

# **Vanuatu Institute of Teacher Education Act 2001**

*Assent: 30<sup>th</sup> December 2001*  
*Commencement: 25<sup>th</sup> January 2002*

## **REPUBLIC OF VANUATU**

### **VANUATU INSTITUTE OF TEACHER EDUCATION ACT. NO. 25 OF 2001**

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**VANUATU INSTITUTE OF TEACHER  
EDUCATION ACT NO. 25 OF 2001.**

An act to establish the Institute of Teacher Education and for related purposes

Be it enacted by the President and Parliament as follows-

**PART 1 - INTERPRETATION**

**1 Definitions**

In this Act, unless the contrary intention appears:

**Academic Board** means the Academic Board of the Vanuatu Institute of Teacher Education established by section 19.

**academic staff** means teaching staff appointed by the Teaching Service Commission under subsection 23(1).

**Council** means the Vanuatu Institute of Teacher Education Council established by section 6.

**Deputy Principal** means the Deputy Principal of the Institute appointed under section 22.

**general staff** means administrative and support staff appointed by the Council under subsection 23(3).

**Institute** means the Vanuatu Institute of Teacher Education established by section 2.

**member** means a members of the Council or a member of the Academic Board.

**Minister** means the Minister responsible for education.

**Principal** means the Principal of the Institute appointed under section 21.

**staff** means:

- (a) the Principal; or
- (b) the Deputy Principal; or
- (c) the academic staff; or
- (d) the general staff.

**PART 2 - VANUATU INSTITUTE OF TEACHER EDUCATION<sup>2</sup> Establishment**

## **of the Institute**

(1) The Vanuatu Institute of Teacher Education is established.(2) The Institute is:

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

## **3 Purpose of the Institute**

The purpose of the Institute is to be the national institution of excellence for the education and training of primary and secondary teachers, and in so doing to contribute to the social and economic development of Vanuatu.

## **4 Functions of the Institute**

The functions of the Institute are:

- (a) to play a leadership role in the development of teacher education programs appropriate to the needs of Vanuatu; and
- (b) to provide teacher education programs for primary and secondary levels of education; and
- (c) to provide professional development programs for teachers, including the upgrading of formal qualifications; and
- (d) to develop and maintain high quality curriculum and teaching materials for teacher education relevant to the needs of Vanuatu; and
- (e) to issue certificates and diplomas in accordance with national standards; and
- (f) to maintain academic records of students;  
and
- (g) to promote a unified national education system using English and French as the languages of instruction; and
- (h) to work closely with Vanuatu Institute of Technology to provide training for vocational teachers; and
- (i) to provide advice and assistance on teacher education and professional development to the Minister and the National Education Advisory Council; and
- (j) to encourage and promote research into education in Vanuatu; and
- (k) to promote cultural, traditional and religious values in the training of primary and secondary teachers; and
- (l) to undertake such other functions as are conferred on it by this or any other Act.

## **5 Powers of the Institute**

(1) The Institute has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

(2) Without limiting subsection (1), the Institute 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 Institute.

### **PART 3 - VANUATU INSTITUTE OF TEACHER EDUCATION COUNCIL**

#### **DIVISION 1 – ESTABLISHMENT, FUNCTIONS AND POWERS**

##### **6 Establishment of the Council**

(1) The Vanuatu Institute of Teacher Education Council is established.

(2) The Council is the governing body of the Institute.

##### **7 Functions of the Council**

The Council has the following functions:

- (a) to oversee the efficient and effective management of the Institute and monitor its performance;
- (b) to approve plans and policies for the Institute;
- (c) to provide advice and support to the Principal;
- (d) to determine the staffing requirements of the Institute and maintain a register of staff;
- (e) to make recommendations on the appointment of the Principal and Deputy Principal, and to appoint certain academic staff and general staff in accordance with Part 5;
- (f) to set fees for subjects and courses in consultation with and subject to the approval of the Minister;
- (g) to establish committees to assist the Council;
- (h) to advise the Academic Board;
- (i) to supervise the effective and efficient use of the financial resources of the Institute;
- (j) to monitor the academic results of students;

(k) to undertake such other functions as are conferred on it by 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 Institute is to operate as a dual-lingual (French and English) Institute with the long term aim of becoming a bilingual Institute; and
  - (ii) the education system in Vanuatu is to be firmly based on Ni-Vanuatu culture and beliefs; and
- (b) work co-operatively with the Vanuatu National Training Council; and
- (c) develop and maintain co-operative relationships with industry, communities, other education providers and all Ministries; and
- (d) have regard to the principles of good governance, fiscal responsibility, transparency and fair processes.

## **DIVISION 2 – MEMBERSHIP OF COUNCIL AND MEETINGS**

### **10 Composition of the Council**

- (1) The Council consists of 8 members.
- (2) The members are:
  - (a) the Principal; and
  - (b) a member of the academic staff elected by the academic staff; and
  - (c) a member of the general staff elected by the general staff; and
  - (d) 5 persons appointed by the Minister from nominations recommended by the Principal.
- (3) A person must not be nominated under paragraph (2)(d) unless he or she has:
  - (a) knowledge or experience in the education and training of teachers; or
  - (b) special skills or knowledge relevant to the functions of the Council.
- (4) At least 2 of the members of the Council must be women, and so far as practicable there must be an equal number of Francophone and Anglophone members.

(5) A member of the Council, other than the Principal, holds office for a term of 3 years and is eligible for reappointment.

### **11 Application of Leadership Code Act**

- (1) A member of the Council is a leader for the purposes of the Leadership Code Act No. 2 of 1998 and the provisions of that Act (e.g. disclosure of interests under section 16 of that Act) apply 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 and Deputy Chairperson**

- (1) The members of the Council are to elect a member to be the Chairperson and another member to be the Deputy Chairperson.
- (2) The Chairperson and the Deputy Chairperson hold office for a term of one year and may be re-elected.
- (3) The Chairperson and the Deputy Chairperson may resign from office by giving his or her written resignation to the Council.

### **13 Removal and resignation of members**

- (1) The Minister may remove a member after consultation with the other members of the Council if he or she:
  - (a) in the case of an elected member ceases to be an employee of the Institute; or
  - (b) fails to attend 3 consecutive meetings without the leave of the Council; or
  - (c) is a person having professional qualifications and is disqualified or suspended for misconduct from practicing his or her profession; or
  - (d) is convicted of an offence; or
  - (e) does not perform his or her duties to the standard required by the Council.
- (2) A member may resign at any time by giving his or her written resignation to the Principal.

### **14 Vacancies and acting members**

- (1) If a vacancy occurs on the Council, the Council must ensure that:
  - (a) in the case of a vacancy for an elected member – an election is held as soon as

- possible to fill the vacancy; and
- (b) in the case of a vacancy for an appointed member - a new nomination for appointment is made as soon as possible.
  - (2) The Council may appoint a person to act as a member if the member is absent from Vanuatu or is for any reason unable to perform his or her duties. A person must not be appointed to act for more than 3 months.

### **15 Allowances for appointed members**

- (1) The members of the Council, other than the Principal and elected staff members, are entitled to such allowances as are approved in writing by the Minister after consultation with the Principal.
- (2) No other remuneration is payable to any member of the Council.

### **16 Meetings of the Council**

- (1) The Council must meet at least 3 times a year and hold such other meetings as are necessary for the proper performance of its functions.
- (2) The Chairperson is to convene meetings of the Council by notice in writing to the other members. However, any 6 members of the Council may convene a meeting by notice in writing to the other members.
- (3) At a meeting of the Council a quorum consists of 5 members. The Council may meet despite any vacancies in its membership so long as a quorum is present.
- (4) Each member of the Council present at a meeting has one vote and questions arising at a meeting are to be determined by a majority of the votes of the members present. If the voting at a meeting is equal, the person chairing the meeting has a casting vote.
- (5) Subject to this Act, the Council may determine and regulate its own procedures.

## **DIVISION 3 – OTHER MATTERS**

### **17 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 Institute.
- (3) A committee is to determine its own procedures.



(4) Committee members are not entitled to any remuneration or allowances in that capacity.

## **18 Delegation**

(1) Subject to this section, the Council may delegate its functions and powers to the Principal.

(2) The Council cannot delegate the power of delegation.

(3) The Council must not delegate the following functions:

(a) to oversee the efficient and effective management of the Institute and monitor its performance;

(b) to approve plans and policies for the Institute.

(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 specified 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 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 Institute.

(2) The rules may also provide for the formation or promotion of student associations.

## **PART 4 - ACADEMIC BOARD FOR THE VANUATU INSTITUTE OF TEACHER EDUCATION**

### **20 Establishment of Academic Board**

- (1) The Academic Board for the Vanuatu Institute of Teacher Education is established.
- (2) The Academic Board consists of 6 members.
- (3) The members of the Academic Board are:
  - (a) the Principal; and
  - (b) the Deputy Principal; and
  - (c) 2 members from the heads of the major academic programs of the Institute ; and
  - (d) one lecturer who is teaching students who are to teach in French as the language of instruction; and
  - (e) one lecturer who is teaching students who are to teach in English as the language of instruction.
- (4) The Council is to determine the procedures for the Academic Board.
- (5) Without limiting subsection (4), all decisions of the Board are subject to review and approval or rejection by the Council.

## **21 Functions of Academic Board**

- (1) The Academic Board is responsible for:
  - (a) determining academic policy for the Institute and implementing that policy; and
  - (b) ensuring high academic standards are maintained at the Institute.
- (2) The Academic Board may make rules in writing about all or any of the following:
  - (a) the selection of students for programs at the Institute;
  - (b) the assessment of students;
  - (c) the attendance of students, including leave of absence;
  - (d) the levels of academic performance;
  - (e) the certification of examination results;
  - (f) the establishment of committees, including disciplinary committees, to assist the Academic Board;
  - (g) awards for academic achievement;
  - (h) such other matters as are referred to it by the Council.

## **PART 5 – MANAGEMENT AND STAFF**

### **22 Principal**

- (1) The Principal is to be appointed by the Teaching Service Commission on the recommendation of the Council. The Council must conduct the selection process for the Principal in accordance with the requirements of section 25.
- (2) The Principal is responsible for the day to day administration and management of the Institute 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 staff are performing satisfactorily, and the funds of the Institute are spent in accordance with the requirements of this Act and any other relevant Act.

### **23 Deputy Principal**

- (1) The Deputy Principal is to be appointed by the Teaching Service Commission on the recommendation of the Council. The Council must conduct the selection process for the Deputy Principal in accordance with the requirements of section 25.
- (2) The Deputy Principal has such duties and responsibilities as are assigned to him or her by the Principal .

### **24 Academic and general staff**

- (1) The academic staff are to be appointed by the Teaching Service Commission on the recommendation of the Principal.
- (2) Academic staff who are employed or engaged on a temporary or contract basis are to be appointed by the Council on the recommendation of the Principal.
- (3) The general staff are to be appointed by the Council on the recommendation of the Principal.
- (4) The Principal must conduct the selection process for academic staff under subsection (1) and general staff under subsection (3) in accordance with the requirements of section 25.

### **25 Appointments on merit**

- (1) Subject to subsection (3), all appointments under sections 22, 23 and 24 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 applications from people throughout Vanuatu
- (3) In making an appointment under subsection 24(2), the Council must have regard to the person's qualifications, experience and suitability for the position concerned.

(4) The Teaching Service Commission or the Council, as the case requires, must accept a recommendation for appointment made to it under section 22, 23 and 24 unless it is satisfied that all or any of the requirements of subsection (1) or (2) have not been complied with.

(5) If the Teaching Service Commission or the Council rejects a recommendation for appointment made to it under section 22, 23 or 24, it may issue a written directive that the selection process recommence and be conducted in accordance with the requirements of that section and subsections (1) and (2).

## **26 Transitional arrangements**

(1) This section applies to any person who was employed at the Vanuatu Teachers College immediately before the commencement of this Act.

(2) On and after that commencement, the person is to continue to be employed at the Institute:

(a) on the same terms and conditions; and

(b) in the same position and/or with the same classification; and

(c) with the same accrued or accruing entitlements.

(3) To avoid doubt, the person is not entitled to any severance or redundancy payments under this or any other Act because of the operation of subsection (2) or the establishment of the Institute by this Act.

## **PART 6 – MISCELLANEOUS**

### **27 Funds of the Institute**

(1) The funds of the Institute consist of:

(a) money appropriated to, or for the purposes of, the Institute by Appropriation Acts; and

(b) money received by the Institute by way of fees and charges; and

(c) any money received by the Institute from any other sources.

(2) The Council is to open and maintain such bank accounts on behalf of the Institute as the Council considers necessary.

(3) The funds of the Institute are to be deposited to such of its bank accounts as the Council determines.

(4) The Council must not borrow on behalf of the Institute except at the rate of interest

and subject to such conditions as are approved by the Minister responsible for finance.

- (5) The Council may invest surplus funds of the Institute as it considers appropriate. However, such investments must be approved in writing by the Minister responsible for finance.

## **28 Auditing of accounts**

(1) The Institute's account for each financial year must be audited within 3 months after the end of the financial year by the Auditor General, or a person authorised by the Auditor General.

(2) The Council must keep proper accounting records in relation to the Institute's financial affairs, and must have annual statement of accounts prepared for each year.

## **29 Annual reports**

(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 Institute for that year.

(2) The Minister must table the report in Parliament as soon as possible after receiving it.

## **30 Transfer of assets**

The Minister may by an agreement in writing with the Institute transfer assets of the State to the Institute.

## **31 Regulations**

The Minister may on the advice of the Council 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.

## **32 Commencement**

This Act commences on the day on which it is published in the Gazette.

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