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INTERIM GOVERNMENT OF THE REPUBLIC OF THE FIJI ISLANDS

FIJI INSTITUTE OF TECHNOLOGY ACT (AMENDMENT) (NO. 2) PROMULGATION 2009  
(PROMULGATION NO. 6 OF 2009)

IN exercise of the powers conferred upon the Interim Government, and upon the exercise of my own deliberate judgement as President of the Republic of the Fiji Islands as to what is best and good for the people of Fiji, and by the executive authority of the State in accordance with section 85 of the Constitution and such other powers as may appertain, and with the advice of Cabinet, I, Josefa Iloilovatu Uluivuda, make this Promulgation—

TO AMEND THE FIJI INSTITUTE OF TECHNOLOGY ACT 2006

*Short title and commencement*

- 1.—(1) This Promulgation may be cited as the Fiji Institute of Technology Act (Amendment) (No. 2) Promulgation 2009 and comes into force on the day it is published in the *Gazette*.
- (2) In this Promulgation, the Fiji Institute of Technology Act 2006 is referred to as “the Act”.

*Arrangement of Sections amended*

- 2.—The Act is amended in the Arrangement of Sections by—

- (a) deleting the word “Board” wherever it appears and replacing it with the word “Council”; and  
(b) deleting the word “Council” in section 12 and replacing it with the word “Board”; and  
(c) deleting the word “Council” in section 13 and replacing it with the word “Committee”.

*Long title amended*

3. The Long title to the Act is amended by replacing the words “BOARD OF DIRECTORS” with the word “COUNCIL”.

*Section 2 amended*

4. Section 2 of the Act is amended by replacing the term “Board” or “Board of Directors” with the word “Council” wherever they appear in the definition of terms listed under the Interpretation.

*Part 2 Heading amended*

5. The heading to Part 2 of the Act is amended by replacing the term “BOARD” with “COUNCIL” and substituting the word “COUNCILS” with “BOARD”.

*Section 3 amended*

6. Section 3 of the Act is amended—

- (a) in subsection (2) by replacing the word “Board” with “Council”;  
(b) in subsection (3) by replacing the word “Board” wherever it appears with “Council”; and  
(c) in subsection (4) by replacing the word “Board” with “Council”.

*Section 4 amended*

7. Section 4 of the Act is amended—

- (a) in its heading by deleting and replacing “Board of Directors” with the word “Council”;  
(b) in subsection (1) by replacing the term “Board of Directors” with “Council”;  
(c) in paragraph (a) of subsection (1) by adding the words “appointed by the Minister” after the word “Chairperson”;  
(d) in paragraph (b) of subsection (1) by replacing the term “Chief Executive Officer” with the words “chief executive officer”;

- (e) in paragraph (e) by deleting "one member appointed by the Minister from a number of persons, not exceeding three, nominated by the Registrar of Trade Unions; and" and replacing it with "one member appointed by the Minister from a number of persons, not exceeding 3, nominated by the Association representing the hotel and catering industry in Fiji;"
- (f) in paragraph (f) of subsection (1) by substituting the fullstop "." at the end of that paragraph with a semicolon ";" and adding the following paragraphs—
  - "(g) one member, appointed by the Minister who has excellent credentials in the tertiary education sector;
  - (h) four members, who are not staff or students of the Institute, but who are of academic or professional eminence, co-opted by the Council;
  - (i) one member who is a full-time teaching staff elected annually by all full-time teaching staff of the Institute,
  - (j) one member who is a full-time student elected annually by all full-time students of the Institute, and
  - (k) the chief executive officer of the Institute."
- (g) in subsection (2), by replacing the term "Chief Executive Officer" with the words "chief executive officer" and substituting "Board" with "Council"; and
- (h) in subsection (4) by substituting "Board" with "Council".

*Section 5 amended*

8. Section 5 of the Act is amended—

- (a) in its heading by deleting and replacing "Board" with "Council";
- (b) in subsection (1) by replacing "Board" with "Council";
- (c) in paragraph (e) of subsection (1) by replacing "Board" with "Council";
- (d) in paragraph (p) of subsection (1) by replacing "Board" with "Council";
- (e) in subsection (2) by replacing "Board" with "Council" and deleting all the words after "may" and before the "-";
- (f) in subsection (2) by deleting paragraph (a) and renumbering paragraphs (b) as (a) and (c) as (b).

*Section 6 amended*

9. Section 6 of the Act is amended—

- (a) in its heading by substituting "Board" with "Council";
- (b) in subsection (1) by replacing the word "Board" wherever it appears with the word "Council";
- (c) in subsection (2) by replacing the word "Board" wherever it appears with the word "Council"; and
- (d) in subsection (3) by replacing the word "Board" with "Council".

*Section 7 amended*

10. Section 7 of the Act is amended—

- (a) in its heading by substituting "Board" with "Council";
- (b) by substituting "Board" with "Council" wherever it appears in that section.

*Section 8 amended*

11. Section 8 of the Act is amended—

- (a) in its heading by substituting "Board" with "Council";
- (b) in subsection (1) by substituting "Board" with "Council";
- (c) in subsection (2) by replacing the word "Board" wherever it appears with the word "Council"; and
- (d) in subsection (3) by substituting "Board" with "Council";
- (e) in subsection (4) by substituting "Board" with "Council";
- (f) in subsection (5) by substituting "Board" with "Council";
- (g) in subsection (6) by substituting "Board" with "Council";
- (h) in subsection (7) by replacing the word "Board" wherever it appears with the word "Council";
- (i) in subsection (8) by substituting "Board" with "Council";
- (j) by deleting subsection (9); and
- (k) by renumbering subsection (10) as (9) and substituting "Board" with "Council".

*Section 9 amended*

## 12. Section 9 of the Act is amended—

- (a) in subsection (1) by substituting “Board” with “Council”;
- (b) in paragraph (a) of subsection (1) by substituting “Board” wherever it appears with “Council”;
- (c) in paragraph (b) of subsection (1) by substituting “Board” with “Council”;
- (d) in subsection (2) by substituting “Board” with “Council”;
- (e) in paragraph (a) of subsection (2) by substituting “Board” wherever it appears with “Council”;
- (f) in paragraph (b) of subsection (2) by substituting “Board” with “Council”;
- (g) in paragraph (c) of subsection (2) by substituting “Board” with “Council”;
- (h) in subsection (3) by substituting “Board” wherever it appears with “Council”; and
- (i) in paragraph (b) of subsection (3) by substituting “Board” with “Council”;

*Section 10 amended*

## 13. Section 10 of the Act is amended—

- (a) in its heading by substituting “Board” with “Council”;
- (b) in subsection (1) by substituting “Board” with “Council”;
- (c) in paragraph (c) of subsection (1) by substituting “Board” wherever it appears with “Council”; and
- (d) in subsection (2) by substituting “Board” wherever it appears with “Council” and substituting the term “Chief Executive Officer” with “chief executive officer”.

*Section 11 amended*

## 14. Section 11 of the Act is amended—

- (a) in its heading by substituting “Board” with “Council”;
- (b) in subsection (1) by substituting “Board” wherever it appears with “Council”; and
- (c) in subsection (2) by substituting “Board” wherever it appears with “Council”.

*Section 12 amended*

## 15. Section 12 of the Act is amended—

- (a) in its heading by substituting “Council” with “Board”;
- (b) in subsection (1) by deleting all the words after ‘Council’ and substituting the word “Council” with “Board of the Institute.”;
- (c) in subsection (2) by substituting “Council” with “Board”;
- (d) in paragraph (a) of subsection (2) by substituting “Board” with “Council”;
- (e) in paragraph (b) of subsection (2) by substituting “Board” wherever it appears with “Council”; and
- (f) in subsection (3) by substituting “Council” with “Board” and deleting all the words after the word “as” and replacing them with “determined by the Council, but shall include all Deans, Heads of Schools, Heads of Departments, one student representative, and any other representative as the Council may from time to time determine”.

*Section 13 amended*

## 16. Section 13 of the Act is amended—

- (a) in its heading by substituting “Council” with “Committee”;
- (b) in subsection (1) by substituting the word “Council” with “Committee” and substituting the word “Board” with “Council”;
- (c) in subsection (2) by substituting “Council” with “Committee”;
- (d) in paragraph (a) of subsection (2) by substituting “Board” wherever it appears with “Council”;
- (e) in paragraph (b) of subsection (2) by substituting “Board” with “Council”;
- (f) in paragraph (c) of subsection (2) by substituting “Board” wherever it appears with “Council”; and
- (g) in subsection (3) by substituting “Council” with “Committee” and deleting the words “Part 2 of”.

*Section 14 amended*

## 17. Section 14 of the Act is amended—

- (a) in subsection (1) by substituting “Board” with “Council”;
- (b) in subsection (2) by substituting “Board” with “Council”;
- (c) in paragraph (a) of subsection (2) by substituting “Board” with “Council”;
- (d) in paragraph (b) of subsection (2) by substituting “Board” with “Council”;
- (e) in subsection (3) by substituting “Board” wherever it appears with “Council”; and
- (f) in subsection (4) by substituting “Board” with “Council”.

*Section 16 amended*

18. Section 16 of the Act is amended—

- (a) in subsection (1) by substituting “Board” with “Council”; and
- (b) in subsection (2) by substituting “Board” with “Council”.

*Section 17 amended*

19. Section 17 of the Act is amended—

- (a) by substituting “Board” with “Council”; and
- (b) in paragraph (b), by substituting “Board” with “Council” and substituting “Council” after the word ‘Advisory’ with “Committee”.

*Section 18 amended*

20. Section 18 of the Act is amended—

- (a) in subsection (1) by substituting “Board” with “Council”;
- (b) in subsection (2) by substituting “Board” with “Council”; and
- (c) in subsection (3) by substituting “Board” with “Council”.

*Section 19 amended*

21. Section 19 of the Act is amended by deleting all the words after the word “then,” and inserting “the Institute’s policy on intellectual property would determine the ownership and all aspects of intellectual property”.

*Section 20 amended*

22. Section 20 of the Act is amended—

- (a) in subsection (1) by substituting “Board” with “Council”;
- (b) in subsection (2) by substituting “Board” with “Council”;
- (c) in paragraph (a) of subsection (2) by substituting “Board” with “Council”;
- (d) in paragraph (d) of subsection (2) by substituting “Council” with “Board” and replacing “Council” after the word Advisory with “Committee”; and
- (e) in paragraph (f) of subsection (2) by substituting “Board” wherever it appears with “Council”.

*Section 21 amended*

23. Section 21 of the Act is amended in subsection (3) by substituting “Board” wherever it appears with “Council”.

*Schedule amended*

24. The Schedule to the Act is amended—

- (a) in the heading by deleting the words “sections 12 and” inside the parenthesis underneath the title “SCHEDULE” and inserting the word “Section”;
- (b) by deleting the whole of Part 1 to the Schedule including its heading beginning with the words “PART 1”;
- (c) in Part 2 by deleting from its heading the words “PART 2 –” and substituting the word “Council” with “COMMITTEE” after the word ‘ADVISORY’;
- (d) in Part 2 by deleting the numeral “1.” at the beginning of the sentence and substituting the word “Board” with “Committee”;
- (e) in paragraph (b) by substituting “Board” with “Council”;
- (f) in paragraph (c) by substituting “Board” with “Council”;
- (g) in paragraph (d) by substituting “Board” with “Council”;
- (h) in paragraph (e) by substituting “Board” with “Council”;
- (i) in paragraph (f) by substituting “Board” with “Council”;
- (j) in paragraph (g) by substituting “Board” with “Council”; and
- (k) in paragraph (h) by substituting “Board” with “Council”.

Given under my hand this 12th day of February 2009.

J. I. ULUIVUDA  
President of the Republic of the Fiji Islands