

No. 36 of 2014

*Western Pacific University Act 2014.*

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No 36 of 2014

*Western Pacific University Act 2014,*

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No. of 2014.

An Act

entitled

***Western Pacific University Act 2014,***

Being an Act to provide for the establishment and incorporation of a University to be known as the Western Pacific University, and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice published in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister for Higher Education, Research, Science and Technology.

**PART 1. – PRELIMINARY.**

**1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

(1) For the purposes of Section 41 of the *Organic Law on Provincial Governments and Local-level Governments*, it is declared that this law relates to a matter of national interest.

(2) This Act to the extent that it regulates or restricts the exercise of any one or more of the following rights or freedoms referred to in Subdivision III.3.C (*qualified rights*) of the *Constitution*, namely -

- (a) the right to freedom from arbitrary search and entry conferred by Section 44 of the *Constitution*; and
  - (b) the right to freedom of expression conferred by Section 46 of the *Constitution*; and
  - (c) the right to freedom of employment conferred by Section 48 of the *Constitution*; and
  - (d) the right to privacy conferred by Section 49 of the *Constitution*; and
  - (e) the right to freedom of information conferred by Section 51 of the *Constitution*; and
  - (f) the right to freedom of movement conferred by Section 52 of the *Constitution*; and
  - (g) the equality of citizens conferred by Section 55 of the *Constitution*,
- is a law that is made for the purpose of giving effect to the public interest in public welfare.

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2. **INTERPRETATION.**

(1) In this Act, unless the contrary intention appears -

- “Academic Board” means the Academic Board of the University;
- “affiliated college” means an educational institution affiliated to the University but not maintained or administered by it;
- “Authority” means any of the Authorities of the University specified or set up in terms of Section 24;
- “By-laws” means made by the Council under this Act and for the time being in force;
- “Cabinet” means the Cabinet of the University;
- “Chairperson” means the Chairperson of the University Council;
- “college” means a constituent college or an affiliated college;
- “Commission” means the Commission of Higher Education;
- “constituent college” means an educational institution, by whatever name described, maintained and administered by the University;
- “Council” means the Council of the University;
- “Dean” means the head of a faculty or the head of an academic body granted the status of a faculty by University By-Laws or by the Statutes or Regulations;
- “department” means a teaching department maintained and administered, recognised by the University in the manner described;
- “Department” means the Department of Higher Education, Research, Science and Technology established under Section 6 of the *Higher Education (General Provisions) Act 2014*;
- “departmental head” means the departmental head of the Department of Higher Education, Research, Science and Technology appointed under Section 21 of the *Higher Education (General Provisions) Act 2014*;
- “faculty” means an administrative and academic unit of the University consisting of one or more departments, as prescribed;
- “Government” means the National Government;
- “prescribed” means prescribed by By-laws, Statutes, Regulations or Rules and made under the Act;
- “president” means the President of the University;
- “principal” means the Head of a College;
- “review panel” means the Review Panel set up by the Chairperson in accordance with the provisions of Section 10(4);
- “Schedule” means a Schedule to the Act;
- “search committee” means the Search Committee set up by the University Council under Section 18;
- “Statutes, Regulations and Rules” means respectively the Statutes, the Regulations and the Rules under this Act and for the time being in force;
- “teachers” include Professors, Associate Professors, Assistant Professors and Lecturers engaged whole-time by the University or by a constituent or affiliated college and such other persons as may be declared to be teachers by Regulations;
- “this Act” includes the By-laws;
- “University” means the Western Pacific University;

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“University teacher” means a full-time teacher appointed and paid by the University, or recognised by the University.

(2) A reference in this Act to the holder of an office in the University shall be read as including a reference to a person for the time being performing duties of that office.

### **PART II. – THE UNIVERSITY.**

#### *Division 1. – Establishment and Functions.*

### **3. ESTABLISHMENT AND INCORPORATION OF THE UNIVERSITY.**

(1) The University of Western Pacific is hereby established.

(2) The University shall consist of the following:

(a) the Chairperson, the members of the University Council and the President; and

(b) the members of the authorities of the University established under Section 26; and

(c) all University teachers and persons recognised as students of the University in accordance with terms prescribed from time to time; and

(d) all other full-time officers and members of the staff of the University.

(3) The University –

(a) is a body corporate with perpetual succession; and

(b) shall have a common seal; and

(c) may acquire, hold and dispose of property under its own corporate name; and

(d) is capable of suing and being sued in its corporate name.

(4) Notwithstanding anything contained in any other law for the time being in force, the University shall have academic, financial and administrative autonomy, including the power to employ officers, teachers and other employees on such terms as may be prescribed, subject to the terms of this Act and the *Higher Education (General Provisions) Act 2014*, in particular, and without prejudice to the authority granted to the National Higher and Technical Education Board, the Government or an authority or auditor appointed by the Government shall have no power to question the policy underlying the allocation of resources approved by the Council in the annual budget of the University.

(5) The Council may establish or maintain, as part of the University, such other college or institution as it deems necessary from time to time.

(6) The University shall continue to be described by the existing name unless changed in accordance with any law for the time being in force.

### **4. COMMON SEAL.**

(1) The common seal of the University shall be kept in such custody as the Council directs and shall not be used except upon the orders of the Council or in a manner as authorised by the By-laws.

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(2) All courts, Judges and persons acting judicially shall take judicial notice of the common seal of the University affixed to any document and shall presume that it was duly affixed.

**5. FUNCTIONS OF THE UNIVERSITY.**

The functions of the University shall include the following:

- (a) to provide for education and scholarship in such branches of knowledge as it may deem fit, and to make provision for research, service to society and for the application, advancement and dissemination of knowledge in such manner as it may determine; and
- (b) to prescribe programs of studies to be conducted by it and the colleges; and
- (c) to hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions; and
- (d) to prescribe the terms and conditions of employment of the officers, teachers and other employees of the University and to lay down terms and conditions that may be different from those applicable to government servants in general; and
- (e) to engage, where necessary, persons on contracts of specified duration and to specify the terms of each engagement; and
- (f) to confer honorary degrees or other distinctions on approved persons in the manner prescribed; and
- (g) to provide for such instructions for persons not being students of the University as it may prescribe, and to grant certificates and diplomas to such persons; and
- (h) to institute programs for the exchange of students and teachers between the University and other universities, educational institutions and research organisations, inside as well as outside Papua New Guinea; and
- (i) to provide career counselling and job search services to students and alumni; and
- (j) to maintain linkages with alumni; and
- (k) to develop and implement fund-raising plans; and
- (l) to provide and support the academic development of a faculty of the University; and
- (m) to confer degrees on persons who have carried on independent research under prescribed conditions; and
- (n) to affiliate and disaffiliate educational institutions under prescribed conditions; and
- (o) to inspect colleges and other educational institutions affiliated or seeking affiliation with the University; and
- (p) to accept the examinations passed and the period of study spent by students of the University at other universities and places of learning equivalent to such examinations and periods of study in the University, as it may prescribe, and to withdraw such acceptance; and
- (q) to co-operate with other Universities, public authorities or private organisations, inside as well as outside Papua New Guinea, in such manner and for such purposes as it may prescribe; and
- (r) to institute Professorships, Associate Professorships, Assistant Professorships and Lectureships and any other posts and to appoint persons thereto; and
- (s) to create posts for research, extension, administration and other related purposes and to appoint persons thereto; and



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- (t) to recognise selected members of the teaching staff of affiliated colleges or educational institutions admitted to the privileges of the University or such other persons it may deem fit, as University teachers; and
- (u) to institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under the prescribed conditions; and
- (v) to establish teaching departments, schools, colleges, faculties, institutes, museums and other centres of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe; and
- (w) to provide for the residence of the students of the University and the colleges, to institute and maintain halls of residence and to approve or license hostels and lodging; and
- (x) to maintain order, discipline and security on the campuses of the University and the colleges; and
- (y) to promote the extra-curricular and recreational activities of such students, and to make arrangements for promoting their health and general welfare; and
- (z) to demand and receive such fees and other charges as it may determine; and
- (za) to make provisions for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises under prescribed conditions; and
- (zb) to enter into, carry out, vary or cancel contracts; and
- (zc) to receive and manage property transferred and grants, contributions made to the University and to invest any fund representing such property, grants, bequests, trust, gifts, donations, endowments or contributions in such manner as it may deem fit; and
- (zd) to provide for the printing and publication of research and other works; and
- (ze) to do all such other acts and things, whether incidental to the powers under this Act as may be required or expedient in order to further the objectives of the University as a place of education, learning and research.

### **6. UNIVERSITY OPEN TO ALL.**

(1) The University shall be open to all persons of either gender and of whatever religion, race, creed, colour or domicile and no person shall be denied the privileges of the University on the grounds of religion, race, social group, creed, class, colour or domicile.

(2) An increase in any fee or charge that is in excess of ten percent per annum on an annual basis from the last such increase may not be made except in special circumstances and, only with the approval of the Council.

(3) The University shall institute financial aid programs for students in need, to the extent considered feasible by the Council given the resources available, so as to enable admission and access to the University and the various opportunities provided by it to be based on merit rather than ability to pay.

(4) The University may institute self-finance schemes not covering more than ten percent of the total number of candidates in any on campus taught course or research-based program study.

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**7. TEACHING AT THE UNIVERSITY.**

(1) All recognised teaching in various programs shall be conducted by the University or the colleges in the prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations, distance learning, online studies and other methods of instruction as well as practical work in the laboratories, hospitals, workshops and other governmental or private organisations.

(2) The authority responsible for organising recognised teaching shall be such as may be prescribed.

*Division 2. – Council of the University.*

**8. COUNCIL OF THE UNIVERSITY.**

(1) The University Council is hereby established.

(2) The governing body of the University shall be the Council.

**9. CONSTITUTION OF THE COUNCIL OF THE UNIVERSITY.**

(1) The Council shall consist of -

- (a) the Chairperson who shall be the Chairperson of the Council; and
- (b) the President *ex officio*; and
- (c) two persons nominated by the Minister for Higher Education, Research, Science and Technology, representing the Government not below the rank of Deputy Secretary from the Ministry for Higher Education, Research, Science and Technology or any other department relevant to the special focus of the University; and
- (d) two persons from society at large being persons of distinction in the fields of administration, management, education, academics, law, accountancy, medicine, fine arts, architecture, agriculture, science, technology or engineering such that the appointment of these persons reflects a balance across the various fields and that the special focus to be declared in the manner prescribed, maybe reflected in the number of persons of distinction in an area of expertise relevant to the University who are appointed to the Council by the Council of the University; and
- (e) two persons from the academic community of the country, other than an employee of the University, at the level of professor or principal of a college who are appointed to the Council by the Council of the University; and
- (f) one person nominated by the Department of Higher Education, Research, Science and Technology.

(2) The members of the Council shall elect one of their members, by three-fourths, to be the Chairperson of the Council and the Chairperson shall hold office, subject to the Act, for such period as is fixed by the Council, not exceeding three terms of four years commencing from the time of his appointment.

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(3) The members of the Council shall be appointed by the Chairperson with the consent of the Council, from amongst the persons recommended by the Search Committee established in accordance with the Act, By-laws or the Statutes, as the case may be, along with those elected.

(4) A member of the Council referred to in Subsection (1)(d), (e) and (f) shall hold office subject to this Act for such period as fixed by the Council, not exceeding four years commencing from the time of his appointment.

(5) A member of the Council referred to in Subsection (1)(c) is eligible for reappointment not more than twice, each term not more than four years.

**10. FUNCTIONS OF THE COUNCIL.**

(1) Subject to this Act, the functions of the Council are -

- (a) the University Council shall have the power of general supervision over the University and shall hold the President and the Authorities accountable for all the functions of the University; and
- (b) the Council shall have all powers of the University not expressly vested in an Authority or officer by the Act and all other powers not expressly mentioned by this Act that are necessary for the performance of its functions.

(2) Without prejudice to the generality of the foregoing powers, the Council shall have the following powers:

- (a) to approve the proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of account; and
- (b) to hold, control and lay down policy for the administration of the property, funds and investments of the University, including the approval of the sale, purchase or acquisition of immovable property; and
- (c) to oversee the quality and relevance of the University's academic programs and to review the academic faculty and senior administrators as may be prescribed; and
- (d) to approve the appointment of the Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed; and
- (e) to institute schemes, directions and guidelines for the terms and conditions of appointment of all officers, teachers and other employees of the University; and
- (f) to approve strategic plans; and
- (g) to approve financial resource development plans of the University; and
- (h) to consider the drafts of By-laws, Statutes and Regulations proposed by the Cabinet and the Academic Board and deal with them as the case may be; and
- (i) provided that the Council may frame a Statute or Regulation on its own initiative and approve it after calling for the advice of the Cabinet or the Academic Board as the case may be; and
- (j) to annul, by order in writing, the proceedings of any Authority or officer if the Council is satisfied that such proceedings are not in accordance with the provisions of the Act, By-laws, Statutes or Regulations after calling upon such Authority or officer to show cause why such proceedings should not be annulled; and

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- (k) to recommend to the Chairperson removal of any member of the Council in accordance with the provisions of the Act; and
- (l) to appoint Emeritus Professors on such terms and conditions as may be prescribed in By-laws; and
- (m) to remove any person from the membership of any Authority if such person-
  - (i) has become of unsound mind; or
  - (ii) has become incapacitated to function as member of such Authority; or
  - (iii) has been convicted by a court of law for an offence involving moral weakness; and
- (n) to determine the form, provide for the custody and regulate the use of the Common Seal of the University; and
- (o) generally, to take such action in a manner as appears to it best calculated to promote higher education in Papua New Guinea and in particular the interest and purpose of the University.

(3) The Council may, subject to the provisions of the Act, delegate all or any of the powers and functions of any Authority, officer or employee of the University at its main campus, to any Authority, committee, officer or employee at its additional campus for the purpose of exercising such powers and performing such functions in relation to such additional campus, and for this purpose the Council may create new posts or positions at the additional campus.

- (4) If the Chairperson has evidence that serious irregularity or mismanagement with respect to the affairs of the University has occurred, he may-
- (a) as regards proceedings of the Council, direct that specified proceedings be reconsidered and appropriate action taken within one month of the direction having been issued; or
  - (b) if the Chairperson has evidence that either no reconsideration has been carried out or that the reconsideration has failed to address the concern expressed, he may, after calling upon the Council to show cause in writing, appoint an external to the Council, five member Review Panel to examine and report to the Chairperson on the functioning of the Council; or
  - (c) direct that the report of the Review Panel shall be drawn from persons other than the Council members, of eminence in academics and in the fields of law, accountancy and administration; or
  - (d) as regards proceedings of any Authority or with respect to matters within the competence of any Authority other than the Council, direct the Council to exercise powers under Section 10.

**11. CASUAL VACANCY.**

(1) Subject to Division II.2 of this Act, in the event of a casual vacancy in the Council, a member shall be appointed in accordance with Section 9(a), (c), (d), (e) and (f) and the person so appointed holds office, subject to this Act, for the residue of the predecessor's term of office.

(2) If a vacancy occurs within three months before the expiration of the term of office of a member, the vacancy shall not be filled for the remainder of the term.

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**12. VACANCY.**

Where a member of the Council of the University -

- (a) dies; or
- (b) declines to act; or
- (c) resigns his seat; or
- (d) is absent without leave of the Council of the University from three consecutive meetings of the Council of the University; or
- (e) is removed by a two-thirds majority vote of the Council,

he ceases to be a member of the Council and the vacancy shall be filled as a casual vacancy in accordance with Section 11.

**13. PERSONS ELIGIBLE TO BE MEMBERS OF THE COUNCIL OF THE UNIVERSITY.**

A person who -

- (a) is not of the full age of 21 years; or
- (b) is an undischarged bankrupt, or has his affairs under liquidation by arrangement with his creditors; or
- (c) has been convicted of an offence and sentenced to imprisonment unless he has received a free pardon or has undergone the sentence; or
- (d) is an insane person or a person of unsound mind within the meaning of laws relating to insanity or unsoundness of mind in force for the time being in the Independent State of Papua New Guinea,

is not qualified to be appointed or to remain as a member of the Council.

**14. CHAIRPERSON TO PRESIDE, ETC.**

(1) The Chairperson of the Council shall preside at all meetings of the Council at which he is present.

(2) At any meeting of the Council at which the Chairperson is not present a member elected by the members present from amongst their number shall preside.

**15. MEMBER WITH PECUNIARY INTEREST NOT TO VOTE.**

(1) A member of the Council shall not be entitled to deliberate and vote either in the Council or in any committee of the Council on a subject in which he has a direct pecuniary interest.

(2) A member referred to in Subsection (1), shall notify the Chairperson of such pecuniary interest prior to the deliberation of the subject in which he has a pecuniary interest and such a notification shall be recorded in the minutes of proceedings.

**16. PROCEDURE AT MEETINGS.**

(1) Subject to any other provision of this Act, all questions to be decided at a meeting of the Council shall be decided by a majority of the members present.

(2) The Chairperson at a meeting shall have a deliberative vote and, in the case of an equality of votes upon any question, a casting vote.

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(3) At any meeting of the Council, not less than one-half of the total number of members for the time being shall form a quorum.

(4) Subject to this Act, the procedures of the Council are as determined by it.

**17. DELEGATION.**

(1) The Council may, in relation to any matter or class of matters, or in relation to any activity or function of the University, by resolution, delegate all or any of its powers and functions under this Act (except this power of delegation and its powers in relation to the making of By-laws) to any member of the Council with or without any other person, or any member of the staff of the University.

(2) A delegation under this section is revocable by resolution of the Council.

**PART III. – PRESIDENT OF THE UNIVERSITY, APPOINTMENT AND  
REMOVAL OF PRESIDENT AND OTHER OFFICERS OF THE  
UNIVERSITY.**

**18. PRESIDENT OF THE UNIVERSITY.**

(1) There shall be a President of the University who shall be an eminent academic or a distinguished administrator and shall be appointed by three quarters of the members of the Council on such terms and conditions as may be prescribed.

(2) The President shall be the chief executive officer of the University responsible for all administrative, academic and financial functions of the University, and for ensuring that the provisions of the Act, By-laws, Statutes, Regulations and Rules are faithfully observed in order to promote the general efficiency and good order of the University.

(3) The President shall have all powers prescribed for this purpose, including administrative control over the officers, teachers and other employees of the University.

(4) The President shall, if present, be entitled to attend any meeting of any Authority or body of the University.

(5) The President may, in an emergency that in his opinion requires immediate action ordinarily not in the competence of the President, take such action and forward, within seventy-two hours, a report of the action taken to the members of the Emergency Committee of the Council, to be set up by Statute and the Emergency Committee may direct such further action as is considered appropriate.

(6) The President shall also have the powers -  
(a) to direct teachers, officers and other employees of the University to take up such assignments in connection with examinations, administration and such other activities in the University as he may consider necessary for the purposes of the University; and

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- (b) to sanction by re-appropriation an amount not exceeding an amount prescribed by the Council for an unforeseen item not provided for in the budget and report it to the Council at the next meeting; and
- (c) to make appointments of such categories of employees of the University and in such manner as may be prescribed by the By-laws or Statutes; and
- (d) to suspend, discipline and remove, in accordance with prescribed procedure, those appointed by or with the approval of the Council; and
- (e) to delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer or officers of the University; and
- (f) to exercise and perform such other powers and functions as may be prescribed.

(7) The President shall preside at the convocation of the University in the absence of the Chairperson.

(8) The President shall present an annual report before the Council within three months of the close of the academic year.

(9) The annual report shall present information as regards the academic year under review as may be prescribed, including disclosure of all relevant facts pertaining to-

- (a) academics; or
- (b) research; or
- (c) administration; or
- (d) finances.

(10) The President's annual report shall be made available, prior to its presentation before the Council, to all officers and University teachers and shall be published in such numbers as are required to ensure its wide circulation.

**19. APPOINTMENT AND REMOVAL OF THE PRESIDENT.**

(1) The President shall be appointed by three quarters of the members of the Council on the recommendations made by the Search Committee.

(2) A Search Committee, for the recommendations of persons suitable for appointment as President, shall be constituted by the Council on the date and in the manner prescribed by the By-laws or Statutes and shall consist of -

- (a) two eminent members of society nominated by the Chairperson of whom one shall be appointed the Chair of the Search Committee; and
- (b) two members of the Council; and
- (c) two distinguished University lecturers who are not members of the Council; and
- (d) one academic of eminence not employed by the University.

(3) The two distinguished University lecturers shall be selected by the Council through a process, to be prescribed by the Council, that provides for the recommendation of suitable names by the University lecturers in general.

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(4) The Search Committee shall remain in existence until such time that the appointment of the next President has been made by the Council.

(5) The persons proposed by the Search Committee for appointment as President shall be considered by the Council and of these a panel of three, in order of priority, shall be recommended to the Council.

(6) The Council may decline to appoint any of the three persons recommended and seek recommendation of a fresh panel and in the event of a fresh recommendation being sought by the Chairperson, the Search Committee shall make a proposal to the Council in the prescribed manner.

(7) The President shall be appointed for a renewable tenure of five years on terms and conditions prescribed by By-laws or Statute and the tenure of an incumbent President shall be renewed by the Chairperson on receipt of a resolution of the Council in support of such renewal and the Chairperson may call upon the Council to reconsider such resolutions.

(8) The Council may, pursuant to a resolution passed by three-fourths of its membership, recommend to the Chairperson the removal of the President on the ground of inefficiency, moral weakness or physical or mental incapacity or gross misconduct, including misuse of position for personal advantage of any kind.

(9) The Chairperson may make a reference to the Council stating the instances of inefficiency, moral weakness or physical or mental incapacity or gross misconduct on the part of the President that have come to his notice and after consideration of the references, the Council may, pursuant to a resolution passed by three-fourths of its membership, recommend to the Chairperson for the removal of the President.

(10) Prior to a resolution for the removal of the President being voted upon, the President shall be given an opportunity of being heard.

(11) A resolution recommending the removal of the President shall be submitted to the Chairperson forthwith and the Chairperson may accept the recommendation and order removal of the President or return the recommendation to the Council.

(12) At any time when the office of the President is vacant, or the President is absent or is unable to perform the functions of his office due to illness or some other cause, the Council shall make such arrangements for the performance of the duties of President as it may deem fit.

**20. REGISTRAR.**

(1) There shall be a Registrar of the University to be appointed by the Council on the recommendation of the President, on such terms and conditions as may be prescribed.

(2) The experience as well as the professional and academic qualifications necessary for appointment to the post of the Registrar shall be as prescribed.

(3) The Registrar shall be a full-time officer of the University and shall -



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- (a) be the administrative head of the secretariat of the University and be responsible for the provision of secretariat support to the Authorities of the University; and
- (b) be the custodian of the Common Seal and the academic records of the University; and
- (c) maintain a register of registered graduates in the prescribed manner; and
- (d) supervise the process of election, appointment or nomination of members to the various authorities and other bodies in the prescribed manner; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Registrar shall be a renewable period of three years.

(5) The Council may, on the advice of the President, terminate the appointment of the Registrar on grounds of inefficiency or misconduct in accordance with prescribed procedure.

**21. BURSAR.**

(1) There shall be a Bursar of the University to be appointed by the Council on the recommendation of the President, on such terms and conditions as may be prescribed.

(2) The experience and the professional and academic qualifications necessary for appointment to the post of the Bursar shall be as prescribed.

- (3) The Bursar shall be the chief financial officer of the University and shall -
- (a) manage the assets, receipts, expenditures, funds and investments of the University; and
  - (b) prepare the annual and revised budget estimates of the University and present them to the Cabinet or to a committee thereof for approval and incorporation in the budget to be presented to the Council; and
  - (c) ensure that the funds of the University are expended on the purposes for which they are provided; and
  - (d) have the accounts of the University audited annually so as to be available for submission to the Council within six months of the close of the financial year; and
  - (e) perform such other duties as may be prescribed.

(4) The term of office of the Bursar shall be a renewable period of three years.

(5) The Council may, on the advice of the President, terminate the appointment of the Bursar on grounds of inefficiency or misconduct in accordance with prescribed procedure.

**22. CONTROLLER OF EXAMINATIONS.**

(1) There shall be a Controller of Examinations, to be appointed by the Council on the recommendation of the President, on such terms and conditions as may be prescribed.

(2) The minimum qualifications necessary for appointment to the post of the Controller of Examinations shall be as prescribed.

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(3) The Controller of Examinations shall be a full-time officer of the University and shall be responsible for all matters connected with the conduct of examinations and perform such other duties as may be prescribed.

(4) The Controller of Examinations shall be appointed for a renewable term of three years.

(5) The Council may, on the advice of the President, terminate the appointment of the Controller of Examinations on grounds of inefficiency or misconduct in accordance with prescribed procedure.

**23. STAFF.**

(1) Subject to this Act and the By-laws, the Council may from time to time appoint such teaching staff and other staff and servants of the University on such terms and conditions as the Council deems necessary.

(2) The powers, duties and functions of the staff under this section shall be prescribed by this Act and the By-laws.

**24. OFFICERS OF THE UNIVERSITY.**

The principal officers of the University shall consist of -

- (a) the Chairperson; and
- (b) the President; and
- (c) the Vice Presidents; and
- (d) the Deans; and
- (e) the Principals of the constituent colleges; and
- (f) the Heads of the teaching departments; and
- (g) the Registrar; and
- (h) the Bursar; and
- (i) the Controller of Examinations; and
- (j) such other persons as may be prescribed by the Council or Regulations to be the principal officers of the University.

**25. AUTHORITIES OF THE UNIVERSITY.**

(1) The Authorities of the University shall consist of -

- (a) the Authorities established by this Act, which shall comprise of -
  - (i) the Council; and
  - (ii) the Cabinet; and
  - (iii) the Academic Board; and
- (b) the Authorities to be established by By-laws which shall comprise of -
  - (i) a graduate and research management committee; and
  - (ii) a recruitment, development, evaluation and promotion committees for teachers and other staff whether at the level of the department, the faculty or the University; and
  - (iii) a career placement and internship committee of each faculty; and
  - (iv) a faculty; and
  - (v) a department.

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(2) The Council, the Cabinet and the Academic Board may set up such other committees or sub-committees, by whatever name described, as are considered desirable through By-laws as appropriate and such committees or sub-committees shall be the Authorities of the University for the purposes of the Act.

**26. CABINET.**

- (1) There shall be a Cabinet of the University consisting of the following:
- (a) the President who shall be its Chairperson *ex officio*; and
  - (b) the Deans of the Faculties of the University; and
  - (c) three professors from different departments, who are not members of the Council, to be elected by the University Teachers in accordance with procedure to be described by the Council; and
  - (d) Principals of the constituent colleges; and
  - (e) the Registrar; and
  - (f) the Bursar; and
  - (g) the Controller of Examinations.

(2) Members of the Cabinet, other than *ex officio* members, shall hold office for three years.

(3) The quorum for a meeting of the Cabinet shall be one-half of the total number of members, a fraction being counted as one.

(4) The Cabinet shall meet at least once in each quarter of the year.

**27. POWERS AND DUTIES OF THE CABINET.**

(1) The Cabinet shall be the executive body of the University and shall, subject to the provisions of the Act, By-laws, and the Statutes, exercise general supervision over the affairs and management of the University.

(2) Without prejudice to the generality of the foregoing powers, and subject to the provisions of the Act, By-laws, the Statutes and directions of the Council, the Cabinet shall have the following powers:

- (a) to consider the annual report, the annual and revised budget estimates and to submit these to the Council; and
- (b) to transfer and accept transfer of movable property on behalf of the University; and
- (c) to enter into, vary, carry out or cancel contracts on behalf of the University; and
- (d) 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
- (e) to invest any money belonging to the University including any unapplied income, the purchase of immovable property or in such other manner, as it may prescribe, with the like power of varying such investments; and

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- (f) to receive and manage any property transferred and grants, bequests, trust, gifts, donations, endowments, and other contributions made to the University; and
- (g) to administer any funds placed at the disposal of the University for specified purposes; and
- (h) to provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the University; and
- (i) to establish and maintain halls of residence and hostels or approve or license hostels or lodgings for the residence of students; and
- (j) to recommend to the Council affiliation or disaffiliation of colleges; and
- (k) to recommend to the Council admission of educational institutions to the privileges of the University and withdraw such privileges; and
- (l) to arrange for the inspection of colleges and the departments; and
- (m) to institute professorships, associate professorships, assistant professorships, lectureships, and other teaching posts or to suspend or to abolish such posts; and
- (n) to create, suspend or abolish such administrative or other posts as may be necessary; and
- (o) to prescribe the duties of officers, teachers and other employees of the University; and
- (p) to report to the Council on matters with respect to which it has been asked to report; and
- (q) to appoint members to various Authorities in accordance with the provisions of the Act; and
- (r) to propose drafts of By-laws and Statutes for submissions to the Council; and
- (s) to regulate the conduct and discipline of the students of the University; and
- (t) to take actions necessary for the good administration of the University in general and to this end exercise such powers as are necessary; and
- (u) to delegate any of its powers to any Authority or officer or a committee; and
- (v) to perform such other functions as have been assigned to it by the provisions of the Act or may be assigned to it by the By-laws.

**28. ACADEMIC BOARD.**

- (1) There shall be an Academic Board of the University consisting of the following:
  - (a) the President who shall be its Chairperson *ex officio*; and
  - (b) the Deans of Faculties and such Heads of Departments as may be prescribed; and
  - (c) five members representing the departments, institutes and the constituent colleges to be elected in the manner prescribed by the Council; and
  - (d) two Principals of affiliated colleges; and
  - (e) two Professors including Emeritus Professor; and
  - (f) the Registrar; and
  - (g) the Controller of Examinations; and
  - (h) the Librarian.

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- (2) The Council shall appoint the members of the Academic Board, other than the *ex officio* and the elected members, on the recommendation of the President and the two professors and the members representing the departments, institutes and the constituent colleges of the Council.
- (3) Members of the Academic Board shall hold office for three years.
- (4) The Academic Board shall meet at least once in each quarter.
- (5) The quorum for meetings of the Academic Board shall be one half of the total number of members, a fraction being counted as one.

### **29. POWERS AND FUNCTIONS OF THE ACADEMIC BOARD.**

- (1) The Academic Board shall be the principal academic body of the University and shall, subject to this Act and the By-laws and Statutes, have the powers to -
  - (a) approve the policies and procedures pertaining to the quality of academic programs; and
  - (b) approve academic programs; and
  - (c) approve the policies and procedures pertaining to student related functions including admissions, expulsions, discipline, examinations and certifications; and
  - (d) approve the policies and procedures assuring quality of teachings and research; and
  - (e) recommend the policies and procedures for affiliation of other educational institutions; and
  - (f) propose to the Cabinet schemes for the constitution and organization of faculties, teaching departments and boards of studies; and
  - (g) appoint paper setters and examiners for all examinations of the University after receiving panels of names from the relevant authorities; and
  - (h) institute programs for the continued professional development of University Teachers at all levels; and
  - (i) recognise the examinations of other Universities or examining bodies as equivalent to the corresponding examinations of the University; and
  - (j) regulate the award of studentships, scholarships, exhibitions, medals and prizes; and
  - (k) frame Regulations for submission to the Council; and
  - (l) prepare an annual report on the academic performance of the University; and
  - (m) perform such functions as may be prescribed by Regulations.

## **PART IV. – BY-LAWS, STATUTES, REGULATIONS AND RULES.**

### **30. BY-LAWS.**

- (1) The Council may, from time to time, make By-laws with respect to all or any of the following matters:
  - (a) the management, good government and discipline of the University; and
  - (b) the use and custody of the Common Seal; and

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- (c) the manner and time of convening, holding and adjourning and meeting of the Council of the University, the voting at such meetings (including postal and proxy voting), the appointment, powers and duties of the Chairman, the conduct and record of business, the appointment of Committees of the Council of the University, and the quorum, powers and duties of such Committees; and
- (d) the resignation of members of the Council of the University; and
- (e) the tenure of office, stipend and powers and duties of the President; and
- (f) the tenure of the holder of any office or place established by or under this Act in respect of which this Act does not specify a term of office or provide for the fixing of the term of office otherwise than by the By-laws; and
- (g) the number, stipend, manner of appointment and dismissal of the teaching and other staff and servants of the University; and
- (h) the subjects to be taught and program of study to be undertaken by the University; and
- (i) the admission or expulsion and attendance of students; and
- (j) the times, places and manner of holding lectures, classes and examinations and the number and character of such lectures, classes and examinations; and
- (k) the promotion and extension of higher education; and
- (l) the granting of degrees, diplomas, certificates and honours; and
- (m) the granting of scholarships, exhibitions, bursaries and prizes; and
- (n) the admission of students of other colleges or institutions to any corresponding diploma or certificate without examination; and
- (o) the fees to be paid to the University and the exemption of a person or of a class or classes of persons from payment of those fees; and
- (p) the establishment, management and control of libraries, laboratories, museums and other institutions or establishments in connection with the University; and
- (q) the establishment or affiliation of residential colleges within or connected with the University; and
- (r) the affiliation or admission to the University of any educational or research establishment wherever situated; and
- (s) the control and investment of the property of the University; and
- (t) the provision of superannuation benefits for, and for the families of, the salaried teachers and other salaried staff of the University or any class of those teachers or staff; and
- (u) the recognition, in lieu of or for the purpose of any examination or course of study, of any course of study completed or examination passed in any technical University, school or college, high school and secondary school or in any correspondence course or tutorial class; and
- (v) the licensing of boarding houses instead for the accommodation of students; and
- (w) generally, all other matters authorised by this Act or necessary or convenient for giving effect to this Act.

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(2) The By-laws may provide for empowering any authorised person (including the Council of the University) or officer of the University to make rules or orders (not inconsistent with this Act or with any By-laws) for regulating or providing for the regulation of any specified matter (being a matter with respect to which By-laws may be) or for carrying out or giving effect to the By-laws, and such rule or order shall have the same force and effect as a By-law.

**31. BY-LAWS TO BE SEALED AND APPROVED.**

(1) A By-law made by the Council shall be sealed with the Common Seal and shall not be effective until it has been approved by the Head of State, acting on advice and published in the National Gazette.

(2) A By-law shall not be expressed to take effect from a date before the date of publication in a case where, if it so took effect -

- (a) the rights of a person (other than the University) existing at the date of publication would be affected in a manner prejudicial to that person; or
- (b) liabilities would be imposed on a person (other than the University) in respect of anything done or omitted to be done before the date of publication.

(3) Where, in a By-law, a provision is made in contravention of Subsection (2), that provision shall be void and of no effect.

**32. STATUTES.**

(1) Subject to the provisions of the Act, Statutes may be made by the Cabinet and approved by the Council to regulate or prescribe all matters concerning human resource, financial and administrative affairs of the University.

(2) The drafted Statutes shall be proposed by the Cabinet to the Council, which may approve or pass with such modifications as the Council may think fit or may refer back to the Cabinet, as the case may be, for reconsideration of the proposed draft.

(3) A Statute proposed by the Cabinet shall not be effective unless it receives the approval of the Council.

**33. REGULATIONS.**

(1) Subject to the provisions of the Act, Regulations may be made by the Academic Board and approved by the Council to regulate or prescribe all matters concerning affairs of the University.

(2) Regulations shall be made by the Academic Board and shall be submitted to the Council which may approve them or withhold approval or refer them back to the Academic Board for reconsideration.

(3) A Regulation proposed by the Academic Board shall not be effective unless it receives the approval of the Council.

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**34. RULES.**

(1) The Authorities and the other bodies of the University may make Rules, consistent with the Act, Statutes or the Regulations, to regulate any matter relating to the affairs of the University which has not been provided for by the Act or that is not required to be regulated by the Statutes or Regulations, including rules to regulate the conduct of business and the time and place of meetings and related matters.

(2) Rules shall become effective upon approval by the Council.

**35. AMENDMENT AND REPEAL OF STATUTES AND REGULATIONS.**

(1) The procedure for adding to, amending or repealing the Statutes and the Regulations shall be the same as that prescribed by the Council respectively for framing or making Statutes and Regulations.

(2) All Statutes and Regulations must be approved by the University Council and they are not to be published in the official Gazette, as they should respond to the changes taking place in the higher education sector, so the University has a policy framework to respond in a timely manner to the changes affecting it.

**PART V. – FINANCE, PROPERTY, ETC.**

**36. COUNCIL OF THE UNIVERSITY TO CONTROL AND MANAGE PROPERTY.**

The Council shall have control and management of all real and personal property at any time vested in or acquired by the University, and may dispose of real and personal property in the name of and on behalf of the University.

**37. POWER TO BORROW.**

(1) Subject to this Act and to Subsection (2), the Council may borrow money at interest by way of mortgage, bank overdraft or otherwise -

(a) for the purpose of carrying out or performing any of its powers, authorities, duties and functions; and

(b) for the repayment or partial repayment of any sum previously borrowed, within such limits and upon such conditions as to security or otherwise as the Council shall from time to time determine.

(2) A resolution to borrow money shall be made by a two-thirds absolute majority of the entire Council.

**38. ACQUIRE BY GIFT, ETC.**

(1) Subject to Section 39 and Subsection (2), the University may acquire by gift, bequest or devise any property, and agree to and carry out the conditions of any such gift, bequest or devise and the Council may create and administer such trust funds as may be necessary or expedient for carrying out the conditions of any such gift, bequest or devise.

(2) A two-thirds majority vote of the entire Council shall be required for the acceptance by the University of any gifts, bequests or devise.



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(3) The Council may establish one or more investment funds for the collective investment of any trust funds by or in the custody of the University.

(4) The Council may, from time to time, without liability for breach of trust, bring into or withdraw from any such investment fund, the whole or any part of any trust fund held by or in the custody of the University.

**39. ACQUISITION OF MAJOR CAPITAL ASSETS.**

The acquisition by the University of any major capital assets shall only be effected after a two-thirds majority vote of the entire Council of the University.

**40. BOOKS AND ACCOUNTS TO BE KEPT.**

The Council shall establish and keep full and complete books and accounts of all moneys received and paid by the University.

**41. AUDIT.**

Part III of the *Audit Act 1989* applies to the Western Pacific University.

**PART VI. – MISCELLENEOUS.**

**42. CONFERMENT OF DEGREE, ETC.**

(1) Subject to the *Higher Education (General Provisions) Act 2014* and the By-laws, the Council may, after examination, confer any degree, diploma or certificate in respect of any course of study as determined by the Council.

(2) All degrees, diplomas and certificates conferred by the University shall be evidenced in writing under the Common Seal of the University and signed by the Chairman and the President.

**43. APPOINTMENT OF COMMITTEES.**

(1) The Council may, by resolution, constitute and appoint such Committees as it thinks fit.

(2) A Committee constituted under this section shall exercise such powers and perform such functions as are conferred upon it by the Council.

**44. VALIDATION.**

No acts or proceedings of, or of the members of any committee of the Council and no act done by any person acting as Chairman or President, shall be invalidated by reason of -

- (a) a defect in the appointment or choosing of any member of the Council; or
- (b) a disqualification of any such manner; or
- (c) a vacancy or vacancies in the office of a member or members of the Council.

**45. REMOVAL OF DIFFICULTIES.**

(1) If any difficulty arises in giving effect to any of the provisions of the Act, the Chairperson may make such order, after obtaining the views of the Council, not inconsistent with the provisions of the Act, as may appear to him to be necessary, for removing the difficulty.

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(2) Where the Act makes any provision for anything to be done but no provision or no sufficient provision has been made as respects the authority by whom, or the time at which, or the manner in which, it shall be done, then it shall be done by such authority, at such time, or in such manner as the Chairperson may direct, after obtaining the views of the Council.

**46. FILLING OF CASUAL VACANCIES IN AUTHORITIES.**

Any casual vacancy among the members of any Authority shall be filled, as soon as conveniently possible, in the same manner and by the same person or Authority that had appointed the member whose place has become vacant and the person appointed to the vacancy shall be a member of such Authority for the residue of the term of which the person whose place he fills, would have been a member.

**47. FLAWS IN THE CONSTITUTION OF AUTHORITIES.**

Where there is a flaw in the constitution of an Authority as constituted by this Act, By-laws, the Statutes or the Regulations on account of the abolition of a specified office under the Government or because an organisation, institution or other body outside the University has been dissolved or has ceased to function, or because of some other similar reason, such flaw shall be removed in such manner as the Council may direct.

**48. PROCEEDINGS OF AUTHORITIES NOT INVALIDATED BY VACANCIES.**

No act, resolution or decision of any Authority shall be invalid by reason of any vacancy on the Authority doing, passing, or making it or by reason of any want of qualification or invalidity in the election, appointment or nomination of any de facto member of the Authority, whether present or absent.

**49. INDEMNITY.**

No suit or legal proceedings shall lie against the Government, the University or any Authority, officer or employee of the Government or the University or any person in respect of anything which is done in good faith under the Act.

I hereby certify that the above is a fair print of the *Western Pacific University Act 2014*, which has been made by the National Parliament.

Acting Clerk of the National Parliament.

I hereby certify that the *Western Pacific University Act 2014* was made by the National Parliament on 28 August, 2014 by an absolute majority as required by the *Constitution*.

Speaker of the National Parliament.