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CHAPTER 314

VANUATU AGRICULTURE COLLEGE

Act 51 of 2005

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VANUATU AGRICULTURE COLLEGE

An Act to establish the Vanuatu Agricultural College, and for related purposes.

PART 1 – PRELIMINARY

1. Interpretation

In this Act, unless the contrary intention appears:

“academic staff” means the teaching staff appointed by the Council under section 23(1);

“Council” means the Vanuatu Agriculture College Council established by section 6;

“College” means the Vanuatu Agriculture College established by section 2;

“general staff” means the general staff of the College or the general staff of the farm appointed under sections 23(2) and 23(3);

“member” means a member of the Council;

“Minister” means the Minister responsible for Agriculture, Quarantine, Livestock, Fisheries and Forestry;

“Ministry” means the Ministry of Agriculture, Quarantine, Livestock, Fisheries and Forestry;

“Principal” means the Principal of the College;

“Farm Manager” means the Farm Manager of the College farm;

“staff” means:

- (a) the Principal; or
- (b) the Farm Manager; or
- (c) the academic staff of the College; or
- (d) the general staff of the College; or
- (e) the general staff of the College Farm.

PART 2 – VANUATU AGRICULTURE COLLEGE

2. Establishment of Vanuatu Agriculture College

(1) The Vanuatu Agriculture College is established.

(2) The College:

- (a) is a body corporate with perpetual succession; and
- (b) is to have a common seal; and
- (c) is capable of suing and being sued.

3. Purpose of the College

The purpose of the College is to be the Centre for the training of farmers and acquisition of farming technologies and skills for enhancing agriculture production and in so doing contributing to the economic and social development of Vanuatu.

4. Functions of the College

The College has the following functions:

- (a) to provide the population of Vanuatu with efficient and effective technical, vocational and continuing agricultural training that is responsive to the needs of the primary industry, students and the general community at large;
- (b) to play a leadership and coordinating role in the technical, vocational and continuing education in the sectors of agriculture, forestry, fisheries and livestock and in agro-enterprises;
- (c) to facilitate the training of farmers and enhance their knowledge and skills and work cooperatively with the Ministry, Ministry of Education and other technical, vocational and continuing educational providers;
- (d) to provide facilities and resources for the welfare of staff and students;
- (e) to issue certificates, diplomas and other awards that comply with the national standards as established by the Vanuatu National Training Council, and maintain records of graduates and their credentials;
- (f) to undertake such other functions as are conferred on it by or under this Act.

5. Powers of the College

- (1) The College has power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.
- (2) Without limiting subsection (1), the College may:
 - (a) acquire, hold, deal with or dispose of real or personal property; and
 - (b) form or participate in the formation of a company, association, trust or partnership; and
 - (c) enter into a joint venture with another person or body; and
 - (d) enter into contracts relevant to the functions of the College; and
 - (e) acquire or hold business licenses or permits to support appropriate income-generating activities.

PART 3 – VANUATU AGRICULTURE COLLEGE COUNCIL

Division 1 – Establishment, Functions and Powers

6. Establishment of the Council

- (1) The Vanuatu Agriculture College Council is established.
- (2) The Council is the governing body of the College.

7. Functions of the Council

The Council has the following functions:

- (a) to oversee the efficient and effective management of the College;
- (b) to approve policies and plans for the College, and review periodic management reports of the College;
- (c) to monitor the performance of the College so as to ensure that the College fulfills its purpose and performs its functions in a responsive and innovative way;

- (d) to determine the terms and conditions of appointment (including dismissal and suspension) of the Principal, the Farm Manager and the other staff of the College after consultation and with the prior approval of the Minister wherever applicable;
- (e) to ensure that there are procedures for the effective management of appeals and grievances for students and staff of the College;
- (f) to periodically review and approve the organisational structure of the College;
- (g) to determine selection procedures for students in accordance with the Ministry responsible for Education;
- (h) to determine the fees and charges, including fines, to be paid for:
 - (i) admission to the College; and
 - (ii) examinations; and
 - (iii) the granting of diplomas, certificates and other awards; and
 - (iv) tuition or attendance at the lectures and classes of the College; and
 - (v) the use of services and facilities at the College;
- (i) to determine policies for scholarships at the College;
- (j) to pursue funding and support for the College from appropriate sources;
- (k) to provide such assistance and information as the Minister, the Director-General or the Principal may reasonably require from the Council;
- (l) such other functions as are conferred on the Council by or under this Act.

8. Powers of the Council

The Council has power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions.

9. Council to have regard to Government policy and other matters

In the performance of its functions and in the exercise of its powers, the Council must:

- (a) have regard to the Government's policy that:
 - (i) the College is to encourage the use of both English and French languages in its curriculums; and
 - (ii) the education system in Vanuatu is to be firmly based on ni-Vanuatu cultures and beliefs; and
- (b) work cooperatively with the Vanuatu National Training Council and the Ministry responsible for education; and
- (c) develop and maintain cooperative relationships with the Departments under the Ministry, other agricultural institutions, actors in the primary industry, other ministries of the Government, other education providers within and outside Vanuatu; and
- (d) have regard to the principles of good governance, fiscal responsibility, and transparent and fair processes; and
- (e) within the limits of the resources of the College, have regard to the importance of making adequate arrangements for persons and groups which do not have access to technical and vocational training in agriculture and other related training.

Division 2 – Membership of the Council and Meetings

10. Composition of the Council

- (1) The Council consists of 8 members.
- (2) The Minister is to appoint the following persons as members of the Council:
 - (a) the Principal; and
 - (b) the Farm Manager; and
 - (c) the Director-General of the Ministry; and
 - (d) the Director-General of the Ministry of Education; and
 - (e) two other persons nominated by the Principal; and
 - (f) two other persons nominated by the Council.
- (3) A member referred to in paragraph (e) and (f) of subsection (2) holds office for a period of 3 years and is eligible for reappointment.
- (4) A person must not be nominated under paragraphs (e) and (f) of subsection (2) unless he or she has:
 - (a) knowledge and experience in the primary sectors (agriculture, fisheries, forestry and livestock) served by the College; or
 - (b) special skills or knowledge relevant to the functions of the College.

11. Application of Leadership Code

- (1) A member of the Council is a leader for the purposes of the Leadership Code [Cap. 240] and the provisions of that Act (e.g. disclosure of interests under section 16 of that Act) apply accordingly to each member.
- (2) Without limiting subsection (1), a member of the Council must in the exercise of his or her functions act honestly and exercise reasonable care and diligence.

12. Chairperson

- (1) The Minister is to appoint from amongst the members a chairperson on the recommendation of the Council.
- (2) A member appointed as chairperson:
 - (a) holds office as chairperson until the end of his or her term of office as a member; and
 - (b) may resign from his or her office in writing to the Minister.

13. Removal and resignation of members

- (1) A member may resign at any time by giving his her resignation in writing to the Minister.
- (2) The Minister may after consultation with the Council, remove a member if he or she:
 - (a) is involved in serious misconduct; or
 - (b) has a physical or mental disability; or
 - (c) fails to attend 3 consecutive meetings without the prior approval of the Council; or
 - (d) is a person having professional qualifications and is disqualified or suspended from practicing his or her profession; or
 - (e) becomes bankrupt; or

- (f) is convicted of an offence; or
- (g) in the Minister's opinion is not performing in a satisfactory way.

14. Vacancies

If a vacancy exists in the Council, the Council must ensure that the vacancy is filled as soon as possible.

15. Allowances for members

- (1) A member of the Council is entitled to such allowances as may be determined in writing by the Minister, after consultation with the Principal.
- (2) A member of the Council is also entitled to reimbursement, upon presentation of receipts, of reasonable travel and accommodation costs incurred as part of his or her duties as a member of the Council.
- (3) No other remuneration is payable to any member other than that payable under this section.

16. Meetings of the Council

- (1) The Council must meet as least 3 times per year and hold such other meetings as are necessary for the proper performance of its functions.
- (2) The chairperson is to chair the meetings of the Council. If he or she is absent the members present are to nominate another member to chair the meeting.
- (3) At a meeting of the Council a quorum consists of 5 members present at the meeting. The Council may meet despite any vacancies in its membership so long as a quorum is present.
- (4) Except as otherwise determined by the Council, meetings will be open to observers from the College community and the public.

Division 3 – Other Matters

17. Responsibilities in relation to Principal and other staff

- (1) The Council must give proper directions to the Principal so as to enable the Principal to undertake his or her duties and responsibilities effectively and efficiently.
- (2) The Council must monitor the performance of the Principal and other staff of the College.

18. Delegation

- (1) Subject to this section, the Council may delegate its functions and powers to the Principal, or committees of the Council.
- (2) The Council cannot delegate the power of delegation
- (3) The Council cannot delegate the following functions:
 - (a) to approve policies and plans for the College; and
 - (b) to monitor the performance of the College.
- (4) A delegation:
 - (a) must be made in writing; and
 - (b) may be made either generally or subject to express limitations or conditions; and
 - (c) may be given for a specific period, but can be revoked at any time by the Council.

- (5) The Council remains responsible for actions taken under a delegation.
- (6) The Council may continue to perform a function or exercise a power that it has delegated.

19. Committees

- (1) The Council may form such committees as are necessary to assist the Council in the performance of its functions.
- (2) The Council is to determine the composition of any committee and it may include persons who are not staff of the College.
- (3) A committee is to determine its own procedures.
- (4) Committee members are not entitled to any remuneration or allowances in that capacity.

20. Rules

- (1) The Council may make rules not inconsistent with this Act for the control, management, good governance and discipline of the students and staff of the College.
- (2) The rules may also provide for the formation or promotion of student associations.

PART 4 – MANAGEMENT AND STAFF

21. Principal

- (1) The Principal of the College is to be appointed by the Council after consultation with the Minister. The Council must conduct the selection process for the Principal in accordance with the requirements of section 24.
- (2) The Principal is responsible for the leadership and day to day administration and management of the College in accordance with the policies and directions of the Council, and the requirements of this Act.
- (3) Without limiting subsection (2), the Principal must ensure that all the staff are performing satisfactorily, and funds are spent in accordance with the requirements of this Act.

22. Farm Manager

- (1) The Farm Manager of the College is to be appointed by the Council with the prior approval of the Minister. The Council must conduct the selection process for the Farm Manager in accordance with the requirements of section 24.
- (2) The Farm Manager is responsible for the leadership and day to day operations of the farm, and must ensure the operations of the farm are in accordance with any business plan approved by the Council.
- (3) The Farm Manager is responsible for ensuring the farm has adequate and appropriate equipment and logistics in providing hands-on training or facilitating technical support for students on hands-on training.
- (4) The Farm Manager must ensure that all the general staff of the farm are performing satisfactorily, and funds are spent in accordance with the farm budget.

23. Other staff

- (1) The academic staff of the College are to be appointed by the Council on the recommendation of the Principal.

- (2) The general staff of the College are to be appointed by the Council on the recommendation of the Principal.
- (3) The general staff of the farm are to be appointed by the Council on the recommendation of the Farm Manager.
- (4) The Principal must conduct the selection process for the other staff referred to in subsections (1), (2) and (3) in accordance with the requirements of section 24.

24. Appointment on merit

- (1) Subject to subsection (3), all appointments under sections 21, 22, and 23 must be made on merit following a fair and transparent selection process.
- (2) All vacancies must be advertised in such a way that informs and seeks applicants from people throughout Vanuatu and abroad.
- (3) In making an appointment under subsections (1), (2) and (3) of section 23, the Council must have regard to the person's qualifications, experience and suitability for the position concerned.
- (4) The Council must accept a recommendation for appointment made under subsections (1), (2) and (3) of section 23 unless it is satisfied that all requirements of subsection (1) or (2) of this section have not been complied with.
- (5) If the Council rejects a recommendation for appointment made to it under section 23, it may issue a written directive that the selection process recommence and be conducted in accordance with the requirements of subsections (1) and (2) of this section.

PART 5 – FINANCIAL MATTERS AND MISCELLANEOUS

25. Funds of the College

- (1) The funds of the College consists of:
 - (a) money appropriated to, or for the purposes of, the College under the Appropriation Acts; and
 - (b) money received by the College by way of fees and charges; and
 - (c) money received from the farm produce and products; and
 - (d) money received by the College from grants; and
 - (e) any other money received by the College from any other source.
- (2) The Council is to open and maintain such bank accounts on behalf of the College as the Council considers necessary.
- (3) The funds of the College are to be deposited to such bank accounts on behalf of the College as the Council considers necessary.
- (4) The Council must not borrow money on behalf of the College except at a favorable and competitive rate of interest and subject to such conditions as are approved by the Minister of Finance and Economic Management.
- (5) The Council may invest surplus funds of the College as it considers appropriate. However, any such investments must be approved by the Minister.

26. Accounts and auditing

- (1) The Council must keep proper accounting records in relation to the financial affairs of the College, and must have an annual statement of accounts prepared for each financial year.

- (2) The College's accounts for each financial year must be audited within 3 months after the end of the financial year by the Auditor-General or a person authorized by the Auditor-General.

27. Annual report

- (1) The Council must within 90 days after the end of each financial year furnish a report to the Minister relating to the operations of the College for that year.
- (2) The Minister must table the report in Parliament as soon as possible after receiving the report.

28. Transfer of Assets

The Minister may with the prior approval of the Council of Ministers, by an agreement made in writing with the College, transfer assets of the State to the College.

29. Regulations

The Minister, on the advise of the Council, may make regulations:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.