



**SOLOMON ISLANDS NATIONAL
UNIVERSITY BILL 2012**

(NO.6 OF 2012)



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2012**

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A

BILL

Entitled

AN ACT TO ESTABLISH THE SOLOMON ISLANDS NATIONAL UNIVERSITY;
TO PROVIDE FOR ITS FUNCTIONS, ADMINISTRATION AND MANAGEMENT
FOR THE PURPOSES OF PROVIDING HIGHER EDUCATION IN SOLOMON
ISLANDS, AND FOR RELATED MATTERS.

ENACTED by the National Parliament of Solomon Islands.

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SOLOMON ISLANDS NATIONAL UNIVERSITY BILL 2012

PART 1 – PRELIMINARY

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| 1. | This Act may be cited as the Solomon Islands National University Act 2012, and commences on the date appointed by the Minister, by notice in the <i>Gazette</i> . | Short title and commencement |
| 2. | In this Act, unless the context otherwise requires— | Interpretation |
| | “academic staff” means the academic staff of the University, classified as such by the Council; | |
| | “administrative staff” means the administrative staff of the University, classified as such by the Council; | |
| | “Chancellor” means the person appointed as ceremonial head of the University under section 26(1); | |
| | “Council” means the Council of the University established by section 9; | |
| | “Deputy Chancellor” means the person appointed as such under section 30(1); | |
| | “general staff of the university” means staff of the university, other than academic staff; | |
| | “higher education award” means – | |
| | (a) a degree, status, title or description of certificate, diploma, associate, bachelor, master or doctor; or | |
| | (b) any other award, if the course of study relating to is classified as higher education under any University Course or programme; | |
| | “Minister” means the Minister responsible for higher education and training; | |
| | “Senate” means the University Senate established by section 32; | |
| | “student” means a student enrolled in the University; | |

“University” means the Solomon Islands National University established by section 3;

“University grounds” means all land –

- (a) held under any tenure by the University; or
- (b) placed under the control and management of the University pursuant to the provisions of this Act for, or in connection with, the performance of its functions, including all buildings, improvements and structures on, and appurtenances to such land;

“university policy” means a policy made by the Council or the Senate under section 43;

“university regulation” means a university regulation made under section 44;

“Vice-Chancellor” means the Chief Executive Officer of the University appointed as such under section 28;

“Visitor” means person appointed to act as an arbitrator/inspector in the activities of the university as mentioned under section 8(2).

PART 2 – ESTABLISHMENT AND FUNCTIONS OF THE UNIVERSITY

Establishment of
the University

3. (1) This section establishes the Solomon Islands National University for the purposes of imparting higher education in Solomon Islands, as a body corporate to which Part VIII of the Interpretation and General Provisions Act (Cap. 85) applies.

(2) All deeds, documents and other instruments required to be executed by or on behalf of the University shall –

- (a) be executed by the Vice-Chancellor or by some other person authorised by the Council to act in that behalf;
- (b) be sealed with the common seal of the University in accordance with the policy of the Council; and

- (c) be sufficient evidence until the contrary is proven, that such deed, document or other instrument was duly executed and sealed by the common seal of the University so as to bind the University.

(3) Service of any document on the University shall be deemed to be effected by delivering the same to the Vice-Chancellor or any other person authorised by the Council to act in that behalf.

4. (1) The object of the University is to promote scholarship, research, free inquiry, academic excellence, and trade competence and in this process create, disseminate, maintain, and advance knowledge and productivity by teaching, training and other means, for the welfare and needs of the communities that choose to utilize the services of the University.

Object of the University

(2) The University shall be concerned with education and training at the post-secondary-levels, including education and training at the technical and vocational levels, consistent with international standards of teaching, research, and other academic activities in institutions styled as institutions of higher learning.

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

Academic Freedom of the University

(2) The Council must ensure that academic freedom is preserved and enhanced at the University.

(3) In this section, "academic freedom" means the freedom of the University, within the law, including the best traditions of the academia, and the highest ethical standards -

- (a) to employ and to determine the terms and conditions of its staff;
- (b) for the University to regulate the content of subjects taught at the University, and to determine the mode of teaching and assessment that best promotes learning; and
- (c) for staff and students to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions within the best traditions of

advancing such ideas, and to engage in research and publication.

(4) In the performance of their functions, the Council and Management of the University, as well as policy, and authorities and agents of the Crown, shall always act in ways that are consistent with promoting academic freedom at the University.

(5) Without limiting subsections (1) to (4), the University shall -

- (a) confer degrees (including honorary degrees), diplomas, certificates, fellowships, scholarships and other awards to students who have passed the qualifying examinations after completing their studies as prescribed by and determined by the University's Senate;
- (b) hold qualifying examinations in accordance with the academic policies, 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, levy, duties or rates under any law; and
- (d) not discriminate in the exercise of its privileges or performing of its functions or the discharge of its powers and duties under this Act, not discriminate on the ground of sex, gender, primary language, economic status, race, religion, political belief, age or disability, place of or ethnic origin or other actual or supposed personal characteristic or circumstances.

Functions of the
University

6. The functions of the University are -

- (a) to assist the nation to meet the manpower needs of Solomon Islands by -
 - (i) providing education and training to persons who have met the entry qualification requirements set by the University Senate in areas which are appropriate to the development needs of the nation;

- (ii) improving the skills and knowledge of the existing work force through education and training;
- (b) to provide the opportunity for an increasing number of Solomon Islands' citizens and others who may so desire 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 or higher education;
 - (iii) providing the opportunities for students to move progressively through all stages of post-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 Solomon Islands and overseas;
 - (v) assisting in meeting identified needs through the development of community education programmes in areas in which the University has expertise;
- (c) to conduct research and provide consultancy services and co-operate with other research and advisory bodies operating within Solomon Islands;
- (d) to develop the University as an efficient and effective institution of higher education by -
- (i) developing and establishing standards of higher education;

- (ii) developing and maintaining effective organisational structure and procedures; and
- (iii) developing and evaluating courses of study offered by the University;
- (e) to assist where possible, other countries in meeting their education and training needs in specific areas of study;
- (f) to liaise with overseas institutions and agencies operating in the field of education, training and research; and
- (g) to perform other functions given to the University under this Act or under any other written law, or as determined by the Council, which are in furtherance of the objects of the University.

Powers of the
University

7. For the purpose of performing its functions under this Act, the University shall have the power to -

- (a) appoint academic and administrative staff upon such terms and conditions of service and on such remuneration as may be determined by the Council;
- (b) recognise foreign qualifications on reciprocal basis or otherwise, for the purposes of this Act;
- (c) make provisions for exchange of visiting lecturers/students with overseas educational institutions, on such terms and conditions as may be prescribed by regulations; and
- (d) do such other acts and things in accordance with this Act or any other written laws, as it may consider necessary to further the object of the University.

Inspection by the
Visitor

8. University.

- (1) The Governor-General shall be the Visitor of the
- (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 University 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 University.

(3) For the purpose of subsection (2), the Visitor shall not cause such inspection to be made except after directing the attention of the University 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 University within the time mentioned in the direction.

(4) The University shall afford to the person making the inspection all such facilities, including access to its records, as he may require by order in writing.

(5) When the inspection is completed, the person making the inspection shall make a report relating thereto, and the University 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.

PART 3 – UNIVERSITY GOVERNANCE

9. This section establishes the Council of the University to manage and administer the University in accordance with this Act consisting of the following members -

Council of the
University

- (a) five official members (“official members”);
- (b) ten appointed members (“appointed members”);
- (c) eight elected members (“elected members”); and
- (d) not more than five co-opted members (“co-opted members”).

10. (1) The official members are –

Official members

- (a) The Pro-Chancellor, as the Chairperson of the Council;
- (b) the Vice-Chancellor;
- (c) the Permanent Secretary responsible for tertiary education; and

- (d) a total of two government representatives from the Ministries responsible for finance, non-tertiary education, health, agriculture, fisheries, forests, labour, or public service, who will be appointed by the Minister.

(2) The official members shall hold office for so long as they continue to occupy the positions by virtue of which they became members, except in the case of those appointed under paragraph (d).

Appointed members

11. (1) The Minister shall, in consultation with the official members, appoint 10 members for a term of three (3) years to represent each of the following fields of study-

- (a) Medicine;
- (b) Law;
- (c) Forestry;
- (d) Agriculture;
- (e) Health;
- (f) Education;
- (g) Business;
- (h) Environment;
- (i) Fisheries;
- (j) Information Technology;
- (k) Public Service;
- (l) Engineering.

(2) In making a recommendation of a person for appointment under subsection (1) above, the Minister 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.

Elected members

12. (1) The elected members consist of the following —

- (a) two Deans of faculties of the University, elected by all the Deans;
- (b) two members of the university's full-time staff at the rank of professor, elected by the professorial staff of the University;
- (c) one member of the University's full-time non-professorial academic staff;
- (d) one representative of the University's full-time students;
- (e) one representative of the University's graduates with degrees or diplomas conferred by the University, other than persons eligible for membership under paragraph (a) or (b) or (c); and
- (f) one general staff member of the University.

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

- (a) for elected members mentioned in subsection (1)(b), all the members of the full-time professorial staff may vote;
- (b) for elected members mentioned in subsection (1)(c), all the members of the full-time academic staff may vote;
- (c) for elected members mentioned in subsection (1)(d), all the full-time students may vote; and
- (d) for elected members mentioned in subsection (1)(e), all the graduates of the University who were conferred the awards of diploma or degrees may vote.

(3) If a group permitted to elect elected members under this section, does not elect any or enough persons or elected members by a date fixed by the Council by written notice given to the group, the Minister may, on the advice of the Council, appoint equal number of such members.

(4) The term of elected members under subsection 1(a), 1(b), 1(c) or 1(e) shall be 3 years, and for the elected

members under subsection 1(d) shall be 2 years from the first scheduled meeting after the date of election.

(5) An elected member may be re-elected.

Co-opted members

13. (1) The official, appointed and elected members of the Council may appoint persons of commercial, academic or professional eminence as co-opted members, other than students or full-time members of the University's academic or general staff.

(2) Co-opted members shall have the same rights and privileges as official, appointed or elected members.

(3) The term of co-opted members of the Council shall be 3 years from the first scheduled meeting after the date of appointment.

(4) The term of a co-opted member may be renewed by the Council.

Casual vacancies

14. (1) If a casual vacancy arises in the office of an appointed member, the Minister shall appoint a replacement from the list of nominees called by the Minister from the group from which the departing member was appointed.

(2) If a casual vacancy arises in the office of an elected member and the elected member was elected by a ballot under section 12(2), the Council must appoint the person, if any, who received the highest number of votes of all the candidates who were not elected if the candidate is willing to perform the functions of a member.

(3) A person appointed to fill a casual vacancy in the office of a member is appointed for the balance of the term of office of the person's predecessor.

Disqualification of members

15. A person is not eligible to become a co-opted, appointed or elected member if the person -

(a) is an undischarged bankrupt; or

(b) has been sentenced to a term of imprisonment or suspended sentence, within the last 10 years.

Vacation of office

16. The office of an appointed, elected or co-opted member becomes vacant if the member -

(a) dies;

- (b) for the co-opted or elected member, ceases to be an eligible person for the entity that elected or appointed the person;
- (c) is absent without leave from Council Meetings for three consecutive meetings;
- (d) becomes an official member;
- (e) resigns in writing given to the appointing authority for an appointed member or to the Chairperson of the Council for an elected for a co-opted member; or
- (f) the member is removed from office under section 18.

17. (1) A member has the function of ensuring the Council performs its functions and exercise its powers appropriately, effectively and efficiently.

Functions and
duties of members

- (2) In performing the function under subsection (1), a member shall -
 - (a) act honestly and in the best interests of the University;
 - (b) exercise reasonable skill, care and diligence;
 - (c) disclose to the Council any interest that may arise between the member's personal interests and the interests of the University;
 - (d) not make improper use of the member's position, or of information acquired because of the member's position, to gain, directly or indirectly, an advantage for the member or another person.
- (3) A member of the Council, and of any board or committee appointed by the Council, shall -
 - (a) fully declare to the Council any financial or other interest with which they may at any time directly or indirectly be connected; and
 - (b) unless the Council so decides, refrain from voting at meetings of the Council or of such board or committee on any matter related

thereto, without affecting their inclusion in the quorum.

(4) Any member of the Council or of a board or committee thereof and any employee of the Council who discloses any material information acquired in the course of the member's functions and duties under this Act (other than as lawfully required to do so) commits an offence and is liable on conviction to a fine not exceeding 5,000 penalty units.

Removal of
members

18. good cause.

(1) The Council may remove any of its members for

(2) In this section, "good cause" means -

- (a) the member has not complied with section 17(2);
- (b) conviction for any offence which the Council considers to be such as to render the person concerned unfit to continue to hold the member's office;
- (c) any physically or mental incapacity which the Council considers to be such as to render the person concerned unfit to continue to hold the member's office;
- (d) conducts of a nature which the Council considers to be such as to render the person concerned to hold the member's office; or
- (e) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to perform the duties of the member's or to comply with the conditions of the member's office.

(3) To remove a person as a member of the Council, a two-thirds majority of the Council members should agree to the removal in a duly constituted meeting called where the removal of the member is listed as an agenda item and where the member is given a reasonable opportunity to be heard by the Council before the vote on the matter.

(4) If the Council decides to remove a member from office under this section, the Council must as soon as

practicable but not later than 14 days from the date of the decision, inform the appointing authority if the member was an appointed member, or the body electing the member if the member was an elected member.

(5) The Chancellor may on the recommendation of the Minister remove the Chairperson or any other member of the Council from office –

- (a) for dishonest or dishonourable conduct or any other act of indiscipline;
- (b) for neglect of duty; or
- (c) for acting in contravention of the provisions of this Act.

(6) For the purposes of subsection (5), no action for such removal shall be taken against any such person without giving him/her an opportunity to show cause why he/she should not be removed from office on the allegation brought to the notice of the Chancellor and except after considering such cause, if any, shown by such person.

19. (1) No action, suit or other proceeding shall be instituted against any member of the Council personally in respect of any act done in good faith or made by the member in execution or intended execution of any function of the Council under this Act.

Exemption of liability

(2) Where a member of the Council is exempt from liability for an act or omission by reason only of subsection (1), the Council shall be liable for the act or omission to the extent that it would be if the member were the Council's employee or agent.

20. Members of the Council and of any board or, committee appointed by it shall be paid by the Council such allowances and expenses as the Minister may from time to time determine.

Allowances and expenses

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

Responsibilities of the Council

(2) Subject to subsection (1), the Council shall be responsible for the following matters -

- (a) establishment of fellowships, degrees, diplomas, certificates and other awards as may be prescribed by the University policies;
- (b) the fostering of close association with educational, research and other appropriate organisations, including entering into such joint venture activities as will enable the University to improve its provision of students services and facilities, including the provision of halls of residence, to students and finances of the University;
- (c) the provision and maintenance of buildings, premises, furniture and other properties and facilities necessary for carrying on the work of the University, and for the custody, control and disposition of all property, funds, fees and investments;
- (d) the receiving and administration of grants from the Government and other gifts, donations and financial assistance for the purposes of the University, from such sources as may be approved by the Minister responsible for Finance;
- (e) the borrowing of funds for and on behalf of the University;
- (f) the fees to be charged by the University for admission into any course of study or training at the University;
- (g) ensuring that the University attains the highest standards of excellence in education, training and research;
- (h) preparing and from time to time, seeking the approval of the Minister, a corporate plan, and proposed funding for such plan;
- (i) ensuring that the University is managed in accordance with the law, and the general principles of good governance and transparency;

- (j) the determination of fees to be paid or charges to be levied, in respect of programmes and courses or otherwise;
- (k) the maintenance, and regulation of the use, of the seal of the University; and
- (l) subject to the provisions of this Act, any other matter as appears to the Council necessary or expedient to further the interests or objects of the University.

22. (1) The Council may, in writing, delegate any of its responsibilities and powers under this Act on such conditions to -

Delegation

- (a) the Vice-Chancellor;
- (b) an appropriately qualified member of the Council; or
- (c) a board or committee appointed by the Council under this Act.

(2) The delegation shall not derogate from the responsibilities and powers of the Council under this Act or the regulations.

(3) No delegation may prevent the Council from performing any of the functions or exercising any of the powers of the Council.

(4) The Council may, in writing, revoke any delegation.

23. (1) The Council may appoint such boards or committees on such terms as it may consider fit to advise the Council on any matter or matters arising out of the proper discharge of the functions of the Council.

Boards and committees

(2) A board or committee shall, in addition to any member of the Council appointed, consist of such persons who in the opinion of the Council can make a contribution to the work of the board committee.

(3) A board or committee may invite such other persons as it considers desirable to attend its meetings and give advice, but such persons shall not be entitled to vote.

(4) In the discharge of its functions, the Council shall give due consideration to the advice or recommendation of any board or committee.

Meetings of the Council

- 24.** (1) At a meeting of the Council –
- (a) the quorum shall be at least half the total of Council members plus one (1), and shall consist of at least two (2) official members, five (5) appointed members and two (2) elected members;
 - (b) the Chairperson or, if the Chairperson is absent, the Deputy Chairperson, or if both are absent, a member elected by the members present, shall preside;
 - (c) the person presiding has an ordinary vote and (in the case of an equality of votes) a casting vote; and
 - (d) a decision carried by a majority of the votes of the members present shall be the decision of the Council.
- (2) Subject to this Act, the business of the Council shall be conducted in such manner as the Council may determine.

PART 4 – MEMBERS OF THE UNIVERSITY

Members of the University

- 25.** (1) The following persons shall be members of the University -
- (a) the Chancellor, the Vice-Chancellor, Deputy Vice Chancellor and the Pro-Chancellor;
 - (b) the members of the Council;
 - (c) the members of the Senate;
 - (d) the members of the academic staff;
 - (e) the administrative and technical staff;
 - (f) the graduates of the University; and

(g) the students of the University.

26. (1) There shall be a Chancellor of the University who shall be the ceremonial head of the University. Chancellor

(2) The Chancellor shall -

- (a) be appointed by the Minister, in consultation with the Council;
- (b) hold office for a term of up to two (2) years; and
- (c) be eligible for reappointment.

27. (1) There shall be a Pro-Chancellor of the University. Pro-Chancellor
who shall –

(2) The Pro-Chancellor shall –

- (a) be appointed by the Minister in consultation with the Council;
- (b) hold office for a term of up to three (3) years; and
- (c) be eligible for reappointment.

28. There shall be a Vice-Chancellor of the University who shall be appointed by the Council and shall hold office for such period and under such terms and conditions as the Council may determine. Vice-Chancellor

29. (1) The Vice-Chancellor shall - Duties of Vice-Chancellor

- (a) be the Chief Executive Officer of the University and be responsible to the Council for the conduct of the affairs of the University;
- (b) have a general responsibility to the Council for managing the University, and for maintaining and promoting the efficiency and good order of the University;
- (c) report regularly to the Council on the affairs of the University; and

(d) discharge the affairs of the University subject to the provisions of this Act, regulations and so resolutions of the Council.

(2) Subject to the policy directions of the Council and for the purpose of carrying out the functions of the Council under this Act, the Vice-Chancellor may appoint, discipline, promote, transfer, suspend or dismiss staff based on reasonable grounds, and to manage the staff of the University.

(3) The Vice-Chancellor may make regulations in the interest of good governance, ethical standards and good name of the University in situations of emergencies, and take action on behalf of the University Council that is urgent in nature.

(4) The Vice-Chancellor may delegate powers of the Vice-Chancellor under this Act or any other written law to an appropriate qualified member of the University's staff or to any committee comprising University staff appointed by the Vice-Chancellor for this purpose.

Duties of Deputy
Vice-Chancellor

30. (1) There shall be a Deputy Vice Chancellor appointed by the Council and shall hold office for such period and under such terms and conditions as the Council may determine.

(2) The Deputy Vice Chancellor is a member of the Senior Executive of the University with specific responsibility for leadership and oversight of: -

- (a) strategies to improve academic management in a dynamic and competitive sector;
- (b) infrastructure and maintenance issues in support of academic activities;
- (c) financial and budget issues within Schools;
- (d) human resource management and industrial relations relating to academic activities;
- (e) occupational health and safety and equal opportunities offices; and
- (f) represent or act for the Vice Chancellor as and when required.

31. The Council shall ensure that University policies are put in place to appoint such other officers as necessary for efficient functioning of the University, including, but not restricted to, the appointment of an officer with responsibility for ensuring at all times an appropriate balance between academic education and technical vocational education and training.

PART 5 – BODIES OF THE UNIVERSITY

32. (1) The University shall consist of the following constituting units -

- (a) the Council;
- (b) the Senate; and
- (c) various administrative units of the University as established under this Act.

(2) The functions and activities performed under the College of Higher Education Act (Cap.68) shall, at the commencement of this Act, be transferred to and vested in the corresponding constituting units established for the purpose under subsection (1).

(3) The Council may appoint such committees and boards as it considers necessary or expedient having regard to the functions of the University 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.

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

33. (1) This section establishes the University Senate.

(2) Subject to the powers, duties and functions of the Council under this Act, the Senate shall be responsible for the teaching, research and all other academic work of the University and for the regulation and superintendence of the education, training and discipline of the students of the University –

(3) The Senate shall -

- (a) advise the Council about teaching, scholarship and research matters concerning the University;
- (b) formulate proposals for academic policies of the University;
- (c) monitor academic activities of the University; and
- (d) promote and encourage scholarship and research at the University.

(4) The Senate may establish academic boards for colleges, faculties and schools to regulate the academic affairs of the respective college, faculty and school, and to advise the Senate on academic affairs of the colleges, faculties and schools.

(5) The categories of membership of the Senate shall be as approved by the Council on the recommendation of the Vice-Chancellor, but shall, in all cases, include the following

-

- (a) the Vice-Chancellor, as Chairperson;
- (b) all officers of the University responsible for academic affairs of the University who are above the position of a head of a faculty;
- (c) all heads of the University's faculties, divisions, schools, centres and institutes; and
- (d) all the professors of the University for a period of six (6) years from the commencement of this Act, after which, a number, to be determined by the Council periodically, of professors of the University to be elected by the full-time professorial staff of the University on a two-year basis.

Academic sections

34. (1) The Council may, on the advice of the Senate, establish faculties, schools, and institutes of the University as are necessary to achieve the objects of the University.

(2) The Council may, on the recommendation of the Senate, affiliate existing or new colleges or academic institutions with the University by resolution.

35. (1) There shall be faculties, divisions or schools in the University as the Council shall, upon the recommendation of the Senate, approve.

(2) The Senate shall determine from time to time the composition of each faculty, division, school or department, and their academic and administrative organisations.

(3) There shall be such institutes and centres of the University as the Council after consultation with the Senate shall from time to time determine.

(4) There may be such other academic units as the Senate shall from time to time determine.

(5) The head of the highest academic section shall be titled the Dean of the section.

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

(2) The constitution and rules of any such union, association or council shall be approved by the Council so as to ensure discipline and healthy academic and corporate atmosphere in the University.

PART 6 – UNIVERSITY FINANCES

37. (1) The funds of the University shall consist of -

- (a) moneys appropriated by Parliament to finance the University;
- (b) moneys earned by the University through fees, fines and charges, and in consequence of its entrepreneurial activities;
- (c) donations or contributions from sources approved by the Council;
- (d) moneys borrowed by the University; and
- (e) interest on investments.

(2) The Vice-Chancellor shall be the accounting officer for the University.

Government grants **38.** (1) The Minister responsible for Finance shall pay to the University in each financial year such grants as it deems appropriate for the purpose of enabling the University to adequately perform and discharge its functions and duties under this Act.

(2) The University shall submit to the Minister responsible for Finance, at such times, in such form such information in relation to the financial requirements of the University as that Minister may require.

Borrowing **39.** (1) The University may borrow money for the purpose of enabling it to perform its functions under this Act to ensure financial viability of the University.

(2) The provisions of section 33 of the Public Finance and Audit Act (Cap. 120) shall apply to the guarantee of the repayment of loans borrowed by the University.

Investment **40.** The Council may invest the funds of the University 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 University.

Budget **41.** (1) The Council shall, in each year, adopt a budget for the University for the next year.

(2) The Council shall ensure that the University operates within its budget, and under no circumstance becomes insolvent.

Financial year, audit, etc **42.** (1) The University's financial year is from 1 January to 31 December each year.

(2) The Council shall cause proper accounts of the financial affairs of the University to be maintained and appoint an auditor to carry out an annual auditing of its accounts and other financial statements.

(3) The Council shall prepare an annual report of the University for its operations for the preceding year and shall submit the report, including its audited accounts, to the Minister before 31 March in each year.

(4) The Minister shall, as soon as practicable after receiving the report of the Council, lay such report to Parliament.

PART 7 – MISCELLANEOUS

43. (1) The Council may make or amend policies for all or any of the following matters -

Policies

- (a) the conduct of business and proceedings of the Council;
- (b) the election of members of the Council;
- (c) the conditions of service and remuneration of the Vice-Chancellor, or any other member, officer, or employee of the University;
- (d) the administration, strategic planning, quality control and management of the University;
- (e) residential or rental accommodation for students;
- (f) co-operation between the University and any other University or educational institute and the affiliation of any educational institution with the University; and
- (g) the maintenance of good order and discipline in the University.

(2) Upon the advice and recommendation of the University Senate, the Council may make or amend policies for all or any of the following matters -

- (a) the conferring of fellowships, degrees, diplomas, certificates, including honorary degrees, scholarships, exhibitions, prizes and other awards in accordance with this Act;
- (b) the establishment and management of campuses of the University;
- (c) the fees payable to the University by students or any class of students for instruction or training provided by the University;
- (d) the fees payable to the University for the grant of any fellowship, diploma, certificate or other award;

- (e) the fees payable to the University for any other purpose, or payable to any union, association or council of students, or students and staff of the University;
 - (f) the abatement or waiver of such fees;
 - (g) the establishment and administration of a fund for the purpose of assisting students in necessitous circumstances;
 - (h) the establishment of business ventures for financial sustainability of the University and to contribute to its reserve funds; and
 - (i) imposition of fines for the contravention of the provisions of the Act or regulations and the remedy for the recovery of such fines.
- (3) The University Senate may make or amend policies for all or any of the following matters -
- (a) the entry qualification required for admission to any course or courses of education or training provided by the University;
 - (b) all matters to do with academic activities of the University including programmes of studies, courses of instruction, lectures and classes to be provided by the University and quality assurance and accreditation of academic programmes;
 - (c) examinations and other methods of assessing the academic attainments and performance of students;
 - (d) the establishment of boards of studies and their practices, procedures, jurisdiction and powers;
 - (e) the establishment and management of centres of the University outside Honiara or Solomon Islands;
 - (f) any other matter affecting the administration and management of the University which may

be or which is required to be prescribed under this Act.

44. The Minister may, on the advice of the Council, make regulations for the purpose of carrying out the provisions of this Act.

Regulations

45. In this Act, the power to make any appointment of any officer of the University or of a member of the administrative staff shall be construed as including -

Construction of powers to appoint

- (a) the power to make appointments on promotion, and transfer where possible, of such officer or member in the University; and
- (b) 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 the person;
- (c) the power to take disciplinary action;
- (d) the power for suspension and dismissal from office, student compound and studies.

46. No person shall be discriminated based on his or her religion, ethnicity, place of origin, gender or political allegiance, to prevent such person from being entitled to be admitted as a member, professor, teacher or student of the University, or to hold office therein, or to graduate or to hold any advantage of privilege attached thereto.

No discrimination

47. Nothing contained in the Education Act (Cap.69) shall apply to the University or to any officer of the University, or any member of its academic staff or the administrative staff.

Education Act application

PART 8 – REPEAL, SAVING AND TRANSITIONAL PROVISIONS

48. (1) The College of Higher Education Act (Cap.68) is repealed.

Repeal of College of Higher Education Act

- (2) Any term or condition of appointment of a member of the Council of the College of Higher Education and any appointment made to any committee or sub-committee of the College of Higher Education shall be deemed to lapse on the commencement of this Act (“commencement date”).

(3) This Act deems the academic and administrative decisions made by the Council of the College of Higher Education to the commencement date, as made under the provisions of this Act to the extent that the decisions are not inconsistent with the provisions of this Act or do not undermine the decision making powers conferred on the Council, the Senate or other officers of the University established under this Act.

Assets, liabilities,
etc

49. (1) The assets and liabilities of the College of Higher Education are deemed to be vested as the assets and liabilities of the University, and the Registrar of Titles or any person responsible for the keeping of any register under any written law must, on the written request of the University and on payment of the appropriate application fee, make entries in the register and on any outstanding documents of title and generally do all things necessary to give effect to this Act.

(2) Any contract, guarantee, undertaking or securities entered into by or on behalf of the College of Higher Education immediately before the commencement date, are taken to have been entered into or given by or to the University and may be enforced against or by the University.

Staff rights and
entitlements

50. (1) On the commencement date, staff, where tenured, permanent or contracted, of the College of Higher Education shall be deemed to be employed by the University on such terms and conditions as the University shall determine.

(2) All rights, including leave entitlements, accrued or accruing to the person as a staff member of the College of Higher Education to the commencement date, shall be maintained by the staff after the commencement date.

SOLOMON ISLANDS NATIONAL UNIVERSITY BILL 2012

OBJECTS AND REASONS

This Bill seeks to establish the Solomon Islands National University for the purpose of providing higher education in Solomon Islands. In order to achieve the objectives the present Solomon Islands College of Higher Education is to be abolished and the functions, management and responsibility for providing higher academic education is to be vested in the new institution.

The Bill is divided into 8 Parts.

Part 1 deals with Preliminary Matters, which are standard clauses.

Part 2 seeks to establish the University as a body corporate. It further prescribes the objects, privileges, functions and powers of the University.

Part 3 deals with the administration and management of the University. It spells out the composition, the eligibility and disqualifications of persons to be on the University Council.

Part 4 prescribes the officers of the University, such as the Chancellor and other high officials and it also provides for the duties and functions of such officials.

Part 5 prescribes the various units or bodies connected with the University such as the Council, Senate and other administrative units.

Part 6 deals with the University finances. The Vice-Chancellor will be the accounting officer of the University. The University is to receive annual grants from the Ministry of Finance. It also specifies its financial powers and obligations.

Part 7 contains provisions enabling the University to regulate its policies and the power of the Minister to make regulations on the advice of the Council.

Part 8 provides for repeal of the College of Higher Education Act (Cap. 68) and transitional provisions in order to provide for a transfer from the present college to that of a University.

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**MINISTER FOR EDUCATION AND HUMAN RESOURCE
DEVELOPMENT**

EXPLANATORY MEMORANDUM

Clause 1 provides for the short title and commencement. It will commence on a date appointed by the Minister, by notice in the *Gazette*.

Clause 2 defines the terms used in the Act.

Clause 3 establishes the National University of Solomon Islands as body corporate for the purposes of imparting higher education in Solomon Islands.

Clause 4 sets out the objects of the University.

Clause 5 guarantees the University its academic freedom relating to higher education.

Clause 6 sets out the functions of the University.

Clause 7 sets out the powers of the University.

Clause 8 provides for the Visitor of the University and the role of the Visitor to inspect the University from time to time.

Clause 9 establishes the Council of the University consisting of 5 official members, 10 appointed members, 8 elected members and up to 5 co-opted members.

Clause 10 sets out the official members.

Clause 11 sets out the appointed members appointed by the Minister in consultation with the official members.

Clause 12 sets out the elected members and how they are elected.

Clause 13 sets out the co-opted members.

Clause 14 provides the rule for filling of any casual vacancy to the appointed and elected members of the Council.

Clause 15 sets out the disqualification rules for appointed, elected or co-opted members of the Council, such as bankruptcy.

Clause 16 sets out the rule for vacation of office of appointed, elected or co-opted members of the Council.

Clause 17 provides for the functions and duties of members of the Council.

Clause 18 empowers the Council to remove members for good cause except the official members.

Clause 19 exempts members of the Council from being sued personally for any act done in good faith relating to carrying out their duties and powers.

Clause 20 provides for allowances.

Clause 21 sets out the responsibility of the Council as the governing body of the University.

Clause 22 gives power to the Council to delegate its duties and powers.

Clause 23 empowers the Council to appoint boards and committees to assist the Council carry out its duties and powers.

Clause 24 sets out the meeting procedures of the Council.

Clause 25 generally sets out the members of the University.

Clause 26 establishes the post of Chancellor of the University who is to be appointed by the Minister, in consultation with the Council.

Clause 27 establishes the post of Pro-Chancellor who is to be appointed by the Council.

Clause 28 establishes the post of Vice-Chancellor who is appointed by the Council.

Clause 29 provides that the Vice-Chancellor will be the chief executive officer of the University and to be generally responsible for management and operations of the University.

Clause 30 provides for the appointment of a Deputy Vice-Chancellor.

Clause 31 provides for the appointment of other officers.

Clause 32 sets out the constituting units of the University.

Clause 33 establishes the Senate and its duties and powers.

Clause 34 empowers the Council to establish academic sections of the University.

Clause 35 provides for the powers of the Council and the Senate to approve or determine various divisions, schools, etc of the University.

Clause 36 empowers the Council to approve student or student and staff associations or bodies.

Clause 37 sets out the composition of the fund of the University.

Clause 38 provides for Government grants to the University.

Clause 39 provides for the power to borrow money.

Clause 40 provides for the power of the Council to invest funds of the University.

Clause 41 provides for the adoption of the budget of the University by the Council.

Clause 42 provides for the financial year, auditing and annual reports.

Clause 43 empowers the Council and the Senate to make policies for the University.

Clause 44 empowers the Minister to make regulations on the advice of the Council.

Clause 45 clarifies the extent of the powers to make appointment to staff of the University.

Clause 46 provides for protection against discrimination.

Clause 47 excludes the application of the Education Act (Cap. 69).

Clause 48 repeals the College of Higher Education Act (Cap. 68) and deals with the savings and transitional provisions.

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**MINISTER FOR EDUCATION AND HUMAN RESOURCE
DEVELOPMENT**