

Information Brief – Standing Committee

For Standing Committee on Justice, Law and Human Rights

Quick Summary of the Education Bill (Bill No. 34 of 2025)

This information brief provides a quick summary of the Education Bill 2025 (Bill No.34 of 2025) ("Bill") that was tabled in Parliament during its December sitting. This summary offers a brief overview of the Bill and should be read alongside the full text for clarity.

This summary outlines the provisions and regulations of the Education Bill 2025, which addresses various aspects of education, including access, compulsory education, school types, curriculum development, teacher registration, and higher education governance. The Bill will essentially replace the current *Education Act 1966* and consolidate other related legislation.

Education Bill 2025 Overview

The Education Bill 2025 aims to establish a comprehensive framework for education in Fiji, ensuring access, quality, and accountability across all educational levels.

Part 1: Preliminary Provisions of the Bill [Clauses 1 – 6]

The Bill outlines its title, commencement, and key definitions.

- The Bill when enacted by Parliament will be titled the *Education Bill 2025*.
- It comes into force on a date appointed by the Minister.
- Key terms are defined, including "Authority," "Council," and "registered school."

Part 2: Access to Education Rights [Clauses 7 – 9]

The Bill guarantees the right to education for all individuals.

- Every person has the right to early childhood, primary, secondary, and higher education.
- Primary education must be provided free of charge in government and government-aided schools.
- The State must take reasonable measures to provide free secondary and higher education when resources allow.

Part 3: Compulsory Education Requirements [Clauses 10 – 12]

The Bill mandates compulsory education for children of a certain age.

- Children of compulsory school age must be enrolled and regularly attend school.
- The Permanent Secretary must investigate non-enrolment or irregular attendance.
- Noncompliance can lead to a compulsory education order, with penalties for parents.

Part 4: Establishment of Education Advisory Council [Clauses 13 – 22]

The Bill establishes an advisory council to guide educational policy.

- The Council consists of various stakeholders, including the Permanent Secretary and representatives from educational associations.
- Members serve a term of 2 years and can be reappointed.
- The Council advises the Minister on education-related matters and performs strategic functions.

Part 5: Curriculum Development and Assessment Authority [Part 5: Clauses 23 – 37]

- *National Curriculum and Assessment Authority* – The Bill establishes an authority to oversee curriculum standards.
 - The Authority is responsible for developing and approving educational standards for registered and recognised schools.

- It ensures the curriculum includes thematic areas like digital literacy, health, and cultural education.
- Membership includes the Permanent Secretary and specialists in curriculum and assessment.
- *Religious Instruction*
 - Government-aided schools may provide religious instruction, even if they receive government funding for it.
 - Teachers and students cannot be compelled to act against their religion or beliefs.
 - Religious instruction for children requires parental consent, while adult students must provide their own consent.
 - The best interests of the child are the primary consideration in all matters.
- *Career Education and Guidance*
 - Heads of schools must ensure students in prescribed years and above receive career education and guidance to prepare them for the workforce or further education.
 - The Higher Education Commission is responsible for providing a publicly accessible careers information service, including a database of occupations and higher education/training opportunities.

Part 6: Schools [Clauses 38 – 48]

Outlines the structure, types, classifications and governance of schools in Fiji. It also specifies categories of education schools can provide such as early education, primary, secondary, technical/vocational, special/inclusive and home schooling

- *Types, Classifications, and Categories of Schools*
 - Defines types of schools: government, government-aided, private, and home schools.
 - Classifies schools by student age range (e.g., early childhood, primary, secondary, mature students).
 - Establishes categories of education, including early childhood, primary, secondary, technical/vocational, special/inclusive, and home schooling.
 - Creates a Register of Schools to maintain records of all approved, registered, or recognised schools.
- *Government Schools*
 - The Minister can establish government schools with Cabinet approval, considering existing schools in the area.
 - Government schools are controlled by the Permanent Secretary.
 - Each government school must have a Board of Governors appointed by the Minister to oversee its operations.
- *Government-Aided Schools*
 - Government-aided schools are controlled by their respective controlling authorities.
 - Controlling authorities must appoint a manager and submit their details to the Permanent Secretary for registration.
 - The Permanent Secretary can refuse to register a manager if they have a criminal record or are bankrupt.
- *Private Schools*
 - Private schools are controlled by their respective controlling authorities.
 - Similar to government-aided schools, controlling authorities must appoint a manager and submit their details to the Permanent Secretary for registration.
 - The Permanent Secretary can refuse to register a manager for reasons such as criminal convictions or bankruptcy.

Part 7: Establishing and Closing Schools [Clauses 48 – 62]

Outlines requirements for registering or recognising schools, including approval processes and conditions; provides procedures for closing schools, including government-aided, private, and home schools; and includes appeals processes for refusal of registration or school closure decisions.

- *Establishing Schools*
 - Schools must be approved, registered, or recognised by the Permanent Secretary or Minister before operating.
 - Government schools are established and automatically registered by the Permanent Secretary. Applications must meet requirements for facilities, student numbers, and educational standards. Certificates are issued upon approval, and any changes to classification, location, or type need new applications.
- *Closing of Schools*
 - The Permanent Secretary can order the closure of government-aided or private schools if they fail to meet health, safety, curriculum, or registration requirements, or if they are detrimental to students' welfare.
 - Home schools can also be stopped if they fail to meet prescribed standards or are harmful to students.
 - Schools or home schools closed for less than six months may reopen at the discretion of the Permanent Secretary.
- *Appeals*
 - Applicants can appeal to the Minister if the Permanent Secretary refuses to approve a school's registration or recognition.
 - Managers of schools or home schools ordered to close or stop can appeal the decision to the Minister.
 - Appeals must be submitted in writing within 30 days of the decision, along with the prescribed fee. The Minister's decision on appeals is final.

Part 8: School Regulation [Clauses 63 – 66]

- Covers health and safety requirements for schools, including inspections and medical treatment for students; inspections cover all parts of the school; inspectors must provide a report to be submitted to the Permanent Secretary
- Allows the Permanent Secretary to waive health and safety requirements under certain circumstances.
- Students may receive medical and dental examinations at school by authorised health professionals, but only with parental consent.

Part 9: Administration [Clauses 66 – 71]

- Regulates school operations, including student admission deadlines, school hours, teacher-student ratios, and boarding school enrolment criteria.
- Prohibits school zoning, allowing parents to choose schools freely.
- Boarding schools are required to admit students according to established criteria. These criteria take into account the distance from the student's home and whether the student resides in rural, maritime, or remote areas with limited access to schools.

Part 10: Student Behaviour and Well-Being [Clauses 72 – 73]

- Requires schools to provide access to qualified school counsellors for student support.
- Prohibits corporal punishment and any cruel, inhumane, or degrading treatment of students.

Part 11: Financing and Accountability [Clauses 74 – 83]

Outlines the financial management and accountability framework for government and government-aided schools. Aimed at ensuring transparency and accountability in schools.

Fees and Levies

- Primary and secondary education must be free in government and government-aided schools (except for foreign students).

- Boarding schools can charge boarding fees, and schools may charge levies for specific purposes with approval.
- *Fundraising*
 - Schools can organise fundraising activities for infrastructure, maintenance, educational resources, and extracurricular activities.
 - Participation in fundraising must be voluntary.
- *Financial Transparency*
 - Schools must manage public funds responsibly, maintain financial records for at least 7 years, and prepare financial statements annually.
- *Audit and Reporting*
 - Schools must have their accounts audited by authorised auditors and submit annual reports to the Permanent Secretary.

Part 12: Teacher Registration and Regulation [Clauses 84 – 125]

This part establishes the Fiji Teachers Registration Authority (FTRA) and outlines the framework for teacher registration, regulation, and discipline. The provisions ensure that teachers meet professional standards and are held accountable for their conduct.

- *FTRA and Fiji Teachers Registration Board*
 - The FTRA is a corporate body responsible for teacher registration and professional standards.
 - The Board oversees teacher registration, disciplinary measures, and promotes the teaching profession.
- *Teacher Registration*
 - Teachers must be registered to teach in schools.
 - Criteria for registration include qualifications, good character, and fitness to teach.
 - Provisional registration and limited authority to teach are available under specific conditions.
 - Registration must be renewed every 3 years, with evidence of competence and professional development.
- *Discipline and Inquiries*
 - The Board can investigate complaints, hold inquiries, and take disciplinary actions, including suspension or cancellation of registration.
- *Appeals*
 - Teachers can appeal Board decisions to the Teachers' Appeals Board and further to the High Court on legal grounds.
- *Miscellaneous*
 - The Board maintains a register of teachers and oversees employer duties and annual reporting.

Part 13: Higher Education Framework [Clauses 126 – 160]

This part regulates higher education institutions in Fiji, including universities and other post-secondary institutions. This part ensures quality, accountability, and proper regulation of higher education institutions in Fiji.

- *Higher Education Commission (HEC)*
 - The HEC is responsible for registering, accrediting, and regulating higher education institutions.
 - It establishes national standards, oversees reviews, allocates government funding, and promotes cooperation between institutions and industries.
- *Establishment and Registration*
 - Higher education institutions must be registered and meet specific criteria, including compliance with national standards, financial capacity, and willingness to undergo periodic reviews.
 - Institutions must obtain approval to use terms like "Fiji," "National," or "University" in their names.
- *Accreditation and Awards*
 - Institutions must apply for accreditation of their programs and cannot confer higher education awards without registration.

- Awards must meet national standards and be conferred only upon successful completion of accredited programs.
- *Appeals*
 - Institutions can appeal decisions of the HEC to the Higher Education Appeals Tribunal, which reviews decisions related to registration, accreditation, or suspension.
- *Finance and Reporting*
 - The HEC manages funds, prepares annual estimates, and submits audited financial reports to the Minister.
 - Higher education institutions must provide annual reports and ensure transparency in their operations.
- *Winding Up*
 - Institutions planning to close must notify the HEC 12 months in advance and ensure students' education is not disrupted.

Part 14: General Powers [Clauses 161 – 163]

This part outlines the general powers and responsibilities of the **Minister** and the **Permanent Secretary** in relation to education. It provides overarching authority to the Minister and Permanent Secretary to ensure effective governance and management of the education system.

- *Ministerial Directions*
 - The Minister can issue directions to the Permanent Secretary regarding the exercise of their powers and functions under the Act.
 - The Minister must consult the Education Advisory Council but is not bound by its advice.
- *Student Relocation*
 - The Permanent Secretary has the authority to relocate students to another school under specific circumstances, such as disciplinary issues, health or safety concerns, overcrowding, or poor school conditions.

Part 15: Offences and Penalties [Clauses 164 – 173]

This part outlines various offences related to schools, teacher registration, and associated penalties. This part is designed to ensure compliance with the Act and protects the integrity of the education system.

- *Offences Related to Schools*
 - Operating or managing unregistered schools.
 - Using unsuitable publications for instruction.
 - Misleading the public about the type or classification of a school.
 - Keeping open or reopening a school that has been ordered to close.
 - Insulting, harassing, or assaulting teachers or students.
- *Offences Related to Teacher Registration*
 - Employing unregistered teachers.
 - Teachers failing to report cancellation or suspension of their registration.
 - Employers failing to notify the Board of sexual allegations involving teachers.
 - Providing false or misleading information to the Board.
- *Penalties*
 - Fines and imprisonment for violations, with penalties ranging from \$1,000 to \$250,000 and up to 12 years of imprisonment, depending on the offence.

Part 16: Miscellaneous Provisions and Regulations [Clauses 174 – 177]

This part of the Bill includes additional provisions to support the implementation and maintenance of the Act. It is aimed at ensuring a smooth transition to the new Education Act 2025 and provides flexibility for future updates through regulations.

- *Review of the Act*
 - The Act must be reviewed every 5 years from its commencement date.



- *Regulations*
 - The Minister is empowered to make regulations for matters required or permitted by the Act, including procedures, requirements, fees, penalties, and other necessary provisions.
- *Repeal of Previous Acts*
 - The *Education Act 1966*, *Higher Education Act 2008*, and *Fiji Teachers Registration Act 2008* are repealed, consolidating all education-related matters under this new Act.
- *Transitional and Savings Provisions*
 - Existing schools, teachers, and higher education institutions registered under the repealed Acts will continue to operate under the new Act until their registrations expire or are revoked.

15 December 2025

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