

# REPRINT

## **COLLEGE OF HIGHER EDUCATION ACT (CAP. 68)**

**As in force at: 27 February 2009**

**STATUS: REPEALED**

This version is that in force at the date stated above.

For list of amendments see Endnotes

Repealed by the Solomon Islands National University Act  
2012 (No. 9 of 2012) from 1 January 2013

**AN ACT TO ESTABLISH AN AUTONOMOUS BODY BY THE NAME OF THE  
COLLEGE OF HIGHER EDUCATION FOR PROVIDING HIGHER EDUCATION  
IN SOLOMON ISLANDS, AND FOR MATTERS CONNECTED THEREWITH OR  
INCIDENTAL THERETO**



# COLLEGE OF HIGHER EDUCATION ACT (CAP. 68)

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# COLLEGE OF HIGHER EDUCATION ACT (Cap. 68)

As in force at: 27 February 2009

## CHAPTER I PRELIMINARY

### 1 Short title

This Act may be cited as the *College of Higher Education Act*.

### 2 Interpretation

In this Act, unless the context otherwise requires:

**“academic staff”** means the academic staff of the College, classified as such by the Council;

**“administrative staff”** means the administrative staff of the college, classified as such by the Council;

**“College”** means the College of Higher Education established by section 3;

**“Council”** means the Council of the College constituted under section 9;

**“college grounds”** means all land:

- (a) held under any tenure by the College; or
- (b) placed under the control and management of the College pursuant to the provisions of this Act, for, or in connection with, the performance of its functions; and includes all buildings and structures on, and appurtenances to such land;

**“Deputy Director”** means the person appointed to that position by the Council;

**“Director”** means the Director of the College appointed by the Council;

**“Head of School”** means the person appointed by the Council to be the academic and administrative Head of each School;

**“Minister”** means the Minister charged for the time being with responsibility for education and training;

**“School”** means a School of the College specified in section 4;

**“Statutes”** means the Statutes made by the Council and having effect under section 17.

## **CHAPTER II THE COLLEGE OF HIGHER EDUCATION**

### **3 Establishment and incorporation of the College**

- (1) There is hereby established an educational body to be known by the name of the College of Higher Education for imparting higher education in Solomon Islands:

Provided that the Governor-General may, on the advice of the Minister, alter the name of the College, and the provisions of the Act shall apply as if it were established and incorporated with such altered name.

- (2) The College with its constituting units prescribed by section 4 shall be a body corporate under that name with perpetual succession and a common seal, which may, in that name, sue or be sued, enter into contract, 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, in such property, subject to the provisions of this Act.
- (3) All deeds, documents and other instruments required to be executed by or on behalf of the College shall be executed by the Director or by some other person authorised by the Council to act in that behalf and shall be required to be sealed with the common seal of the College by the Director or the other person so authorised by the Council and such deed, document and other instrument so executed and sealed shall be sufficient evidence until the contrary is proved, that such deed, document or other instrument was duly executed and sealed by the common seal of the College so as to bind the College.

- (4) Service of any document on the College shall be deemed to be effected by delivering the same to the Director or any other person authorised by the Council to act in that behalf, or by sending it by a registered post addressed to the Director.

#### **4 Constituting units of the College**

- (1) The College shall consist of the following constituting units:
- (a) the Council;
  - (b) the School of Education;
  - (c) the School of Administration;
  - (d) the School of Industrial Development;
  - (e) the School of Natural Resources;
  - (f) the School of Nursing and Paramedical studies;
  - (g) the School of Marine studies;
  - (h) the School of Tourism and Hospitality; and
  - (i) any other School declared by the Minister by order in the *Gazette*, on the advice of the Council.
- (1A) The power of the Minister under subsection (1)(i), includes the power to add, delete or merge schools set out in subsection (1).
- (2) The functions and activities performed by the Solomon Islands Teachers College, Honiara Technical Institute and the Solomon Islands School of Nursing (which institutes ceased to exist as at 31st December, 1984) shall be transferred to and vest in the corresponding constituting units established for the purpose under subsection (1).
- (3) The staff employed by the institutes referred to in subsection (2) may, if they so desire, be eligible to apply for vacant positions at the College, in such manner as the Council may approve, and where any such applicant is successful he shall cease to remain in the public service of Solomon Islands.

- (4) The Council may appoint such committees and boards as it considers necessary or expedient having regard to the functions of the College and may define the composition, powers, functions and duties of those committees or boards, which shall not be inconsistent with the other provisions of this Act.
- (5) A member of a committee or board appointed under this section shall hold office upon such terms and conditions as may be determined by the Council.

## **5 Privileges of the College**

- (1) The College shall have academic freedom in all matters of imparting of higher education in accordance with the provisions of this Act.
- (2) Without prejudice to the generality of the foregoing provision, the College shall:
  - (a) confer degrees, diplomas, certificates, fellowships, scholarships and other awards to students who have passed the qualifying examinations after completing their studies prescribed by the Statutes;
  - (b) hold qualifying examinations in accordance with the Statutes, for the conferment of degrees, diplomas, certificates, fellowships, scholarships and other awards specified in paragraph (a);
  - (c) be exempt from liability to pay any tax or rates under any law; and
  - (d) make no discrimination in the exercise of its privileges or performing of its functions or the discharge of its powers and duties under this Act, on the ground of sex, race, religious or political belief.

## **6 Functions of the College**

The functions of the College shall be as follows:

- (a) to assist the Government to meet the manpower needs of Solomon Islands by:

- (i) providing pre-service training to persons who have finished their primary or secondary education, in areas which are appropriate to the development needs of the country;
  - (ii) improving the skills and knowledge of the existing work force through in-service education and training;
- (b) to provide the opportunity for an increasing number of Solomon Islanders to undertake further education which is appropriate to their background, abilities and interest by:
- (i) reducing the barriers to people who have previously been denied access to education and training as a result of geographic isolation, finance, language problems and family commitments;
  - (ii) assisting in improving the quality and scope of primary and secondary education in order to ensure that students generally have a sufficient level of preparation to undertake further education;
  - (iii) providing the opportunities for students to move progressively through all stages of post-secondary education if they can demonstrate the aptitude and motivation to undertake further studies;
  - (iv) creating an awareness of the availability of post-secondary education opportunities within Solomon Islands and overseas;
  - (v) assisting in meeting identified needs through the development of community education programs in areas in which the College has expertise;
- (c) to conduct applied research and provide consultancy services and co-operate with other research and advisory groups operating within Solomon Islands;
- (d) to develop the College as an efficient and effective institution of higher education by:



- (i) laying down standards of higher education;
  - (ii) developing and maintaining effective organisational structure and procedures; and
  - (iii) the development and evaluation of courses of study offered by the College;
- (e) to assist where possible, other countries of the South Pacific, in meeting their manpower needs in specific areas of study; and
- (f) to liaise with overseas institutions and agencies operating in the field of education, training and applied research.

## **7 Powers of the College**

For performing its functions under this Act, the College may:

- (a) appoint academic and administrative staff upon such terms and conditions of service and on such remuneration as may be prescribed by the Statutes;
- (b) with the written consent of the Minister, contribute to any scheme for pensions, gratuities and retiring allowances for its employees as may be prescribed by the Statutes;
- (c) recognise foreign qualifications on reciprocal basis or otherwise, for purposes of this Act;
- (d) make provisions for exchange of visiting lecturers with foreign educational institutions, on such terms and conditions as may be prescribed by the Statutes; and
- (e) do such other acts and things in accordance with this Act or the Statutes, as it may consider necessary.

## **8 Inspection**

- (1) The Governor-General shall be the Visitor of the College.
- (2) The Visitor may, at such intervals as may seem to him to be proper, or on the request of the Minister, cause inspection of the College or of its constituting units by such person who has, in his view,

necessary academic experience of the administration and management of institutions of higher education with a view to ensuring whether the provisions of this Act are being complied with by the College:

Provided that the Visitor shall not cause such inspection to be made except after directing the attention of the College to such aspects of its functions or any irregularity or default therein as may be specified in the direction, and after considering the comments made, if any, by the College within the time mentioned in the direction.

- (3) The College shall afford to the person making the inspection all such facilities, including access to its records, as he may require by order in writing.
- (4) When inspection is completed, the person making the inspection shall make a report relating thereto, and the College shall take such measures as may be directed by the Visitor after considering the report, and in consultation with the Minister, for ensuring that the provisions of this Act are complied with.

## **CHAPTER III ADMINISTRATION AND MANAGEMENT**

### **9 Council of the College**

- (1) The College shall be managed and administered in accordance with this Act, by a Council, consisting of the following:
  - (a) the Chairman appointed by the Governor-General on the recommendation of the Minister;
  - (b) eight members, each one of whom shall be appointed by the Governor-General, to represent the following fields of studies in the College, on the recommendation of:
    - (i) the Minister, to represent the field of studies in Education;
    - (ii) the Minister responsible for Employment, to represent the field of studies in labour and employment;
    - (iii) the Minister responsible for Finance, to represent the field of studies in Accountancy and Financial Administration;

- (iv) the Minister responsible for Health, to represent the field of studies in Nursing and Paramedical services;
- (v) the Minister responsible for Agriculture, to represent the field of studies in Agriculture;
- (vi) the Minister responsible for Natural Resources, to represent the field of studies in Science;
- (vii) the Minister responsible for National Development, to represent the field of studies in Industrial Development; and
- (viii) the Minister responsible for the Public Services, to represent the field of studies in Administration, other than Accountancy and Financial Administration:

Provided that when there is a change, from time to time, in the nomenclature of assignment of the responsibility of any such Minister, the provisions of this paragraph shall have effect as if for the Minister whose responsibility specified in that paragraph is so changed, and assigned to any other Minister, that other Minister were substituted;

- (c) one member appointed by the Governor-General on the nomination of the Solomon Islands Christians' Association;
- (d) one representative nominated by the students council;
- (e) one member of staff elected by the administrative staff of the College;
- (f) one member of staff elected by the academic staff of the College;
- (g) ex officio members who shall be:
  - (i) the Director of the College;
  - (ii) the Deputy Director;
  - (iii) two Heads of School elected by the other Heads of School to serve for two years; and

- (iv) the Vice-Chancellor of the University of the South Pacific or his nominee.
- (2) In making a recommendation of a person for appointment under subsection (1), the Ministers shall have due regard to the academic background, working experience and other relevant considerations in regard to that person so as to promote standards of higher education in accordance with this Act.
- (3) The Council shall not, in the exercise of its powers or functions be subject to the direction of any person or body of persons.
- (4) No member of the academic or administrative staff, or student, of the College shall be eligible for appointment as Chairman or election as acting Chairman of the Council.

**10 Terms of office of members of Council**

- (1) Subject to this section and the Statutes, a member other than an ex officio member of the Council shall hold office for a term of three years.
- (2) Upon the expiration of his term of office, such member shall, subject to this Act, be eligible for re-appointment or re-election, as the case may be.
- (3) A person appointed or elected to fill a casual vacancy before the expiration of the term of his predecessor shall hold office for the residue of the term of his predecessor.
- (4) Where a member of the Council does not continue in the capacity by virtue of which he was entitled to election or appointment as such member, he may, if the Council approves, continue as a member of the Council until the expiration of his term of office.
- (5) The Governor-General may on the recommendation of the Minister remove the Chairman or any other member of the Council from office:
  - (a) for dishonest or dishonourable conduct or any other act of indiscipline; or
  - (b) for neglect of duty;

- (c) for acting in contravention of the provisions of this Act; or
- (d) for absence from three consecutive meetings of the Council without leave of the Council:

Provided that no action for such removal shall be taken against any such person without giving him an opportunity to show cause why he should not be removed from office on the allegation brought to the notice of the Governor-General, and except after considering such cause, if any, shown by such person.

## **11 Responsibilities of the Council**

- (1) The Council shall be the governing body of the College, and shall be responsible for performing the functions and exercising the powers of the College in accordance with the provisions of this Act and the Statutes.
- (2) Without prejudice to the generality of the foregoing provision, the Council shall be responsible for the following matters:
  - (a) the creation, suspension and abolition of academic and administrative positions in the College staff establishment;
  - (b) the procedures for the appointment of members of the staff;
  - (c) the salary structure and other conditions of service of members of the academic staff and the administrative staff;
  - (d) the institution of fellowships, degrees, diplomas, certificates and other awards as may be prescribed by the Statutes,
  - (e) the determination of the courses of study offered by the College;
  - (f) the provision of appropriate activities for the personal development and well being of the students;
  - (g) the fostering of close association with educational, commercial, research and other appropriate organisations;
  - (h) the provision and maintenance of buildings, premises, furniture and other facilities necessary for carrying on the work of the

College;

- (i) the receiving of grants from the Government and other gifts, donations and financial assistance for the purposes of the College, from such sources as may be approved by the Minister of Finance;
  - (j) the management and regulation of the finances of the College, the sanctioning and appropriation of funds and expenditure, maintenance of accounts and investing of the funds of the College, in such manner as may be prescribed by the Statutes;
  - (k) the borrowing of funds for and on behalf of the College;
  - (l) the regulation and control of admission of persons to the various courses of studies in the College;
  - (m) the discipline of staff and students including the imposition of such penalties as may be prescribed by statutes;
  - (n) the fees to be charged by the College for admission into any course of study in any School of the College;
  - (o) the provision of training schemes for the development of academic staff and administrative staff;
  - (p) the making of and amendment to the Statutes for the conduct of the affairs of the College; and
  - (q) such other matters as may be prescribed by the Statutes.
- (3) The Council shall have full powers to give effect to its responsibilities specified under subsection (1).
- (4) The Council may, by order in writing, delegate any of its responsibilities and powers under this Act on such conditions to such persons in the academic staff or the administrative staff of the College, as may be specified in the order:

Provided that such delegation shall not derogate from the responsibilities and powers of the Council under this Act or the Statutes:

Provided further that the Council may revoke such delegation at any time by an order in writing.

## **12 Conduct of business**

- (1) Subject to quorum, a decision carried by a majority of the votes of the members present at a meeting of the Council shall be the decision of the Council.
- (2) A quorum of the Council shall consist of the prescribed number of members of the Council calculated in accordance with subsection (3).
- (3) The prescribed number shall be calculated by dividing the number of persons who are for the time being members of the Council by two, ignoring any fraction resulting from the division, and adding one.
- (4) The Chairman or, if he is not present, an acting Chairman, elected by the members present at a meeting of the Council, shall preside at that meeting.
- (5) The person presiding at a meeting of the Council shall, in the event of equality of votes upon any question arising before the Council, have a second or casting vote.
- (6) Subject to this Act, and the Statutes, the business of the Council of the College, shall be conducted in such manner as the Council may determine.

## **13 Validity of acts and decisions of the Council**

No decision of the Council or act done in pursuance thereof shall be invalid by reason only of any vacancy in the office of a member of the Council or on the ground of any defect in the election, nomination, or appointment of any such member if such decision was taken in accordance with section 12.

## **14 Duties of the Director**

The Director shall:

- (a) be the Chief Executive Officer of the College and be responsible to the Council for the conduct of the affairs of the

College;

- (b) report regularly to the Council on the affairs of the College; and
- (c) discharge the affairs of the College subject to the provisions of this Act and the Statutes and resolutions of the Council.

#### **15 Duties of Deputy Director**

- (1) The Deputy Director shall assist the Director in the performance of his duties and the discharge of his responsibilities in such manner, as the Council may determine.
- (2) The Deputy Director shall act for the Director in his absence.

#### **16 Student bodies**

- (1) For the purpose of the development of a healthy academic and corporate atmosphere within the College, the Council may approve the formation of a union, association or council of students, or students and staff, of the College.
- (2) The constitution and rules of any such union, association or council shall be approved by the Council so as to ensure discipline and healthy academic and corporate atmosphere in the College.

### **CHAPTER IV MISCELLANEOUS**

#### **17 Power to make Statutes**

- (1) The Council may make, alter and repeal Statutes for all or any of the following matters:
  - (a) the conduct of the business and proceedings of the Council,
  - (b) the election of members of the Council,
  - (c) the conditions of service and remuneration of the Chairman of the Council, the Director, or any other member, officer, or employee of the College;
  - (d) the administration and management of the College;



- (e) the qualifications required for admission to any course or courses of education or training provided by the College,
- (f) the conferring of fellowships, degrees, diplomas, certificates, scholarships, exhibitions, prizes and other awards in accordance with this Act;
- (g) the fees payable to the College by students, or any class of students for instruction or training provided by the College;
- (h) the fees payable to the College for the grant of any fellowship, diploma, certificate or other award;
- (i) the fees payable to the College for any other purpose, or payable to any union, association or council of students, or students and staff of the College;
- (j) the abatement or waiver of such fees;
- (k) courses of instruction, lectures and classes to be provided by the College;
- (l) examinations and other methods of assessing the academic attainments and performance of students;
- (m) residential accommodation for students and the licensing of boarding houses;
- (n) the establishment and management of branches of the College;
- (o) co-operation between the College and any University or other college or educational institutes and the affiliation of educational institutions with the College;
- (p) the maintenance of good order and discipline in the College;
- (q) the establishment of Boards of studies in Schools and their practices, procedures, jurisdiction and powers;
- (r) the establishment and administration of a fund for the purpose of assisting students in necessitous circumstances;
- (s) imposition of fines for the contravention of the provisions of this

Act or the Statutes and the remedy for the recovery of such fines; and

- (t) any other matter affecting the administration and management of the College which may be or which is required to be prescribed under this Act.
- (2) Every proposed Statute shall, at least fourteen days before the day on which it is made by the College, be submitted to the Minister for confirmation of the Governor-General.
  - (3) Every Statute made pursuant to this section shall:
    - (a) be sealed with the Seal of the College and submitted to the Governor-General for confirmation;
    - (b) after confirmation by the Governor-General be published in the *Gazette* and laid before Parliament, and
    - (c) take effect on the day on which it is published in the *Gazette*, or on any later day specified in the Statute.
  - (4) Statutes made under this section shall be deemed to be subsidiary legislation to which the provisions of this section, and not section 62 of the *Interpretation and General Provisions Act*, shall apply.
  - (5) If within fourteen sitting days from the day on which a Statute has been laid before Parliament, Parliament resolves that the statute is annulled or shall have effect subject to such amendments as may be specified in the resolution, the Statute shall cease to have effect, or continue to have effect subject to those amendments, but without prejudice to the validity of anything previously done under or in pursuance of that Statute.
  - (6) A fine imposed in accordance with any Statute shall be a debt due to the College and shall be recoverable by the College by an action in a competent court, if the remedy available to it for its recovery under the Statutes fails.

## **18 Accounts and audit**

- (1) The College shall cause proper accounts to be kept of its financial

affairs in the manner prescribed by the Statutes, having regard to the provisions of the *Public Finance and Audit Act*.

- (2) The Auditor-General may, at any time, and shall at least once in every calendar year, audit the accounts of the College.
- (3) For the purpose of the audit, the Auditor-General shall have, and may exercise in relation to the accounts of the College and the accounting officers of the College, the same powers as are conferred on him by the *Public Finance and Audit Act* in relation to public accounts and accounting officers.

## **19 Allotment of grants**

- (1) The Ministry of Finance shall pay to the College in each financial year such grants as may be necessary for the purpose of enabling the College adequately to perform and discharge its functions and duties under this Act.
- (2) The College shall submit to the Ministry of Finance, at such times, in such form such information in relation to the financial requirements of the College as the Ministry may require.

## **20 Borrowing of money**

- (1) The College may, with the approval of the Minister of Finance, borrow money for the purpose of enabling it to perform its functions under this Act.
- (2) The provisions of section 33 of the *Public Finance and Audit Act* shall apply to the guarantee of the repayment of loans borrowed by the College.

## **21 Investing of money**

The Council may, from time to time, and with the approval of the Minister of Finance invest the funds of the College in such manner and on such terms and conditions as it thinks fit to secure the maximum returns from such investment for the purposes of the College.

**22            Publication of report**

The Council shall, within four months after the end of each calendar year, prepare a report of the operations of the College during that year and submit it to the Minister who shall cause it to be laid before Parliament.

**23            Construction of references to the power of making appointments**

Any reference in this Act to the power to make any appointment of any officer of the College or of a member of the administrative staff shall be construed as including a reference to the power to make appointments on promotion, and transfer, where possible, of such officer or member in the College, and to the power to appoint a suitable person to act as such officer or member during any period during which the post of that officer or member is vacant or the holder thereof is unable to perform the duties of the post held by him.

**24            Bar of application of Education Act**

Nothing contained in the *Education Act* shall apply to the College or to any officer of the College, or any member of its academic staff or the administrative staff.

## ENDNOTES

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### KEY

<b>amd = amended</b>	<b>Pt = Part</b>
<b>Ch = Chapter</b>	<b>rem = remainder</b>
<b>Div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>GN = Gazette Notice</b>	<b>Sch = Schedule</b>
<b>hdg = heading</b>	<b>Sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SIG = Solomon Islands Gazette</b>
<b>lt = long title</b>	<b>st = short title</b>
<b>LN = Legal Notice</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 68 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act from that date to 27 February 2009.

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### LIST OF LEGISLATION

#### ***College of Higher Education Act (Cap. 68)***

*Constituent legislation:* 2 of 1984 (Commenced 15 August 1984)  
10 of 1987

#### ***College of Higher Education (Amendment) Act 2008 (No. 11 of 2008)***

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### LIST OF AMENDMENTS

s 4 amd by Act No. 11 of 2008