

BILL NO. 3 OF 2022

A BILL

FOR AN ACT TO AMEND THE FIJI NATIONAL UNIVERSITY ACT 2009

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Fiji National University (Amendment) Act 2022.

(2) This Act comes into force on a date appointed by the Minister by notice in the Gazette.

Section 13 amended

2. Section 13 of the Fiji National University Act 2009 is amended by—

(a) in subsection (1), deleting “4” and substituting “3”; and

(b) in subsection (2)—

(i) in paragraph (b) after “;”, inserting “and”;

(ii) in paragraph (c), deleting “; and” and substituting “.”; and

(iii) deleting paragraph (d).

February 2022

FIJI NATIONAL UNIVERSITY (AMENDMENT) BILL 2022

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Fiji National University Act 2009 (**‘Act’**) establishes the Fiji National University (**‘FNU’**) to serve the needs of those in post-secondary education in Fiji.
- 1.2 The Act provides for the functions, powers, management and administration of FNU.
- 1.3 More specifically, section 7 of the Act establishes the Council of FNU (**‘Council’**) which is the governing body that exercises the powers conferred on FNU by the Act.
- 1.4 Section 12 of the Act sets out the membership of the Council. The Council consists of official members, appointed members, elected members and co-opted members.
- 1.5 Section 13(2)(d) of the Act specifies that the Permanent Secretary responsible for tertiary education (**‘PS for Education’**) is an *ex officio* official member of the Council who holds office for such time as he or she continues to occupy the position by virtue of which he or she became an official member of the Council.
- 1.6 Given that the Ministry of Education, Heritage and Arts is the agency responsible for administering the grant for FNU as an off-budget State entity, and to maintain FNU’s true independence as an academic institution, the Fiji National University (Amendment) Bill 2022 (**‘Bill’**) seeks to amend the Act to remove the PS for Education as an *ex officio* official member of the Council.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date appointed by the Minister by notice in the Gazette.

- 2.2 Clause 2 of the Bill amends section 13(1) of the Act by reducing the number of official members of the Council from 4 to 3.
- 2.3 Clause 2 of the Bill also amends section 13 of the Act by deleting subsection (2)(d) to remove the PS for Education as an *ex officio* official member of the Council, and by also making necessary adjustments to the preceding paragraphs.
- 3.0 MINISTERIAL RESPONSIBILITY**
- 3.1 The Act comes under the responsibility of the Minister responsible for tertiary education.

A. SAYED-KHAIYUM
Attorney-General