



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

Report on the Review of the Education Bill (Bill No. 34 of 2025)



PARLIAMENT OF THE REPUBLIC OF FIJI
Parliamentary Paper No. 37 of 2026

April 2026

Published and Printed by the Department of Legislature, Parliament House, SUVA.

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CHAIRPERSON'S FOREWORD



The Standing Committee on Justice, Law and Human Rights was referred the Education Bill to scrutinise and to return a report of its findings to Parliament.

The Education Bill 2025 ('**Bill**') seeks to repeal and replace the Education Act 1966. It also seeks to repeal the Higher Education Act 2008 and the Fiji Teachers Registration Act 2008 to bring higher education and teacher registration matters under a single education umbrella legislation.

Between 1968 and 2016, Fiji's education laws were amended seven times. In 1968, authority was centralized under the Minister; in 1970 and 1975, laws were realigned and consolidated following independence, with no substantive education changes. In 1976, the Education Forum was established, and in 1998 its composition was broadened to improve inclusivity. A major reform came in 2008 with the Fiji Teachers Registration Promulgation, which introduced a framework for teacher registration and professional standards. Finally, in 2016, laws were consolidated again without substantive changes. Overall, the amendments reflect shifts in governance, inclusivity, and teacher professionalism.

1968 – Education (Amendment) Ordinance

Authority over education decisions was shifted from the Director and Advisory Council to the Minister and Education Committee, centralizing control.

1970 – Constitution (Statutory) Amendment Order

Laws were realigned to fit Fiji's new constitutional framework after independence. This was mostly structural, with no substantive education changes.

1975 – Law Revision (Miscellaneous Amendments) Act

A consolidation of Fiji's laws as part of the 1975 revision, again with no substantive education changes.

1976 – Education (Amendment) Act

Established the Education Forum, creating a platform for broader consultation in education policy.

1998 – Education (Amendment) Act

Adjusted the provisions of the Education Forum to improve representation and inclusivity, ensuring wider stakeholder participation.

2008 – Fiji Teachers Registration Promulgation

Repealed Part VIII of the Act and introduced a new framework for teacher registration. It also established the Fiji Teachers Registration Board to oversee professional standards and ethics.

2016 – Revised Edition of the Laws (Consequential Amendments) Act

Consolidated Fiji’s laws under the 2016 revision, with no substantive changes to education provisions.

As part of the review, the Committee conducted public consultation in targeted areas to gather opinions and feedback from the public. The Committee received support and commendation on the introduction of the amendment Bill, from majority of the public that had participated in the public consultation. However, like most activities that impact the lives of the people of a country, there will also be other suggestions that are based on the premise of making improvements.

Consideration was also given to the impact of the Bill on Fiji’s efforts in meeting its targets of the sustainable development goals (SDG).

The Committee acknowledges the concerns raised by the submittees and has deliberated at length on concerns raised. The Committee is confident that all issues raised have been addressed and that the Bill is sufficient as it is with some minor amendments.

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 **Education Bill (Bill No. 34 of 2025)** 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 Officer

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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 Education Bill 2025 for review on November, 2025. The Bill was referred to the Committee in accordance with SO 84, 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 Education Bill 2025 (Bill No. 34 of 2025). This report outlines the findings, observations, and recommendations of the Committee regarding the Bill.

The Committee read through the Bill and deliberated on the Clauses in the Bill. The Committee then invited the Ministry responsible to provide briefing on the intention of the Bill. The Committee then called for submissions from the public and other interested stakeholders by placing advertisements through the Parliament social media platform.

The Committee was mindful of the provisions in 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 THE EDUCATION BILL (BILL NO. 34 of 2025)

2.1 Introduction

The Education Act 1966 (‘Act’) is the foundational law for pre-tertiary education in Fiji and since its promulgation in 1966, the Act has only been amended seven times.

Given that the Act had not undergone a comprehensive review since its inception, it became imperative that such an integral legislation be reviewed and reformed to update it to modern standards and best practices, and to also address the since developed and ever developing issues and concerns within the education system.

The Minister for Education, Honourable Aseri Radrodro, appointed a review committee to facilitate the review project, in March 2025. The work of the committee was also supported by the Fiji Law Reform Commission, with funding assistance from the Global Partnership for Education and the United Nations International Children’s Emergency Fund (UNICEF).

2.2 Objective of the Education

The objectives of this Act are to—

- (a) give effect to the right to education under section 31 of the Constitution;
- (b) establish the Education Advisory Council;
- (c) establish the National Curriculum and Assessment Authority;
- (d) provide for the recognition and registration of government schools, government-aided schools and private schools;
- (e) provide for early childhood education, primary education, secondary education and technical and vocational education and training;
- (f) provide for special and inclusive education;
- (g) establish the Fiji Teachers Registration Authority, continue the Fiji Teachers Registration Board and provide for the registration of teachers;
- (h) continue the Higher Education Commission and provide for the registration of higher education institutions; and
- (i) provide for higher education.

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 Education Bill 2025 aims to establish a comprehensive framework for education in Fiji.

The proposed legislation outlines the provisions and regulations which addresses various aspects of education, including access to education, 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.

The Committee had extensive discussions on the provisions of the Bill and resolved that it would be prudent to first hear the views of the public, particularly key stakeholders, on this important piece of proposed legislation. Such public consultations would enable the Committee to gauge perspectives and concerns before proceeding with further deliberations, while also fulfilling Parliament's requirement that the Bill be referred to the Committee for consideration.

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;

The Bill consists of 16 Parts which are as follows—

Part 1 includes an interpretation section, which defines key terms used throughout the Bill. These definitions are crucial for understanding the provisions and ensuring consistency in its application. For example, the Bill defines terms such as “auditing standards”, “Authority”, “Board”, “child”, “Council”, “Minister”, “Permanent Secretary” and many others.

Additionally, Part 1 outlines principles and objectives that guide its implementation. These principles emphasise the right to education, the role of parents in their children’s education, the State’s responsibility to ensure quality education for all children, and the provision of public education. The objectives of the Bill include giving effect to the right to education, establishing an advisory council, an independent curriculum development and assessment body, and registration processes for schools and teachers, as well as providing for early childhood, primary, secondary, technical and vocational, and higher education.

Furthermore, Part 1 specifies that the new legislation will bind the State, meaning that the government is obligated to comply with its provisions.

Part 2 of the Bill outlines the right to education, stating that every person has the right to early childhood education, primary education, secondary education, and higher education. It also emphasises the provision of free education, where primary education must be provided free of charge in government and government-aided schools, and secondary and higher education should be provided free of charge if resources are available. Additionally, Part 2 provides for education for mature students, defining them as individuals of or over the age of 19 years. It outlines measures that should be taken to provide education for mature students, including establishing separate government schools, supporting government-aided schools, or implementing education programmes specifically for mature students, ensuring they are educated separately from children.

Part 3 of the Bill covers compulsory education. Compulsory education requires children within a prescribed age range to be enrolled in a school and attend school regularly. The Permanent Secretary is responsible for ensuring compliance and may issue directives to parents (including legal guardians) if a child is not enrolled or attending school. Failure to comply may result in a compulsory education order, with penalties for non-compliance. Exemptions may be granted by the Minister for valid reasons. School heads are required to report any non-compliance to the Permanent Secretary.

Part 4 of the Bill establishes the Education Advisory Council (**‘Council’**). The Council is established with various members including representatives from education trade unions and associations, higher education institutions, women’s rights groups, student

bodies and other relevant groups. The Council advises the Minister on education-related matters, provides strategic guidance, and assists with policy and law reforms. The Council has the power to appoint committees, hold meetings, and must publish an annual report. Members of the Council are protected from liability if they act in good faith and with reasonable care.

Part 5 of the Bill outlines the establishment of the National Curriculum and Assessment Authority (**‘Authority’**), including its membership, functions, powers, and meetings. The Authority is responsible for advising the Minister on curriculum, assessment, and educational standards, developing national curriculum frameworks, conducting research, and collaborating with stakeholders. The Authority must publish an annual report on its performance, and members are protected from liability unless acting in bad faith. It also addresses the provision of religious instruction in schools and the importance of career education and guidance for students. Religious instruction in schools is allowed with consent, and career education and guidance must be provided to students to prepare them for the workforce or further education. The Higher Education Commission (**‘Commission’**) must provide a careers information service.

Part 6 of the Bill outlines the different types of schools, including government schools, government-aided schools, private schools and home schools. It also discusses the categories of education that schools may provide, such as early childhood education, primary education, secondary education, and technical and vocational education and training. The establishment, control, and governance of government schools, government-aided schools, and private schools are also detailed, including the appointment of managers and the registration process for managers.

Part 7 of the Bill outlines the requirements for establishing and closing schools in Fiji. It includes the process for registering or recognising schools, the approval process, conditions for approval, appeals against refusal, application for certificates of registration or recognition, cancellation of certificates, changes to controlling authority, and the register of schools. It also covers offences related to operating schools, the closing of schools, appeals against closure, health and safety requirements, waivers, inspections of schools, and medical inspection and treatment for students.

Part 8 of the Bill provides for the regulation of schools, including health and safety requirements, school inspections and medical inspections.

Part 9 of the Bill provides for the administration of schools in relation to admission of students, school hours, teacher-student ratio, school zoning, and criteria for enrolment in boarding schools. It specifies that schools cannot admit students after the first two weeks of the first term, the Minister may prescribe school hours, teacher-student ratio must not exceed a prescribed number, school zoning is prohibited, and the criteria for enrolment in boarding schools must consider factors such as distance and accessibility.

Part 10 of the Bill addresses student behaviour and provides for well-being in schools. It states that schools must provide counselling services to students through qualified and trained school counsellors, with the Ministry also employing such counsellors. If a school cannot provide a counsellor, they must ensure students have access to counselling services. The Part also prohibits corporal punishment and any form of cruel, inhumane,

degrading, or disproportionately severe treatment or punishment of students by anyone employed or engaged by the school.

Part 11 of the Bill outlines the framework regarding fees, levies, fundraising, financial transparency, audit, and reporting for government schools and government-aided schools. It specifies that tuition fees cannot be charged for primary and secondary education, but boarding fees and levies for specific purposes are allowed. Schools can also conduct fundraising activities for approved purposes. Financial management, record-keeping, and reporting requirements are outlined, including the need for financial statements to be prepared and audited annually. The accounts and financial statements of the schools must be audited by an authorised auditor, and an annual report must be submitted to the Permanent Secretary.

Part 12 of the Bill outlines the establishment and functions of the Fiji Teachers Registration Authority ('FTRA'). The Bill seeks to establish the FTRA as a body corporate with various powers, including the ability to collect fees, investigate complaints, and produce materials for its functions. The Fiji Teachers Registration Board ('Board') is responsible for registering qualified teachers, overseeing disciplinary measures, collaborating with relevant stakeholders, and developing professional teaching standards and ethics. The Board may delegate its powers, establish committees, and appoint a Chief Executive Officer. The Part also covers the registration of teachers, criteria for registration, renewal, restoration, and cancellation of registration, as well as disciplinary actions, inquiries, appeals, and offences and penalties related to teacher registration and conduct. Additionally, it addresses the establishment of a register of teachers, duties of employers, and reporting requirements of the Board.

Part 13 of the Bill outlines the regulations and requirements for higher education institutions in Fiji. It covers the establishment, registration, and accreditation of universities and other higher education institutions, as well as the functions and powers of the Commission. It also includes provisions for appeals, financial management, reporting, and winding up of institutions. The Commission has the authority to regulate and oversee higher education institutions to ensure they meet national standards and provide quality education.

Part 14 of the Bill sets out the general powers of the Minister and the Permanent Secretary. This Part allows the Minister to give directions to the Permanent Secretary on how to exercise their powers and functions under the Act. The Minister is not bound by the advice of the Council but must consult with them. The Permanent Secretary has the authority to relocate students to another school under certain conditions such as disciplinary issues, health or safety concerns, teacher-student ratios, school conditions, or other prescribed reasons.

Part 15 of the Bill outlines the various offences and penalties—

- (a) offence in relation to establishment or opening of schools: It is an offence to establish or maintain a school without the necessary approval, registration, or recognition under the Act. Using unsuitable publications in instruction is also prohibited. The penalty for these offences is a fine not exceeding \$2,000 or imprisonment for up to one year, or both;
- (b) offence to manage a school without being registered as a manager or approved to operate a home school: It is an offence to manage or assist in the management of a school or to operate a home school without being registered as a manager or

approved by the Permanent Secretary. The penalty for this offence is a fine not exceeding \$2,000 or imprisonment for up to one year, or both. Continuing to do so when prohibited from doing so also incurs the same penalty;

- (c) offence to mislead type of school etc. It is an offence for a school manager to wilfully mislead by publishing or broadcasting information suggesting the school is of a different type or classification than registered. The penalty for this offence is a fine not exceeding \$2,000 or imprisonment for up to one year, or both;
- (d) offence to keep open or reopen a closed school: It is an offence to keep open or reopen a school that has been ordered to be closed under the Act. Managing or assisting in the management of such a school in violation of the Act is also an offence. The penalty for these offences is a fine not exceeding \$2,000 or imprisonment for up to one year, or both; and
- (e) offence to insult or abuse teacher etc. Insulting or harassing a teacher, assaulting a teacher or student, or maliciously disturbing a school program in the presence of students are all offences under the Act. The penalty for these offences is a fine not exceeding \$5,000 or imprisonment for up to one year, or both.

Part 16 covers miscellaneous provisions. It outlines the regulations-making powers conferred on the Minister. It also includes provisions for the mandatory review of the Act every 5 years, the repeal of the Act, the Higher Education Act 2008 and the Fiji Teachers Registration Act 2008, as well as necessary transitional and savings arrangements.

3.3 In-depth Analysis of the Clauses of the Bill

The Committee then had 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 representatives from the drafters and the Ministry of Education. Based on the initial reading of the clauses, the Committee made comparative analysis of amendments on the Education Act 1966 through the years.

Amending Legislation	Commencement	Nature of amendment
Education (Amendment) Ordinance 1968 (No.21 of 1968)	19 Aug 1968	Amendment primarily shifted decision-making authority from the Director and Advisory Council to the Minister and Education Committee to centralise control over education matters
Constitution (Statutory) Amendment Order 1970 (LN 112 of 1970)	8 Oct 1970	Realignment of Fiji's laws to the new Constitution structure following independence on 10 October 1970. (No substantive amendments)
Law Revision (Miscellaneous Amendments) Act 1975 (No 14 of 1975)	30 May 1975	Revision of Fiji Laws 1975, consolidation (No substantive amendments)

Education (Amendment) Act 1976 (No 30 of 1976)	3 Dec 1976	Amendment establishing the Education Forum.
Education (Amendment) Act 1998 (No 42 of 1998)	17 Sept 1998	Amendment to provisions relating to the Education Forum; specifying composition to enhance the representation and inclusivity of the Forum
Fiji Teachers Registration Promulgation 2008 (No 25 of 2008)	1 June 2009	Repeal of Part VIII of the Act, replacing it with a framework for teacher registration, and establishing the Fiji Teachers Registration Board to oversee registration, professional standards and ethics.
Revised Edition of the Laws (Consequential Amendments) Act 2016 (No 31 of 2016)	1 Dec 2016	Revision of Fiji Laws 2016, consolidation (No substantive amendments)

Clause 10: Compulsory Education

There was discussion on the age at which a child should be considered responsible for their actions. It was argued that accountability should begin at 16 years and older, even though the Child Justice Act currently sets the age of criminal responsibility at 14 years. It was suggested that parents should only be held liable for a child’s criminal offenses until the age of 14. Beyond that age, the child should be accountable for their own actions. For example, under the ‘Compulsory Education’ provisions of the Bill, if a child aged 14 or older chooses not to attend school regularly, the responsibility should shift from the parent to the child, since the decision not to attend is made by the child themselves. Parents should only be held liable for their child’s actions until the age of 14. Beyond that age, accountability should rest with the child. It was further suggested that, instead of imposing criminal liability, penalties for such cases should take the form of community service or restorative measures.

The discussion on the provision also highlighted that a child cannot be regarded as fully mature enough to make sensible decisions, given that the legal age of majority is 18 years. While the primary responsibility for ensuring a child attends school rests with the parents, the Bill proposes shifting this responsibility to the child at age 16, since the Employment Act permits individuals to work from that age.

Issue on lack of teachers

In schools with limited teaching staff, the shortage of teachers may also contribute to students not attending classes. The Committee agreed to consider how such

circumstances should be weighed and to provide appropriate leeway for parents, rather than subjecting them to penalties in situations beyond their control.

The Committee considered that a clear process should be outlined under the “*Compulsory Education*” provision to guide school principals in exhausting all available avenues. This would involve liaising with relevant stakeholders such as District Education Officers, the Ministry of iTaukei Affairs, the Ministry of Social Justice, and others before seeking a compulsory education order from the Permanent Secretary.

Clause 70: Zoning

Members discussed the removal of the provision from the Bill given that it no longer in place and in practice.

Clause 73: Corporal Punishment

The Committee discussed the removal of the provision from the Bill in its entirety. Since the Constitution already prohibits violence against children, it was agreed that there is no justification for including such a provision within the Bill. Constitution Section 41(d);

“to be protected from abuse, neglect, harmful cultural practices, any form of violence, inhumane treatment and punishment, and hazardous or exploitative labour”

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 selected submissions are summarised below.

Submissions received provided a range of comments and suggestions, which cover various issues pertaining to certain Clauses of the Bill.

Common issues raised from the public

Clause 73: Corporal punishment

In Fiji, the Constitution explicitly forbids corporal punishment in schools. This means principals, teachers, or community leaders (like Turaga ni Koro) cannot legally administer physical discipline. The ban aligns with international human rights standards, particularly the Convention on the Rights of the Child, which Fiji has ratified. These frameworks emphasize protecting children from violence in all settings.

Many communities feel that children have become more disrespectful, with reports of students verbally or physically abusing teachers. Some argue that without corporal punishment, schools lack effective tools to enforce discipline. Others counter that corporal punishment often causes long-term harm, including trauma, resentment, and perpetuation of violence. A key concern raised is that the public was not widely consulted when the constitutional ban was put in place. This has led to frustration, especially in rural and traditional settings where corporal punishment was historically accepted. Calls to reintroduce corporal punishment reflect a tension between traditional authority structures and modern legal protections.

Fiji Higher Education Commission

The Fiji Higher Education Commission (FHEC) recommended that its authority over accreditation, qualifications, and compliance enforcement be clearly defined in the Education Bill 2025. It stressed the need to operate independently but in coordination with the Ministry to avoid duplication. Concerns were raised about “fly-by-night” student recruiting agencies bypassing registration and sending students overseas through local agents without formal agreements. While FHEC currently holds regulatory powers, it often relies on external agencies for enforcement. To strengthen oversight, it proposed that micro-qualifications and prosecuting powers be formally placed under its authority, ensuring quality assurance, international recognition, and integration into the Fiji Qualifications Framework.

Great Council of Chiefs (GCC)

1. Clause 14 – Membership of the Council

While the Education Act 1966 recognized the role of the church, it did not capture the vanua, despite its critical role in children’s upbringing. Collaboration with the vanua was seen as a more holistic approach to education, integrating indigenous perspectives and needs. It was therefore proposed that the GCC be represented in the Education Advisory Council under Part 4, Clause 14 – Membership of the Council, and also in Part 5, Division 1 – National Curriculum and National Assessment Authority of the Bill.

2. Disaggregated Data

It had been suggested that this should have come within Government policy and been made part of the Bill. Whenever data had been collected at the school level or in the higher education sector, examination results had always been clear in showing ethnic groups and their achievements. When the political decision had been made to call everyone “Fijian,” it had obscured the weaknesses of other ethnic groups in terms of educational outcomes and achievements. For that reason, Fiji had not been able to identify appropriate strategies to address these problems.

3. Part 2: Access to Education

The need had arisen out of concern for the removal of the scaling of marks in external examinations for the selection of students into higher education. There had been

significant concern about this, as it had been an issue that had applied to everyone. It had not been aimed at disadvantaging iTaukei students only, since scaling had been done for fairness and equity across the entire student population. Scaling had brought fairness, equity, transparency, and justice into the process of ranking students for higher education, scholarship selection, or even employment. Ranking and selection as a result of scaling had been considered a very important process. For this reason, the issue had been raised as important, with the suggestion that the Bill explicitly require that whatever method was used for selection into higher education, including the award of scholarships, must have upheld equity, fairness, transparency, and justice.

4. Part 3: Compulsory Education

Practicality of Compulsory education

The notion to impose compulsory education had been based on the fact that government had provided bus fares and \$200 back-to-school assistance. However, it had been viewed as insufficient to enable poor parents to send their children to school every day. Parents had still needed to meet the costs of meals, uniforms, and sandals, which had far exceeded \$200 per family. In this regard, it had been argued that penalties should not have been imposed on parents for failing to send their children to school.

5. Part 10: Student Behaviour and Well-Being

Teenage pregnancy

It had been observed that the Bill had been silent and had not provided clear guidance on the rights and status of girls who had become pregnant while in school, nor had it specified whether they had been permitted to return to school after giving birth. It had therefore been considered essential that the Bill explicitly address this important issue, ensuring that pregnant students and young mothers had been given clear, equitable opportunities to continue their education without discrimination or ambiguity.

6. Clause 73: Corporal Punishment

It had been acknowledged that corporal punishment was prohibited and that times had changed accordingly. However, it had been thought that some form of deterrence should have been included. There had not been any clear provisions on expulsion or suspension of students, and it had been argued that these needed to be defined with guidelines in the Act, since removing corporal punishment without alternatives had created challenges. Headteachers had found it very difficult to maintain discipline in schools because they had not been able to expel or suspend students. Students had known they would not face expulsion or suspension and had acted accordingly. As a deterrence, it had been suggested that measures such as suspension, expulsion, detention, and similar alternatives be included, since only a small number of students would have been

affected, but the presence of such provisions could have helped maintain discipline after corporal punishment had been abolished.

7. *Clause 69: Teacher-student ratio*

In the Education Act 1978, there had been a teacher-student ratio of 50:40, but this had not appeared in the current Bill. On top of that, policies about students repeating had raised concerns. If students in Suva had been held back, the number of students would have exploded; otherwise, they would have been pushed out of school. Careful thought had been needed about such policies, since last year repetition had been disallowed, and a criterion for students who were going to repeat had been introduced. Caution had been urged because this had also affected the student-teacher ratio. The submission had highlighted this issue and had suggested that a figure on the student-teacher ratio be determined in the Bill.

8. *Examination Act 1978*

Previously, there had only been two Acts: the Education Act 2008 and the Examination Act 1978. Later, the Registration Act and the Higher Education Act 2008 had been introduced, but both of these had been included in the Bill. However, the Examination Act 1978 had not appeared. It had been thought that the Examination Act should also have been included, since it had contained very important provisions that ought to have gone into the Bill. It had seemed that the existence of the Examination Act 1978 had been forgotten. The recommendation had been that the Examination Act 1978 also be included, given that the Higher Education Act 2008 and the Fiji Teachers' Registration Act 2008 had already been incorporated.

Fiji Womens Crises Centre

1. *Part 3: Compulsory Education*

Practicality of Compulsory education

There had been limited consideration of aspects that had required criminalisation of parents, since many factors had prevented them from fully carrying out that responsibility. Financial aspects had been one part of it. There had been strong agreement with the suggestion to collect disaggregated data, not only on race and ethnicity but also on the diverse realities within communities, which had not been homogeneous. More dialogue with communities had been needed to understand the issues that had prevented families from sending children to school. One approach had not resolved anything.

Providing transport allowances had been one quick fix, but it had not resolved access issues in maritime or remote areas. Disaggregated data across many parameters, together with dialogue, had been essential, since schools had existed across varied terrains and the Ministry could have used that data to respond in ways that had met everyone's needs rather than relying on generic solutions.

Compulsory education or not, every parent had recognised that education had been key for their children and had done their best, but there had been many impediments in that era that had required responses. It was viewed that dialogue and data had been the only way to achieve that.

2. Part 5: Sex Education

It was recommended that section be amended to require the inclusion of mandatory, age-appropriate, comprehensive sexuality education from primary through to secondary levels aligned with internationally recognised guidance.

3. Part 8: School regulation

WASH - Water Sanitation And Hygiene

Division 1, Health and Safety, and Division 2, on Inspections. In the policy issues paper for the Education Act review, which informed the 2025 Bill, stakeholders identified ensuring safe water and sanitation in schools as a key issue, calling for access to clean water sources, gender-segregated toilets, hand-washing stations, and waste disposal systems. However, there seems to be no mention of that in the current Bill.

There has also been an increase in the number of school dropouts of the past few years, as mentioned in the previous submission. Data shows that 45 percent of female students dropped out of school, both in primary and secondary, in 2025 alone. The UNICEF Pacific report published in 2016 highlighted that many girls in Fiji lacked access to private clean functional sanitation facilities in schools, leading to discomfort and absenteeism during their menstrual periods - and this is monthly.

Dialogue Fiji

1. Part 3: Compulsory Education

Dialogue Fiji had been particularly concerned that the age range for compulsory education had not been defined in the Act itself but had been left to ministerial prescription, exposing parents to fines or imprisonment without clear statutory notice of their obligations. This approach had been inconsistent with basic principles of legality and certainty, especially where criminal sanctions had been involved. Comparative legislation in jurisdictions such as New Zealand's Education and Training Act 2020 and the United Kingdom's Education Act 1996 had defined compulsory school age directly in primary legislation. Dialogue Fiji had strongly recommended that the same approach be adopted in Fiji.

2. Clause 67: Admission of students

Clause 67, which provides that government and government aided schools must not admit students after the first two weeks of the first term, subject to approval by the permanent secretary for prescribed reasons. The Act does not articulate guiding principles for how prescribed reasons should be assessed. There is no explicit reference to considerations such as vulnerability, mobility, health, or family circumstances. In the absence of statutory or regulatory guidance, similar cases may be treated differently.

Dialogue Fiji suggested that clear regulatory criteria or guidelines could enhance predictability and fairness while also allowing the Permanent Secretary to exercise necessary discretion.

3. Clause 68: Powers of the Minister

Clause 68 empowers the Minister to prescribe hours for teachers and students. Dialogue Fiji supports the decision to locate this power in regulations rather than rigid statutory text. This allows the education system to respond to urban congestion issues, particularly in greater Suva and peri urban areas, emerging evidence on student well-being and learning outcomes, and logistical coordination between schools, public transport, and workplaces. For example, it was suggested to open schools in the greater Suva area at 9.00 a.m. This targets school start times that could be explored through regulation or pilot initiatives without requiring legislative amendment.

4. Clause 70: School Zoning

Popular or well-established schools may become increasingly oversubscribed. Less resourced schools may struggle to attract enrolment, and informal hierarchies among schools may emerge, reinforcing inequality. Periodic assessment of enrolment patterns and school development outcome may be useful to ensure that the prohibition of zone does not unintentionally deepen disparities.

5. Clause 73: Absolute prohibition of corporal punishment

Dialogue Fiji had strongly welcomed the prohibition of corporal punishment under **Clause 73** of the Bill. The provision had been comprehensive, prohibiting not only physical punishment but also cruel, inhumane, degrading, humiliating, or disproportionately severe treatment, including emotional and psychological harm. It had applied to teachers and all persons engaged by schools. Dialogue Fiji had consistently campaigned against corporal punishment in schools and had advocated for child-centred and trauma-informed approaches to discipline. Clause 73 had reflected international best practices, had aligned with constitutional protections, and had fulfilled Fiji's obligations under international children's rights instruments. It had been considered one of the strongest and most commendable provisions in the Bill and had been recommended for retention without dilution.

6. Clause 76: Levies

Clause 76 had allowed Government and government-aided schools to charge levies for a wide range of purposes, subject to approval by the Permanent Secretary. Dialogue Fiji's concern had been that this provision had risked hollowing out the concept of free education in practice, since the Act had provided no concrete benchmarks for what had been reasonable or equitable. Schools in wealthier communities had inevitably been

better positioned to justify higher levies, while poorer schools had fallen further behind. In effect, the Bill had risked entrenching a two-tier public education system driven by uneven community capacity. Dialogue Fiji had submitted that clearer statutory limits, income-sensitive criteria, and transparency requirements had been essential if levies were to have been permitted without undermining equity.

7. Clause 78: Fundraising

Clause 78 had allowed schools to organise fundraising activities but had explicitly prohibited coercion or pressure on teachers, students, or parents. Dialogue Fiji had welcomed the express prohibition on coercion. Nonetheless, based on community feedback and past practice, it had been noted that frequent fundraising activities throughout the year had placed sustained pressure on families. Social expectations had operated even without formal compulsion, and fundraising fatigue had undermined trust between schools and parents. It had been suggested that reasonable limits be considered, perhaps restricting fundraising to one activity per year, potentially through regulation to balance school needs and parental well-being.

Niko Nawaikula Advocacy

1. Clause 23: Compulsory curriculum

It had been proposed that the iTaukei language be made compulsory solely because it had represented the common identity. At the same time, there had been a provision for other ethnicities to also have benefited from the same curriculum in their schools.

2. Clause 73: Corporal Punishment

The 2013 Constitution had allowed the use of reasonable force. The use of corporal punishment had been seen as biblical for parents and part of indigenous Fijian culture. There had been many disorders in schools, misbehaviour, and disciplinary issues, and it had been questioned why Fijians should have allowed outside forces such as United Nations bodies or other countries to dictate how Fiji should operate.

It was noted from the submission that a wide consultation had been conducted to gather the views of the people. Questionnaires were sent to members of those who presented their views on the Education Act with 60 percent agreeing that heads of schools be allowed to deliver corporal punishment. In a case that corporal punishment part be omitted from the Bill, then it was suggested it be replaced it with relevant legislation which would be a deterrent for children and for students in the school.

Constitution - Rights of Children Section

41(1) Every child has the right –

“(d)to be protected from abuse, neglect, harmful cultural practices, any form of violence, inhumane treatment and punishment and hazardous or exploitative labour.”

It had been stated that the Constitution does not forbid corporal punishment. Reference was made to Section 41, arguing that violence does not equate to corporal punishment. It was further highlighted that the Constitution had not expressly forbidden it. Furthermore, the rights in the Constitution had allowed for limitation, as they could have been reduced by an appropriate law that had been passed.

3. Clause 10: Compulsory Education

Clause 10 had been enforced by a court order with penalties or imprisonment. It was noted that this conflicted with Section 41 of the Constitution. The Rights of the Child had stated that parents also had rights. If that provision had been maintained, it was suggested that the provision be redrafted so that enforcement of penalties would have been a last resort, or removed altogether, compelling the Ministry of Education to intervene and persuade the child instead. It had seemed too harsh to punish parents, since in many cases it had been the child taking advantage of rights and choosing not to attend school, making punishment of parents unfair.

Fiji Teachers Union (FTU)

1. Meaning of free education

The Bill had recognised the right to free education but had permitted schools to impose levies or charges for infrastructure or other purposes. This had risked undermining the constitutional guarantee of free primary and secondary education by creating indirect financial barriers. In Finland and New Zealand, free education had been interpreted strictly, with voluntary donations allowed but enrolment and participation never conditioned on payment. FTU's stand had been that legislation must have clearly prohibited compulsory fees or levies, with any contributions strictly voluntary, transparent, and exempting disadvantaged families. The State had remained the primary financer of compulsory education.

2. Teacher Registration, Employment and Workforce Stability:

The Bill had imposed significant penalties on schools for employing unregistered teachers without adequately addressing teacher shortages, registration delays, or transitional arrangements. This approach had risked destabilising school operations and limiting students' access to qualified teachers.

3. Alignment with the Employment Relations Act of 2007:

The Bill had not sufficiently aligned teacher employment conditions, disciplinary processes, and dispute resolution mechanisms with the principles of the ERA of 2007, which had guaranteed fair labour practices, natural justice, and collective representation.

4. Clause 150 Education Tribunal

The Fiji Teachers Union (FTU) had strongly suggested that an Education Tribunal be established specifically for the education sector. The reasoning was that such a tribunal would have enabled grievances within schools to be addressed more quickly and efficiently, rather than being delayed in broader legal or administrative processes.

This proposal reflected FTU's concern that teachers and schools had faced increasing challenges such as disciplinary issues, levies, and disputes without a dedicated mechanism to resolve them promptly. By having a tribunal focused solely on education, the union believed the system could have safeguarded both teachers' rights and students' welfare more effectively.

5. Levies and Free Education

Fiji had called itself a country that provided free education. Yet schools had levied indirect charges on parents, even small amounts like \$1 or \$5, which had been difficult for families in rural and maritime areas to afford. A Bill had declared education free, but once schools had charged parents, the intent of that Bill had been defeated. The Fiji Teachers Union had maintained that education should have been truly free, with no hidden costs or indirect taxation, and the State had needed to provide all basic necessities for children from kindergarten to Year 13.

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

The Committee noted that the Education bill and policies are directly linked to SDG 4 (Quality Education), which aims to ensure inclusive, equitable, and quality education and promote lifelong learning opportunities for all by 2030. Any education legislation that expands access, improves quality, or reduces disparities contributes to achieving SDG 4 targets.

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 pertinent issues identified during the review were discussed at length by the Members of the Committee and considered with the assistance of the drafting team, so as to ensure that all these relevant issues were appropriately addressed. The following key provisions were amended as follows.

No.	Clause(s)	Committee instructions
1.	Page 9	The Committee noted that elements of the heading are already reflected in Clause 5 of the Bill. Accordingly, it was recommended that the heading be simplified and read as; “FOR AN ACT TO GIVE EFFECT TO THE CONSTITUTIONAL RIGHT TO EDUCATION AND FOR RELATED MATTERS”
2.	Clause 2	The Committee identified a grammatical error and instruct the deletion of the “a” before “that”.
3.	Clause 10(7)	<p>Compulsory Education penalty</p> <p>The Committee had noted the proposed removal of criminalizing parents under the provision. Despite this, the provision still allowed for certain processes to take place, for example, the compulsory education order was specified to give parents an opportunity to improve from mistakes, and if non-compliance continued, the final option would be the court. The provision should remain as a form proactive measures and accountability for parents. The Committee had further recommended that the fine be reduced from \$2,000 to \$500 and the imprisonment term from 12 months to 2 months.</p> <p>(7) A person who contravenes a compulsory education order commits an offence and is liable on conviction to a fine not exceeding \$2,000 500 or imprisonment for a term not exceeding 12 2 months or both.</p>
4.	Clause 14(1)	<p>Membership of Council</p> <p>The Committee had noted the recommendation made by the Great Council of Chiefs through its education committee submission and had carefully deliberated on the need for such inclusion to improve quality education among indigenous people. In this regard, the Committee had recommended that a nomination from the Great Council of Chiefs (GCC) be</p>

		<p>appointed as a member of the council to assist in carrying out the functions set out in clause 18 of the Bill.</p> <p>(g) a nominee of the Great Council of Chiefs.</p>
5.	<p>Clause 23(3)(c)</p>	<p>There had been discussions on the need to have other languages taught in schools, rather than confining instruction to Vosa vaka Viti and Hindi. In this regard, the Committee had resolved to include additional languages to be taught in schools for the purpose of inclusivity of other local communities in Fiji.</p> <p>(c) the formal learning of Vosa Vaka Viti and Hindi and other languages in Fiji;</p> <p>(i) the cultures, and customs and history of the indigenous people and local communities of Fiji.</p>
6.	<p>Clause 23(3)(i)</p>	<p>The Committee had noted that clause 23(3)(i) “local communities” lacked clear reference. In response, the Committee resolved to define “local communities” for the purpose of clarity.</p> <p>“local communities” means groups of persons, other than indigenous people, who are lawfully resident in Fiji and who share common social or cultural interest, and includes persons of diverse origin forming part of the non-indigenous population of Fiji;</p>
7.	<p>Clause 25</p>	<p>Membership of Authority</p> <p>The Committee had recommended incorporating the Fiji Arts Council, the GCC, and the Multi-Ethnic Committee along with representatives from other related sports bodies and rugby personnel into the membership of the Curriculum Authority. The Committee had expressed the view that sports and arts had become recognized professions that financially supported families in Fiji. It further noted that the GCC and the Permanent Secretary for Multi-Ethnic Affairs would serve as bodies representing the best interests of communities in the National Curriculum and Assessment Authority.</p> <p>(i) a representative from the Fiji Arts Council</p> <p>(ii) a representative from the Great Council of Chiefs</p>

		<p>(iii) Permanent Secretary responsible for multi-ethnic affairs</p> <p>The Permanent Secretary responsible for sports.</p>
8.	Clause 49	<p>The Committee noted a grammatical error and recommended that a comma be inserted after the title Permanent Secretary and be read as follows;</p> <p>Proposed amendment:</p> <p><i>“49. A person must not establish or operate a school unless it is, in accordance with this Act—</i></p> <p><i>(a) approved by the Permanent Secretary, or by the Minister after an appeal; and</i></p> <p><i>(b) registered or recognised by the Permanent Secretary, or by the Minister after an appeal.”</i></p>
9.	Clause 53	<p>The Committee had noted that the heading was referencing the registration or recognition of schools. In this regard, the Committee had recommended that the heading be amended to read as;</p> <p>“Requirements for Approval of Registration or Recognition of Schools.”</p> <p>Amendment was made given the reference to clause 52 for clarity.</p>
10.	Clause 53 (1)(a)	<p>Requirements for approval</p> <p>Considerations must be given to the number of potential students in the area, the availability of qualified teachers and subject specialists, and whether the proposed school would genuinely enhance educational quality before registering a school. It was also highlighted the uncertainty surrounding the official definition of what constitutes a “sufficient” number of students.</p> <p>This to avoid improper opening of schools whilst note considering factors that affect education later.</p> <p>In this regard the Committee recommended that the suggested wording be read as “there is a sufficient number of teachers and available facilities for the proposed schools”.</p>

11.	Clause 54 (3)	The Committee noted that this clause is a repetition of Section 52 (5) and recommended that it be deleted.
12.	Clause 61	<p>The Committee had thoroughly discussed that major education decisions should have an appeals pathway, given the circumstances that courts were too slow and costly. An internal education tribunal or mediation process had been suggested, particularly for teacher registration and employment matters. It was further noted that the Minister should not serve as the mediator, since directing all appeals to a political appointee could compromise impartiality. Instead, the Committee had recommended that a Tribunal be established to undertake thorough investigations, ensuring that all voices were heard and that decisions would be delivered fairly and free from political influence. In this regard, the Committee had recommended the inclusion of a new provision.</p> <p style="text-align: center;">Appeals to Minister against refusal to approve</p> <p>61.—(1) If the Permanent Secretary refuses to approve an application under sections 52 or 58, the applicant may appeal to the Minister in writing. A person aggrieved by—</p> <ul style="list-style-type: none"> (a) a refusal by the Permanent Secretary to approve an application under sections 52 or 58; or (b) an order to close a school under section 59 or to stop a home school under section 60 may appeal in accordance with subsection (2). <p>(2) An appeal under subsection (1) may be made —</p> <ul style="list-style-type: none"> (a) to the Minister in writing; or (b) where the applicant is dissatisfied with the decision of the Minister, appeal to the Education Appeals Tribunal established under section 62. <p>(2) The appeal must be—</p> <ul style="list-style-type: none"> (a) made within 30 days of the notification under section 54(2); and (b) accompanied by the prescribed fee. <p>(3) The decision of the Minister on the appeal is final.</p> <p>(3) An appeal to the Minister must be—</p> <ul style="list-style-type: none"> (a) made within 30 days—

		<p>(i) in the case of a refusal under subsection (1)(a), of the notification under section 54(2); or</p> <p>(ii) in the case of an order under subsection (1)(b), of the order received; and</p> <p>(b) accompanied by the prescribed fee.</p> <p>(4) The Minister must determine an appeal within a reasonable time.</p> <p>(5) A person aggrieved by the decision of the Minister may, within 30 days of being notified of the decision, appeal to the Education Appeals Tribunal.</p> <p style="text-align: center;"><i>Appeals against closing</i></p> <p>62.—(1) The manager of a school closed under section 59 or stopped under section 60 may appeal the order to close or stop to the Minister in writing.</p> <p>(2) The appeal must be—</p> <p style="padding-left: 40px;">(a) made within 30 days of the date the order is received by the manager; and</p> <p style="padding-left: 40px;">(b) accompanied by the prescribed fee.</p> <p>(36) The Permanent Secretary may, at his or her discretion, permit a school that is the subject of an appeal under subsection (1)(b) to remain open pending the determination of the appeal.</p> <p>(4) The decision of the Minister on the appeal is final.</p> <p style="text-align: center;"><i>Establishment of Education Appeals Tribunal</i></p> <p>62.—(1) This section establishes the Education Appeal Tribunal consisting of —</p> <p style="padding-left: 40px;">(a) a chairperson, who must be a person qualified to be appointed as a Magistrate or is a retired Magistrate; and</p> <p style="padding-left: 40px;">(b) 2 other members, of whom—</p> <p style="padding-left: 80px;">(i) one must have experience and expertise in education; and (ii) one may have such other qualifications or experience as the Minister considers appropriate.</p> <p>(2) The member of the Tribunal are to be appointed by the Minister for a term of 3 years, either on a full-time or part time basis and are eligible for reappointment.</p>
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		<p style="text-align: center;"><i>Powers of the Education Appeals Tribunal</i></p> <p>63.—(1) In determining an appeal, the Education Appeals Tribunal may—</p> <ul style="list-style-type: none"> (a) confirm the original decision; (b) amend the original decision; (c) substitute another decision for the original decision; <p>or</p> <ul style="list-style-type: none"> (d) set aside the original decision and return the matter to the Minister with any direction it considers appropriate. <p>(2) The Education Appeals Tribunal must determine an appeal in accordance with the prescribed procedures.</p>
13.	Clause 69(2)	<p>Committee is of the view that the head of school would be the appropriate person to oversee the welfare of its teachers and students and not the Manager. The Committee recommended to remove '<i>manager</i>' and substitute '<i>head of school</i>' and that there be a definition of '<i>head of school</i>';</p> <p><i>"head of school" means a teacher registered as a head teacher of a primary school or principal of a secondary school;</i></p>
14.	Clause 70	<p>Zoning</p> <p>The Committee had recommended removing this provision, as it was already prohibited under the Bill.</p>
15.	Clause 73	<p>Prohibition of corporal punishment</p> <p>The Committee instruct to remove this provision, as it was already prohibited in the constitution.</p>
16.	Clause 93	<p>The Committee had noted that the current wording of the provision could be interpreted to mean that a person may teach in schools with a certificate, regardless of whether it was valid or not. In this regard, the Committee had recommended that the word "valid" be inserted to clearly specify that only valid teaching certification would be recognized.</p>

		93.—(1) A person must not teach at a school in Fiji unless the person is a holder of a valid certificate of registration under section 99 or authorisation under section 106 permitting the person to teach or practice teaching at a school in Fiji.
17.	Clause 99	Committee instruct that ' <i>may</i> ' be deleted and substituted with ' <i>must</i> '.
18.	Clause 144(2)	The Committee is of the view that the use of ' <i>may</i> ' could enable the Commission to treat the action as optional rather than obligatory and therefore, instruct replacing the phrase with ' <i>must</i> '.
19.	150(1)(b)	Committee requested two members who have had experience from higher education (equivalent to a Dean). (b) two other members who are of high standing in the community and have considerable expertise and experience in High Education.
20.	Clause 162	Minister not bound by advice etc The Committee observed that while the Minister is not legally bound by the Council's advice, there is a statutory obligation to consult with them. However, if the Minister disregards matters raised by the Council, particularly those of significant educational importance, the Council's role risks being rendered ineffective. In such circumstances, the Council would be unable to fulfill its intended function of contributing meaningfully to educational governance and policy development. In this regard, the Committee recommended that the provision be removed.


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 Education Bill 2025.

The Committee through this report commends the *Education Bill (Bill No. 34 of 2025)* to the Parliament.

MEMBERS SIGNATURE



.....
Hon. Ratu Rakuita Vakalalabure
(Chairperson)



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



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



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



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



.....
Hon. Josia Niudamu
(Member)

Date: 28/4/2026