



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Report on the Review of the Pasifika Communities University Bill (Bill No. 9 of 2026)



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CHAIRPERSON'S FOREWORD



The Bill was referred to the Committee for scrutiny in accordance with the Standing Orders of Parliament, with the responsibility to examine its provisions and report back to Parliament with its findings and recommendations.

The Committee noted that the Pacific Theological College (PTC) has served the Pacific region for approximately 60 years as a respected institution providing theological, pastoral, leadership and higher education programmes. As part of its long-term strategic vision, PTC seeks to transition into **Pasifika Communities University (PCU)** to expand its mandate, modernise its governance structure, and strengthen its capacity to serve Pacific communities through teaching, research, leadership development and community engagement. The Bill therefore seeks to formally provide legal recognition to Pasifika Communities University as a university registered and operating within Fiji.

In carrying out its scrutiny of the Bill, the Committee conducted consultations with key stakeholders and invited public submissions to ensure that a broad range of views were considered. The Committee received strong support for the Bill from the majority of participants, who recognised the University's contribution to higher education in the Pacific and its commitment to Pacific values, community-centred learning and leadership development. The Committee also received constructive recommendations aimed at improving various provisions of the Bill, particularly in relation to drafting clarity, governance arrangements and definitions.

The Committee further considered the Bill's contribution towards Fiji's commitments under the Sustainable Development Goals (SDGs), particularly SDG 4: Quality Education. The Committee noted that the Bill supports improved access to higher education opportunities for both women and men and contributes to the promotion of inclusive and equitable quality education and lifelong learning opportunities.

The Committee carefully deliberated on all submissions and concerns raised throughout the consultation process. After thorough consideration, the Committee is satisfied that the objectives of the Bill are sound and that the concerns raised have been adequately addressed. While the Committee has recommended several minor amendments to improve clarity and drafting consistency, it is of the view that the Bill provides an appropriate legislative framework for the establishment and operation of Pasifika Communities University.

I would like to thank the Honourable Members of the Justice, Law and Human Rights Committee for their deliberations and input; Hon. Faiyaz Koya (Deputy Chairperson), Hon.

Jone Usamate, Hon. Ratu Josaia Niudamu, Hon. Sachida Nand and Hon. Ratu Isikeli Tuiwailevu.

I, on behalf of the Committee, commend the **Pasifika Communities University Bill (Bill No. 9 of 2026)** to the Parliament and seek support of all the members of this August house for the Bill.



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HON. RATU RAKUITA VAKALALABURE
CHAIRPERSON

COMMITTEE COMPOSITION

The Standing Committee on Justice, Law and Human Rights ('Committee') is established under Section 70 of the *Constitution of the Republic of Fiji* and Standing Order 109 of the *Standing Orders of the Parliament of the Republic of Fiji*. The Committee consists of the following Members:



Hon. Ratu Rakuita
Vakalalabure
(Chairperson)



Hon. Faiyaz Koya
(Deputy Chairperson)



Hon. Jone Usamate
(Member)



Hon. Sachida Nand
(Member)



Hon. Ratu Isikeli
Tuiwailevu
(Member)



Hon. Ratu Josaia
Niudamu
(Member)

COMMITTEE SECRETARIAT

Supporting the Committee in its work is a group of dedicated Parliament Officers who make-up the Committee Secretariat and are appointed and delegated by the Secretary-General to Parliament pursuant to Standing Order 15 (3)(i). The Secretariat team is made of the following Parliament officers:

- Mr. Jackson Cakacaka – Senior Committee Clerk
- Ms. Alumita Cabealawa – Deputy Committee Clerk
- Mr. Jeke Rokotuiloma – Assistant Committee Clerk

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1.0 INTRODUCTION

1.1 Background

The Standing Committee on Justice, Law and Human Rights, referred to as the (“Committee”), was assigned the **Pasifika Communities University Bill 2026** for review on May 2026. The Bill was referred to the Committee in accordance with SO 51, which tasked the Committee with the examination of the Bill and the responsibility to report on its findings in a subsequent Parliament Sitting.

1.2 Procedure and Program

The Committee has conducted a thorough review of the **Pasifika Communities University Bill (Bill No. 9 of 2026)**. This report outlines the findings, observations, and recommendations of the Committee regarding the Bill.

The Committee examined the Bill in detail, reviewing each clause and engaging in deliberations. Following this, the Committee invited the relevant stakeholder to provide a briefing on the objectives and intentions behind the proposed legislation. To ensure transparency and inclusivity, the Committee then opened the process to public participation by calling for submissions from citizens and other stakeholders, which was advertised through Parliament’s official social media platforms.

The Committee was mindful of the provisions on Standing Order 111(1)(a) and ensured that its meetings were open to the public and the media, except during such deliberations and discussions to develop and finalise the Committee’s observations and this Report.

1.3 Committee Remit

The Standing Committee on Justice, Law, and Human Rights, in accordance with Standing Order 109 of Parliament's Standing Orders, is tasked with several duties. As outlined in Standing Order 110, these include scrutinizing each Bill referred to it by Parliament and review any subordinate legislation presented in Parliament that falls under its purview.

2.0 PASIFIKA COMMUNITIES UNIVERSITY BILL (BILL NO. 9 of 2026)

2.1 Introduction

The **Pacific Theological College (PTC)** is a long-established institution that has provided theological, pastoral, and leadership education across the Pacific for approximately **60 years**. As part of its strategic vision to broaden its educational mandate, strengthen its governance framework, and expand its contribution to Pacific communities, PTC has embarked on a transition to become **Pasifika Communities University (PCU)**.

Accordingly, the **Pasifika Communities University Bill 2026** seeks to provide the legislative framework necessary to formally recognise and establish PCU as a registered university operating within Fiji. The Bill aims to support the University's expanded role in delivering higher education, research, leadership development, and community-centred learning, while maintaining its distinctive Pacific identity and values-based approach to education.

2.2 Objectives of the Bill

The objectives of this Act are to—

- (a) to provide for the governance, management and administration of the University; and;
- (b) to provide for matters connected with or incidental to paragraph (a).

3.0 COMMITTEE'S DELIBERATION AND ANALYSIS OF THE BILL

3.1 Initial Reading of the Bill and Deliberation by the Committee

The Committee commenced its analysis of the Bill, reading through it, Clause by Clause. From this initial reading, it was noted that the Bill seeks to formally provide legal recognition of the University as a University registered and operating within Fiji.

The Committee had extensive discussions on the provisions of the Bill and resolved that it be prudent to firstly hear the views of the public specifically the stakeholders on this very important proposed legislation. The public consultation would then allow the Committee to gauge the public's perspective on the Bill before deliberating further, whilst also bearing in mind the requirements as set down by Parliament in referring the Bill to the Committee.

3.2 Bill Summary

By way of consensus, the Committee agreed that it would be prudent to include the necessary issues that the proposed law intends to address. This would readily give the reader of this Report with the aforementioned information regarding the Bill, which is summarized below;

Clause 1: Short title and commencement - Clause 1 of the Bill provides for the short title and commencement. If passed by parliament, the new legislation comes into force on a date or dates appointed by the Minister by notice in the Gazette and can be sited as the Pasifika Communities University Act 2026.

Clause 2: Interpretation - Clause 2 of the Bill provides for the interpretation of terms used throughout the Bill.

Clause 3: Objective - Clause 3 of the Bill provides for the objectives which includes the governance, management and administration of the University.

Clause 4: Establishment of University - Clause 4 of the Bill establishes the University and further provides that it will be a body corporate with perpetual succession. Under its corporate name, the University may sue and be sued, acquire, hold and dispose of real and personal property, enter into contracts and other legal arrangements and so forth. Clause 4 of the Bill also makes mention of the University's common seal which is to be judicially noticed and kept in custody as the *Va'atele* (Council) of the University may determine.

Clause 5: Powers of University - Clause 5 of the Bill makes provisions for the powers of the University which *inter alia* includes the powers to institute professorships, lectureships and other offices of the University, to set out conditions for admission to the University, the awarding of fellowships, scholarships and other aids to study and research, to confer distinctions and other honorary degrees, and the power to determine, demand and receive fees.

Clause 6: Functions of University - This clause specifies the core roles of the University, including delivering education and research programmes, regulating student admission and discipline, maintaining academic standards, providing support systems, and ensuring institutional governance.

Clause 7: Establishment of *Va'atele* - This clause establishes the *Va'atele* as the governing council of the University with overall authority and control over its affairs.

Clause 8: Membership of *Va'atele* - This clause defines the composition of the *Va'atele* (35 members), including ex officio officers, church representatives, and other stakeholders, and sets quorum requirements and meeting frequency.

Clause 9: Member churches - This clause lists the founding member churches and allows the *Va'atele* to admit or remove churches through a special resolution.

Clause 10: Appointed members - This clause allows the *Va'atele* to appoint additional voting members based on expertise or experience, with terms determined at the time of appointment.

Clause 11: Non-voting members - This clause permits the *Va'atele* to invite individuals as non-voting participants to provide advice and expertise without voting rights.

Clause 12: Responsibilities of member churches - This clause assigns financial responsibility to member churches, requiring them to contribute annually to support the University's operations.

Clause 13: Powers and functions of *Va'atele* - This clause outlines the *Va'atele*'s broad governance responsibilities, including managing assets, ensuring academic quality and transparency, setting fees, establishing accountability systems, and making Statutes.

Clause 14: Promotion of University's interests - This clause requires the *Va'atele* to actively act in the best interests and advancement of the University.

Clause 15: Duties and obligations of members - This clause imposes fiduciary duties on *Va'atele* members, including acting honestly, avoiding conflicts of interest, exercising care, and not misusing their position or information.

Clause 16: Protection of members - This clause protects *Va'atele* members from personal liability for actions taken in good faith, while assigning liability to the *Va'atele* itself where appropriate.

Clause 17: This clause establishes the Chancellor as the ceremonial head of the University who presides over council meetings and confers degrees.

Clause 18: *Tautai* - This clause establishes the Pro Chancellor, who performs the Chancellor's functions when necessary and may be substituted by a *Va'atele* member if absent.

Clause 19: *Manu Folau* - This clause establishes the Vice Chancellor as the chief executive and academic head responsible for managing the University's operations.

Clause 20: Other senior officers - This clause allows the Vice Chancellor to appoint other senior officers as needed for effective administration.

Clause 21: Terms and conditions of officers - This clause provides that the *Va'atele* determines the appointment, roles, remuneration, discipline, and removal of University officers through Statutes.

Clause 22: Executive Board - This clause establishes the Executive Board, details its membership (including voting and non-voting members), and requires it to meet regularly.

Clause 23: Powers of Executive Board - This clause grants the Executive Board authority to manage University affairs, implement policies, establish committees, oversee

appointments and structures, and ensure academic freedom, subject to the *Va'atele's* authority.

Clause 24: Academic Board - This clause establishes the Academic Board as the body responsible for academic matters.

Clause 25: Functions of Academic Board - This clause defines the Academic Board's authority over teaching, admissions, examinations, research oversight, qualifications, discipline, and academic standards, while advising the Executive Board on academic issues.

Clause 26: University Statutes - This clause empowers the *Va'atele* to create, amend, or repeal Statutes governing academic, administrative, and financial matters.

Clause 27: Academic freedom - This clause guarantees academic freedom, including freedom in teaching, research, and expression, and requires the University to uphold these principles.

Clause 28: Regulations - This clause authorises the Minister to make regulations necessary for implementing the Act.

Clause 29: Financial matters - This clause allows the *Va'atele* to regulate financial management, including funding, accounting, and resource administration through Statutes.

Clause 30: Amendment of Schedule - This clause permits the Minister, on *Va'atele* recommendation, to amend the list of member churches in the Schedule.

Clause 31: Consequential amendment - This clause updates all laws and official documents by replacing references to the Pacific Theological College with the Pasifika Communities University.

Clause 32: Continuation of University - This clause transitions the Pacific Theological College into the University, transferring all assets, rights, liabilities, contracts, and recognising prior decisions and student status.

Clause 33: Continuation of officers - This clause ensures that all existing officers remain in their positions under the same terms after the transition.

Clause 34: Continuation of employees - This clause provides that all employees automatically become University employees with unchanged employment terms.

Clause 35: Employee rights - This clause preserves all existing employee rights and entitlements, including leave and pensions.

Clause 36: Student rights - This clause guarantees that all current students retain their rights and entitlements and can continue their studies uninterrupted.

3.3 In-depth Analysis of the Clauses of the Bill

The Committee then held extensive discussions on the Clauses and identified certain provisions that merit proper consideration. These discussions resulted in the identification of a few issues, which the Committee placed as priority issues to be further discussed and deliberated on with the drafters.

Based on the initial reading of the clauses, the main issues noted from these discussions are as follows:

No.	Clause(s)	Issues
1.	Clause 5(1)(a)	The Committee questioned the use of the term “ institute ” and recommended that it be replaced with “ award ” or “ awards ” where appropriate.
2.	Clause 5(1)(f)	The Committee expressed reservations about the use of the word “ and ” in the provision and recommended replacing it with “ to those who ” to improve clarity and readability.
3.	Clause 5(1)(h)	The Committee recommended redrafting the provision by relocating the phrase “ on what the university considers to be good cause ” to the end of the paragraph to improve clarity.
4.	Clause 5(1)(o)	The Committee considered the provision overly lengthy and complex and recommended that it be reworded and simplified to make its meaning clearer.
5.	Clause 5(1)(r)	The Committee recommended deleting the words “ appoint person to and remove ” and substituting them with “ to appoint or remove ” for improved drafting consistency.
6.	Clause 5(1)(s)	The Committee recommended deleting the word “ as ” immediately following the words “ the university ”.
7.	Clause 5(2)	The Committee raised concerns about the provision allowing the University to exercise its powers outside Fiji. Members sought clarification, noting that legislation enacted by Fiji cannot generally operate beyond Fiji's jurisdiction and could potentially be considered <i>ultra vires</i> .
8.	Clause 6(a)	The Committee questioned the use of the term “ Statutes ”, noting that statutes generally refer to laws enacted by Parliament. Members recommended considering alternative terminology such as “ policies, ” “ university policies, ” or other appropriate internal governance instruments.
9.	Clause 8(1)(b)	The Committee recommended that the provision be redrafted for greater clarity.

10.	Clause 8(1)(c)	The Committee sought clarification on the meaning and application of the term “ Vanua ”, specifically whether it refers to the traditional Fijian concept of Vanua.
11.	General Clarification	The Committee sought clarification as to whether membership of the University is open to religious bodies other than the churches listed in the Schedule and how additional member churches may be admitted in the future.
12.	Clause 13(b)	The Committee recommended that the provision be reworded to improve clarity and understanding.
13.	Clause 15(2)	The Committee observed that the terms “ duty ” and “ obligation ” convey substantially similar meanings and recommended removing one of the terms to avoid duplication.
14.	Clause 15(2)(c)	The Committee sought clarification regarding the reference to “ personal interest ” and suggested replacing it with “ conflict of interest ” for consistency with established governance terminology.
15.	Clause 15(3)	The Committee noted that the provision is lengthy and complex and recommended that it be simplified and redrafted to improve readability.
16.	Clause 15(4)	The Committee observed that the provision refers to an “ offence ” but does not clearly define the offence or specify an accompanying penalty and sought clarification on this matter.
17.	Clause 16(1)	The Committee sought further clarification, expressing the view that the provision, as currently drafted, does not clearly provide protection to members of the <i>Va'atele</i> .
18.	Clause 22(1)(a)(iv)	The Committee sought clarification on the process and authority responsible for appointing the five members referred to in the provision.
19.	Clause 22(1)(a)(v)	Similar to Clause 8(1)(c), the Committee sought clarification regarding the meaning of “ Vanua ” and whether the reference is intended to align with the Fijian cultural concept.
20.	Clause 23(7)	The Committee recommended replacing “ may ” with “ must ” in subclauses (1) to (7) to align with subclauses (8) and (9), which use mandatory language by stating that “ it is the duty ”.
21.	Clause 25(1)(a)	The Committee considered the provision excessively wordy and recommended either breaking it into shorter subsections or improving punctuation and structure for greater clarity.
22.	Clause 25(1)(b)	The Committee again raised concerns regarding the use of the term “ institute ” and recommended replacing it with “ award ” or “ awards ”, as appropriate.
23.	Clause 27(2)	The Committee noted a perceived disconnect between Clause 27(2) and subclauses (a) to (c) and sought clarification on the relationship between these provisions.
24.	Clause 27(2)(c)	The Committee found the provision unclear and requested clarification regarding its purpose, intent, and practical application.

This section summarises how the Bill aligns with Fiji's National Development Plan (NDP), which serves as the national framework for localising the SDGs. Access to education is widely mentioned in the NDP not specifically tertiary education; however, the principles and objectives of the Bill align with some of the key Pillars of the NDP and these are illustrated below:

NDP Pillar / Principle	NDP Objective	Relevant Bill Provisions	Explanation
People Empowerment (Pillar 2): Focus Area 5 – Uplifting Socioeconomic Wellbeing.	Education and Training – access to quality education, lifelong learning, TVET, higher education expansion.	Clauses 4(2), 5(a–g), 6(b), 25(a–e)	The Bill establishes the University to provide post-secondary, including technical and vocational education, and to confer degrees and qualifications. This directly supports the NDP goal of improving access to quality education and skills development.
People Empowerment (Pillar 2): Focus Area 5 – Uplifting Socioeconomic Wellbeing.	Population, Employment and Labour Market - Improve employability and labour market alignment through education	Clauses 6(b–c), 25(a–d)	Provision for teaching, research, consultancy, and regulated assessment aligns with NDP emphasis on aligning education with labour market needs and employability outcomes.
Cross-cutting Principle: Community Empowerment.	Participation of civil society, faith-based organisations in development	Clauses 8–12 (membership of churches; responsibilities of member churches)	Governance through member churches and community actors institutionalises faith based participation consistent with NDP recognition of civil society and faith-based organisations in development.

Economic Resilience (Pillar 1): Focus Area 4 - Catalysing Economic Growth and Diversifying the Economy.	Research and Development and Innovation - Promote research, development, innovation and knowledge economy.	Clauses 5(d–f), 6(b–c), 25(f–g)	The Bill enables scholarships, research, innovation and dissemination of knowledge, supporting NDP priorities on R&D, innovation and technology adoption for productivity and growth.
Good Governance (Pillar 3): Focus Area 7 - Committing to Governance, Institutional and State-Owned Entity Reforms	Improve efficiency delivery.	organisational and service	Clauses 22–23 (Executive Board), Clauses 24–25 (Academic Board)

3.4 Submission received via public consultation

All the submissions received during the public consultation were considered and deliberated on extensively. The main points and issues noted from the submissions are summarised below.

1. Pasifika Communities University (PCU)

The PCU was formerly known as the Pacific Theological College (PTC). Established in 1965, the institution has undergone nearly 60 years of development and has implemented a long-term strategic plan over the past decade to transition from a theological college to a university.

PTC has been a fully registered institution under the Higher Education Commission (HEC) and was granted provisional approval in 2023 to transition to university status. This provisional registration was extended in 2024 to allow sufficient time for the enactment of the proposed legislation supporting the transition.

The institution has a long history of higher education delivery in the region. It awarded its first degrees in 1968 and has offered Master’s programmes since 1987 and PhD programmes since 2004, demonstrating its established capacity in postgraduate teaching and research. Church leaders also established the South Pacific Association for Theological Schools (SPATS) as an accreditation body for theological education in the Pacific.

HEC noted that, while SPATS has historically overseen theological accreditation, the Commission, established under the **Higher Education Act 2008**, is responsible for the registration, regulation, and accreditation of all higher education institutions in Fiji.

The presenters acknowledged the support of the Ministry responsible for the Bill and highlighted the extensive internal and external consultations undertaken during its development. Representatives of PCU expressed appreciation for the opportunity to engage with the Standing Committee and discuss questions and comments regarding the Bill. They also emphasized the university's commitment to indigenous values and Pacific identity as part of its educational mission.

The HEC clarified that questions had been raised by Fiji's existing universities regarding the programmes that Pasifika Communities University (PCU) intends to offer. While the institution began as a purely theological college, its transition to university status has been accompanied by the establishment of additional academic schools that are designed to complement, rather than duplicate, programmes already offered by other universities in Fiji.

PCU's original School of Theology has evolved into the School of Theology and Ecumenism (SOTE), reflecting a broader focus on theology and ecumenical engagement.

The university has also established the School of Ecology and Resilience Development (SERD). This school focuses on ecological relationships and interconnectedness, including the relationships between people, communities, the natural environment, and other living systems. It aims to promote understanding of sustainable living, environmental stewardship, and resilience, particularly within Pacific communities. Its programmes are designed to strengthen Pacific peoples' capacity to draw upon their own strengths, knowledge systems, and experiences in responding to contemporary challenges.

A third faculty, the School of Pasifika Philosophy, Education and Science, centres on Pacific and Indigenous knowledge systems, values, languages, and ways of thinking. The school seeks to move learning and research beyond conventional classroom settings by recognising the role of elders, traditional knowledge holders, and community leaders as key contributors to education and research. The HEC highlighted that this approach encourages students, researchers, and staff to engage directly with communities and cultural knowledge systems in the development of research and learning.

The Commission also noted that these schools reflect PCU's distinctive educational model, which integrates theology, ecology, resilience, Indigenous knowledge, and community-based learning within a Pacific context.

1.1 Presentation by PCU (Manu Folau)

The University's Manu Folau (Vice Chancellor) outlined the institution's regional mandate, history, educational philosophy, and governance framework in support of the proposed legislation establishing the university.

It was noted that PCU is owned by 20 member churches across the Pacific region, including the Methodist Church of Fiji and the Anglican Diocese of Polynesia, with the remaining member churches located across 16 Pacific countries and territories, including Papua New Guinea, Samoa, Tonga, Tuvalu, Kiribati, the Marshall Islands, Pohnpei, New Caledonia (Kanaky), and French Polynesia. The university was established to serve the educational needs of the wider Pacific region rather than a single country.

The institution's origins date back to discussions among Pacific church leaders in **1961**, leading to its legal registration in Fiji in **1964** and the commencement of academic programmes in **1965**. It offered its first Bachelor's degree programmes in the 1960s, introduced Master's programmes in **1987**, and launched PhD programmes in **2004**. According to PCU, these programmes have been tested and developed over many years, enabling graduates to pursue further studies internationally without requiring additional bridging qualifications. The institution attributes this recognition partly to its longstanding connection with the global ecumenical network of the World Council of Churches.

In 2010, the University Council formally resolved to pursue university status. Representatives noted that the transition was intentionally gradual, allowing the institution to build its academic programmes, research capacity, governance systems, and quality assurance mechanisms before seeking recognition as a university.

PCU described its educational philosophy as a “whole-of-life” approach to education, developed within the framework of the Pacific Household of God, a regional vision adopted by Pacific church leaders in 2017. This philosophy promotes an integrated understanding of education, connecting faith, culture, community life, leadership, ethics, ecology, and academic learning. The university argued that education should move beyond compartmentalised or discipline-specific approaches and instead recognise the interconnectedness of people, communities, cultures, and the environment.

A key feature of this model is community-based learning, which seeks to expand education beyond traditional classrooms by incorporating community knowledge, cultural practices, and the contributions of local elders and knowledge holders. PCU emphasised that technical and scientific knowledge should be complemented by ethical,

moral, and ecological responsibility, producing graduates who are both professionally competent and socially responsible.

The university identified several distinctive features of its model, including values-based leadership, interfaith engagement, community-centred learning, self-determination, and educational approaches grounded in Pacific cultures and knowledge systems. It stressed the importance of developing a uniquely Pacific identity in higher education that reflects regional realities rather than relying solely on imported educational models.

PCU also highlighted ongoing partnerships with regional and international organisations, including the Pacific Islands Forum Secretariat, UNDP, the Pacific Community (SPC), and SPREP. These collaborations focus on leadership development, institutional strengthening, and the application of integrated Pacific approaches to governance and development challenges.

Another distinctive feature of the university is its deliberate use of Indigenous Pacific terminology throughout its organisational structure and academic identity. Terms drawn from different Pacific languages are used for leadership roles, academic offices, and student identity, reflecting the institution's commitment to Pacific cultural diversity and regional ownership.

The presentation concluded with an overview of the university's governance and accountability structure, noting that the proposed framework is incorporated into the draft legislation before the Committee. PCU reiterated its vision of becoming a regionally grounded university that combines academic excellence, Pacific values, ethical leadership, community engagement, and whole-of-life learning.

1.2 Question and Answers

The Committee acknowledged the presentation and described the university's "whole-of-life" educational philosophy as an interesting evolution beyond traditional holistic education approaches.

While expressing support for the vision and objectives outlined by PCU, the Committee raised questions about whether those aspirations are adequately reflected in the wording and structure of the Bill.

The PCU was questioned whether it believes that the concepts it seeks to promote, including Pacific values, community-based learning, and the whole-of-life educational approach, are sufficiently expressed in the Bill's provisions relating to the university's functions, governance, and operations.

The Committee also noted concerns about the drafting style of the Bill, observing that much of the language appears to use traditional legal or "old English" terminology,

which may be difficult for many readers, particularly Pacific Islanders, to understand. PCU was also questioned whether the legislation is accessible enough for the communities it is intended to serve.

Referring to PCU's students and wider stakeholders the Committee questioned whether an ordinary reader, including a university student, would be able to clearly understand the Bill's provisions and recognise the university's vision and mission within the legislation.

The Committee in its own review processes had already considered technical drafting and grammatical issues but was particularly interested in understanding whether the spirit, values, and educational philosophy of PCU are adequately reflected in the Bill as drafted.

1.3 Response by PCU

In response, PCU agreed that much of the Bill is drafted in complex legal language and explained that the drafting process involved extensive consultation with the Solicitor-General's Office to ensure the legislation complied with parliamentary and legal requirements. While PCU sought to have its organisational structure, values, and educational philosophy reflected in the Bill, legal drafting conventions inevitably influenced the final language.

PCU stated that its core values, spirituality, and educational philosophy are reflected in the legislation, although these elements may be less visible because they are embedded within legal terminology. PCU added that the institution worked closely with its own legal advisers, the HEC, the Ministry of Education, and government lawyers throughout the drafting process. While legal terminology could not be altered substantially, PCU sought to incorporate as much of its educational philosophy and operational vision as possible within the legislation.

It was also noted that supporting documents, including constitutional and implementation frameworks, provide further detail on how the university's values and programmes will be operationalised. These documents were developed through extensive review processes and submitted to the Ministry of Education and the HEC.

PCU expressed satisfaction that the Bill had reached its current stage and emphasised its strong support for its passage. While acknowledging that legislation cannot contain every operational detail, she explained that many aspects of the university's philosophy and educational model would be realised through programme delivery, institutional policies, and implementation practices rather than through statutory provisions alone.

The submittee further argued that PCU seeks to address an important gap in higher education by complementing academic and technical training with a strong focus on

character formation, ethics, values, leadership, and social responsibility. PCU aims to produce graduates who are not only academically qualified, but who also demonstrate moral and ethical leadership.

It was highlighted that PCU would operate with established governance structures, including clearly defined responsibilities for the University Council and provisions protecting academic freedom. These governance arrangements had been developed in consultation with regulators and stakeholders to ensure compliance with higher education standards.

Finally, PCU's programmes have been aligned with Fiji's national development priorities and planning frameworks to ensure graduates can contribute meaningfully to leadership, development, and community-building across Fiji and the wider Pacific region. It was further noted that PCU offers a distinctive contribution to both Fiji and the Pacific through its integration of academic excellence, values-based education, ethical leadership, and community-centred learning.

1.4 Inclusion of other religious bodies

Committee questioned whether other religious bodies or churches that are not currently members of Pasifika Communities University (PCU) would be able to join the institution in the future, and what process would apply for their admission.

In response, it was confirmed that there is provision for new member churches to join the University. PCU emphasised the importance of maintaining flexibility within the University's governance arrangements so that additional churches can be admitted as members when appropriate.

PCU's preference is for the authority to approve new member churches to rest with the University's governing body, the ***Va'atele (University Council)***, rather than requiring approval through the Minister for Education or Parliament. This approach would allow the institution greater autonomy and efficiency in managing its membership while remaining responsive to developments within the regional church community.

While legal advice received during the drafting process suggested that ministerial involvement could be considered, PCU's position is that the Council should have the authority to determine membership matters. This reflects the University's desire to preserve institutional flexibility and self-governance.

It was further noted that the broader intention of the Bill is to provide a framework that supports the University's operations in Fiji while safeguarding academic freedom and allowing its internal governance structures to manage matters relating to membership, functions, and administration.

1.5 Va'atele's power to include New Member Churches

Committee sought clarification on whether PCU would like the powers of the *Va'atele* under Clauses 7 and 8, and particularly under the provisions relating to its functions, to be expanded to include the authority to admit new member churches to the University.

It was stated that PCU would prefer a more flexible arrangement whereby the *Va'atele* (University Council) is empowered to approve and admit new member churches directly, without having to seek approval from the Minister for Education each time a new church seeks membership. PCU argued that such authority would better support the University's autonomy and allow it to respond more efficiently to changes in its regional membership.

PCU emphasised that the University's initial hope was for the legislation to confer this authority on the *Va'atele* as part of its governance responsibilities. Such a provision, in PCU's view, would strengthen the institution's ability to manage its affairs independently while continuing to serve its member churches across the Pacific.

1.6 Discussion on Clause 30 and Amendment of the Schedule

The Committee referred to Clause 30 of the Bill, which provides that the **Minister may, on the recommendation of the *Va'atele*, amend or repeal the Schedule**. It was further noted that the Schedule contains the list of member churches that own the University and sought clarification on PCU's position regarding this provision.

The Committee questioned whether PCU was effectively proposing that the word “**may**” be replaced with “**must**”, thereby requiring the Minister to approve any changes to the Schedule recommended by the *Va'atele*. The Committee observed that such a change would give greater authority to the University over decisions concerning its membership and ownership structure.

In response, PCU explained that the issue had been carefully considered during consultations with legal advisers. PCU noted that because the Bill would become an Act of Parliament, any provisions in the legislation could potentially require parliamentary involvement whenever amendments are needed. PCU's concern was to avoid creating a system where every change to membership arrangements would require a lengthy legislative process.

PCU emphasised that governance and institutional autonomy are important principles for the University. As an institution seeking university status, PCU wishes to maintain sufficient academic freedom and authority to manage its programmes, operations, and internal affairs without unnecessary external intervention. However, PCU also acknowledged that the University operates within the sovereign jurisdiction of Fiji and must comply with Fiji's legal framework and higher education regulations.

While PCU values institutional autonomy, it also recognises the practical role of the Minister within the legislative framework. Given that the University will operate under an Act of Parliament and may eventually establish centres or partnerships in other jurisdictions across the Pacific, some mechanism for ministerial oversight was considered appropriate during the drafting process.

PCU indicated that the inclusion of ministerial authority under Clause 30 was intended to provide a practical means of managing future changes without requiring the University to return to Parliament for every amendment. The provision was therefore viewed as a balance between institutional autonomy and regulatory accountability within Fiji's legal system.

2. Ministry of Education Proposed Amendment to Clause 8 (Membership of Council)

2.1 The Ministry has proposed the inclusion of the Permanent Secretary for Education as a member of the Council. Clause 8 currently provides for the composition of the Council, including ex officio members, representatives of member churches, representatives of the student body, employees, Pacific Ecumenical Communities, and non-voting members.

2.2 The Ministry requests the removal of all indigenous terms and titles appearing throughout the Bill, including references such as Va'atele, Vanua, Tinarae, Taumoana, Tautai, Manu Folau, and any other indigenous expressions, and proposes that equivalent English terminology be used consistently throughout the legislation.

Response by the PCU

2.3 It was noted that PCU does not support the proposed amendment to Clause 8 to include the Permanent Secretary for Education as a member of the Council. The Bill establishes a governance structure under which the University is owned, governed, and funded by its 20 member churches across the Pacific region, and the composition of the Council reflects that ownership arrangement. The inclusion of a Fiji Government official as a voting member of the Council would alter the intended governance framework by introducing representation from a single national government into an institution that is regional in character and supported by its member churches. Furthermore, there is no corresponding funding commitment from the Government associated with the establishment or operation of the University that would justify permanent representation on the Council.

In addition, the Bill establishes PCU as a body corporate and an autonomous institution of higher education. The Ministry's proposal appears to adopt a governance model that is more commonly applied to statutory universities that are predominantly funded by the State, such as Fiji National University, the University

of Fiji, and the University of the South Pacific. PCU is fundamentally different in nature, as it is not a government-owned or state-funded institution but rather one that is founded, owned, and financially supported by its member churches. Accordingly, its governance arrangements should remain consistent with its unique ownership structure and institutional autonomy.

There are also important governance considerations that support maintaining a clear separation between government oversight and university governance. Existing higher education practice demonstrates a growing recognition of the risks associated with having senior government officials serve as voting members of university councils, particularly where the same officials may have regulatory, approval, or funding responsibilities in relation to those institutions. Such arrangements can create actual or perceived conflicts of interest and may undermine institutional independence. PCU therefore considers it appropriate to preserve the distinction between government oversight and university governance, while continuing to work collaboratively with the Ministry in fulfilling its regulatory obligations. For these reasons, PCU recommended that the proposed amendment be declined and that the Council membership remain as provided in the Bill.

- 2.4 With respect to indigenous terminology in the Bill, PCU does not support the proposed removal of indigenous terminology from the Bill. The indigenous terms and titles used throughout the legislation are fundamental to the University's identity and mission, reflecting its unique foundation in both ancestral traditions and Judeo-Christian values, and its commitment to a decolonial approach to education. These terms are not merely symbolic; they embody cultural concepts, values, and leadership structures that are central to the University's philosophy and cannot be adequately conveyed through direct English substitutions. Further, the indigenous terminology used in the Bill is legally defined under Clause 2, ensuring clarity, certainty, and consistency in interpretation. As such, their inclusion does not create ambiguity or uncertainty in the legislation. Rather, the definitions provide a clear legal framework for understanding and applying these terms within the context of the Act.

The retention of indigenous terminology also serves to distinguish PCU from other universities in the region by affirming its unique character and educational vision. The removal would diminish an important aspect of the University's identity and undermine the values upon which the institution has been founded. Accordingly, PCU recommends that the indigenous terminology be retained throughout the Bill.

3. Trans Affirmative Action Guild

3.1 Purpose and Lens

The Trans Affirmative Action Guild (TAAG) emphasized the need for the new university to uphold human rights, intersectional justice, and inclusivity.

The review uses a SOGIESC (Sexual Orientation, Gender Identity and Expression, and Sex Characteristics), gender, intersectionality, sensitivity, and climate justice lens, focusing on impacts for Vakasa, Sian, Trans, and Non-binary (VST+) students and staff, youth leadership, and marginalized scholars.

3.2 International Obligations

The submission highlighted that the university should align with Fiji's international obligations, including the SDGs, ICCPR, and CEDAW, by promoting non-discrimination and ensuring equitable access to education, particularly for vulnerable groups.

3.3 Analysis of Prior Submissions

TAAG noted that previous feedback emphasized the importance of preserving *ecumenical autonomy* through church-based governance structures, while also expressing concerns that contemporary human rights protections could be constrained by such arrangements.

TAAG maintains that, as a public university, the institution cannot rely on religious governance structures to justify discriminatory practices. It argues that genuine Pacific ecumenism should be inclusive and actively protect the rights, dignity, and participation of marginalized groups.

While there is broad support for academic freedom, concerns remain that the proposed protections are too narrowly framed. Stakeholders have highlighted the need for stronger safeguards to ensure that scholars are not subject to retaliation or institutional pressure when conducting research on sensitive or contested topics, including gender, sexuality, climate justice, and related social issues.

In this regard, the submitter proposed that the Bill should include clearer protections against discrimination to ensure that all individuals are treated fairly and have equal access to opportunities. The submitter also suggested that the governance bodies should include representatives from students, youth, and civil society, particularly those with knowledge of gender equality and climate justice, to promote broader representation in decision-making. In addition, the submitter recommended strengthening the provisions on academic freedom to better protect research and discussion on issues such as gender diversity, human rights, and climate justice.

A copy of the oral and written submission can be obtained from the online Appendices of the Report, which can be accessed via the Parliament website: www.parliament.gov.fj

3.6 Sustainable Development Goals Impact Analysis

Consideration was given to **SDG 4: Quality Education**, as this goal aligns closely with the objectives of the Bill, which seeks to formally grant legal recognition to Pasifika Communities University as a registered university operating within Fiji. The Bill is expected to enhance access to higher education opportunities for both women and men, while supporting inclusive, equitable, and quality tertiary education in line with national and global development priorities.

SDG 4.3 – Equal Access to Affordable Technical, Vocational and Higher Education

By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.

In this regard, the Committee following its review of the Bill, fulfilled its obligation as prescribed under Section 110(2) of the Standing Orders of Parliament.

3.7 Outcome of Review

The outcomes of the review are reflected in the revisions to the **Pasifika Communities University Bill** proposed by the Committee to Parliament.

3.7.1. Committee's Suggested Amendments

The Ministry of Education and the Pasifika Communities University jointly proposed a series of amendments to improve the clarity, fairness, and practical implementation of the Bill.

The Committee has generally accepted the changes as it would improve clarity and legal certainty in the Bill, with certain reservation on the following;

1. Clause 5(a)

The Committee proposed that the relevant authority (Higher Education Commission) be given regulatory authority to confer self-accrediting status on the University's academic programmes.

The Committee is of the view that the Commission is the appointing authority under section 20 of the Higher Education Act 2008 and also approves accreditation for Higher Education institution as prescribed under section 26. In reference to the University of Fiji Act 2010, section 6 (b), the Committee suggest that clause 5 (a) be read as;

“to accredit its own academic programs subject to any legal requirements of the appropriate authority”.

2. Clause 8 - Inclusion of Permanent Secretary in the Council

The Committee noted that the Higher Education Commission Act 2008 establishes the regulatory framework for higher education institutions but does not prescribe the composition of the governing council of a university. Matters relating to university governance, including the membership and composition of the Council, are generally provided for in the university's establishing legislation, charter, or statutes. In light of the University's proposed governance model and ownership structure as set out in the Bill, the Committee is satisfied that the current composition of the Council under Clause 8 is appropriate and does not support the proposed inclusion of the Permanent Secretary for Education as a member of the Council. Accordingly, the Committee recommends that Clause 8 remain.

3. Preserving Indigenous terminology in the Bill

The Ministry of Education further requested the removal of all indigenous terms and titles appearing throughout the Bill, including references such as *Va'atele, Vanua, Tinarae, Taumoana, Tautai*, and *Manu Folau*, and proposed that equivalent English terminology be used consistently throughout the legislation to improve clarity and accessibility. In response, Pasifika Communities University submitted that the indigenous terminology reflected the University's core mission and identity, which is

grounded in both ancestral Pacific traditions and Judeo-Christian values, and supports its decolonial approach to education. The University further noted that these terms are legally defined in Clause 2 of the Bill, thereby ensuring clarity and certainty of interpretation. It was also submitted that the retention of indigenous terminology distinguishes the University from other higher education institutions and symbolises a deliberate departure from conventional colonial models of education.

The Committee carefully considered both positions and acknowledged the importance of preserving the University's unique cultural identity while also ensuring that the legislation remains clear and accessible to all readers. Accordingly, the Committee resolved to accommodate both recommendations by retaining the indigenous terms and titles throughout the Bill, while also including the corresponding English references where appropriate to enhance clarity and understanding.

We are firmly of the view that the revisions made to other relevant suggestions maintain the spirit of the intent of the original bill, whilst making improvements in key areas that have been highlighted in this report.

4.0 CONCLUSION

As highlighted above in its deliberations, the Committee has conducted extensive public consultations and consulted independent legal experts in the Solicitor-General's Office for the purpose of improving the current draft Bill.

At the conclusion of the review, the Committee believes that the proposed amendments are adequate for achieving the objectives of the **Pasifika Communities University Bill 2026**.

The Committee through this report commends the *Pasifika Communities University Bill (Bill No. 9 of 2026)* to the Parliament.

MEMBER'S SIGNATURES



.....
Hon. Ratu Rakuira Vakalalabure
(Chairperson)



.....
Hon. Faiyaz Koya
(Deputy Chairperson)



.....
Hon. Jone Usamate
(Member)



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Hon. Ratu Josaia Niudamu
(Member)



.....
Hon. Sachida Nand
(Member)



.....
Hon. Ratu Isikeli Tuiwailevu
(Member)

DATE: 17/08/2026