

FIJI NATIONAL UNIVERSITY ACT 2026
(BILL NO. 27 OF 2026)

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BILL NO. 27 OF 2026**A BILL****FOR AN ACT TO PROVIDE FOR THE GOVERNANCE AND ADMINISTRATION
OF THE FIJI NATIONAL UNIVERSITY 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 National University Act 2026.

(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—

“academic staff” means a person employed, whether full-time or part-time by the University as—

- (a) teaching and research staff; or
- (b) holders of posts designated by the Senate to be academic posts;

“academic unit” means schools, departments, centres, institutes, and other academic divisions requiring specific budget allocation;

“appointed member” means a member of the Council appointed under section 18;

“Chancellor” means the President of the Republic of Fiji or his or her nominee;

“conviction” means a finding of guilt by a court, tribunal, a body or person exercising judicial functions for an offence, whether or not a conviction is recorded by the court which the council considers to be so serious as to bring the University into disrepute and render a person unfit to discharge their duties, but does not include a spent conviction and “convicted” has the corresponding meaning;

“college” means a college established under section 53;

“co-opted member” means a member of the council appointed under section 21;

“Council” means the Council of the University established under section 9;

“Dean” means a person appointed as the Dean of a faculty, school or college of the University;

“Deputy Pro-Chancellor” means the Deputy Pro-Chancellor of the University appointed under section 37;

“Deputy Vice-Chancellor” means the Deputy Vice-Chancellor of the University appointed under section 40;

“Director Secretariat” means the Director Secretariat appointed under section 42;

“elected member” means a person elected to become a member of the Council under section 19;

“higher education award” has the meaning provided under section 2 of the Higher Education Act 2008;

“Institute” means any institute established under section 53;

“Levy” refers to the funds generated under the levy order under section 69;

“Minister” means the Minister responsible for the administration of this Act;

“Official member” means a person who is an official member of the Council under section 17;

“Permanent Secretary” means the permanent secretary responsible for the administration of this Act;

“Policy” means the general guiding principles that ensure the effective and efficient governing, administration and management of the University;

“Pro-Chancellor” means the Pro-Chancellor of the University appointed under section 36;

“Pro-Vice-Chancellor” means the Pro-Vice Chancellor of the University appointed under section 41;

“Senate” means the Senate of the University established under section 43;

“senior leadership team” means academic staff who hold senior positions and are involved in the management of the University;

“skills matrix” means a document or framework approved by the University through statutes that identifies, assesses and records the qualifications, experience, competencies and attributes required for a position, and is used to evaluate the suitability of candidates for appointment;

“statutes” means the statutes, rules, codes, policies or other enforcement instruments made by the Council under section 80;

“student” means a person enrolled at the University in any programme of study, whether on a full-time or part-time basis;

“University” means the Fiji National University established under section 4; and

“Vice-Chancellor and President” means the Vice-Chancellor and President appointed under section 38.

Objectives

3. The objectives of this Act are to—

- (a) continue the Fiji National University as a national institution of higher education and training;
- (b) provide for a system of tertiary education that integrates academic education with technical and vocational education and training;
- (c) promote excellence in teaching, learning, research, innovation and community engagement;
- (d) support national development priorities and contribute to social, economic and cultural advancement in Fiji;
- (e) ensure the provision of accessible, inclusive and equitable education and training opportunities;
- (f) maintain high standards of academic quality, integrity and accountability;
- (g) promote industry engagement, professional competency and workforce development; and
- (h) provide for the governance, management and effective administration of the University.

PART 2—FIJI NATIONAL UNIVERSITY AND COUNCIL

Continuation of Fiji National University

4.—(1) This section continues the University constituted and found under the repealed Act with the name and style of “The Fiji National University” for the communities of the Republic of Fiji and any other overseas communities that may wish to receive tertiary education.

(2) The University is a body corporate with perpetual succession and a common seal and, in its corporate name, has the capacity to —

- (a) sue and be sued;
- (b) acquire, to take, purchase, hold, sell, exchange, demise, manage, charge and dispose of real and personal property;
- (c) enter into contracts and other legal arrangements; and
- (d) do all such acts and things as bodies corporate may lawfully do.

(3) Without limiting subsection (2), the University may—

- (a) borrow, lend or invest money within the Republic of Fiji and internationally;
- (b) appoint agents, attorneys and consultants;
- (c) fix and charge fees and other charges for services and facilities provided by the University; and
- (d) exercise all powers conferred on it under this Act or any other written law.

(4) The University may exercise its powers and perform its functions within or outside the Republic of Fiji, subject to this Act and any other written law.

Common seal

5.—(1) The University has a common seal which must be judicially noticed by all courts, judges and persons acting judicially.

(2) The common seal must be kept in such manner as the Council determines.

(3) An instrument to which the common seal of the University is affixed is validly executed only if the affixing of the seal is authenticated by the signature of—

- (a) the Chancellor;
- (b) the Pro-Chancellor;
- (c) the Vice-Chancellor and President; or
- (d) any other person duly authorised in writing by the Chancellor for that purpose.

Objects of the University

6. The objects of the University are to—

- (a) provide high-quality tertiary education that promotes excellent teaching and learning at undergraduate, postgraduate and professional levels, and to support access to education for students from Fiji and any other country;
- (b) advance and disseminate knowledge through rigorous scholarship, research and innovation across diverse fields of study, including pure, applied and interdisciplinary research;
- (c) promote research excellence and build research capacity that contributes to national development priorities, economic growth, technological advancement and solutions to local, regional and global challenges;
- (d) award academic and professional qualifications including degrees, diplomas, certificates and other academic distinctions in recognition of learning and scholarly achievement;
- (e) foster intellectual inquiry, critical thinking and creativity by encouraging free and open enquiry, robust debate and scholarly discourse internally and in the wider community;
- (f) equip graduates for meaningful contribution to society and the workforce by preparing them for careers and leadership roles in public, private and non-profit sectors;
- (g) serve the public interest and community wellbeing by enriching cultural, social and economic life, engaging with communities, and elevating public awareness through public dialogue, extension activities, professional services and community outreach;
- (h) promote equity, inclusion and social justice by ensuring that policies, programmes and services reflect principles of fair access, non-discrimination and support for underrepresented or disadvantaged groups;
- (i) support lifelong learning by providing opportunities for continuing education, professional development, and pathways for learners at all stages of life;
- (j) facilitate technology transfer and innovation application by translating research outcomes into practical applications, technologies, intellectual property, products and services that benefit society and industry;
- (k) develop and maintain international partnerships with educational, research and cultural institutions, and to promote international mobility of students and staff;
- (l) provide facilities and services that support student learning, research, community engagement, cultural, sporting and personal development activities;

- (m) undertake commercial and enterprise activities for the financial sustainability of the University, including the commercialisation of research, consultancy services and partnerships with industry;
- (n) engage in governance, quality assurance and regulatory compliance to ensure accountability, integrity and continuous improvement of academic programmes, administrative systems and institutional performance; and
- (o) perform other functions incidental or conducive to the attainment of the University's objects as determined by the University Council or prescribed by this or any other written law.

Functions of the University

7. The University's functions are to—

- (a) provide for, and encourage the creation, advancement and dissemination of knowledge through scholarship, research and teaching to the standards acceptable by the Senate;
- (b) provide courses of study or instruction at levels of achievement the Senate considers appropriate to meet community needs, including technical and vocational education and training;
- (c) confer higher education awards and awards at other levels as determined by the Council;
- (d) provide, arrange for or regulate appropriate training of persons or classes of persons, whether by apprenticeship or otherwise, to assist such persons in connection with employment;
- (e) assist and contribute toward the cost of training and the promotion of training of any person or class of persons;
- (f) participate in community discourse through applying knowledge generated and advanced at the University to society, industry and government in an environment where the rights of all are respected; and
- (g) perform any other functions given to the University under this Act or any other written law.

Powers of the University

8. In order to achieve its functions, the University has the powers to—

- (a) provide facilities, resources and institutional governance structures that ensure the integrity of its academic programmes and promote well-being of staff, students and other persons undertaking study and research;
- (b) prescribe admission conditions for students and persons or categories of persons, and ensure provision for the maintenance of discipline of the University's students;

- (c) appoint, promote, and remove officers and staff, prescribe their conditions of service and provide for their discipline;
- (d) establish professorships, institute chairs, and other offices as the University considers appropriate;
- (e) make provision for consultancy, research, design, development, testing and advisory services, and disseminate the same, including entering into arrangements with other institutions, bodies or companies as the University considers desirable;
- (f) recognise national duty assignments in which academic staff and, where permissible, students are assigned to participate in consultancy and advisory services including research and development, polling, studies, surveys and any other service that may be required by the government from time to time;
- (g) affiliate, associate or cooperate with other institutions or bodies, whether domestic or international, on matters relating to the efficient running of the University and other institutions as may be appropriate;
- (h) enter into agreements to incorporate other institutions or bodies into the University and take over their rights, properties and liabilities;
- (i) establish awards such as fellowships, scholarships, prizes and other aids for study and research;
- (j) examine and accept where appropriate qualifications gained examinations passed or periods of study spent at other universities and institutions as equivalent to such examinations and periods of study in the University as may be determined;
- (k) grant and confer degrees, diplomas, certificates and other distinctions or awards of study approved by the University to those who have qualified for such grants in accordance with the requirements of the University;
- (l) confer honorary degrees to approved persons in accordance with the procedures established by University;
- (m) revoke or cancel any degrees, diplomas, certificates, honorary degrees, or any other distinctions or awards granted or conferred by the University to any person on good cause;
- (n) lawfully register and commercialise any intellectual property that belongs to the University;
- (o) assist the government in planning, human resources, research, capacity building, and consultancy for all government sectors, through collaboration with established research and training centres or any other organisations as may be determined by the Minister;

- (p) establish or participate in the establishment of companies, corporations, trusts, partnerships, joint ventures or any other commercial or cooperative arrangements, including the acquisition and disposal of shares or other interests, where such arrangements are necessary, convenient or incidental to, or advance the objects, functions, interests or financial sustainability of the university; and
- (q) do all such acts and things whether incidental to the powers aforesaid or not as the University considers necessary or expedient to further its objects.

Council

9.—(1) There is established a governing body of the University to be known as the Council of the University.

(2) The Council is the principal governing body of the University and is responsible for the overall governance, strategic direction and oversight of the University, subject to this Act.

Legal status of the Council

10. The Council does not have separate legal personality from the University and acts on behalf of the University in the exercise of its powers and functions under this Act.

Powers of the Council

11. The Council may exercise on behalf of the University, all powers conferred on the University by this Act.

Functions of the Council

12. (1) The Council, by resolution may do anything necessary or convenient to be done in the performance of its functions.

(2) The Council in achieving its functions—

- (a) must appoint and set out the conditions of service for the Vice-Chancellor and President on the recommendation of a special committee set up for that purpose;
- (b) may retain custody, control and disposition of all property, funds, fees and investments by the University;
- (c) must ensure that the University attains the highest standards of excellence in education, training, innovation and research;
- (d) must prepare and adopt a statement of objectives, including a corporate plan and proposed funding for such objectives and plan and must share a copy of the approved objectives and plan with the Minister for his or her information;
- (e) must ensure that the University is managed in accordance with the law and the general principles of good governance and transparency;
- (f) may engage in commercial activities including joint ventures that enable the University to provide modern and fit for use facilities such as halls of residence for students; and

(g) may determine fees to be paid or levies to be charged, in respect of programmes or courses provided.

(3) The Council must in respect of each financial year, prepare and approve an annual budget of the University and provide proper financial oversight for such funds.

(4) The Council must not, in carrying out its functions, engage in the day-to-day affairs and management of the University.

Council to promote University's interests

13.—(1) For the purposes of this section, “University’s interests” means any action or decision taken, which benefits, advances or furthers the interests of the University and assists in the attainment of the objects of the University as outlined in section 6 or any matters that are incidental to the foregoing.

(2) The Council must act to promote, advance and protect the University’s interests.

(3) In promoting the University’s interests, the Council must have regard to the—

- (a) advancement of teaching, learning, research and scholarships;
- (b) long-term sustainability, reputation and integrity of the University; and
- (c) public interest and national development priorities of the Republic of Fiji.

Delegation of powers

14.—(1) The Council may, by written instrument, delegate any of its powers, functions or duties under this Act to—

- (a) a committee of the Council established under section 15;
- (b) the Vice-Chancellor and President;
- (c) a member of the Council; or
- (d) a member of the staff of the University,

being a person or body that is appropriately qualified to exercise the delegated power, function or duty.

(2) The delegation under subsection (1) must—

- (a) specify the powers, functions or duties delegated;
- (b) identify the person or class of persons to whom the delegation is made;
- (c) state any conditions, limitations or restrictions subject to which the delegation is exercised; and
- (d) state the period, if any, for which the delegation is effective.

(3) The delegation does not—

- (a) prevent the Council from exercising the delegated power, function or duty;
- or

(b) limit the Council's responsibility for the exercise of that power, function or duty.

(4) The delegation may be suspended, varied or revoked at any time by the Council by written instrument.

(5) The Council may not delegate—

(a) its power to make, amend or repeal statutes; or

(b) any other power prescribed by this Act as non-delegable.

(6) An act or decision of a delegate acting in accordance with a delegation under this section is taken to be an act or decision of the Council.

(7) For the purposes of this section, the Council may enact statutes outlining all material information to be contained in the written instrument of delegation and any records maintaining the information which includes the acts to be performed and the duration of such delegation.

Committees of Council

15. The Council may establish such committees or other bodies as it considers necessary or expedient for the administration of the affairs of the University, or to act in advisory capacity to the Council and may delegate to them such powers, functions or duties as are specified in the instrument of delegation.

Membership of Council

16. The Council consists of—

(a) official members;

(b) appointed members;

(c) elected members; and

(d) co-opted members.

Official members

17.—(1) The 5 official members to the Council, are as follows—

(a) the Pro-Chancellor;

(b) the Deputy Pro-Chancellor;

(c) the Vice-Chancellor and President;

(d) the Permanent Secretary; and

(e) the permanent secretary responsible for higher education.

(2) A person who is a member of the Council by virtue of holding a specified office holds that membership for so long as the person holds that office and ceases to be a member upon ceasing to hold that office.

Appointed members

18.—(1) The Senate must draw up a list of not less than 20 persons who are competent and meet the Council approved skills matrix to contribute to the disciplines offered by the University and to the general administration and financial management of the University, from which the Minister, in consultation with the Permanent Secretary, must appoint 12 members.

(2) The appointed members must comprise of—

- (a) 2 international academics of recognised standing and experience; and
- (b) 10 local persons who possesses, demonstrated, eminence, experience or expertise in any of the following—
 - (i) higher education or academic leadership;
 - (ii) industry, commerce or entrepreneurship;
 - (iii) law, finance, governance or risk management;
 - (iv) public policy or national development;
 - (v) community, social or cultural leadership; or
 - (vi) international education or institutional partnerships.

(3) The term of appointment of an appointed member is 3 years and may be re-appointed for another term.

(4) Where a person is appointed by reason of holding an office or possessing a specified skill, expertise, professional status or qualification, such appointment ceases automatically upon such person vacating their office or their specified skill, expertise, professional status or qualification being revoked, suspended cancelled or ceasing to exist.

Elected members

19.—(1) There are 5 elected members comprising—

- (a) one representative from the deans of the University;
- (b) one representative from the professorial academic staff;
- (c) one representative from the non-professorial academic staff;
- (d) one representative from the Fiji National University Students' Association, being its student leader or his or her nominee; and
- (e) one representative of the graduate students of the University.

(2) Each elected member is to be elected by a ballot, at which all of the members of the respective organisations with voting rights may vote.

(3) The term of elected members is 3 years or in case of persons appointed under section 19(1)(d) and 19(1)(e) until such person ceases to be a student of the university or whichever comes first.

Voting and election of members

20.—(1) Pursuant to section 19(2), a member is deemed to be elected upon receiving a simple majority of the votes that are validly cast.

(2) The Council may, by statute, determine the procedure and manner in which voting is conducted, collated and verified for the purposes of this section.

Co-opted members

21.—(1) The Minister, after consultation with the Council, may appoint up to 3 co-opted members.

(2) A person is eligible to be appointed as a co-opted member only if the person is—

(a) nominated by the Great Council of Chiefs; or

(b) a representative of any of the following—

(i) Fiji Teachers Union or Fiji Teachers Association;

(ii) Fiji Chamber of Commerce and Industry; or

(iii) Fiji Commerce and Employers Federation.

(3) In appointing a co-opted member, the Minister must have regard to the need to ensure that the Council, taken as a whole, has an appropriate balance of skills, experience and perspectives relevant to the effective governance of the University.

(4) The term of office for co-opted members is 3 years from the date of the first scheduled meeting after the date of appointment.

(5) The term of office for a co-opted member may be renewed for another term on the recommendation of the Council.

Status of elected and co-opted members

22. Elected and co-opted members have the same rights and privileges as the appointed members in the exercise of their functions and duties.

Appointments of members to be published in the Gazette

23.—(1) Upon the Council being fully constituted, the Minister must, within 30 days of such constitution, publish in the Gazette the list of names of persons appointed to the Council.

(2) The Minister must publish in the Gazette from time to time, the names of any persons added to, or removed from the Council.

Functions of members

24. A member of the Council must contribute to ensuring that the Council effectively perform its functions and exercises its powers.

Duties of members

25.—(1) In carrying out their duties, every member must—

(a) act honestly and in the best interests of the University;

- (b) exercise reasonable skill, care and diligence;
- (c) disclose to the Council any conflict between personal interests and the interests of the University;
- (d) not make improper use of the position or of information acquired because of the position to gain advantage for the member or another person; and
- (e) comply with any code of conduct or ethical standards prescribed by the Council.

(2) A member of the Council and of any board or committee appointed by the Council, must fully declare to the Council any financial or other interest with which he or she may at any time directly or indirectly be connected and must, unless the Council so decides, refrain from voting at a meeting of the Council or of such board or committee on any matter related thereto provided that such interest, if so declared, does not disqualify the member for the purpose of constituting a quorum.

(3) A member must maintain confidentiality of any Council deliberation, document and information except as authorised by the Council or required by law.

(4) A member must meet his or her key performance areas and indicators, which are subject to annual appraisal and evaluation for the purposes of promoting growth, productivity, capacity building and university sustainability.

Dealing with casual vacancy

26.—(1) If a casual vacancy arises in the office of an appointed member, the Minister must appoint a person who is adequately skilled in accordance with the Council approved skills matrix, and possesses the expertise and knowledge to contribute to the disciplines offered by the University and the general administration and financial management of a tertiary institution to fill the vacancy.

(2) If a casual vacancy arises in the office of an elected member and the elected member was elected by a ballot under section 19(2), the Council must appoint to the office the one 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 or elected to fill a casual vacancy in the office of a member is appointed or elected for the balance of the term of office of the person's predecessor.

Ineligibility for membership of Council

27.—(1) A person is not eligible to become an official, co-opted, appointed or elected member if the person—

- (a) is duly declared bankrupt by a court of competent jurisdiction;
- (b) has been convicted of an offence;
- (c) is a member of Parliament;
- (d) holds any elected political office at national, provincial or local government level; or

(e) holds office in, or is an employee or office-holder of, a political party.

(2) For the purposes of subsection (1)(b), a non-custodial sentence includes a suspended sentence, community service, probation or any other punitive sentence imposed by a court of competent jurisdiction.

Vacation of office

28.—(1) The office of an appointed, elected or co-opted member becomes vacant, if that member—

- (a) dies;
- (b) becomes ineligible under this Act;
- (c) is absent without leave of the Council and without reasonable excuse from 3 consecutive meetings of the Council;
- (d) becomes an official member;
- (e) becomes bankrupt or enters into insolvency proceedings with creditors;
- (f) has been convicted of an offence;
- (g) the member is declared to be of unsound mind or otherwise incapable of performing the functions of office;
- (h) resigns by giving 30 days' notice in writing to the appointing authority or to the Pro-Chancellor; or
- (i) is removed from office under section 29.

(2) Where a vacancy occurs under subsection (1), that vacancy must be filled in accordance with this Act, and the person appointed or elected holds office for the remainder of the unexpired term.

Council may remove member from office

29.—(1) Any member of the Council, other than the *ex-officio* members, may be removed from office by the Council for good cause.

(2) “Good cause” in respect of subsection (1) means that member—

- (a) has persistently failed, without reasonable excuse, to discharge the duties or responsibilities of a member of the Council;
- (b) has breached a duty imposed under this Act, any regulations made under this Act, or any code of conduct approved by the Council;
- (c) has engaged in misconduct, whether within or outside the University, that—
 - (i) brings, or is likely to bring, the University into disrepute; or
 - (ii) undermines confidence in the governance or integrity of the Council;
- (d) has been convicted of an offence;

- (e) is, by reason of physical or mental incapacity, unable to properly perform the functions of a member;
 - (f) has failed to comply with requirements relating to disclosure or management of conflicts of interest;
 - (g) has misused information obtained by virtue of membership of the Council for personal benefit or for the benefit of another person; or
 - (h) has otherwise acted in a manner inconsistent with the proper performance of the functions of the Council.
- (3) A proposal to remove a member must—
- (a) be initiated by a written notice submitted to the Chairperson; and
 - (b) specify clearly the grounds relied upon and be supported by sufficient evidence.
- (4) Before any resolution for removal is considered, the Council must—
- (a) give the member written notice of the proposed removal;
 - (b) specify the grounds and particulars relied upon; and
 - (c) allow the member a reasonable period, being not less than 14 days, to respond.
- (5) When facing questions of removal from office, every member has a right to be heard, which includes—
- (a) the entitlement to be heard by the Council, either orally or in writing before any decision is made; or
 - (b) the entitlement to be accompanied by a representative in accordance with Council procedures.
- (6) A member may be removed from office only if the Council, at a properly convened meeting, resolves by consensus of all members entitled to participate in the decision that the member should be removed and the resolution and the grounds for removal must be recorded in the proceedings and minutes of the Council.
- (7) Where a member is removed—
- (a) that member vacates office with effect from the date of the decision, unless the Council specifies a later date;
 - (b) the Council must, within 14 days, notify the authority or body that appointed or elected the member; and
 - (c) a vacancy is taken to have arisen for the purposes of this Act.

Meetings of Council

30.—(1) The Council must meet at least 2 times in each calendar year at times determined by the Pro-Chancellor.

(2) The Pro-Chancellor presides at Council meetings.

(3) In the absence of the Pro-Chancellor, the Deputy Pro-Chancellor presides and in the absence of both, members present must elect a presiding member.

(4) A special meeting may be convened on the written request of the Pro-Chancellor, Deputy Pro-Chancellor or at least one-third of members.

(5) All decisions of the Council must be made by consensus and be recorded in the Council proceedings.

Conduct of meetings

31.—(1) A quorum for a Council meeting is a simple majority of members, of which there must be at least—

- (a) 2 official members;
- (b) half of the appointed members;
- (c) 2 elected member; and
- (d) at least one co-opted member.

(2) The Council may make standing orders or procedures governing agenda, minutes, voting, participation, including electronic attendance, and declaration of interests.

(3) No act or decision of the Council is invalid because of—

- (a) a vacancy in the office of a member;
- (b) a defect in the election, nomination or appointment of a member; or
- (c) an omission or irregularity in procedure not affecting the merits of the case.

(4) The Council must ensure that an accurate record of its meetings is kept and maintained which includes—

- (a) proceedings of each meeting; and
- (b) decisions made and resolutions passed.

Protection from liability for members of the Council

32.—(1) No action, suit or other proceeding lies personally against any member of the Council for any act done in good faith in the execution or intended execution of any function, power or duty under this Act.

(2) Where a member is exempt from liability under subsection (1), the Council is liable for the act or omission to the extent that it would be if the member were its employee or agent.

Remuneration of Council members

33.—(1) The Council may, if it considers it necessary, pay such sitting allowances, remuneration and other forms of remuneration to Council members as may be determined by the Minister from time to time.

(2) Pursuant to subsection (1), different rates of allowances or remuneration may be determined for the different categories of members.

PART 3—OFFICERS OF THE UNIVERSITY

Members of the University

34. The following persons are members of the University—

- (a) the Chancellor;
- (b) the Pro-Chancellor;
- (c) the Deputy Pro-Chancellor;
- (d) the Vice-Chancellor and President;
- (e) all Pro-Vice-Chancellors;
- (f) the Deputy Vice-Chancellor;
- (g) the Director Secretariat;
- (h) members of the Council;
- (i) members of the Senate;
- (j) members of the academic staff;
- (k) administrative and technical staff;
- (l) graduates of the University; and
- (m) students of the University.

Chancellor

35.—(1) The President of the Republic of Fiji or his or her nominee is the Chancellor of the University.

(2) The Chancellor is the titular and ceremonial head of the University.

(3) Where a person is appointed by the President as Chancellor, that person holds office as Chancellor under such terms and conditions as may be specified in the instrument of nomination.

(3) The functions of the Chancellor include—

- (a) conferring degrees, diplomas and all higher education awards;
- (b) conferring honorary awards and other academic distinctions of the university;
- (c) representing the University on ceremonial and official occasions; and
- (d) performing any other function conferred by this Act.

Pro-Chancellor

36.—(1) This section establishes the office of the Pro-Chancellor of the University who is the Chairperson of the Council.

(2) The Pro-Chancellor is appointed by the Minister, in consultation with the Council, and holds office for a term of up to 3 years which may be renewed not more than twice.

Deputy Pro-Chancellor

37.—(1) This section establishes the office of the Deputy Pro-Chancellor of the University.

(2) The Deputy Pro-Chancellor is appointed by the Minister, on the recommendation of the Council, and holds office for a term of up to 3 years which may be renewed not more than twice.

(3) The Deputy Pro-Chancellor is the deputy to the Chairperson of the University Council.

Vice-Chancellor and President

38.—(1) This section establishes the office of the Vice-Chancellor and President who is the chief executive officer, principal accounting officer, and principal academic officer of the University.

(2) The Vice-Chancellor and President is appointed by the Council on the recommendation of a special committee set up for that purpose.

(3) The special committee referred to in subsection (2) must be nominated by the Council and consist of 6 members of the Council including—

- (a) the Pro-Chancellor as the chairperson;
- (b) the Permanent Secretary;
- (c) the Director Secretariat; and
- (d) any 3 other members.

(4) The Vice-Chancellor and President holds office for a term of 5 years, and is eligible for re-appointment for not more than 2 further terms.

(5) The terms and conditions of appointment, including remuneration and performance expectations, are determined and reviewed by the Council from time to time.

Functions and duties of Vice-Chancellor and President

39.—(1) The Vice-Chancellor and President is responsible to the Council for—

- (a) the overall management, including day-to-day activities, administration and leadership of the University;
- (b) implementing the policies, strategies and decisions of the Council; and
- (c) ensuring the effective, efficient and lawful operation of the University.

(2) As principal academic officer, the Vice-Chancellor and President must—

- (a) provide leadership in teaching, learning, research and innovation;

- (b) uphold academic freedom and academic integrity; and
- (c) ensure the maintenance of academic standards and quality assurance is consistent with international best practice.

(3) The Vice-Chancellor and President has the duty to develop and promote the strategic vision of the University.

(4) Subject to this Act the Vice-Chancellor and President may—

- (a) appoint, promote, discipline, suspend or dismiss members of staff on reasonable grounds and in accordance with University policies;
- (b) determine administrative and academic structures of the University;
- (c) establish senior executive and academic positions, including Deputy Vice-Chancellor, Pro-Vice-Chancellors and Deans; and
- (d) draw up statutes necessary for the effective management, discipline and overall operational effectiveness of the University.

(5) As the accounting officer, the Vice-Chancellor and President has the duty to ensure the prudent and effective management of the University's resources and to always keep and maintain proper and audited books of accounts.

(6) The Vice-Chancellor and President may, by written instrument, delegate any of his or her powers or functions to an appropriately qualified member of staff, except a power that must be exercised personally under this Act.

(7) In circumstances requiring urgent action to safeguard the operations, reputation, safety or assets of the University, the Vice-Chancellor and President may take such action as is necessary, but must report the action taken to the Council at the earliest practicable opportunity.

(8) The Vice-Chancellor and President may, in the exercise of his or her functions, make statutes for the effective governance, administration and management of the University, provided that no such statute has force or effect unless and until it has been approved by a resolution of the Council.

Deputy Vice-Chancellor

40.—(1) This section establishes the office of the Deputy Vice-Chancellor, who is responsible for assisting the Vice-Chancellor and President in the effective management and administration of the University.

(2) The Deputy Vice-Chancellor is appointed by the Council on the recommendation of the Vice-Chancellor and President.

(3) The Deputy Vice-Chancellor holds office for a term of 5 years and is eligible for re-appointment for 2 further terms.

(4) The terms and conditions of appointment, including remuneration and performance expectations, are determined and reviewed by the Council from time to time.

Pro-Vice-Chancellors

41.—(1) This section establishes such offices of Pro-Vice-Chancellor as the Council may determine from time to time, having regard to the academic and strategic needs of the University.

(2) The Council may establish as many Pro-Vice-Chancellors as are necessary for the effective discharge of their duties.

(3) The terms and conditions of appointment, including remuneration and performance expectations, are determined and reviewed by the Council from time to time.

(4) A Pro-Vice-Chancellor is responsible for—

- (a) assisting the Vice-Chancellor and President and the Deputy Vice-Chancellor in the leadership, academic development and administration of the University; and
- (b) such portfolio, college, functional area or strategic priority as may be assigned by the Vice-Chancellor and President.

Director Secretariat

42.—(1) This section establishes the office of the Director Secretariat.

(2) The Vice-Chancellor and President in consultation with Council must appoint under such terms and conditions as the council may determine, a Director Secretariat.

(3) The Director Secretariat serves as the secretary to the Council and any other bodies as may be assigned to him or her by the Council from time to time.

(4) The Director Secretariat is responsible for—

- (a) the administration and management of the Council, Senate, senior leadership team and all committees;
- (b) managing the functions of the Council, Senate and senior leadership team;
- (c) providing custody of all the official documents of the university, including the common seal, registered titles, all council, senate, senior leadership team and committees' meeting records;
- (d) promoting and enforcing good governance principles and best practices;
- (e) providing advisory services to the Council, Senate, senior leadership team and committees; and
- (f) any other duties that may be assigned by the Vice-Chancellor and President or Council from time to time.

PART 4—THE SENATE AND OTHER BODIES OF THE UNIVERSITY*Division 1—The University Senate**Establishment of University Senate*

43.—(1) This section establishes the University Senate.

(2) The Senate is the principal academic authority of the University and is responsible to the Council for all academic matters, including academic direction, academic policies and the maintenance of academic standards and quality throughout the University.

Membership of Senate

44. The Senate is chaired by the Vice-Chancellor and President and consists of the following members who are appointed by the Council on the recommendation of the Vice-Chancellor and President—

- (a) the Deputy Vice-Chancellor;
- (b) the Deans;
- (c) the 5 Associate Deans;
- (d) the 5 Professors;
- (e) the Deputy Pro Chancellors; and
- (f) 4 members who meet the following criteria—
 - (i) one Head of any centre or administrative unit;
 - (ii) one Head of School;
 - (iii) one undergraduate student; and
 - (iv) one postgraduate student.

Term of office of Senate members

45.—(1) The term of office for the senate is 3 years, which may be renewed not more than twice.

(2) A member appointed by virtue of holding another office serves on the Senate for as long as they hold that office, and their membership ends when they cease to hold that office.

(3) Any member may resign from his or her office at any time by giving not less than 30 days' notice in writing to the Vice-Chancellor and President.

(4) The Council may, upon good reason, at any time revoke the appointment of any member of the Senate as the Council considers necessary in the interest of the effective performance of the functions of the Senate.

Vacation of office by Senate members

46.—(1) The office of a Senate member becomes vacant, if that member—

- (a) dies;
- (b) becomes ineligible under this Act;
- (c) is absent without leave of the Vice-Chancellor and President and without reasonable excuse from 3 consecutive meetings of the Senate;
- (d) the member becomes bankrupt or enters into insolvency proceedings with creditors;

- (e) the member is convicted of an offence involving dishonesty or fraud;
- (f) the member is declared to be of unsound mind or otherwise incapable of performing the functions of office;
- (g) resigns by giving 30 days' notice in writing to the Vice-Chancellor and President; or
- (h) is removed from office under section 45(4).

(2) Where a vacancy occurs in terms of subsection (1), that vacancy must be filled in accordance with this Act, and the person appointed holds office for the remainder of the unexpired term.

Powers of Senate

47. The Senate has authority over academic matters and, in particular must regulate and oversee all academic programmes, teaching quality and research activities of the University.

Functions of Senate

48. In the exercise of the powers conferred on it under this Act, the Senate may exercise the following functions—

- (a) regulate and control all programmes of study, curricula, courses and examinations;
- (b) determine academic standards and requirements for awards, diplomas, certificates and distinctions;
- (c) regulate admission, progression, assessment, credit transfer, recognition of prior learning and graduation requirements;
- (d) recommend to the Council the institution, amendment or revocation of academic awards;
- (e) regulate the conduct, suspension and assessment of students;
- (f) oversee research policies and the approval of research degrees;
- (g) establish academic and standing committees, including college academic Boards, to assist with its functions; and
- (h) carry out such other functions as may be conferred upon it under this Act.

Meetings of Senate

49.—(1) The Senate must meet at least 4 times in each calendar year on dates fixed by the Vice-Chancellor and President.

(2) The quorum for all meetings is half of its total membership or any such greater number as the Senate may from time to time determine.

(3) The Vice-Chancellor and President must preside at all meetings of the Senate.

(4) In the absence of the Vice-Chancellor and President, the members present must elect one of the members to preside.

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

(6) At any meeting of the Senate, the Vice – Chancellor and President or, in his or her absence, the member presiding at the meeting, in the case of an equality of votes, has a casting vote.

Rules of procedure

50. The Senate may regulate its own procedure for the conduct of its meetings.

Committees

51.—(1) The Senate may establish such standing or *ad hoc* committees as it considers necessary for the efficient performance of its functions.

(2) A committee established under subsection (1) may include persons who are not members of the Senate if authorised by the Council.

Delegation of Senate powers

52. The Senate may delegate any of its powers, duties or functions to a committee or person, but the Senate remains accountable for the exercise of those powers unless otherwise provided by Council resolution.

Division 2—Other University bodies

Establishment of colleges etc

53.—(1) The Council may, on the recommendation of the Senate, establish, vary, amalgamate, suspend or abolish—

- (a) colleges;
- (b) faculties;
- (c) schools;
- (d) institutes;
- (e) centres;
- (f) departments; or
- (g) such other academic or research units as the Council considers necessary for the efficient and effective functioning of the University.

(2) The Vice-Chancellor and President must, by written instrument, set out the name, functions and internal governance arrangements of any unit established under this section.

(3) The Council may establish an advisory board for any academic unit established under this section, and may determine the membership and functions of the respective boards.

Academic structure

54.—(1) Each college or faculty is under the leadership of a Dean, appointed in accordance with this Act.

(2) Each school or equivalent academic unit is under the leadership of a Head of School or such other title as may be determined by the Vice-Chancellor and President.

(3) The Senate may provide recommendations to the Council on the composition of each academic unit established under section 53(1).

National Training and Productivity Centre

55.—(1) This section establishes a National Training and Productivity Centre at the University.

(2) The functions of the National Training and Productivity Centre are to—

- (a) ensure that the in-service training needs of industries in Fiji are met at all times;
- (b) manage a quality apprenticeship system in Fiji;
- (c) promote productivity and business excellence programmes in industry and act as the National Productivity Organisation for Fiji on behalf of the government;
- (d) be responsible for training grants within the budgetary provisions and financial policies of the University;
- (e) carry out such trade tests as are necessary for fulfilling the objective of training for national development; and
- (f) carry out such other responsibilities relating to industry training needs as are delegated to the National Centre by the Senate or the Vice-Chancellor and President.

National Training and Productivity Centre Board

56.—(1) The Council must establish a Board of the National Centre that considers and advises the Council on industry training needs.

(2) The Board comprises 7 members, including—

- (a) 3 members who form part of and are appointed by the Council, of which one must be the Chairperson; and
- (b) 4 members appointed by the Minister.

(3) The term of office for Board members is 3 years and may be renewed once.

Vacation of office by members

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

- (a) resigns by giving 30 days' written notice to the Chairperson or to the Minister;

- (b) is absent, without the permission of the Chairperson, from 3 consecutive meetings of the Board;
 - (c) becomes bankrupt or enters into insolvency proceedings with creditors;
 - (d) is convicted of an offence involving dishonesty or fraud;
 - (e) is declared to be of unsound mind or otherwise incapable of performing the functions of office;
 - (f) is removed from office in accordance with this Act; or
 - (g) ceases to hold any qualification or represent any organisation or office which was a basis for the appointment.
- (2) The Council may remove a member from office for—
- (a) misconduct, gross neglect of duty, or breach of the code of conduct;
 - (b) conduct that brings the Board or the University into disrepute; or
 - (c) failure to perform the functions of office to a satisfactory standard.

(3) Where a vacancy arises under this section, the Council or the Minister, as the case may be, may appoint a new member for the duration of the tenure of the previous member, in accordance with section 56.

Code of conduct

58. The Board must establish its own code of conduct which is applicable to all of its members.

Meetings of Board

59.—(1) At meetings of the Board, the quorum is 4 members.

(2) The Chairperson must preside at 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 3 times a year at such times and places as the Chairperson may determine.

(5) All questions 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

60. The Board may regulate its own rules of procedure.

Chairperson may delegate functions

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

Committees of Board

62. 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.

Bodies representing the interests of students and employees

63.—(1) It is lawful for—

- (a) students of the University to form a body or bodies known as “Students’ Association” or “Students’ Union”; and
- (b) employees of the University to, subject to the provisions of the Employment Relations Act 2007, form a body or bodies known as “Workers Association” or “Workers Union”,

to represent their interests and promote their welfare and they may establish their constitution, rules and governance structures, subject to the written consent of the Council, which may grant consent on such terms and conditions as it considers necessary.

(2) Any dispute, grievance, interest or matter of concern raised by the Students Association or Students Union as the case may be or Workers Association or Workers Union as the case may be against the University, must in the first instance be addressed through internal dispute resolution mechanisms established for that purpose by the Council.

(3) Any dispute, grievance, interest or matter of concern under subsection (2) must be resolved progressively through negotiation, conciliation, mediation and where necessary arbitration, and the parties must participate in good faith and must share equally any costs associated with conciliation, mediation or arbitration, unless otherwise agreed in writing or determined by the arbitrator.

PART 5—FINANCIAL PROVISIONS*Funds of University*

64.—(1) The funds of the University consist of —

- (a) such funds as may be payable to the University from moneys appropriated for that purpose by Parliament;
- (b) all gifts, donations and contributions to the University;
- (c) all fees, levies, charges, commissions, rents, interests, dividends, proceeds from entrepreneurial activities and any other domestic or foreign income accruing to the University;
- (d) funds borrowed by the University; and
- (e) all other funds lawfully received by the University.

(2) The Vice-Chancellor and President is the principal accounting officer of the University.

Budget

65.—(1) The Council must—

- (a) at the beginning of each financial year adopt a budget for the University for the next year;
- (b) ensure that the University operates within its budget; and
- (c) ensure that the University under no circumstance becomes insolvent or financially paralysed.

Financial year

66. The financial year of the University is the calendar year.

Accounts of University

67. The University 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 Council may direct.

Audit of accounts and annual reports

68.—(1) The Council must prepare and approve an annual report of the University for its operations for the preceding year and must submit the report, including its audited accounts, to the Minister before 30 June in each year.

(2) The Minister must, within 14 sitting days after receiving the report of the Council, table such report before Parliament.

PART 6—LEVIES AND APPRENTICESHIPS

Levy order

69.—(1) The Minister may, after consultation with the Council, make an order to be known as a levy order, imposing a levy, payable to the Council, on an employer or a class of employer and such order may—

- (a) specify the amount of the levy;
- (b) provide for the payment of interest;
- (c) prescribe the time and manner in which the levy is to be paid to the Council; and
- (d) make different provision for different classes of employers.

(2) The Minister may from time to time, after consultation with the Council, revoke or amend a levy order.

(3) The Council must ensure that the University always has in place an effective system for collecting the amount payable under a levy order.

(4) Any employer who fails to pay to the Council any amount payable as a levy order at the time and in the manner specified commits an offence.

(5) The amount payable under a levy order constitutes a civil debt due to the Council and may be recovered by the Council as a debt in any court or tribunal of competent jurisdiction.

Utilisation of levy order

70. Funds collected from the levy order under section 69 must be used for in-service training of employees of levy-payers, managing apprenticeship schemes, trade testing, productivity promotion, education and training.

Consequences upon failure to comply

71.—(1) Council may require an employer or class of employers to furnish such financial records, whether or not they are audited, and provide such information and keep such records as may be approved by it and to produce them for inspection by or on behalf of the Council to enable it to carry out its functions under this Act.

(2) Any employer who refuses or fails to comply without reasonable cause with any requirement of the Council made under subsection (1), commits an offence.

(3) Any employer who—

- (a) knowingly or recklessly furnishes, in pursuance of any requirement made under subsection (1), any return, information or record which is false in a material particular; or
- (b) wilfully makes a false entry in any record required to be produced and kept under the provisions of this Act or, with intent to deceive, makes use of any such entry which he or she knows to be false,

commits an offence.

(4) Where an offence has been committed under the provisions of subsection (3) by an employer, other than the government, being a body corporate, every person purporting to act in such capacity of the employer, who knowingly and wilfully authorised or permitted the contravention mentioned in this section is, in addition to the employer, commits an offence.

(5) Where an offence has been committed under subsection (3) by an employer being the Government, every public officer who furnishes the returns, provides the information or keeps the records required by subsection (1), or any person or persons purporting to do so, who knowingly and wilfully authorised or permitted the contravention mentioned in this section, commits an offence.

Apprenticeships and training

72. The Minister may after consultation with the Council make orders, known as training orders regulating the employment, training and minimum remuneration of apprentices in any particular trade or occupation and prescribing forms, fees, matters and things which are required, permitted or contemplated by this Part to be prescribed which appear to the Minister to be necessary or convenient for the purpose of more effectively carrying out the objects and operation of this Part.

Apprentices

73.—(1) Any apprentice in any particular trade or occupation must, notwithstanding any agreement to the contrary, be considered to be employed under an agreement made between the Vice-Chancellor and President or his or her nominee on behalf of the Council and—

- (a) the apprentice or, if he or she is under 18 years of age, a parent, or guardian; and
- (b) the employer whereby the employer agrees to employ the apprentice, and the apprentice agrees to serve the employer, for the period of training specified in the statutes.

(2) Notwithstanding subsection (1), the Council may where appropriate—

- (a) release any employer or apprentice from their respective obligations to each other; or
- (b) transfer the benefits and obligations of the employer under any apprenticeship agreement to another employer who is willing to undertake them.

Arrangements where apprentice not engaged

74. The Council may make such arrangements as it thinks proper for safeguarding the continued training of any apprentice if such person is not, for any reason other than his or her own wilful default, engaged in employment in his or her particular trade or occupation.

Exemptions

75. The Council may, if it considers it necessary in any particular case, in regard to the employment of an apprentice, exempt any person from any of the provisions of any statute made by the Council thereunder.

Training orders for other persons

76.—(1) The Minister may, after consultation with the Council, make orders to be known as training orders regulating the employment and training of persons other than apprentices.

(2) The Minister may prescribe regulations providing for forms, fees and other matters necessary or convenient for carrying out or giving effect to this Part.

Obstruction

77. Any person who does any act or thing for the purpose either of preventing or obstructing the Council, or any employer from carrying out any arrangement made by the Council under the provisions of this Act, commits an offence.

Authorised officers

78.—(1) The University may appoint such persons as it thinks necessary, to be authorised officers for all or any of the purposes of this Part.

(2) An authorised officer may, at any reasonable time—

- (a) enter any premises where the officer reasonably believes that a trade or occupation is carried on, or where an apprentice is employed or has been employed within the preceding 6 months, for the purposes of examining training methods and providing advice thereto;
- (b) require any person found on premises entered under paragraph (a), including an apprentice, to answer reasonable questions relating to training matters, or to attend at a reasonable time and place for that purpose, provided that a person is not required to answer any question that may incriminate that person;
- (c) enter any premises where a person is employed in a trade or occupation that is the subject of a training order under section 72, and examine the training provided and give advice in relation to that training; and
- (d) require the production of any records required to be kept under this Act or any order or regulation made under it, and inspect, copy or take extracts from those records.

(3) An authorised officer may, by written notice, require an employer to keep and provide, within the time and in the manner specified, such reports or particulars relating to persons in training or apprentices as are specified in the notice.

(4) The Council must issue an authorised officer with a certificate of appointment, and the officer must, when exercising or purporting to exercise a power under this Act, produce the certificate on request.

(5) Any person who—

- (a) refuses or fails to comply without reasonable excuse with any lawful request; or
- (b) obstructs or hinders an authorised officer in the exercise of his or her powers,

commits an offence.

Penalties

79. Any person who commits an offence under this Part is liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a period not exceeding 12 months or to both.

PART 7—MISCELLANEOUS

University statutes

80.—(1) Subject to the provisions of this Act, the Council may make, amend or revoke Statutes, not inconsistent with this Act, for the good governance, control and management of the University and for the discipline of its members.

(2) Without limiting subsection (1), the Council may make statutes providing for—

- (a) the governance, powers and procedures of the Council, Senate and any committee of the University;

- (b) a code of conduct that is applicable to all members of the University including students;
- (c) the establishment, functions and regulation of colleges, faculties, schools, institutes, centres and other academic or administrative units;
- (d) the appointment, duties, discipline, suspension and removal of officers and staff of the University;
- (e) the admission, enrolment, conduct, discipline, suspension and expulsion of students;
- (f) the conferment, revocation and regulation of degrees, diplomas, certificates and other academic awards;
- (g) the management and control of security, property, finances and resources of the University;
- (h) the establishment, duration, terms and conditions, administration and oversight of apprenticeships and training orders;
- (i) the imposition and recovery of fees, charges and penalties; and
- (j) any other matter required or permitted by this Act to be prescribed by statute.

(3) A Statute made under this section takes effect on the date approved by the Council and published in such manner as the Council determines.

(4) For the avoidance of doubt, statutes do not confer upon the Council or University the power to make laws or subsidiary legislation for the purposes of this or any other written law.

Regulations

81.—(1) The Minister on the advice of the Council may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting subsection (1), regulations may provide for—

- (a) matters relating to national policy oversight of the University;
- (b) reporting requirements to the Minister;
- (c) governance standards applicable to the University;
- (d) fees or charges payable under this Act; and
- (e) penalties for offences not exceeding a fine of \$10,000 or imprisonment for a period not exceeding 12 months, or both.

Non-discrimination

82. No person may be discriminated against based on his or her religion, ethnicity, gender or political alliance, 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 or privilege attached.

Academic freedom

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

(2) 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.

(3) In the performance of their functions, the Council and management of the University, and policy, and authorities and agents of the State, must act in a manner that is consistent with promoting academic freedom at the University.

PART 8—TRANSITIONAL AND SAVINGS PROVISIONS

Continuation of Fiji National University

84.—(1) After the commencement of this Act, the body corporate known as the Fiji National University continues in existence as if it were established under this Act.

(2) All rights, property, assets, liabilities, and obligations that immediately before the commencement of this Act were vested in or incurred by the University, on and after the commencement of this Act, are deemed to be vested in or incurred by University established under this Act.

(3) Any reference to the University in any deed, contract, agreement, instrument, document, or in any proceedings or other instrument whatsoever must, unless the context otherwise requires, be construed as a reference to the University established under this Act.

Vesting of property

85. All immovable and movable property, including land, buildings, equipment, investments, and funds, which immediately before the commencement of this Act were held by or on behalf of the University do hereby, without further assurance, vest in the University established under this Act upon the same terms and conditions.

Student rights to be preserved

85.—(1) All existing rights of students and their programmes of study and courses are hereby maintained after the commencement of this Act.

(2) All awards, degrees, diplomas, certificates, and other qualifications granted by the University under the former Act are considered to have been granted by the University established under this Act and are recognised accordingly.

Continuation of staff roles etc

86.—(1) Every person who was employed by the University immediately before the commencement of this Act is, from the date of commencement of this Act, deemed to be employed by the University on terms and conditions of service no less favourable than those that applied to that person immediately before that commencement.

(2) For the avoidance of doubt, such continuity of employment is recognised for all purposes, including the calculation of leave entitlements, redundancy, retirement benefits, and any other rights accruing from length of service.

Continuation of appointees

87. Every person holding office as the Chancellor, Vice-Chancellor, Deputy Vice-Chancellor, or any other appointed positions of the Fiji National University immediately before the commencement of this Act continues to hold such corresponding office under the new title where relevant, and perform the functions of that office under this Act as if appointed under this Act, until the expiry of their term or until their successor is appointed.

Continuation of governance bodies

88. Every member of the Council, Senate, or any other board or committee of the Fiji National University holding office immediately before the commencement of this Act continues as a member of the corresponding body of the University established under this Act for the remainder of their term, unless the Council otherwise determines.

Legal and other proceedings

89.—(1) Any judicial or non-judicial proceedings, investigations, disciplinary matters, or other actions commenced under the repealed Act and pending immediately before the commencement of this Act may be continued and completed under this Act.

(2) Any decision, order, direction, or approval made or given under the repealed Act and in force immediately before the commencement of this Act remains in force and is deemed to have been made or given under this Act.

Repeal

90. The Fiji National University Act 2009 is repealed.

Consequential amendments

91.—(1) The Fiji National Training Levy Order 1988 is amended by—

- (a) in section 4A, deleting “Vice-Chancellor” and substituting “Vice-Chancellor and President”; and
- (b) in section 4C, deleting “section 37(3) of the Fiji National University Act 2009” and substituting “section 70 of the Fiji National University Act 2026”.

(2) All written laws and all state documents of any nature whatsoever are amended by deleting “Fiji National University Act 2009” wherever it appears and substituting “Fiji National University Act 2026” unless the context otherwise requires.

August 2026

FIJI NATIONAL UNIVERSITY BILL 2026

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 The Fiji National University Bill 2026 (**‘Bill’**) represents a comprehensive modernisation and review of the Fiji National University Act 2009 (**‘Act’**).
- 1.2 Since its enactment, the Act has revealed structural gaps, drafting inconsistencies and governance ambiguities that have affected clarity of roles, accountability and operational efficiency. Rather than introducing numerous piecemeal amendments, a full redrafting was undertaken to produce a coherent, modern and consolidated legislative framework aligned with current governance standards and national priorities.
- 1.3 A key driver for reform was the presence of overlapping and, in some instances, unclear governance mechanisms under the Act. The previous framework created potential duplication and uncertainty in decision-making processes, particularly in relation to academic oversight and executive management. The Bill clearly delineates functions between the Council (as the governing body responsible for policy and oversight), the Senate (as the principal academic authority), and the executive leadership of the Fiji National University (**‘University’**).
- 1.4 The Bill also addresses areas where powers of the Council and the Minister were insufficiently distinguished, creating potential operational overlap. The revised framework clarifies that the Council is responsible for governance, strategic direction and internal statutes, while the Minister retains defined policy oversight and regulation-making powers. This separation strengthens institutional autonomy while maintaining appropriate government accountability.
- 1.5 The Bill modernises the leadership structure of the University by establishing a clear hierarchy comprising a Chancellor (as the titular and ceremonial head), a Pro-Chancellor, and the Vice-Chancellor and President as the chief executive officer. This structure aligns the University with contemporary Commonwealth university models, enhances ceremonial stature, and removes ambiguity in executive authority and reporting lines.

- 1.6 Overall, the Bill seeks to strengthen governance integrity, improve accountability mechanism, modernise administrative powers, and future-proof the legislative framework to support national development objectives.

2.0 CLAUSES

- 2.1 Part 1 of the Bill covers preliminary matters, including the short title and commencement date.
- 2.2 Part 1 also includes an interpretation clause, which defines key terms used throughout the Bill. These definitions are crucial for understanding the provisions and ensuring consistency in its application. Part 1 outlines the objectives of the new legislation which seek to *inter alia* give effect to the establishment and continuation the University as a national institution of higher education and training.
- 2.3 Part 2 of the Bill establishes the University as a body corporate with perpetual succession, legal capacity and powers to operate within and outside Fiji. Part 2 of the Bill also sets out the University's objects, functions and powers, including the provision of integrated tertiary education, advancement of research and innovation, support for national development, and engagement with industry and the community. Part 2 of the Bill also establishes the Council as the principal governing body responsible for the strategic direction, governance and oversight of the University and provides for its composition, responsibility and procedures.
- 2.4 Part 3 of the Bill provides for the officers and membership of the University, including the Chancellor, Pro-Chancellor, Deputy Pro-Chancellor, Vice-Chancellor and President, Deputy Vice-Chancellor, Pro Vice-Chancellors, members of the Council and Senate, staff, graduates and students.
- 2.5 Part 4 of the Bill establishes the Senate of the University as the principal academic authority responsible for academic governance, including academic programmes, standards, research and student matters, subject to oversight by the Council.
- 2.6 Part 5 of the Bill sets out the financial framework of the University, including the sources of its funds, which comprise parliamentary appropriations, donations, fees, income, borrowings and other lawful receipts. It designates the Vice-Chancellor and President as the principal accounting officer, provides that the financial year is the calendar year, and requires the University to maintain proper accounts and records.

- 2.7 Part 6 of the Bill provides for the imposition and administration of training levies and the regulation of apprenticeship and training systems by the University. It empowers the Minister, in consultation with the Council, to make Levy Orders requiring employers to contribute funds to support training, apprenticeship schemes and University programmes, and establishes enforcement mechanisms, including offences and recovery of unpaid levies as civil debts. Part 6 of the Bill also enables the Minister to make Training Orders regulating the employment, training and remuneration of apprentices and other trainees, and sets out the framework for apprenticeship agreements, transfers, and safeguards for continued training.
- 2.8 Part 7 of the Bill contains miscellaneous provisions relating to the governance and operation of the University. It empowers the Council to make statutes for the effective governance, management and discipline of the University, including matters relating to governance structures, staff and student administration, academic awards, and financial and operational management, while clarifying that such statutes do not constitute subsidiary legislation. Part 7 of the Bill also empowers the Minister, on the advice of the Council, to make regulations for the implementation of the new legislation, including governance standards, reporting requirements and penalties. In addition, it provides for the principles of non-discrimination and the protection and promotion of academic freedom within the University.
- 2.9 Part 8 of the Bill contains transitional and savings provisions to ensure the continuity of the University following the commencement of the Act. Part 8 of the Bill also provides that the existing University continues as if established under the new new legislation, with all rights, property, assets, liabilities and obligations vested in the new entity. Part 8 of the Bill also preserves the rights of students, the validity of qualifications, and the continuity of staff employment and conditions of service. Part 8 of the Bill further provides for the continuation of existing office holders and governance bodies, and ensures that ongoing legal and administrative proceedings, as well as existing decisions, remain valid. Finally, Part 8 repeals the Act and provides for consequential amendments to related laws and instruments.
- 3.0 MINISTERIAL RESPONSIBILITY**
- 3.1 The new legislation comes under the responsibility of the Minister responsible for strategic planning, national development and statistics.

S. D. Turaga
Acting Attorney-General