

# BILL NO. 16 OF 2024

## A BILL

### FOR AN ACT TO AMEND THE TERTIARY SCHOLARSHIPS AND LOANS SERVICE ACT 2014

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

**1.**—(1) This Act may be cited as the Tertiary Scholarships and Loans Service (Budget Amendment) Act 2024.

(2) This Act comes into force on 1 August 2024.

(3) In this Act, the Tertiary Scholarships and Loans Service Act 2014 is referred to as the “Principal Act”.

*Section 2 amended*

**2.** Section 2 of the Principal Act is amended, before the definition of “eligible institution” by inserting the following new definition—

““at-risk student” means a student who is a recipient of a scheme of the Service and has been identified by an eligible institution as not meeting the expected academic requirements;”.

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### *Section 5 amended*

3. Section 5(d) of the Principal Act is amended by deleting “the Fiji Revenue and Customs Service,”.

### *Section 16 amended*

4. Section 16 of the Principal Act is amended by deleting “Fiji Revenue and Customs” wherever it appears.

### *Section 16A amended*

5. Section 16A of the Principal Act is amended after subsection (4), by inserting the following new subsection—

“(5) Notwithstanding subsection (4), all bond agreements under sections 16(1), 16(2) or 16B entered into by a student or former student prior to 1 August 2024 are deemed to have been entered into with the Service.”.

### *Section 16B amended*

6. Section 16B of the Principal Act is amended by—

- (a) in subsection (3), deleting “Fiji Revenue and Customs”;
- (b) in subsection (9), deleting “and the Fiji Revenue and Customs Service”; and
- (c) in subsection (10), deleting “Fiji Revenue and Customs”.

### *Section 17 amended*

7. Section 17(3) of the Principal Act is amended by deleting “Fiji Revenue and Customs”.

### *Section 17A inserted*

8. The Principal Act is amended after section 17 by inserting the following new section—

#### *“Student employment record*

17A. A student or former student who is employed or self-employed, must provide the Service with his or her employment record—

- (a) within 6 months of being employed or self-employed; or
- (b) at any other time directed by the Service.”.

### *Section 18 amended*

9. Section 18 of the Principal Act is amended by deleting “Fiji Revenue and Customs” wherever it appears.

### *Sections 18A and 18B inserted*

10. The Principal Act is amended after section 18 by inserting the following new sections—

#### *“Further action taken by the Service*

18A.—(1) The Service may, in addition to the actions under section 18, require a student or a former student who is under a bond agreement or scholarship and who does not intend to complete the remainder of his or her bond period, to pay—

- (a) the sum calculated for the bond period or remaining bond period; and

(b) a penalty of 50% of the sum in paragraph (a).

(2) For the avoidance of doubt—

(a) a student or former student who is still serving his or her bond period under the bond agreement under section 16B(2), is required to pay the sum calculated in subsection (1);

(b) a student or former student who has opted to continue paying the loan repayment under section 16B(5) will not be required to pay the sum calculated in subsection (1);

(c) a student or former student who is residing abroad and was under a loan scheme under section 16B(6) and continues to make loan repayments, will not be required to pay the sum calculated in subsection (1); and

(d) a guarantor for a student or former student who was under a loan scheme under section 16B(7) and continues to make loan repayments, will not be required to pay the sum calculated in subsection (1).

(3) The Minister responsible for finance may, in consultation with the Chief Executive Officer of the Service, consider an application by a student for the reduction of the penalty in subsection 1(b).

*Tertiary education institution report*

18B.—(1) The Service may issue a written notice to an eligible institution that—

(a) provides a student with false or misleading information on the scholarship scheme; or

(b) fails to provide information on academic performance and learning intervention plan for an at-risk student.

(2) An action taken by the Service includes—

(a) issuance of a written notice or direction to the institution found to have provided false or misleading information to a student on a scholarship scheme; or

(b) issuance of a written notice or directive to the eligible institution to submit a list of at-risk students.”.

*Section 25 Amended*

11.—(1) Section 25 of the Principal Act is amended by—

(a) in subsection (1)(b)—

(i) in subparagraph (iv), deleting “and”; and

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(ii) after subparagraph (v), inserting the following new subparagraph—

“(vi) resource and employability compliance checks with the institution and possible employers; and”; and

(b) in subsection (2), deleting “Fiji Revenue and Customs”.

##### *Transitional*

**12.** Any action, arbitration, proceeding or cause of action that, immediately before the commencement of the Tertiary Scholarships and Loans Service (Budget Amendment) Bill 2024, is pending or in favour of the Fiji Revenue and Customs Service, or to which the Fiji Revenue and Customs Service is a party, may be prosecuted and, without amendment to any writ, pleading or other document, continued and enforced against or in favour of the Service.

June 2024

**TERTIARY SCHOLARSHIPS AND LOANS SERVICE  
(BUDGET AMENDMENT) BILL 2024**

**EXPLANATORY NOTE**

*(This note is not part of the Bill and is intended only to indicate its general effect)*

**1.0 BACKGROUND**

- 1.1 The Tertiary Scholarships and Loans Service Act 2014 (**‘Act’**) *inter alia* establishes the tertiary scholarships and loans service schemes for the administration of tertiary scholarships and loans in Fiji.
- 1.2 The Tertiary Scholarships and Loans Service (Budget Amendment) Bill 2024 (**‘Bill’**) seeks to amend the Act to provide student employment data for future scholarships investment and bond monitoring purposes and allow for the provision of accurate scholarship information to students and improve learning support programmes for pass or completion rates.

**2.0 CLAUSES**

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1 August 2024.
- 2.2 Clause 2 of the Bill amends section 2 of the Act by inserting a new definition for “at-risk student”. This definition identifies a student who is under a bond agreement from the Tertiary Scholarships and Loans Service (**‘Service’**) and who is not meeting expected academic requirements.
- 2.3 Clause 3 of the Bill amends section 5(*d*) of the Act by deleting the reference to the Fiji Revenue and Customs Service. This change reflects the transfer of responsibilities from the Fiji Revenue and Customs Service to the Service.
- 2.4 Clause 4 of the Bill amends section 16 of the Act by deleting all references to the Fiji Revenue and Customs Service. This amendment aligns with the transfer of functions to the Service.

- 2.5 Clause 5 of the Bill amends section 16A of the Act by inserting a new subsection. This subsection clarifies that all bond agreements entered into by students before 1 August 2024 are considered to have been made with the Service.
- 2.6 Clause 6 of the Bill amends section 16B of the Act by deleting references to the Fiji Revenue and Customs Service in subsections (3), (9), and (10). This amendment is reflective of the transfer of responsibilities to the Service.
- 2.7 Clause 7 of the Bill amends section 17(3) of the Act by deleting the reference to the Fiji Revenue and Customs Service. This amendment is reflective of the transfer of responsibilities to the Service.
- 2.8 Clause 8 of the Bill inserts a new section 17A into the Act. The new section requires students or former students who are employed to provide their employment record to the Service within six months of starting employment or whenever directed by the Service.
- 2.9 Clause 9 of the Bill amends section 18 of the Act by deleting references to the Fiji Revenue and Customs Service. This amendment aligns with the transfer of functions to the Service.
- 2.10 Clause 10 of the Bill inserts new sections, 18A and 18B, into the Act. Section 18A states that the Service may require a student or former student who is under a bond agreement or scholarship and does not intend to complete the remaining bond period to pay a sum calculated for the bond period, plus a 50% penalty. This applies to those still serving their bond period, except for those who have opted to continue paying loan repayment or are residing abroad and making loan repayments. A guarantor for a student or former student who was under a loan scheme will be exempt from this penalty. The minister responsible for finance in consultation with the Chief Executive Officer of the Service may consider an application by a student for the reduction of the penalty. Section 18B permits the Service to issue notices to eligible institutions that provide false or misleading information about the scholarship scheme or fail to report on the academic performance of at-risk students.
- 2.11 Clause 11 of the Bill amends section 25 of the Act to include resource and employability compliance checks with institutions and potential employers. Clause 11 of the Bill also deletes references to the Fiji Revenue and Customs Service. This update aligns with the transfer of functions to the Service.
- 2.12 Clause 12 of the Bill provides for the transitional provision to cater for the continuation of proceedings instituted by or against the Fiji Revenue and Customs Service in relation to their functions under this Act.

### **3.0 MINISTERIAL RESPONSIBILITY**

3.1 The Act comes under the responsibility of the Minister responsible for education.

G. E. LEUNG  
Attorney-General