

THE INSTITUTE OF TECHNICAL EDUCATION AND TECHNOLOGY BILL

Bill No. 1 of 2021

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THE INSTITUTE OF TECHNICAL EDUCATION AND TECHNOLOGY BILL

(No. 1 of 2021)

Explanatory Memorandum

The object of this Bill is to provide for –

- (a) the setting up of the Institute of Technical Education and Technology to operate and manage technical education centres;
- (b) opportunities and pathways to students pursuing studies in technical and technology education,

and for matters related thereto.

10 March 2021

L. D. DOOKUN-LUCHOOMUN, G.C.S.K.

*Vice-Prime Minister and Minister of Education,
Tertiary Education, Science and Technology*

THE INSTITUTE OF TECHNICAL EDUCATION AND TECHNOLOGY BILL

(No. 1 of 2021)

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SCHEDULE

A BILL

To provide for the establishment of the Institute of Technical Education and Technology

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the **Institute of Technical Education and Technology Act 2021**.

2. Interpretation

In this Act –

“Academic Committee” means the committee referred to in section 12;

“chairperson” means the Chairperson of the Council referred to under section 8(3)(a);

“Committee” does not include the Academic Committee set up under section 12;

“Council” means the Institute of Technical Education and Technology Council referred to in section 8;

“Director” means the head of the Institute appointed under section 14;

“employee –

(a) means a person appointed as such under section 16; and

(b) includes the Director;

“Endowment Fund” means the fund set up under section 21;

“General Fund” means the fund set up under section 20;

“Higher order skills” mean the ability of learners to develop analytical, critical and creative skills;

“Institute” means the Institute of Technical Education and Technology;

“member” –

(a) means a member of the Council; and

(b) includes the Chairperson;

“Minister” means the Minister to whom responsibility for the subject of education is assigned;

“Ministry” means the Ministry responsible for the subject of education;

“supervising officer” means the supervising officer of the Ministry responsible for the subject of education;

“technical education” means a combination of academic knowledge and practical skills acquired in classrooms and applied settings;

“technical education centre” means an educational institution that primarily delivers technical and technology education;

“technology education” means the study of the application of scientific knowledge and processes.

PART II – THE INSTITUTE

3. Establishment of Institute

(1) There is established for the purposes of this Act the Institute of Technical Education and Technology.

(2) The Institute shall be a body corporate.

(3) The principal place of business of the Institute shall be at such place as the Council may determine.

4. Objects of Institute

The Institute shall –

- (a) be responsible for the provision of high quality technical and technology education;
- (b) effectively and efficiently manage the subject of technical and technology education;
- (c) award technical and technology education qualifications either by itself or in partnership with other recognised institutions;
- (d) design and develop the curriculum for the provision of technical and technology education in partnership with stakeholders;
- (e) ensure the standard, norms and relevance of courses;
- (f) promote a modern, collaborative, agile and innovative approach to technical and technology education, adapted to the contemporary workplace;
- (g) collaborate with industry and business sectors to deliver a skilled and work-ready pool of technicians and technologists;

- (h) encourage the understanding or development of higher order skills related to technology and innovation;
- (i) assist the youth in the transition from education to employment; and
- (j) raise the standard and level of technical and technology education.

5. Functions of Institute

The Institute shall have such functions as are necessary to further its objects most effectively and shall, in particular –

- (a) be responsible for the provision and delivery of technical and technology education in line with the current and future needs of the economy;
- (b) ensure ongoing collaboration with all stakeholders at all levels for increased validity and relevance of technical and technology education;
- (c) strengthen the links with secondary schools and tertiary education institutions and other relevant institutions;
- (d) work closely with the industrial and business sectors in the promotion of new technologies;
- (e) ensure the participation of all relevant partners in the design of the curricula, definition of standards to be attained and the assessment and evaluation of learning outcomes;
- (f) promote capacity building, continuous learning and professional development of the technical and technology education staff;
- (g) award technical and technology qualifications, either on its own or in collaboration with the Mauritius Examinations Syndicate or jointly with recognised awarding bodies, and to ensure their national, regional and international recognition;
- (h) provide leadership and support for the efficient and effective management of the institutions under its responsibility;
- (i) foster international collaboration in technical and technology education development;
- (j) ensure judicious and optimum utilisation of its resources;
- (k) conduct research on the quality of technical and technology education;
- (l) carry out sensitisation programmes for educators and career counsellors to promote technical and technology education;

- (m) promote public awareness of the importance, relevance and utility of technical and technology education and encourage the uptake of lifelong learning;
- (n) assist trainers in adopting competency-based instructions;
- (o) advise the Minister on matters related to technical and technology education; and
- (p) perform other such functions as are necessary to further its objects.

6. Powers of Institute

Subject to section 22, the Institute shall have such powers as may be necessary to discharge its functions most effectively and may, in particular –

- (a) acquire, hold and dispose of assets;
- (b) receive grants and donations;
- (c) fix and levy fees or other charges;
- (d) manage, in such manner as it may determine, any property belonging to, or vested in, it;
- (e) engage in the commercial development of any intellectual property in which it has a right or interest;
- (f) operate in partnership with other relevant institutions;
- (g) enter into agreements, in such manner as it may determine, with any other institution or body, whether academic, technical, technology or otherwise, including the incorporation within the Institute of any other institution or body.

7. Admission of students

The Institute may admit a student to any of its programmes or courses on such criteria and on such terms and conditions as it may determine.

PART III – MANAGEMENT

8. The Council

(1) The Institute shall be administered and managed by a Council, to be known as the Institute of Technical Education and Technology Council.

- (2) The Council shall –
 - (a) establish the policy of the Institute;

- (b) approve the work plan of the Institute and ensure its timely implementation;
- (c) manage the budget of the Institute;
- (d) ensure that adequate human and financial resources are provided to the Institute for the proper discharge of its functions; and
- (e) take necessary measures and decisions for the provisions of this Act to be complied with.

(3) The Council shall consist of –

- (a) a Chairperson, to be appointed by the Minister;
- (b) a representative of the Prime Minister's Office;
- (c) the Supervising Officer of the Ministry or his representative;
- (d) the Financial Secretary or his representative;
- (e) a representative of the Ministry responsible for human resource development;
- (f) a representative of the Ministry responsible for industrial development, SMEs and co-operatives;
- (g) a representative of the Economic Development Board; and
- (h) 4 other members, to be appointed by the Minister, 2 of whom shall be from the private sector.

(4) The members appointed under subsection 8(3), other than an ex officio member, shall hold office for a period of 3 years and may be eligible for reappointment.

(5) Every member shall be paid such fees or allowances as the Council may, with the approval of the Minister, determine.

(6) No member shall engage in any activity which is likely to undermine the integrity of the Institute or go against its objects.

(7) (a) Where a vacancy occurs in the membership of the Council, other than in relation to an ex officio member, the vacancy shall be filled by a person appointed by the Minister.

(b) The member appointed under paragraph (a) shall hold office for the remainder of the term of office of the member he will replace.

(8) A member, other than an ex officio member, shall cease to hold office –

- (a) on the completion of his term of office;
- (b) on his resignation;
- (c) where, without sufficient cause, he fails to attend 3 consecutive meetings of the Council.

(9) The Council shall manage and utilise all the assets and funds vested in the Institute in such manner and for such purposes as, in its opinion, will best promote the objects of the Institute.

9. Meetings of Council

(1) The Council shall meet as often as may be necessary but at least once every 2 months at such time and place as the Chairperson may determine.

(2) At any meeting of the Council, 6 members shall constitute a quorum.

(3) Where the Chairperson is absent from a meeting of the Council, the members present shall elect a member to chair the meeting.

(4) At any meeting of the Council, every member shall have one vote on a matter in issue and, in the event of an equality of votes, the Chairperson shall have a casting vote.

(5) The decisions of the Council shall be taken by a simple majority of the members present at the voting in the meeting.

(6) (a) The Director shall designate an employee to act as Secretary to the Board.

(b) The Secretary shall –

- (i) give notice of every meeting of the Council to the members;
- (ii) prepare and attend every meeting of the Council;
- (iii) keep minutes of proceedings of any meeting of the Council;
- (iv) have no right to vote on any matter before the Council; and
- (v) perform such other duties as may be conferred upon him by the Council.

(7) A special meeting of the Council shall be convened by the Secretary within 7 days of the receipt by him of a request, in writing, signed by at least 6 members and specifying the purpose for which the meeting is to be convened.

(8) (a) The Council may co-opt such other person as may be of assistance in relation to any matter before it.

- (b) Any person co-opted under paragraph (a) shall –
 - (i) have no right to vote on any matter before the Council; and
 - (ii) be paid such fees and allowances as the Minister may determine.

(9) The Secretary shall cause minutes of proceedings of each meeting of the Council to be recorded and preserved.

(10) Subject to this section, the Council shall regulate its meetings and proceedings in such manner as it may determine.

10. Disclosure of interest

(1) Where a member has an interest, direct or indirect, in a matter being considered or about to be considered by the Council, he shall disclose to the Council the nature of his interest, and shall not take part in any deliberation or decision of the Council with respect to that matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of proceedings of the Council.

11. Committees

(1) (a) The Council may set up such committees as it may determine to assist it in the performance of its functions.

(b) A committee referred to in paragraph (a) shall consist of not more than 3 members.

(2) The Council shall determine the composition, functions and procedure for the convening and holding of meetings of any committee.

(3) The Council –

(a) may co-opt members who are not employees of the Institute to the committees;

(b) may delegate any of its powers to a committee but shall not be divested of any power so delegated and may, at any time, withdraw the delegation;

(c) may approve, amend or set aside the recommendation of a committee.

(4) Every committee established under this section shall regulate its meetings and proceedings in such manner as it may determine.

(5) The members of a committee shall be paid such fees or allowances as the Council may determine.

(6) A committee shall submit its report within such time as may be fixed by the Council and the report shall contain its observations, comments and recommendations on any matter referred to it by the Council.

(7) A committee shall be chaired by such person as the Council may determine.

12. Academic Committee

(1) There shall be established, for the purposes of this Act, an Academic Committee which shall be the academic body of the Institute.

(2) The constitution of the Academic Committee, the terms of office of its members and the procedures to be observed for the convening and holding of meetings shall be determined by the Council.

13. Functions of Academic Committee

The Academic Committee shall –

- (a) act as the academic body of the Institute in preparing academic, professional, technical and technology programmes and courses, and where necessary, it shall do so jointly with other institutions;
- (b) have control and general regulation of teaching, examinations and research;
- (c) advise and make recommendations to the Council on all academic matters, including the control, general direction and management of any teaching, examinations and research facility;
- (d) formulate rules and introduce new programmes and courses and review existing ones, subject to the approval of the Council; and
- (e) assess and make recommendations relating to facilities, equipment, apparatus and their maintenance.

14. Director

(1) The Council shall, subject to the approval of the Minister, appoint a Director on such terms and conditions as it may determine.

(2) The Director shall –

- (a) be the head of the Institute and shall be responsible for the execution of the policy of the Council and its decisions, and for the control and management of the day to day business of the Institute;
- (b) act in accordance with such directions as he may receive from the Council; and

(c) submit the reports, work plans and budgets of the Institute, as the Council may determine.

(3) (a) The Director shall, unless otherwise directed by the Council, attend every meeting of the Council and take part in its deliberations.

(b) The Director shall not have the right to vote at any meeting of the Council.

15. Delegation

(1) The Council may, subject to such instructions as it may give, delegate to the Director such of its powers and functions as may be necessary for the effective management of the day to day business and activities of the Institute, other than the power to –

(a) sell or exchange any property or make any donation; or

(b) borrow money.

(2) The Director may, with the approval of the Council, delegate any of his functions or powers to such employees as he may determine for the effective management of the day to day business and activities of the Institute.

16. Appointment of employees

(1) The Institute may, on such terms and conditions as it may determine, appoint such employees as it considers necessary for the proper discharge of its functions under this Act.

(2) Every employee shall be under the administrative control of the Director.

17. Conditions of service of employees

The Institute may make provision to govern the conditions of service of its employees and may, in particular, provide for –

(a) the appointment, retirement, dismissal, discipline, pay and leave of, and the security to be given to, employees;

(b) appeals by employees against dismissal and any other disciplinary measures; and

(c) the establishment and maintenance of provident and pension fund schemes and any other scheme, and the contributions payable to and the benefits recoverable from these schemes.

18. Protection from liability

(1) No liability, civil or criminal, shall be incurred by the Institute or any member or any employee in respect of any act done or omitted in good faith in the execution of its or his functions or exercise of its or his powers under this Act.

(2) This section shall be in addition to, and not in derogation of the Public Officers' Protection Act, and for the purposes of that Act, every employee shall be deemed to be a public officer or a person engaged or employed in the performance of a public duty.

19. Powers of Minister

(1) The Minister may give such written directions of a general character to the Council, not inconsistent with this Act, as he considers necessary in respect of its activities and the Council shall comply with those directions.

(2) The Minister may require the Council to furnish such information in such manner and at such time as he thinks necessary in respect of any activities and the Council shall supply such information.

PART IV – FINANCIAL PROVISIONS AND ACCOUNTS

20. General Fund

The Institute shall set up a General Fund –

- (a) into which all monies and grants received by the Institute shall be paid;
- (b) out of which all payments and grants required to be made for the purposes of this Act by the Institute shall be effected.

21. Endowment Fund

The Institute shall set up an Endowment Fund –

- (a) into which shall be paid such amount from the General Fund as the Council thinks fit;
- (b) out of which fellowships, scholarships, bursaries and loans may be granted for promoting the objects of the institute.

22. Donations and exemptions

Article 910 of the Code Civil Mauricien shall not apply to the Institute.

23. Transfer of property and borrowing

The Institute shall not, except with the approval of the Minister –

- (a) sell or exchange any property;
- (b) make any donation; or
- (c) borrow any money for the sole purpose of this Act.

24. Estimates

The Institute shall, not less than 3 months before the end of every financial year, submit to the Minister an estimate of the income and expenditure of the Institute for the next financial year for his approval.

25. Execution of documents

Every deed, act or document relating to the Institute shall be signed by the Chairperson or Director or any other member of the staff of the Institute designated by the Council for this purpose.

26. Annual report

(1) The Institute shall, not later than 6 months after the close of every financial year, cause to be published a report on the activities of the Institute, including its audited accounts, in respect of that financial year.

(2) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June of the following year shall be deemed to be the first financial year of the Institute.

(3) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply to the first financial year of the Institute.

(4) The auditor to be appointed under section 5 of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

(5) The Institute shall forward a copy of the report referred to in subsection (1) to the Minister.

(6) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Institute before the Assembly.

PART V – MISCELLANEOUS

27. Offences Any person who –

- (a) without authorisation, uses the name or logo of the Institute shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years;

- (b) contravenes this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

28. Legal proceedings

- (1) The Institute shall act and sue and be sued under its corporate name.
- (2) Service of process by or on the Institute shall be made on behalf of or on the Director.

29. Regulations

The Minister may make such regulations as he thinks fit for the purposes of this Act.

30. Consequential amendments

- (1) The First Schedule to the Public Procurement Act is amended, in Part III, by inserting, in the appropriate alphabetical order, the following new item –

Institute of Technical Education and Technology

- (2) The Schedule to the Statutory Bodies (Accounts and Audit) Act is amended, in Part I, by inserting, in the appropriate alphabetical order, the following new item and its corresponding entry –

Institute of Technical Education and Technology	Institute of Technical Education and Technology Act 2021
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31. Transitional provision

The assets of the training centres specified in the First Schedule, operating under the Mauritius Institute of Training and Development before the commencement of this Act, shall, on the commencement of this Act, vest in the Institute of Technical Education and Technology.

32. Commencement

- (1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of the different sections of this Act.

SCHEDULE

[Section 31]

TRAINING CENTRES

1. Knowledge Based Training Centre, Port Louis
 2. Le Chou Multipurpose Training Centre, Rodrigues
 3. Lycée Polytechnique Sir Guy Forget, Flacq
 4. Sir Rampersad Neerunjun Training Centre/School of Information Technology, Electronics and Communication, Ébène, Réduit
 5. Prof. B. S. Upadhyaya Training Centre, Piton
 6. Beau Vallon Training Centre
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