

BILL NO. 17 OF 2019

A BILL

FOR AN ACT TO AMEND THE TERTIARY SCHOLARSHIP AND LOANS ACT 2014

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Tertiary Scholarship and Loans (Budget Amendment) Act 2019.

(2) This Act comes into force on 1 August 2019.

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

Section 2 amended

2. Section 2 of the Principal Act is amended by—

- (a) in the definition of “eligible institution” after “1”, inserting “subject to conditions as determined by the Board”; and
- (b) in the definition of “student” in paragraph (a), deleting “equivalent Foundation studies” and substituting “such equivalent studies as determined by the Board”.

2 *Tertiary Scholarship and Loans (Budget Amendment)— of 2019*

Section 4 amended

3. The Principal Act is amended by deleting section 4 and inserting the following new sections—

“Composition of the Board

4.—(1) The Board shall consist of 5 members appointed by the Minister responsible for finance in writing subject to the approval of the Prime Minister.

(2) The Minister responsible for finance shall appoint a Board member as Chairperson.

(3) A person who is a Board member immediately before 1 August 2019, continues in office on the terms on which he or she was appointed.

Remuneration of Board members

4A. A Board member is entitled to remuneration as approved by the Minister responsible for finance.”.

Section 7 amended

4. Section 7 of the Principal Act is amended by deleting “2” and substituting “3”.

Section 9 amended

5. The Principal Act is amended by deleting section 9 and substituting the following—

“Resignation and removal

9.—(1) A Board member may resign by giving written notice to the Minister responsible for finance.

(2) The Minister responsible for finance may, subject to the approval of the Prime Minister, at any time and for any reason, remove a Board member by giving that Board member written notice of removal.”.

Section 10 amended

6. Section 10(1) of the Principal Act is amended by deleting “the Chairperson may appoint a person, whether or not a Board member, to preside as the Acting Chairperson” and substituting “a Board member appointed by the Board members present, shall preside over the meeting”.

June 2019

**TERTIARY SCHOLARSHIP AND LOANS (BUDGET AMENDMENT)
BILL 2019**

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 The Tertiary Scholarship and Loans (Budget Amendment) Bill 2019 (**‘Bill’**) seeks to amend the Tertiary Scholarship and Loans Act 2014 (**‘Act’**).

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1 August 2019.
- 2.2 Clause 2 of the Bill amends section 2 of the Act in the definitions of “eligible institution” and “student” by including conditions as determined by the Tertiary Scholarship and Loans Board (**‘Board’**) with respect to institutions listed in Schedule 1 and equivalent Year 13 studies, respectively.
- 2.3 Clause 3 of the Bill amends section 4 of the Act to provide that the Board is appointed by the Minister responsible for finance (**‘Minister’**) in writing, subject to the approval of the Prime Minister. Clause 3 of the Bill also provides for existing Board members to continue in office on their existing terms of appointment.
- 2.4 Clause 3 of the Bill further inserts a new section 4A to provide for the remuneration of Board members.
- 2.5 Clause 4 of the Bill amends section 7 of the Act by increasing the term of appointment for Board members from 2 years to 3 years.
- 2.6 Clause 5 of the Bill deletes section 9 of the Act and substitutes a new section that enables a Board member to resign by giving written notice to the Minister. Clause 5 of the Bill also provides that the Minister may remove a Board member, subject to the approval of the Prime Minister, by giving that member a written notice.

4

2.7 Clause 6 of the Bill amends section 10 of the Act by removing the chairperson's ability to appoint any person to preside over a meeting in the chairperson's absence. Clause 6 of the Bill also enables the appointment of a Board member by the Board members present to preside over a meeting in the chairperson's absence.

3.0 MINISTERIAL RESPONSIBILITY

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

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Attorney-General