



I assent.

[L.S.]

F. D. JAKEWAY,

Governor.

6th July, 1967.

## AN ORDINANCE

TO ESTABLISH AN INTERIM COUNCIL FOR THE PLANNING, CONSTRUCTION AND ESTABLISHMENT IN FIJI OF A UNIVERSITY OF THE SOUTH PACIFIC, FOR THE GOVERNMENT AND ADMINISTRATION OF SUCH UNIVERSITY AND FOR MATTERS INCIDENTAL TO AND CONNECTED THEREWITH

[1st August, 1967]

ENACTED by the Legislature of Fiji:—

1. This Ordinance may be cited as the University of the South Pacific (Interim Council) Ordinance, 1967. Short title.

2. In this Ordinance, unless the context otherwise requires— Interpretation.

“Chairman” means the Chairman of the Interim Council appointed under the provisions of section 4 of this Ordinance;

“Council” means the Interim Council established under the provisions of section 3 of this Ordinance;

“Registrar” means such person as is appointed by the Council to be Registrar of the University;

“ Secretary ” means the Registrar or such other person as may be appointed under the provisions of section 6 of this Ordinance to be Secretary to the Council;

“ University ” means the University of the South Pacific to be established in Fiji;

“ Vice-Chairman ” means the Vice-Chairman of the Council appointed under the provisions of section 4 of this Ordinance;

“ Vice-Chancellor-Designate ” means such person as is appointed by the Council to be the Vice-Chancellor-Designate of the University.

Establishment  
and incorpora-  
tion of  
Interim  
Council.

3.—(1) There is hereby established an Interim Council to be known as the Interim Council of the University of the South Pacific which shall be a body corporate under that name with perpetual succession and a common seal, which may in such name, sue and be sued, and may enter into contracts, and may acquire, purchase, take, hold and enjoy real and personal property of every description and may convey, assign, surrender and yield up, charge, mortgage, transfer or otherwise dispose of or deal with or in, real or personal property vested in it upon such terms as it deems fit.

(2) Subject to the provisions of this Ordinance, the Council shall have power to do anything and enter into any transaction (whether or not involving expenditure or the lending or investment of money) which, in its opinion, will facilitate the discharge of its functions as set out in section 10 of this Ordinance or is incidental or conducive thereto.

(3) All deeds, documents and other instruments required to be sealed with the common seal of the Council shall be sealed therewith in the presence of the Chairman or Vice-Chairman and of the Secretary or some other person authorised by the Council to act in that behalf, who shall sign every such deed, document or other instrument to which such seal is affixed, and such signing shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Council.

(4) Service of any document upon the Council shall be deemed to be effected by delivering the same or by sending it by registered post to the Secretary.

Constitution  
of the  
Council.

4.—(1) The Council shall consist of the following members:—

(a) a Chairman and a Vice-Chairman who shall be appointed by the Governor;

- (b) the Vice-Chancellor-Designate and the Director of Education of Fiji who shall be *ex officio* members;
- (c) five members to be appointed by the Governor in Council;
- (d) three members to be appointed by the High Commissioner for the Western Pacific;
- (e) two members to be appointed by the Government of Western Samoa;
- (f) one member to be appointed by the Government of the Kingdom of Tonga;
- (g) one member to be appointed by the Government of the Cook Islands;
- (h) one member to be appointed by the Committee of Vice-Chancellors of Australian Universities;
- (i) one member to be appointed by the Committee of Vice-Chancellors of the Universities of New Zealand;
- (j) one member to be appointed by the New Zealand Government to represent non-university interests;
- (k) one member to be appointed by the Overseas Liaison Committee of the American Council of Education;
- (l) one member to be appointed by the Inter-University Council for Higher Education Overseas of the United Kingdom;
- (m) one member to be appointed by the United Kingdom Government to represent non-university interests; and
- (n) the Commissioner, South Pacific Office, Suva:

Provided that, the Governor after consultation with and on the recommendation of the Council may from time to time by notice in the Gazette, add to, delete from or otherwise vary the membership of the Council.

(2) Each appointed member of the Council shall be appointed thereto for a period not exceeding two years and the appointing authorities of a member or members specified in subsection (1) of this section or who may be specified under the provisions of the proviso thereto, may, at any time revoke any such appointment or appointments or may appoint an alternate member or alternate members in the place of such member or members, as the case may be, and such alternate members at meetings of the Council, shall be deemed for all purposes to be appointed members thereof.

(3) Any appointed member of the Council may, at any time, resign his office as such by writing under his hand addressed to the Governor, and in the case of a member appointed other than

by the Governor, to the Government, person or authority by whom he was appointed, but such resignation shall not take effect until accepted by the Governor or, in the case of a member appointed other than by the Governor, by the Government, person or authority by whom he was appointed.

Validity of  
proceedings.

5. The validity of the proceedings and acts of the Council shall not be affected by any vacancy among the members or by any defect in the appointment of a member thereof.

Secretary to  
the Council.

6.—(1) The Registrar shall be *ex officio* the Secretary of the Council:

Provided that until such time as a Registrar shall be appointed the Council may appoint a Secretary to the Council.

(2) The Secretary shall attend the meetings of the Council but shall not be a member thereof.

Meetings.

7.—(1) The Chairman may, at any time, call a meeting of the Council and shall call a meeting within twenty-eight days of receiving a request for a meeting signed by not less than half of the members of the Council.

(2) The Chairman or in his absence, the Vice-Chairman, shall preside at all meetings of the Council. In the absence of both the Chairman and the Vice-Chairman, the members present and forming a quorum may appoint a temporary chairman from amongst the members, for that meeting only.

(3) The chairman of the meeting shall have a deliberative vote and in the event of an equality of votes, a casting vote.

(4) The Council may, at the discretion of the Chairman, transact any business by the circulation of papers and any decision so taken shall be submitted for information at the next meeting of the Council:

Provided that any member of the Council may require that a question shall not be determined by circulation of papers but shall be deferred to the next meeting of the Council, and thereupon such question shall be so deferred.

(5) Two-thirds of the members of the Council shall be a quorum for any meeting of the Council.

Delegation  
by Council.

8. The Council may, subject to any limitation it may think fit to impose, delegate any of its powers or duties to the Chairman or to the Vice-Chancellor-Designate or to a committee or committees consisting of such members of the Council and of other persons as it may think fit.

9.—(1) The Chairman shall be *ex officio* a member of every committee of the Council and in the absence of any specific appointment by the Council shall be chairman of such committee. Procedure.

(2) The Council shall cause minutes of its proceedings to be kept and such minutes shall be confirmed, subject to any amendment, by the next subsequent meeting.

(3) Subject to the provisions of this section, the Council shall have power to determine its own procedure and the procedure of any committee of the Council.

10.—(1) The functions of the Council shall, subject to the provisions of this Ordinance, include the carrying on of all such activities and the doing of all such things as are necessary or advantageous and proper for the planning, construction and establishment of the University and for the government and administration thereof. Functions of the Council.

(2) Without derogation from the generality of the powers conferred upon the Council by section 3 of this Ordinance, it is hereby declared that the Council shall have and may exercise the following powers:—

- (a) to govern, manage and regulate the finances, accounts, investment, property, business and all affairs whatsoever of the University, and for that purpose to appoint bankers and any other officers and agents whom it deems expedient to appoint, and to cause proper books of account to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University and to ensure that such books give a true and fair view of the state of the affairs of the University and explain its transactions;
- (b) to borrow money on behalf of the University;
- (c) to enter into agreements for the incorporation in the University of any other institution wherever situated, whether within or without Fiji, and taking over of its rights, properties and liabilities and for any other purpose not repugnant to this Ordinance;
- (d) save as otherwise provided, to appoint all members of the staff of the University in such manner and on such terms and conditions as the Council may determine;
- (e) to appoint an architect or architects, quantity surveyors and such other persons as the Council may consider necessary to make plans for the land and buildings of the University;

- (f) to employ contractors for the erection or modification of University buildings;
- (g) to call for reports from the Vice-Chancellor-Designate on any matter relating to the University;
- (h) to encourage and make provision for research within the University.

Vice-Chancellor-  
Designate.

11.—(1) The Vice-Chancellor-Designate shall be the chief academic and executive officer of the University and shall—

- (a) be competent at all times to advise the Council on any matter affecting the policy, finance and administration of the University;
- (b) be generally responsible to the Council for maintaining the efficiency and good order of the University;
- (c) be responsible for discipline in the University and, on this behalf, may make rules which, on their making shall come into force, but which shall be submitted by him to the Council at its next meeting for ratification;
- (d) have power to refuse to admit any person as a student and to exclude from the University any student until the next meeting of the Council.

(2) The Vice-Chancellor-Designate shall be responsible for the direction of teaching, instruction and research within the University and the conduct of University examinations.

(3) For the purpose of exercising his powers under the last preceding subsection, the Vice-Chancellor-Designate may appoint such Boards and Committees as he sees fit and may delegate to such Boards and Committees any or all of the functions set out therein.

Passed in Council this twenty-sixth day of June, in the year of our Lord one thousand nine hundred and sixty-seven.