

FIJI LEARNING INSTITUTE FOR PUBLIC SERVICE ACT 2025
(BILL NO. 32 OF 2025)

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BILL NO. 32 OF 2025**A BILL**

FOR AN ACT TO ESTABLISH THE FIJI LEARNING INSTITUTE FOR PUBLIC SERVICE, TO PROVIDE FOR ITS FUNCTIONS AND POWERS, AND FOR RELATED MATTERS.

ENACTED by the Parliament of the Republic of Fiji—

PART 1—PRELIMINARY*Short title and commencement*

- 1.—**(1) This Act may be cited as the Fiji Learning Institute for Public Service Act 2025.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

Interpretation

- 2.** In this Act, unless the context otherwise requires—

“Board” means the Board of Directors of the Institute established under section 6;

“Chairperson” means the chairperson of the Board appointed under section 6(2) and includes a temporary chairperson appointed under section 13(3);

“Chief Executive” means the Chief Executive Officer of the Institute appointed under section 19, and includes any person acting in that capacity;

“civil service” has the same meaning as in the Civil Service Act 1999;

“Commission” means the Public Service Commission established under section 125 of the Constitution;

“Institute” means the Fiji Learning Institute for Public Service established under section 4;

“member” means a member of the Board and includes the chairperson;

“Minister” means the Minister responsible for civil service;

“Permanent Secretary” means the Permanent Secretary responsible for the civil service; and

“staff” and “officer” mean all categories of persons employed by the Institute unless the category is otherwise specified.

Objective

3. The objective of this Act is to establish the Fiji Learning Institute for Public Service as a statutory body, replacing its previous status as a company limited by guarantee under the Companies Act 2015, to serve the civil service and any other organisation that may wish to access the services of the Institute.

PART 2—ESTABLISHMENT OF THE FIJI LEARNING INSTITUTE FOR PUBLIC SERVICE

Establishment of Institute

4.—(1) The existing entity, with the name “Fiji Learning Institute for Public Service” or “FLIPS”, is established to provide training, consultancy and other related services to the civil service of Fiji and any other interested organisation and is hereby reaffirmed.

(2) The Institute is a body corporate with perpetual succession and a common seal by the name and style of “Fiji Learning Institute for Public Service” or “FLIPS”, with power—

- (a) to sue and be sued;
- (b) to take, purchase, hold, charge, sell, exchange, lease, or otherwise dispose off expendable or any immovable property of any description;
- (c) to enter into contract, to appoint agents and attorneys, to engage consultants, to fix charges and other terms for services and other facilities it supplies; and
- (d) subject to this Act and any other written law, to perform such other acts as are deemed necessary or desirable for the attainment of its objective.

Common seal

5.—(1) The Institute must have a common seal which may be broken, changed, altered or made anew as the Board thinks fit.

(2) All deeds and other documents requiring the seal of the Institute must be sealed with the common seal of the Institute.

(3) All instruments to which the common seal is affixed must be signed by the Chief Executive or any person duly authorised to sign on his or her behalf.

Board of Directors

6.—(1) This section establishes the Board of Directors of the Institute which is the governing body responsible for the oversight, strategic direction, and accountability of the Institute.

(2) The Minister must appoint the Board which consists of the following 10 members—

- (a) the Permanent Secretary as the Chairperson;
- (b) a person nominated by the Public Service Commission;
- (c) a person nominated by the ministry responsible for employment and productivity;
- (d) a person nominated by the ministry responsible for foreign affairs;
- (e) a person nominated by the ministry responsible for education;
- (f) a person nominated by the ministry responsible for finance;
- (g) a person nominated by the Fiji Higher Education Commission;
- (h) a person representing civil service employees;
- (i) a person with expertise in adult learning, leadership development, or public policy; and
- (j) a person appointed by the Minister to represent the universities in Fiji.

(3) The Chief Executive, or any person nominated by him or her serves as the Secretary to the Board and must provide administrative support.

(4) Subject to section 42(2), the Minister must appoint a Board within 120 days from the date of commencement of this Act.

(5) In making appointments to the Board, the Minister must endeavour to ensure gender balance amongst the members.

Chairperson may delegate functions

7. The Chairperson may in writing authorise any member of the Board to exercise any power or perform any function conferred on the Chairperson under this Act.

Term of office of members

8.—(1) A member holds office for a period of 3 years which may be renewed once.

(2) A member appointed by virtue of holding another office serves on the Board for as long as he or she holds that office, and their membership ends when he or she ceases to hold that office.

(3) A member may resign from his or her office at any time by giving not less than 30 days' notice in writing to the Minister.

(4) The Minister may, upon good reason, at any time revoke the appointment of any member as the Minister considers necessary in the interest of the effective performance of the functions of the Institute under this Act, or in the public interest.

(5) If a member dies or vacates office or has his or her appointment revoked, the Minister may appoint any person to fill the vacancy for the remainder of the term for which the vacating member was appointed.

(6) The Institute may pay to the Chairperson and members, out of the funds of the Institute, such fees and allowances as the Minister may determine.

Vacation of office of members

9.—(1) A member of the Board vacates office if—

- (a) the member resigns by giving 30 days' written notice to the Chairperson or to the Minister;
- (b) the member is absent, without the permission of the Chairperson, from 3 consecutive meetings of the Board;
- (c) the member becomes bankrupt or enters into insolvency proceedings with creditors;
- (d) the member is convicted of an offence involving dishonesty or fraud;
- (e) the member is declared to be of unsound mind or otherwise incapable of performing the functions of office;
- (f) the member is removed from office in accordance with this Act; or
- (g) the member ceases to hold any qualification or represent any organisation or office which was a basis for the appointment.

(2) The Minister may remove a member from office for—

- (a) misconduct, gross neglect of duty, or breach of the code of conduct under this Act;
- (b) conduct that brings the Board or the Institute into disrepute; or
- (c) failure to perform the functions of office to a satisfactory standard.

(3) Where a vacancy arises under this section, the Minister may appoint a new member in accordance with section 6.

Code of conduct

10. The Board must establish its own code of conduct applicable to all of its members.

Powers of Board

11. The Board is the executive body and may exercise on behalf of the Institute, all powers conferred on the Institute by this Act.

Functions of Board

12. The Board may do anything necessary or convenient to be done for its functions, and for this purpose—

- (a) is responsible for the management and administration of the revenue and property of the Institute;
- (b) subject to the direction provided by the Minister in consultation with the Permanent Secretary, must have general control over the conduct of the affairs of the Institute including disciplinary matters;
- (c) has custody, control and disposition of all property, funds, fees and investments of the Institute;
- (d) from time to time, prepares, for the approval of the Minister, a statement of objectives, including a strategic plan, and proposed funding for such objectives and plan;
- (e) ensure that the Institute is managed in accordance with any other written law, and the general principles of good governance and transparency;
- (f) may determine fees to be paid or charges to be levied, in respect of programmes and courses or otherwise;
- (g) may, for the purposes of responsible, effective and efficient use of resources, ensure that systems are established for the co-ordination of activities of the Institute and for accountability;
- (h) provide for maintaining the seal of the Institute, and make provisions for the use of the seal; and
- (i) may do all things that are necessary or convenient to be done for or in connection with the performance of its functions under this Act.

Meetings of Board

13.—(1) At a meeting of the Board, 6 members constitute a quorum.

(2) The Chairperson must preside at all meetings of the Board.

(3) In the absence of the Chairperson, the members present must elect one of the members to preside.

(4) The Board must meet at least 6 times a year at such times and places as the Chairperson may determine.

(5) Any question arising at any meeting must be decided by a majority of votes of the members present and voting.

(6) At any meeting of the Board, the Chairperson or, in the Chairperson's absence, the member presiding at the meeting, in the case of an equality of votes, has a casting vote.

Rules of procedure

14. The Board is to regulate its own procedure.

Committees

15. The Board may appoint committees consisting of one or more persons, whether members or not, and define or vary the terms of reference of those committees.

Delegation of powers

16.—(1) The Board may, in respect of a specified matter or class of matters, by writing, delegate any of its powers to—

- (a) a member;
- (b) a committee of the Board; or
- (c) an officer of the Institute.

(2) Every member, committee or officer purporting to act pursuant to a delegation under this section must only do so upon receiving written instructions from the Chairperson or any person duly authorised to sign on his or her behalf.

PART 3—FUNCTIONS AND POWERS OF INSTITUTE

Functions of Institute

17. Subject to the provisions of this Act, the Institute is responsible for the dissemination of information relating to, and the promotion, direction, supervision, and co-ordination of, matters of administration, governance and management with particular reference to the interests of the civil service, as may be appropriate to—

- (a) provide training for the development of the civil service;
- (b) promote, assist and encourage the development of skills within the civil service by cooperation with individuals, organisations and institutions;
- (c) provide training courses in public administration and management to the civil service;
- (d) provide consultancy services to the civil service and, with the approval of the Board, to any interested person, organisation or institution;
- (e) provide diplomatic training to officers within the foreign service of Fiji;
- (f) gather, document and disseminate to the civil service, information relating to public administration and management, including—
 - (i) policies, guidelines, and best practices relevant to governance and service delivery;
 - (ii) operational and performance data, including statistics, benchmarks, and research findings;
 - (iii) standards and procedures for administrative processes, compliance, and risk management; and

- (iv) training material, circulars, manuals, and other resources intended to build capacity within the civil service;
- (g) undertake any research projects and publish any matter relating thereto;
- (h) cooperate with any person organisation or institution in the world in matters of interest to the promotion of the civil service; or
- (i) charge fees in respect of any services rendered by the Institute.

Powers of Institute

18.—(1) The Institute, in addition to all other powers vested in it, has the following specific powers—

- (a) provide facilities and resources to the civil service and, with the approval of the Board, to any interested persons, organisations or institutions in order to conduct activities related to or connected with the functions of the Institute;
- (b) collaborate with and assist the civil service and, with the approval of the Board, to any interested persons, organisations or institutions in the provision and promotion of services and activities related to or connected with the functions of the Institute;
- (c) organise any course and programme for, and render any advice, consultancy and services to, the civil service and with the approval of the Board, any other person, organisation or institution;
- (d) provide and hold tests and examinations, and grant certificates, awards and other qualifications other than degrees for the attainment of relevant skills, competencies and achievements;
- (e) enter into any contract that is necessary or expedient for the purpose of discharging the functions of the Institute;
- (f) lease, let, develop or otherwise utilise any property, movable or immovable, vested in or acquired by the Institute on any terms and conditions that the Institute thinks fit;
- (g) collect, analyse, compile, publish or disseminate information that is in the interest of the civil service;
- (h) become a member or affiliate of any international body the functions and objects of which are similar to those of the Institute;
- (i) where appropriate, charge fees or commissions for services rendered by the Institute and for the use of any of its facilities and services; and
- (j) receive donations, grants, gifts, subsidies or contributions from any source, and raise funds by all lawful means.

(2) The Institute, in addition to the powers vested in it by subsection (1) must exercise any other power that the Minister in consultation with the Board may in writing authorise the Institute to exercise.

(3) This section is not to be construed as limiting any power of the Institute conferred by or under any other written law.

PART 4—PROVISIONS RELATING TO STAFF

Chief Executive

19.—(1) The Minister may, in consultation with Board must appoint a Chief Executive to the Board.

(2) Subject to this Act and to any directions given to him or her by the Board, the Chief Executive is responsible for the management and administration of the Institute and the efficient conduct of its business.

(3) The Chief Executive must be paid such salary as determined in accordance with the Higher Salaries Commission Act 2023.

Functions of Chief Executive

20. Without limiting the generality of section 19(2), the Chief Executive must—

- (a) prepare annually for the consideration of the Board, programmes of activity relating to the functions of the Institute as required by the Institute, together with such supporting budgets as may be necessary;
- (b) after consultation with the Board, organise the Institute into operational divisions as may be necessary for the efficient conduct of the business of the Institute; and
- (c) carry out directions as the Board may give.

Appointment of staff, officers etc

21. The Chief Executive may appoint, discipline, and terminate staff, and officers as delegated to him or her by the Board.

Protection from personal liability

22. No suit or other legal proceedings may lie personally against any officer or employee of the Institute, member or person acting under the direction of the Institute, for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other written law.

PART 5—FINANCIAL PROVISIONS

Funds of Institute

23.—(1) The funds of the Institute consist of—

- (a) all funds transferred to the Institute in terms of section 31;
- (b) any funds that are payable to the Institute from moneys appropriated for that purpose by Parliament;
- (c) all gifts, donations and contributions to the Institute;

- (d) all fees, charges, commissions, rents, interests, dividends and other income accruing to the Institute;
- (e) funds borrowed by the Institute; and
- (f) all other funds lawfully received by the Institute for the purposes of the Institute.

(2) The Chief Executive is the principal accounting officer of the Institute.

Financial year

24. The financial year of the Institute is the calendar year.

Budget

25.—(1) The Board, in consultation with the Minister, must approve annually the budget of the Institute for the ensuing financial year.

(2) The Board must ensure prudent financial management and take reasonable steps to prevent the Institute from becoming insolvent.

Accounts of Institute

26.—(1) The Institute must keep proper books of accounts and other records relating thereto in respect of all its activities, undertakings and property, including such particular accounts and records as the Board directs.

(2) The Institute must prepare and submit to the Board a statement of accounts in respect of each financial year or such other period as the Board directs.

Audit of accounts and annual reports

27.—(1) The Institute must cause to be appointed on terms and conditions as it thinks fit, an independent auditor for the financial year.

(2) The auditor must make an annual report for submission to the Board on the audited financial statements of the Institute and in such report must state whether or not in their opinion the statement of accounts gives a true and fair view of the financial affairs of the Institute.

(3) The annual report and audited financial statements must be submitted to the Minister by the Board before 30 June in each year.

(4) Subject to subsection (3), the Minister must, within 14 Parliament sitting days after receiving the annual report and audited financial statements of the Institute, table them before Parliament.

Other financial reports

28. The Minister may require the Institute to obtain from the auditor such other reports, statements or explanations in connection with the activities, undertakings and property of the Institute as the Minister may consider expedient.

Powers of auditor

29.—(1) The auditor must be entitled at all reasonable times to require to be produced to them all books of accounts and other records relating thereto kept by the Institute and to require from any officer employed by the Institute such information and explanations as in their opinion are necessary for the purposes of their audit.

(2) Any officer or agent of the Institute who fails without reasonable cause to comply with a requirement of an auditor in terms of subsection (1) is be guilty of an offence and liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a period not exceeding 6 months, or both.

Bank accounts

30.—(1) The Institute must open and maintain one or more accounts with any bank or banks that the Institute thinks fit.

(2) Every such account must only be operated by such person or persons as may be authorised by the Institute.

PART 6—TRANSFER OF PROPERTY, ASSETS, LIABILITIES AND EMPLOYEES

Transfer of property, assets and liabilities

31.—(1) Any movable and immovable property, and funds vested in the institute for the purposes of discharging its functions are transferred to and vest in the institute without further assurance, act or deed.

(2) For the avoidance of doubt, subsection (1) applies *mutatis mutandis* to any liabilities owed by the institute.

Transfer of employees

32. Subject to section 21 of the Civil Service Act 1999, all persons who immediately before that date, were employed by the former Institute are transferred to and are deemed to be employees of the institute, on terms no less favourable than those enjoyed by them immediately prior to their transfer.

Rights and entitlements to be preserved

33.—(1) Any right of employees including but not limited to salaries, pension contributions, and accrued or accruing leave entitlements must be maintained and continue after the date of commencement of this Act.

(2) Any term or condition relating to the length of service with the Institute must recognise the length of service of the persons so transferred while in the employment of the former Institute.

Existing contracts

34. All deeds, contracts, schemes, bonds, agreements, instruments and arrangements, subsisting immediately before the date of commencement of this Act continue in force and are enforceable by or against the Institute as if the Institute had been named therein or had been a party thereto.

Disciplinary measures

35. All pending disciplinary proceedings before the commencement of this Act, against any person who would be transferred to the Institute, continue in all respects and be governed by the Civil Service (Discipline) Regulations 2009.

Transfer of contracted employees

36. All contracted employees who immediately before the commencement of this Act, and were employed by the institute on a fixed term basis are deemed to be employees of the Institute for the balance of their contractual terms, on the same terms and conditions that they enjoyed while employed by the former institute.

PART 7— MISCELLANEOUS

Issue of certificates and other awards by Institute

37.—(1) Subject to the Higher Education Act 2008, the Institute has the power to—

- (a) develop and accredit programmes of instruction, training, and professional development in areas relating to the civil service;
- (b) conduct assessments and examinations; and
- (c) issue certificates, awards, and other forms of recognition to persons who have satisfactorily completed such programmes or who meet the prescribed standards of competence.

(2) A certificate or award issued by the Institute under this section is deemed to be valid and recognised for all purposes under this Act and any regulations made under it.

Cancellation of certificates and other qualifications issued by Institute

38.—(1) The Institute may, subject to its rules or regulations, withdraw or cancel any certificate or award issued by it where it is satisfied that—

- (a) the certificate or award was obtained by fraud or misrepresentation; or
- (b) the holder has engaged in conduct that brings the profession or the Institute into disrepute.

(2) Any person who obtains a certificate or award by fraud or misrepresentation is guilty of an offence and liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a period not exceeding 2 years or both.

Intellectual property

39.—(1) The Institute has the right to hold, protect, manage, and enforce its intellectual property rights, including—

- (a) copyrights in educational and training materials, publications, software, and digital content developed by or on behalf of the Institute;
- (b) trademarks, logos, and service marks associated with the Institute and its programmes;
- (c) patents or other proprietary rights in any invention, innovation, or research output developed by or in collaboration with the Institute; and
- (d) any other intellectual property arising from the Institute's functions or operations.

(2) The Institute may take any lawful measures necessary to prevent the unauthorised use, reproduction, distribution, or commercial exploitation of its intellectual property, including instituting civil or criminal proceedings.

(3) The Institute may license, assign, or otherwise commercially exploit its intellectual property rights in accordance with such terms and conditions as may be determined by its governing body.

(4) Any intellectual property developed by an employee, contractor, student, or affiliate of the Institute in the course of their duties or using the Institute's resources shall, unless otherwise agreed in writing, be deemed to be the property of the Institute.

(5) The Institute may make rules or guidelines to govern the ownership, management, and use of its intellectual property.

Regulations

40.—(1) The Minister may make regulations providing for or prescribing any matters which are necessary or convenient to be provided or prescribed for carrying out or giving effect to the provisions of this Act.

(2) Without affecting the generality of subsection (1), the Minister may make regulations prescribing offences and penalties not exceeding a fine of \$10,000 or imprisonment for a term of 5 years, or both.

PART 8—MISCELLANEOUS

Savings

41.—(1) Any requirement under any written law for the Institute to file, notify, register, or otherwise comply with a legal or regulatory obligation which was duly complied with before the commencement of this Act is taken to have been complied with by the Institute established under this Act.

(2) Without limiting the generality of any other provision of this Act, the provisions of this Act have effect notwithstanding anything to the contrary contained in the Companies Act 2015, State Acquisition of Lands Act 1940, State Lands Act 1945, Land Sales Act 1945, Land Transfer Act 1971, Property Law Act 1971 or any other written law or any rule of the common law or equity or any instrument or other security, contract, agreement, or undertaking.

Transitional

42.—(1) Upon the commencement of this Act, the Institute, formerly incorporated as the Fiji Learning Institute for Public Service, a company limited by guarantee under the Companies Act continues to function as if it were established under this Act.

(2) The Board, Chief Executive and officers that were appointed before the date of commencement of this Act continue to hold office under such terms and conditions as were previously ascribed to them provided that no Board member may serve beyond the limits prescribed in sections 9(1) and 9(2).

Consequential amendments

43. The Acts listed in the Schedule are consequentially amended.

SCHEDULE—CONSEQUENTIAL AMENDMENTS
(Section 43)

Civil service Act 1999

1. The Civil Service Act 1999 is amended after section 23 by inserting the following new section—

“Periodic and continuous skills development

23A.—(1) Any employee must, as part of their conditions of service, undergo periodic and continuous skills development and training programs as determined by the Permanent Secretary.

(2) The skills development and training programs shall be provided, coordinated, or accredited by the Fiji Learning Institute for Public Service, duly established by the Fiji Learning Institute for Public Service Act 2025.

(3) The Permanent Secretary may, in consultation with the Fiji Learning Institute for Public Service, issue guidelines or regulations prescribing the nature, frequency, and scope of such skills development and training.”.

Tertiary Scholarships and Loans Service Act 2014

2. Schedule 1 to the Tertiary Scholarships and Loans Service Act 2014 is amended by after “Western Sydney University”, inserting “Fiji Learning Institute for Public Service”.

Higher Salaries Commission Act 2023

3. Schedule 1 to the Higher Salaries Commission Act 2023 is amended by after “Fiji Agromarketing Authority”, inserting “Fiji Learning Institute for Public Service”.

Examinations Act 1978

4. The Schedule to the Examinations Act 2023 is amended by after “Public Service Commission”, inserting “Fiji Learning Institute for Public Service”.

Office of the Attorney-General
Suvavou House
Suva

September-October 2025

FIJI LEARNING INSTITUTE FOR PUBLIC SERVICE BILL 2025

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 Learning Institute for Public Service Bill 2025 (**‘Bill’**) seeks to change the legal persona of the Fiji Learning Institute for Public Service (**‘Institute’**) from a company limited by guarantee (company) to a statutory body.
- 1.2 The Institute was registered under the Companies Act 2015, in June 2024 and to date, has been governed by its Articles of Association. It was however noted by the FLIPS Board of Directors (**‘Board’**) that being a public company prevented Institute from aligning with public sector reforms and was not in line with international best practice.
- 1.3 In order to effectively provide efficient services to the Government of Fiji, the Board of Institute resolved to establish the Institute under statute and do away with the former position of being a public company.
- 1.4 It was also resolved to establish Institute under statute while maintaining all of the Institute’s functions, assets, staff and operations.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the new legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill provides for the definitions and interpretation of terms used throughout the Act.
- 2.3 Clause 3 of the Bill provides the objective of the Act.
- 2.4 Clause 4 of the Bill establishes the Institute.
- 2.5 Clause 5 of the Bill provides for the Institute to have a common seal which is maintained by the Board.

- 2.6 Clause 6 of the Bill establishes the Board.
- 2.7 Clause 7 of the Bill provides for the Chairperson of the Board to delegate functions to any of the Board members.
- 2.8 Clause 8 of the Bill outlines for the term of office of Board members which is 3 years, renewable once. However a person that is a Board member by virtue of representing a Ministry may be a Board member for as long as he or she is a member of the Ministry.
- 2.9 Clause 9 of the Bill provides for vacation of office of Board members.
- 2.10 Clause 10 of the Bill provides for the formulation of a code of conduct which is applicable to the Board.
- 2.11 Clause 11 of the Bill provides for the powers of the Board.
- 2.12 Clause 12 of the Bill provides for the functions of the Board.
- 2.13 Clause 13 of the Bill outlines the conduct and frequency for the meetings of the Board.
- 2.14 Clause 14 of the Bill provides for rules of procedure that are applicable to meetings of the Board.
- 2.15 Clause 15 of the Bill provides that the Board may set up special committees.
- 2.16 Clause 16 of the Bill empowers the Board to delegate its powers.
- 2.17 Clause 17 of the Bill provides for the functions of the Institute.
- 2.18 Clause 18 of the Bill provides for the powers of the Institute.
- 2.19 Clause 19 of the Bill provides for employment of the Chief Executive.
- 2.20 Clause 20 of the Bill outlines the functions of the Chief Executive.
- 2.21 Clause 21 of the Bill empowers the Chief Executive to appoint officers and staff of the Institute.
- 2.22 Clause 22 of the Bill provides the Chief Executive and staff of the Institute protection from personal liability for actions conducted in the course of their official duties.
- 2.23 Clause 23 of the Bill provides for the sources of funds that may be utilised by the Institute.
- 2.24 Clause 24 of the Bill provides the financial year of the Institute must be a calendar year.

- 2.25 Clause 25 of the Bill requires the Board to prepare an annual budget which will support the Institute's operations.
- 2.26 Clause 26 of the Bill provides that the Institute must keep and maintain proper books of accounts in relation to its operations, assets, and liabilities.
- 2.27 Clause 27 of the Bill requires that the books of accounts of the Institute be audited by an auditor appointed by the Board for that purpose.
- 2.28 Clause 28 of the Bill provides that the Minister may require the auditor to prepare any other financial reports as the Minister may require.
- 2.29 Clause 29 of the Bill outlines the powers that are conferred on the auditor when carrying out their functions.
- 2.30 Clause 30 of the Bill provides that the Institute must open and maintain bank accounts to support its operations.
- 2.31 Clause 31 of the Bill transfers and vests all the assets, properties and liabilities that the Institute owned while a company into its new establishment under statute.
- 2.32 Clause 32 of the Bill transfers and vests all the employees that the Institute employed while a company into its new establishment under statute.
- 2.33 Clause 33 of the Bill ensures that all rights and entitlements that employees held while employed by the company continue after the Institute is established under statute.
- 2.34 Clause 34 of the Bill ensures that all contracts existing while the Institute was a company will continue after the Institute is established under statute.
- 2.35 Clause 35 of the Bill provides that any disciplinary proceedings relating to staff that were existing while the Institute was a company continue after the Institute is established under statute.
- 2.36 Clause 36 of the Bill ensures that any persons that were temporarily employed under fixed term contracts while the Institute was a company continue after the Institute is established under statute.
- 2.37 Clause 37 of the Bill empowers the Institute to issue certificates and awards to people who undertake the courses provided by the Institute.
- 2.38 Clause 38 of the Bill provides that the Institute can cancel any award or certificate if the recipient obtained the award or certificate by fraud or if the recipient engages in conduct that brings the Institute into disrepute.

- 2.39 Clause 39 of the Bill ensures that any intellectual property that belongs to the Institute such as manuals, textbooks and circulars are protected from unauthorised use, reproduction or distribution.
- 2.40 Clause 40 of the Bill provides for the regulation making power of the Minister in accordance with this Act.
- 2.41 Clauses 41 and 42 of the Bill provide for savings and transitional provisions, which ensure continuity and minimise disruption during the change from a company to an establishment under statute.
- 2.42 Clause 43 of Bill provides for the Schedule of consequential amendments.
- 3.0 MINISTERIAL RESPONSIBILITY**
- 3.1 This new legislation comes under the responsibility of the Minister responsible for civil service.

S. D. TURAGA
Acting Attorney-General