

ACT NO. 19 OF 2017

I assent.

J. K. KONROTE
President

[28 April 2017]

AN ACT**TO AMEND THE HIGHER EDUCATION ACT 2008**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Higher Education (Amendment) Act 2017.
- (2) This Act comes into force on the date of its publication in the Gazette.
- (3) In this Act, the Higher Education Act 2008 is referred to as the “Principal Act”.

Section 2 amended

2. Section 2 of the Principal Act is amended by inserting the words “or operating in” after the word “in”.

Section 4 amended

3. Section 4 of the Principal Act is amended by—
 - (a) deleting the definition of “higher education institution” and substituting the following—

““higher education institution” means an educational institution in or operating in Fiji that provides award-conferring post-secondary education or provides educational support services for students of

other higher education institutions including overseas institutions, including but not limited to—

- (a) technical and vocational education and training centres;
- (b) information technology centres;
- (c) secretarial schools;
- (d) language schools;
- (e) hospitality training centres;
- (f) educational agencies;
- (g) caregiving training providers;
- (h) performing arts and sports academies;
- (i) religious educational institutions;
- (j) colleges; and
- (k) universities;” and

(b) inserting the following new definition—

““operating” for the purposes of this Act means conducting any form of activity in any medium to promote or in support of fee-paying or non-fee paying higher education and training that is sourced externally, or within Fiji or both;”

Part 3 amended

4. Part 3 of the Principal Act is amended by deleting the title and substituting with a new title “PART 3—ESTABLISHMENT AND RECOGNITION OF HIGHER EDUCATION INSTITUTIONS”.

Section 13 amended

5. Section 13 of the Principal Act is amended by inserting the following new subsection after subsection (2)—

“(3) Any person who operates a higher education institution, that is neither a university nor a degree awarding institute of technology, in contravention of subsection (1), commits an offence and is liable on conviction to a fine not exceeding \$20,000 for an individual or \$100,000 for a body corporate or to imprisonment for a term not exceeding 5 years for an individual or a director with respect to a body corporate, or to both such fine and imprisonment.”

Section 17 amended

6. Section 17 of the Principal Act is amended by deleting subsection (1)(a) and substituting the following—

“(1) A higher education institution—

- (a) is authorised by an Act in the case of a university or degree-awarding institute of technology, or authorised by the Commission in all other cases across a range of fields and to set standards for those qualifications;”

Part 4 deleted

7. Part 4 of the Principal Act is deleted.

All references to “university or degree awarding institute of technology” amended

8. All references to “university or degree awarding institute of technology” in the Principal Act and any subsidiary laws made under it are deleted and substituted with “higher education institution” except where it appears in section 13 of the Principal Act.

Passed by the Parliament of the Republic of Fiji this 27th day of April 2017.