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REPUBLIC OF VANUATU

Assent 10/09/99
Commencement 18/10/99

VANUATU NATIONAL TRAINING COUNCIL
ACT NO. 13 OF 1999

An Act to establish the Vanuatu National Training Council and for related purposes.

BE IT ENACTED by the President and the Parliament as follows:

PART 1 - PRELIMINARY

INTERPRETATION

In this Act, unless the contrary intention appears:

“Council” means the Vanuatu National Training Council established under section 2;

“course” means any vocational education or training course, whether formal or informal, and includes a professional education course;

“course provider” means an individual or body (incorporated or unincorporated) that provides a course;

“local authority” means a local government council or a municipal council;

“member” means a member of the Council;

“Minister” means the Minister responsible for matters relating to education;

“register” means the register established under section 22.
PART 2 – VANUATU NATIONAL TRAINING COUNCIL

Division 1 – Establishment, functions and powers

ESTABLISHMENT OF THE VANUATU NATIONAL TRAINING COUNCIL

2. (1) The Vanuatu National Training Council is established.

(2) The Council:

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

(b) is to have a common seal; and

(c) may sue and be sued in its corporate name.

FUNCTIONS OF THE COUNCIL

3. The Council has the following functions:

(a) to promote and co-ordinate effective vocational education and training at all levels within the community, and to provide advice to the Minister on the costs and financing of vocational education and training;

(b) to provide advice to the Minister on the allocation of funds from foreign donors in the area of vocational education and training;

(c) to provide advice to the Minister on the objectives and role of, and relationships between, course providers;

(d) to adopt a relevant and inclusive national training structure, including multiple skill levels and associated qualifications;

(e) to encourage the adoption of national skill standards with advice from appropriate industry based groups;

(f) to accredit courses and to authorise course providers (both public and private sector providers) to display a seal denoting nationally accredited quality training for accredited courses;

(g) to advise on proposed legislation establishing vocational education or training schemes, including workplace training and work experience for students;
(h) to report and provide advice to the Minister on the funding of vocational education and training activities;

(i) to provide information on the availability of accredited courses;

(j) to support research to determine the labour market and training needs of Vanuatu;

(k) to encourage course providers, including employers, to seek accreditation of their courses under this Act;

(l) to set up a process to monitor institution and certificate standards;

(m) such other functions as are conferred on it by or under this Act or any other Act;

(n) such other functions as the Minister may prescribe by notice in the Gazette.

POWERS OF THE COUNCIL

4. (1) The Council 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 powers include the following:

(a) to enter into contracts;

(b) to acquire, hold and dispose of real and personal property;

(c) to do anything incidental to any of the powers specified in this subsection or otherwise conferred on the Council.

COUNCIL TO HAVE REGARD TO GOVERNMENT POLICY

5. In the performance of its functions and in the exercise of its powers, the Council must have regard to the policy of the government in relation to vocational education and training.

Division 2 - Membership
COMPOSITION OF THE COUNCIL

6. (1) The Council consists of 8 members.

(2) The members must include:

(a) a person from the Ministry responsible for vocational education and training; and

(b) a person from the Ministry responsible for labour; and

(c) a representative of the Vanuatu Chamber of Commerce and Industry; and

(d) a representative of the non-formal education sector nominated by the Vanuatu Rural Development and Training Centers Association; and

(e) the principal of the Vanuatu National Institute of Technology; and

(f) a representative of the Ministry responsible for women’s affairs; and

(g) a representative of the Vanuatu National Council of Women; and

(h) a representative of tertiary institutions in Vanuatu.

(3) At least 2 members of the Council must be women.

(4) The Minister is, in consultation with a senior representative from his or her Ministry, the Commissioner for Labour and the Vanuatu Chamber of Commerce and Industry, to appoint each member.

(5) A member holds office for 3 years and is eligible for reappointment.

(6) A person may hold office as a member concurrently with any other office.

(7) A person must not be appointed as a member if he or she:

(a) is a member of Parliament or a member of a local authority; or

(b) is insolvent or an undischarged bankrupt; or

(c) is a person having professional qualifications and is disqualified or suspended from practising his or her profession for misconduct.
A member of the Council is a leader within the meaning of the Leadership Code Act No. 2 of 1998.

CHAIRPERSON AND DEPUTY CHAIRPERSON

7. (1) The members of the Council must select a member to be the Chairperson and another member to be the Deputy Chairperson.

(2) The Chairperson and Deputy Chairperson each hold office for a term of 3 years and are eligible for reappointment.

(3) The Chairperson and Deputy Chairperson may resign his or her office by giving a written resignation to the Council.

REMOVAL OF MEMBERS AND ACTING MEMBERS

8. (1) The Minister may, with the approval of the Council of Ministers, remove a member if he or she:

(a) becomes a member of Parliament or a member of a local authority; or

(b) is convicted of an offence and sentenced to imprisonment for 3 months or longer; or

(c) is absent from 3 consecutive meetings without the leave of the Council; or

(d) becomes insolvent or an undischarged bankrupt; or

(e) is a person having professional qualifications and becomes disqualified or suspended from practicing his or her profession for misconduct.

(2) A member may resign by giving his or her resignation in writing to the Minister.

(3) 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.

TERMS AND CONDITIONS

9. (1) A member is not to be paid any fees, salary or allowances for being a member of the Council.
However, a member must be reimbursed for all reasonable out of pocket expenses, including travel costs, incurred by the member in connection with the performance of his or her duties as a member of the Council.

**DISCLOSURE OF INTERESTS**

10. A member who:

   (a) has a personal business interest in a matter under consideration by the Council; or

   (b) is likely to have a conflict of interest in relation to the matter;

must disclose that interest to the Council in accordance with section 16 of the Leadership Code Act No.2 of 1998.

**Division 3 - Meetings and procedures**

**MEETINGS OF THE COUNCIL**

11. (1) The Council must hold such meetings as are necessary for the performance of its functions.

   (2) At a meeting a quorum consists of 5 members.

   (3) Questions arising at a meeting are to be determined by a majority of the votes of the members present and voting.

   (4) If the voting at a meeting is equal, the person presiding at the meeting has a casting vote.

   (5) A resolution in writing signed by not less than 5 members is valid and effective as if it had been passed at a meeting of the Council.

**COUNCIL MAY REGULATE ITS PROCEDURES**

12. Subject to this Act, the Council may determine and regulate its own procedures.

**Division 4- Consultative Committee and other committees**
CONSULTATIVE COMMITTEE

13. (1) The Council must establish a Consultative Committee within 28 days after the commencement of this Act.

(2) The Consultative Committee is to provide advice to the Council about:
   (a) matters of policy and strategic planning relating to vocational education and training; and
   (b) such other matters as the Council may request.

(3) The Consultative Committee must meet at least 2 times a year and determine its own procedures.

(4) The Consultative Committee must have one representative from each of the following bodies:
   (a) the Ministry responsible for rural business development;
   (b) the Ministry responsible for industry and trade;
   (c) the Ministry responsible for women’s affairs;
   (d) the Vanuatu National Council of Women;
   (e) the Vanuatu Chamber of Commerce and Industry;
   (f) the Vanuatu Council of Trade Unions;
   (g) the Vanuatu Rural Development and Training Centres Association;
   (h) the Church Schools;
   (i) the Vanuatu Christian Council;
   (j) the Council of Chiefs – Malvatumauri;
   (k) the Public Service Commission;
   (l) the Vanuatu National Institute of Technology;
   (m) the University of the South Pacific;
   (n) the Agence Universitaire de La Francophonie;
(o) the League of Credit Unions;
(p) any other interested Ministries;
(q) any other interested non-government organisations.

(5) The Consultative Committee must have 2 representatives from the private sector.

OTHER COMMITTEES

14. (1) The Council may form such other committees as are necessary for the performance of its functions.

(2) A committee is to determine its own procedures.

(3) A committee may include among its membership persons who are not members of the Council or the Consultative Committee.
PART 3 - LIST AND REGISTER OF COURSES

LIST OF COURSES

15. (1) The Council must establish and maintain a list of courses.

(2) The list may contain such information about a course as the Council considers appropriate.

(3) The Council must encourage course providers to provide information about their courses to the Council on a regular basis.

THE REGISTER


(2) The register must include such information in relation to each accredited course as the Council determines in writing.

(3) The Council is responsible for the form and maintenance of the register.

(4) The Council must remove from the register any course that ceases to be an accredited course.

(5) The Council may publish in the Gazette a copy of the register or part of the register.

ACCREDITATION

17. (1) A course provider may apply to the Council for accreditation of a course.

(2) An application for accreditation of a course must:

(a) be in writing and in the form specified by the Council; and

(b) be accompanied by the fee prescribed by the regulations.

(3) In deciding whether to approve an application, the Council must take into account the following matters:

(a) the extent to which the course meets the training needs of the Vanuatu community or labour market;
(b) the extent to which the course will develop the vocational skills and competencies of students;
(c) the structure of the course and its assessment procedures;
(d) the financial, human and physical resources of the course provider, including security of students’ fees, teachers, buildings, workshops, equipment and written materials;
(e) whether the level of training or tuition offered by the course is consistent with nationally and/or internationally accepted standards;
(f) any other matter that the Council considers relevant.

(4) The Council must approve or reject an application within 28 days after the application is made. The Council must give written notice of its decision to the applicant within 14 days after making its decision.

(5) If the Council approves an application, the Council must enter details of the course on the register within 7 days after the approval is given.

PERIOD OF ACCREDITATION AND RENEWAL

18. (1) The accreditation of a course:

   (a) remains in force for a period of one year or such longer period as the Council specifies in writing; and

   (b) subject to subsection (2), may be renewed on payment of the fee prescribed by the regulations.

   (2) The Council must not renew an accreditation unless it is satisfied that the course continues to meet standards acceptable to the Council.

COUNCIL MAY ACCREDIT A COURSE WITHOUT APPLICATION

19. (1) The Council may, by determination in writing, accredit a course without an application for accreditation being made.

(2) If the Council makes a determination accrediting a particular course, the Council must enter the course on the register as if an application for accreditation of the course had been made and approved.
COURSE PROVIDER TO NOTIFY COUNCIL OF CHANGES

20. (1) The provider of an accredited course must, within one month after any changes are made to the course that might affect its accreditation, inform the Council in writing of the changes.

(2) A person who fails to comply with subsection (1) is guilty of an offence punishable on conviction by a fine not exceeding 250,000 Vatu.

OFFENCE TO PROVIDE FALSE INFORMATION ABOUT A COURSE

21. A course provider who provides false or misleading information about a course to the Council is guilty of an offence punishable on conviction by a fine not exceeding 500,000 Vatu.

APPEAL RIGHTS

22. (1) If the Council rejects an application for accreditation of a course, the applicant may appeal to the Minister for a review of the decision.

(2) The appeal must be in writing and the appellant must lodge the appeal with the Minister within 14 days after receiving notice of the Council’s decision under subsection 17(4).

(3) The Minister may confirm, vary or revoke the Council’s decision and must give written notice of his or her decision to the appellant.
PART 4 – FINANCIAL MATTERS

FUNDS OF THE COUNCIL

23. (1) The funds of the Council consist of:

   (a) money received by way of fees and charges paid to the Council; and
   (b) any other money received by the Council from any other sources.

(2) The Council is to open and maintain such bank accounts as it considers necessary.

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

(4) The funds of the Council are to be applied:

   (a) in payment or discharge of the expenses, charges and obligations incurred or undertaken by the Council in the performance of its functions or the exercise of its powers; and
   (b) in payment of any remuneration payable by the Council.

(5) The Council may invest any money that is not required for the performance of its functions.

COUNCIL TO KEEP PROPER ACCOUNTS

24. (1) The Council must keep proper accounting records in relation to its financial affairs, and must have annual statements of account prepared for each financial year.

(2) The Council’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 authorised by the Auditor General.
PART 5 – EXECUTIVE OFFICER AND STAFF

EXECUTIVE OFFICER

25. (1) The Council must appoint a person as the Executive Officer of the Council.

(2) The person appointed as the Executive Officer must:

(a) be appointed on merit; and

(b) be able to demonstrate relevant experience and competence in vocational education and training matters.

(3) The Executive Officer is to be appointed for a period of at least 3 years and may be reappointed.

FUNCTIONS AND POWERS OF THE EXECUTIVE OFFICER

26. The Executive Officer has the following functions:

(a) to manage the continuing development of the Vanuatu national training structure;

(b) to implement and evaluate accreditation procedures;

(c) to promote and market the Council;

(d) to prepare high quality reports to assist the Council in undertaking its functions;

(e) such other functions as are specified by the Council.

TERMS AND CONDITIONS

27. The Council must determine the terms and conditions of appointment of the Executive Officer not provided for by this Act.
STAFF OF THE COUNCIL

28. (1) The Council is to have such staff as are necessary for the Council to perform its functions having regard to the budget of the Council.

(2) Staff of the Council:

(a) are to be appointed by the Council on merit, and on similar terms and conditions applicable to employees of the Public Service within the meaning of the Public Service Act No.11 of 1998; or

(b) may be seconded to the Council by ministries, departments or agencies of the government; or

(c) may be provided to the Council by organisations other than the government and funded by those organisations.

(3) The Public Service Act No.11 of 1998 does not apply to staff referred to in paragraph (2)(a) or (c).
PART 6 – MISCELLANEOUS

ANNUAL REPORT

29.  (1) The Council must, within 90 days after the end of each financial year of the Council, give a report to the Minister relating to the operations of the Council for that year.

   (2) The Minister must table a copy of the report in the Parliament within 14 sitting days of the Parliament after receiving the report.

REGULATIONS

30.  (1) The Minister may, by Order in writing, make regulations prescribing all matters:

       (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.

   (2) The Minister must make regulations on the advice of the Council.

COMMENCEMENT

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