating in his discipline area; and
- (f) any other duties assigned to him by the Council or the Director.

(3) The Head of a School shall be a member of the Board of studies of that School.

Student
bodies.

19. (1) For the purpose of the development of a healthy academic and corporate atmosphere within the College, the Council may approve the formation of a union, association or council of students, or students and staff, of the College.

(2) The constitution and rules of any such union, association or council must be approved by the Council so as to ensure

discipline and healthy academic and corporate atmosphere in the College.

CHAPTER IV
MISCELLANEOUS

20. (1) The Governor-General may, by instrument in writing, direct that any Crown lands, or any land held on behalf of the Crown, be vested in the College as an estate of fee simple.

Vesting of
Property in
the College.

(2) The Registrar of Titles shall, upon lodgement of any such instrument in the Land and Titles Registration Office, issue such new Certificates of Title and make such entries and amendments to the existing registration of Titles as may be necessary to evidence the vesting of the land in the College.

(3) The Governor-General may, by instrument in writing, place any vacant Crown land under the control and management of the College.

(4) The Governor-General may, by instrument in writing, resume any unused land placed under the control and management of the College pursuant to subsection (3).

(5) The Governor-General may, by instrument in writing, direct that any personal property referred to in the instrument be vested in the College.

(6) A direction under this section shall have effect according to its terms.

(7) The Minister may, subject to, and in accordance with law, acquire land for the purposes of the College, and the Governor-General shall vest the land so acquired in the College for its purposes by an instrument referred to in subsection (1).

21. (1) The Council may make, alter and repeal Statutes for all or any of the following matters -

Power to
make Statutes.

- (a) the conduct of the business and proceedings of the Council;
- (b) the election of members of the Council;
- (c) the conditions of service and remuneration of the Chairman of Council, the Director, or any other member, officer, or employee of the College;
- (d) the administration and management of the College;
- (e) the qualifications required for admission to any course or courses of education or training provided by the College;

- (f) the conferring of fellowships, degrees, diplomas, certificates, scholarships, exhibitions, prizes and other awards in accordance with this Act;
- (g) the fees payable to the College by students, or any class of students for instruction or training provided by the College;
- (h) the fees payable to the College for the grant of any fellowship, diploma, certificate or other award;
- (i) the fees payable to the College for any other purpose, or payable to any union, association or council of students, or students and staff of the College;
- (j) the abatement or waiver of such fees;
- (k) courses of instruction, lectures and classes to be provided by the College;
- (l) examinations and other methods of assessing the academic attainments and performance of students;
- (m) residential accommodation for students and the licensing of boarding houses;
- (n) the establishment and management of branches of the College;
- (o) co-operation between the College and any University or other college or educational institutes and the affiliation of educational institutions with the College;
- (p) the maintenance of good order and discipline in the College;
- (q) the establishment of Boards of studies in schools and their practices, procedures, jurisdiction and powers;
- (r) the establishment and administration of a fund for the purpose of assisting students in necessitous circumstances;
- (s) imposition of fines for the contravention of the provisions of this Act or the Statutes and the remedy for the recovery of such fines; and
- (t) any other matter affecting the administration and management of the College which may be or which is required to be prescribed under this Act.

(2) Every proposed Statute shall, at least fourteen days before the day on which it is made by the College, be submitted to the Minister for confirmation of the Governor-General.

- (3) Every Statute made pursuant to this section shall -
 - (a) be sealed with the Seal of the College and submitted to the Governor-General for confirmation;

(b) after confirmation by the Governor-General be published in the Gazette and laid before Parliament; and

(c) take effect on the day on which it is published in the Gazette, or on any later day specified in the Statute.

(4) Statutes made under this section shall be deemed to be subsidiary legislation to which the provisions of this section, and not section 56 of the Interpretation and General Provisions Act 1978, shall apply.

No 20 of
1978.

(5) If within fourteen sitting days from the day on which a Statute has been laid before Parliament, Parliament resolves that the statute is annulled or shall have effect subject to such amendments as may be specified in the resolution, the Statute shall cease to have effect, or continue to have effect subject to those amendments, but without prejudice to the validity of any thing previously done under or in pursuance of that Statute.

(6) A fine imposed in accordance with any Statute shall be a debt due to the College and shall be recoverable by the College by an action in a competent court, if the remedy available to it for its recovery under the Statutes fail.

22. (1) The College shall cause proper accounts to be kept of its financial affairs in the manner prescribed by the Statutes, having regard to the provisions of the Public Finance and Audit Act 1978,

Accounts
and audit.

No 21 of
198

(2) The Auditor-General may, at any time, and shall at least once in every calendar year, audit the accounts of the College.

(3) For the purpose of the audit, the Auditor-General shall have, and may exercise in relation to the accounts of the College and the accounting officers of the College, the same powers as are conferred on him by the Public Finance and Audit Act 1978 in relation to public accounts and accounting officers.

23. (1) The Ministry of Finance shall pay to the College in each financial year such grants as may be necessary for the purpose of enabling the College adequately to perform and discharge its functions and duties under this Act.

Allotment
of grants.

(2) The College shall submit to the Ministry of Finance, at such times, in such form and such information in relation to the financial requirements of the College as the Ministry may require.

Borrowing
of money.

24. (1) The College may, with the approval of the Minister of Finance, borrow money for the purpose of enabling it to perform its functions under this Act.

No 21 of
1978.

(2) The provisions of section 28 of the Public Finance and Audit Act 1978 shall apply to the guarantee of the repayment of loans borrowed by the College.

Investing
of money.

25. The Council may, from time to time, and with the approval of the Minister of Finance invest the funds of the College in such manner and on such terms and conditions as it thinks fit to secure the maximum returns from such investment for the purposes of the College.

Construction
of references
to the power
of making
appoint-
ments.

26. Any reference in this Act to the power to make any appointment of any officer of the College or of a member of the administrative staff shall be construed as including a reference to power to make appointments on promotion, and transfer, where possible, of such officer or member in the College, and to the power to appoint a suitable person to act as such officer or member during any period during which the post of that officer or member is vacant or the holder thereof is unable to perform the duties of the post held by him.

Bar of
application of
No 26 of 1978.

27. Nothing contained in the Education Act 1978 shall apply to the College or to any officer of the College, or any member of its academic staff or the administrative staff.

Powers of
the Teaching
Service Commission
not affected.

28. Nothing contained in section 7 or section 11 or any other provision of this Act shall be construed as taking away the powers of the Teaching Service Commission conferred on it by section 116B of the Constitution to make appointments to members of the academic staff who are teachers of the College.