

COOK ISLANDS
EDUCATION AMENDMENT ACT
2003, No. 20

ANALYSIS

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2003, No. 20

An Act to amend the Education Act 1986-87

(10 November 2003)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by authority of the same as follows:

1. Short Title - This Act may be cited as the Education Amendment Act 2003 and shall be read together with and deemed part of the Education Act 1986-87 ("the principal Act").
2. New section 38A inserted - The principal Act is amended by inserting, after section 38 and at the beginning of Part V, the following section:

"38A. Interpretation - In this Part, unless the context otherwise requires,

"Holder", in relation to a limited authority to teach, means the person who is granted the limited authority to teach under section 42A;

"Limited authority" means a limited authority to teach granted by the Secretary under section 42A."

3. New section 39 substituted - The principal Act is amended by repealing section 39, and substituting the following section:

"39. Teachers to be registered or have limited authority - (1) No person shall teach in any school unless that person is -

(a) Registered in accordance with this Act; or

(b) Teaching in accordance with a limited authority to teach held by that person.

(2) Every person commits an offence and is liable on conviction to a fine not exceeding \$200 who, without reasonable excuse, acts in contravention of subsection (1)."

4. Conditional registration - (1) Section 42 of the principal Act is amended by repealing subsection (2), and substituting the following subsections:

"(2) Subject to subsection (2A), the Secretary may as he or she thinks fit-

(a) Grant conditional registration for a period not exceeding one year; and

(b) Renew such registration (whether granted before or after the coming into force of the Education Amendment Act 2003) for a period not exceeding one year at a time.

(2A) No person may be conditionally registered for a period exceeding three years in total.

(2B) The calculation of the period referred to in subsection (2A)-

(a) Includes any period of renewal; and

(b) Excludes any period during which the Secretary suspends that person's conditional registration either at that person's request or under section 53(5)."

(2) Section 42(3) is amended by omitting the expression "the period", and substituting the expression "a period".

5. New section 42A inserted - The principal Act is amended by inserting, after section 42, the following section:

"42A. Limited authority to teach - (1) The Secretary may grant a limited authority to teach to any person who applies in the manner prescribed by the Secretary and provides such evidence as may be required by the Secretary of that person's-

(a) Skills, knowledge, or experience in relation to a particular curriculum area, education programme, or extra-curricular activity; and

(b) Character.

(2) The Secretary may as he or she thinks fit-

(a) Grant the limited authority for a period not exceeding one year; and

(b) Renew such an authority for a period not exceeding one year at a time.

(3) A limited authority shall be granted by written notice to the holder specifying the following details:

(a) The full name and address of the holder; and

(b) The curriculum area, education programme, or extra-curricular activity which the holder is authorised to teach; and

(c) The level and school (or description of schools) at which the holder is authorised to teach; and

(d) Any other limits to the authority that the Secretary considers appropriate; and

(e) The period of the authority.

(4) The Secretary shall keep -

(a) A copy of every limited authority that is current; and

(b) All other records relating to limited authorities (whether current or not) and applications for such authorities that the Secretary considers necessary or desirable to be kept."

6. Manner of dealing with applications - (1) Section 46 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

"(1) As soon as practicable after receiving an application for registration or for a limited authority, the Secretary shall-

(a) Deal with that application; and

(b) Notify receipt of that application in the Education Gazette."

(2) Section 46(3) of the principal Act is amended by omitting the words "he shall thereupon register that person accordingly", and substituting the following words:

"or to be granted a limited authority, the Secretary shall register that person accordingly or grant that person a limited authority."

(3) The principal Act is amended by repealing section 46(4), and substituting the following subsections:

"(4) The Secretary shall not register an applicant or grant that applicant a limited authority if-

(a) That applicant has been at any time convicted of any offence punishable by a term of imprisonment of 3 years or more; or

(b) The Secretary is of the opinion that the applicant -

(i) Does not have the requisite qualifications, skills, knowledge, or experience; or

(ii) Is not of good mental or physical health; or

(iii) Is not of good character; or

(iv) Lacks professional competence.

(5) Where the Secretary refuses to register an applicant or grant that applicant a limited authority, the Secretary shall notify the applicant accordingly."

7. Offence as to registration or limited authority - (1) Section 47 of the principal Act is amended by inserting, after the word "registered", the words "or granted a limited authority".

(2) The heading of section 47 of the principal Act is amended by adding the words "or limited authority".

8. New section 48 substituted - The principal Act is amended by repealing section 48, and substituting the following section:

"48. Register and records open for inspection and published - (1) The teachers register kept under section 40 and the records kept under section 42A(4)(a) shall at all reasonable times be open to inspection by the public.

(2) The Secretary shall publish in the Education Gazette a copy of the register and records referred to in subsection (1), current as at 30 June of each year, as soon as practicable after that date."

9. Secretary to be informed of changes - Section 49(1) of the principal Act is amended by inserting, after the word "teacher", the words "and every holder of a limited authority".

10. New section 51 substituted - The principal Act is amended by repealing section 51, and substituting the following section:

"51. Revocation of conditional registration or limited authority - (1) The Secretary may revoke a teacher's conditional registration or limited authority to teach where the Secretary considers that the teacher is not a fit person to hold that conditional registration or limited authority because that teacher-

- (a) Is not of good fame or character;
- (b) Lacks professional competence; or
- (c) Is convicted of a criminal offence.

(2) A revocation under subsection (1) shall be given effect by written notice to the teacher.

(3) Where the Secretary makes a revocation under subsection (1), the Secretary shall amend the teachers register or the records kept under section 42A(4)(a) as appropriate."

11. Ethical standards to be observed – Section 52 of the principal Act is amended by omitting the word "registered".

12. Investigations and subsequent actions - (1) Section 53(1) of the principal Act is amended by omitting the expression "whose name is entered in the teachers register", and substituting the expression "who is registered as a teacher or holds a limited authority".

(2) Section 53(5) of the principal Act is amended by inserting, after paragraph (b), the following paragraph:

"(c) Suspend his limited authority to teach for a specified period, or revoke that authority."

(3) Section 53 of the principal Act is amended by omitting its heading, and substituting the heading "Investigations and subsequent actions".

This Act is administered in the Ministry of Education.