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Education Act 2001

Assent: 30th December 2001

Commencement: 25th February 2002

REPUBLIC OF VANUATU

EDUCATION ACT

NO. 21 OF 2001

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REPUBLIC OF VANUATU

Assent: 30th December 2001  
Commencement: 25th February 2002

EDUCATION ACT  
NO. 21 OF 2001

An Act to make provision for primary and secondary education in Vanuatu, and for related purposes

BE IT ENACTED by the President and Parliament as follows:

Part 1 – Preliminary

1 Purpose

The purpose of this Act is to provide a clear directive for the development and maintenance of an effective and efficient primary and secondary education system for the benefit of Vanuatu and its people.

2 Objects

The principal objects of this Act are as follows:

(a) to provide primary and secondary education which is firmly based on Ni-Vanuatu cultures and beliefs;

(b) to provide primary and secondary education of a high standard to all children within the limits of available resources;

(c) to expand access to secondary education;

(d) to eliminate educational disadvantages arising from the gender or ethnicity of a child, or a child's geographic, economic, social, cultural or other circumstances;

(e) to assist each child to achieve his or her full educational potential;

(f) to provide education to children that gives them access to opportunities for training or employment, or further study;

(g) to upgrade and strengthen the administration of the primary and secondary education system.

### 3 Interpretation

In this Act, unless the contrary intention appears:

approved form means a form approved by the Director-General for use under this Act.

Commencement means the commencement of this Act.

Commission means the National Education Commission established by section 47.

Council means the National Education Advisory Council established by section 45.

Department means the department of education within the Ministry.

Director means a director of the Department.

Director-General means the Director-General of the Ministry responsible for education.

Education Authority means a person:

(a) approved as an Education Authority under section 20; or

(b) taken to be approved as an Education Authority under section 30.

Government grant means a grant from the Government to an Education Authority (see section 31) or a Provincial Education Board (see section 32).

Government school has the meaning given by subsection 5(2).

Minister means the Minister responsible for education.

Ministry means the Ministry responsible for education.

Municipal council means a council established under the Municipal Councils Act [CAP. 126].

Municipality means a municipality established under the Municipal Councils Act [CAP. 126].

Non-government school has the meaning given by subsection 5(3).

Parent of a child includes the guardian or any person having the custody or care of the child.

Person includes any statutory body, company or association or body of persons corporate or unincorporated.

Prescribed means prescribed by the regulations.

Primary education means education referred to in subsection 4(1).

Principal of a school means the person who is in charge of the day to day administration of the school, whether referred to as the principal, headmaster, headmistress or any other title.

Province means a local government region as defined in the Decentralization Act No. 1 of 1994.

Provincial government council means a local government council established under the Decentralization Act No. 1 of 1994.

Provincial Education Board means a Provincial Education Board established by subsection 51(1).

Provincial Education Officer means a Provincial Education Officer referred to in section 14.

Register means the Register of Schools kept under section 16.

Regulations means regulations made under this Act.

School means any place at which secular instruction (whether or not with religious instruction) at the primary or secondary level of education is given on a regular basis to at least 10 students, but does not include any place that:

(a) is operated by a church or other religious body and that provides instruction wholly or mainly of a religious character; or

(b) is exempted by the regulations.

School inspector means:



(a) a person who is appointed by the Public Service Commission to be a school inspector for the purposes of this Act; or

(b) an officer of the Department or any other person with appropriate qualifications and/or experience appointed by the Director-General to be undertake the functions of a school inspector under this Act.

Secondary education means education referred to in subsection 4(2).

#### 4 Primary and secondary education

(1) Primary education comprises years 1 to 6.

(2) Secondary education comprises years 7 to 14 and can be divided into the following categories:

(a) community secondary comprising years 7 to 8;

(b) junior secondary comprising years 8 to 10;

(c) senior secondary comprising years 11 to 14.

(3) The Minister, acting on the advice of the Director-General, may prescribe by order:

(a) different years for primary education; or

(b) different years for secondary education; or

(c) different years for categories of secondary education; or

(d) different categories of secondary education.

#### 5 Government and non-government schools

- (1) A school is either a government school or a non-government school.
- (2) A school is a government school if a Provincial Education Board is responsible for the operation of the school.
- (3) A school is a non-government school if an Education Authority is responsible for the operation of the school.
- (4) To avoid doubt, the level of funding a school receives does not affect whether it is a government school or a non-government school (for funding of schools see sections 31 and 32).
- (5) The kinds of schools that may be operated by an Education Authority or a Provincial Education Board include the following:
  - (a) primary schools;
  - (b) junior secondary schools;
  - (c) senior secondary schools;
  - (d) secondary schools providing both junior and senior secondary education;
  - (e) schools providing both primary education and secondary education;
  - (f) single medium schools;
  - (g) dual medium schools;
  - (h) vocational secondary schools;
  - (i) schools with boarding facilities;

(j) schools for students with special needs.

## 6 Language policy

(1) In accordance with Article 3(1) of the Constitution, the principal languages of education are English and French.

(2) All students during their primary education are to be taught in either French or English.

(3) All students who proceed to secondary education are to continue in their first language of instruction (e.g. French) and are to begin the study of the other language of instruction (e.g. English).

(4) However, nothing in subsection (3) is to prevent a student who has undertaken his or her primary education in one language of instruction from undertaking his or her secondary education in the other.

(5) The Minister, acting on the advice of the Director-General, may by order determine that one or more specified subjects at a specified school or schools are to be taught to students in the local vernacular or Bislama.

## 7 Parental duty

(1) This section applies in relation to a child who is at least 6 years old and less than 14 years old.

(2) It is the duty of the child's parents to ensure that the child attends a school.

## 8 Prohibition against discrimination

(1) A child is not to be refused admission to any school on account of his or her gender, religion, nationality, race, language or disability.

(2) A child is not to be admitted to year 1 unless he or she is at least 6 years old and a child is not to be admitted to year 7 if he or she is over 15 years old. Otherwise, a child is not to be discriminated against on account of his or her age.

## 9 Religious instruction

If the parents of a student request that he or she be excused from attending religious instruction at a school, the student is to be excused in accordance with the request.

## Part 2 – Functions and powers of Minister, Director-General, Directors and Provincial Education Officers

### 10 Functions and powers to be performed in accordance with this Act

(1) The Minister, the Director-General, the Directors and Provincial Education Officers must perform their functions and exercise their powers, subject to and in accordance with the provisions of this Act and the regulations.

(2) To avoid doubt, subsection (1) does not in any way limit the application of the other laws of Vanuatu (eg Leadership Code Act No. 2 of 1998, the Government Act No. 5 of 1998 and the Public Service Act No. 11 of 1998) to the performance of functions and the exercise of powers by the Minister, the Director-General, the Directors and Provincial Education Officers.

### 11 Functions and powers of Minister

(1) The Minister has such functions and powers as are conferred on the Minister by this Act.

(2) Without limiting subsection (1), the Minister must, on behalf of the Government, enter into an agreement with each Education Authority for the management of the Authority's schools.

(3) If the Minister, acting on the advice of the Director-General, is satisfied that there are special circumstances, he or she may, by order, declare a day or days to be a holiday for all schools, groups of schools or a particular school.

## 12 Functions and powers of Director-General

(1) The Director-General is responsible to the Minister for ensuring the Ministry carries out its functions in relation to primary and secondary education.

(2) Without limiting subsection (1), the Director-General is responsible for:

(a) developing the Government's policies for primary and secondary education; and

(b) developing, managing and evaluating the primary and secondary education system; and

(c) ensuring that:

(i) the primary and secondary education system reflects Government policy; and

(ii) the system is effectively and efficiently administered; and

(d) developing cooperative partnerships between the Ministry and Education Authorities, Provincial Education Boards, provincial government councils, municipal councils, local communities, aid donors, non-government organisations, the private sector, teachers associations and individuals with an interest in education; and

(e) managing the education system in accordance with the organizational structure approved by the Public Service Commission.

(3) The Director-General may in writing make either or both of the following:

(a) determinations for the purposes of improving the delivery of education services to schools;

(b) advisory guidelines for the purposes of this Act or the regulations.

(4) A determination does not come into force unless the Minister has approved it in writing.

(5) A determination or guideline that is inconsistent with the Act or the regulations is void and of no effect.

(6) Determinations are statutory orders for the purposes of the Interpretation Act [CAP 132].

(7) The Director-General must, so far as practicable, make any decision he or she is required to make under this Act within 45 days after receiving all information and documents necessary for him or her to make the decision.

(8) The Director-General has such other functions and powers as are conferred on him or her by this Act.

### 13 Functions and powers of Directors

(1) The Directors are responsible to the Director-General for ensuring the Department carries out its functions in relation to primary and secondary education.

(2) Without limiting subsection (1), the Directors are responsible for implementing:

(a) the Government's policies for primary and secondary education; and

(b) education practices that are consistent with those policies.

(3) The Directors have such powers as are conferred on them by this Act.

### 14 Functions and powers of Provincial Education Officers

(1) The Public Service Commission is to appoint a Provincial Education Officer for each province.

(2) The Provincial Education Officer:

- (a) is the senior representative of the Department in his or her province; and
  - (b) is responsible to the Directors for ensuring the Department carries out its functions in that province in relation to primary and secondary education.
- (3) The Provincial Education Officers have such powers as are conferred on them by this Act.
- (4) A person occupying the position of a Provincial Education Officer immediately before commencement is to continue in that position on and after commencement as if he or she had been appointed under subsection (1).

### Part 3 – Registration of government schools and non-government schools

#### 15 Requirements for registration of a school

The requirements for the registration of a school are:

- (a) to offer the minimum curriculum approved by the National Education Commission for a school of its kind; and
- (b) to employ the prescribed number of teaching staff with prescribed qualifications and experience; and
- (c) to provide educational texts, equipment and other materials that are adequate for the courses of study offered at the school and that satisfy the prescribed requirements; and
- (d) to provide and maintain classrooms and other buildings that are in a good condition and that satisfy the prescribed standards; and
- (e) to comply with reasonable standards of health and safety, and any prescribed health and safety requirements; and

(f) to provide during the prescribed school terms in a year for a school of that kind the prescribed number of days and hours per week of instruction; and

(g) such other requirements as are prescribed.

16 Schools must be registered

(1) A person must not operate a school unless the school is registered.

(2) A person who contravenes subsection (1) is guilty of an offence punishable on conviction by a fine not exceeding VT 1,000,000.

(3) The Director-General is to keep a register to be known as the Register of Schools. The Register may be kept wholly or partly by means of a computer.

(4) The Register is to contain the following information for each school:

(a) the name and location of the school;

(b) the name of the Education Authority or Provincial Education Board operating the school;

(c) the level of education provided by the school;

(d) such other particulars as are prescribed.

(5) The Director-General must update the Register at least once a year and ensure that the Register is available for inspection at the office of the Ministry by any person during the ordinary hours of business of that office.

(6) The Director-General may supply a copy of the Register or a part of the Register to a person on payment of the prescribed fee.



## Part 4 – Education Authorities

### Division 1 – Application

#### 17 Application of Part

This Part applies only to non-government schools.

### Division 2 – Approval of Education Authorities

#### 18 Only Education Authorities can operate schools

(1) A person must not operate a school unless the person is an Education Authority.

(2) A person who contravenes subsection (1) is guilty of an offence punishable on conviction by a fine not exceeding VT 1,000,000.

#### 19 Application for approval to become an Education Authority

(1) A person must apply to the Director-General for approval as an Education Authority.

(2) The application must:

(a) be in the approved form and be accompanied by the prescribed fee; and

(b) set out details of the school or schools the applicant intends to operate; and

(c) contain such other information as is prescribed.

(3) A person who makes an application containing a false or misleading statement is guilty of an offence punishable on conviction by a fine not exceeding VT 500,000.

#### 20 Determination of applications

(1) The Director-General must consult with the Minister before approving or rejecting an application made under section 19.

(2) The Director-General is to approve an applicant as an Education Authority only if he or she is satisfied that:

(a) there is a need for the proposed Education Authority to operate a school or schools in the area concerned; and

(b) the school or schools will operate for the general benefit of the local community in that area; and

(c) the school or schools will comply with the requirements for registration of a school under section 15; and

(d) the proposed Education Authority has sufficient resources and facilities available for the satisfactory operation of the school or schools; and

(e) the proposed Education Authority will be able to competently administer the school or schools, and will have systems in place to monitor compliance by the school or schools with the requirements of this Act and the regulations; and

(f) the Provincial Education Board is not, or there is no existing Education Authority, operating or capable of operating a similar school or schools in the area concerned; and

(g) the custom owners of the land on which the school or schools are, or are to be, situated have agreed in writing for the land to be used by, or transferred to, the proposed Education Authority.

(3) The Director-General may request such additional information as he or she needs from the applicant in order to determine the application.

(4) The approval of an Education Authority may be given on such conditions as the Director-General determines in writing.

(5) The Director-General must give the applicant written notice of his or her decision within 28 days after making it.

(6) An applicant may appeal against the decision of the Director-General (see section 58).

(7) As soon as practicable after a person is approved as an Education Authority, the Director-General must:

(a) register each of the Authority's schools in the Register; and

(b) issue each school with a certificate of registration.

### Division 3 –Applications for changes to schools

#### 21 Education authorities must apply for changes to schools

(1) An Education Authority must apply to the Director-General for approval:

(a) to establish a new school; or

(b) to relocate a school; or

(c) to cancel the registration of a school and to close it; or

(d) to take over an existing school from another Education Authority; or

(e) to change the name of a school.

(2) The application must:

(a) be in the approved form and be accompanied by the prescribed fee; and

(b) set out details of the school concerned; and

(c) contain such other information as is prescribed.

(3) The Director-General must consult with the Minister and the relevant Provincial Education Officer before approving or rejecting an application.

(4) The Director-General may request such additional information as he or she needs from the Education Authority in order to determine the application.

(5) The Director-General must give the Education Authority written notice of his or her decision within 28 days after making it.

(6) An applicant may appeal against the decision of the Director – General (see section 58).

## 22 Approval of applications under section 21 for new schools and relocation of schools

The Director-General is to approve an application to establish a new school or to relocate a school only if he or she is satisfied that the application meets the criteria set out in subsection 20(2).

## 23 Approval of other applications under section 21

(1) The Director-General is to approve an application to cancel the registration of a school and to close the school only if he or she is satisfied that:

(a) there is no longer a need for the school in the area concerned; or

(b) the school does not comply with the requirements for registration of a school under section 15; or

(c) the Education Authority does not have sufficient resources and facilities available for the satisfactory operation of the school.

(2) The Director-General is to approve an application by an Education Authority to takeover a school from another Education Authority only if he or she is satisfied that:

(a) both Authorities have agreed to the takeover; and

(b) the takeover will operate for the general benefit of the local community; and

(c) the Education Authority proposing to takeover the school can competently administer the school.

(3) The Director-General is to approve an application to change the name of a school only if he or she is satisfied that the proposed new name is acceptable to a large majority of the local community.

#### Division 4 – Cancellation and withdrawal of approval of Education Authorities

##### 24 Cancellation of approval of Education Authority

(1) After consultation with the Minister, the Director-General may cancel the approval of an Education Authority if he or she is satisfied that:

(a) the Authority has operated its schools in a careless and irresponsible way to the detriment of staff and students; or

(b) the Authority does not have sufficient resources and facilities available for the satisfactory operation of its schools; or

(c) the schools of the Authority do not comply with the requirements for registration of a school set out in section 15; or

(d) the Authority cannot competently administer its schools.

(2) The Director-General must give the Education Authority written notice of the proposed cancellation and allow the Authority at least 28 days in which to make submissions in writing as to why its approval should not be cancelled.

(3) In deciding whether to cancel the approval of an Education Authority, the Director-General must take into account any submissions made by the Education Authority.

(4) The Director-General must give the Education Authority written notice of his or her decision within 28 days after making it.

(5) On the making of a decision to cancel the approval of an Education Authority, the Director-General must, by order, close the Authority's schools or:

(a) take possession of the Authority's schools and any property of the schools or the Authority necessary for the operation of the schools; and

(b) transfer the operation of the Authority's schools to:

(i) another Education Authority (if any) that has agreed to operate the school or schools;  
or

(ii) the relevant Provincial Education Board.

(6) An Education Authority may appeal against the decision of the Director-General to cancel its approval (see section 58).

(7) To avoid doubt, no compensation is payable by the Government to any person in respect of an order made under this section.

## 25 Withdrawal of approval of Education Authority

(1) The Director-General may, at the written request of an Education Authority, withdraw the approval of the Authority.

(2) On the withdrawal of an approval of an Education Authority, the Director-General must by order close the Authority's schools or:

(a) take possession of the Authority's schools and any property of the schools or the Authority necessary for the operation of the schools; and

(b) transfer the operation of the Authority's schools to:

(i) another Education Authority (if any) that has agreed to operate the school or schools; or

(ii) the relevant Provincial Education Board.

(3) To avoid doubt, no compensation is payable by the Government to any person in respect of an order made under this section.

## Division 5 – Other matters relating to Education Authorities

### 26 Responsibilities of Education Authorities

An Education Authority has the following responsibilities:

(a) to administer its schools in accordance with the requirements of this Act and the regulations;

(b) to ensure that the syllabuses and curriculums for each of its schools comply with the requirements determined by the National Education Commission;

(c) to ensure that people with proper qualifications and experience are employed as teachers and other staff at its schools;

(d) to provide such information and reports on its schools to the Director-General as he or she may request in writing.

## 27 Accounts

(1) An Education Authority must:

(a) keep proper accounting records in relation to its financial affairs (including receipt and expenditure of government grants under section 31); and

(b) prepare annual statements of account for each financial year.

(2) An Education Authority's accounts for each financial year must be audited within 6 months after the end of that financial year by an auditor approved by the Auditor-General.

## 28 Reports

(1) An Education Authority must, within 2 months after the end of each year, provide the Director-General with a report relating to the administration of its schools for that year.

(2) The Education Authority must provide the Director-General with any additional information he or she requests about a matter contained in a report.

## Division 6 – Transitional arrangements for existing schools

## 29 Application of Division

This Division applies to all non-government schools in existence on commencement.

## 30 Non-government schools

(1) On commencement, each of the churches listed in a table in Schedule 1 is taken to be approved as the Education Authority for the non-government schools listed in that table, and each of those schools is taken to be registered.



(2) The Director-General must, as soon as practicable after commencement:

(a) enter each school listed in Schedule 1 in the Register; and

(b) issue each school with a certificate of registration.

(3) On commencement, any non-government school that is not listed in Schedule 1 (“an unregistered school”) can operate until 31 December 2002.

(4) However, an unregistered school cannot operate after 31 December 2002 unless on or before that date:

(a) a person has been approved as an Education Authority under section 20 in relation to that school; or

(b) the Director-General has approved an application to become part of an existing Education Authority under subsection (5).

(5) A person may in writing apply on behalf of an unregistered school to the Director-General for the school to become part of an existing Education Authority. The Director-General must approve the application if the Director-General is satisfied that:

(a) the Education Authority supports the application and can competently administer the school; and

(b) the school complies with the requirements for registration of a school under section 15.

(6) On approval of an application under subsection (5), the school concerned is taken to be registered, and the Director-General must enter details of the school in the Register and issue the school with a certificate of registration.

(7) The Minister may by order amend Schedule 1 if the Minister is satisfied that the amendment is necessary to correct a mistake.

## Part 5 – National School System

### Division 1 – Funding for schools

#### 31 Funding of Education Authorities

(1) An Education Authority that has entered into a funding agreement with the Minister on behalf of the Government may receive funding by way of grants from the Government.

(2) An Education Authority is then responsible for funding its schools from the government grants.

(3) The funding provided to an Education Authority by way of government grants is not intended to cover the total operating costs of the Authority or its schools.

(4) An Education Authority and its schools may receive funding from other sources to supplement the government grants eg school fees and money raised by school fundraising activities.

(5) Nothing in this section is to be taken to require the Minister on behalf of the Government to enter into funding agreements with all Education Authorities. Some Education Authorities will want to be financially independent, and will not want funding by way of government grants.

(6) A funding agreement may provide for direct payment of salaries and other benefits to teachers and other persons working in the schools of an Education Authority.

#### 32 Funding of Provincial Education Boards

(1) All Provincial Education Boards are to receive funding by way of grants from the Government.

(2) A Provincial Education Board is then responsible for funding its schools from the government grants.

(3) The funding provided to a Provincial Education Board by way of government grants is intended to cover most of the operating costs of the Board and its schools.

(4) A Provincial Education Board and its schools may receive funding from other sources to supplement the government grants e.g. school fees and money raised by school fundraising activities.

### 33 Distribution of grants to schools

(1) An Education Authority or a Provincial Education Board must distribute the moneys received by way of government grants to its schools in accordance with the Grants Code.

(2) An Education Authority or a Provincial Education Board that fails to comply with any provision of the Grants Code is guilty of an offence punishable on conviction by a fine not exceeding VT 200,000.

### 34 Grants code

(1) As soon as possible after commencement, the Director-General must, in consultation with Education Authorities and Provincial Education Boards, prepare a Grants Code providing for the distribution of government grants to schools.

(2) The Grants Code must be submitted to the Minister for his or her approval and does not come into force until the Minister approves it.

(3) Until such time as a Grants Code is in force, the Director-General may, after consultation with the Minister, make written determinations for the distribution of government grants by Education Authorities and Provincial Education Boards.

(4) The Grants Code and any determinations made under subsection (3) are statutory orders for the purposes of the Interpretation Act [CAP 132].

### 35 School fees

(1) Subject to subsection (7), the Minister may, after consultation with the Director-General and the National Education Advisory Council, by order prescribe the range of fees payable at government and non-government schools in relation to the following:

(a) tuition;

(b) boarding;

(c) provision of books and other materials;

(d) any other facilities or services provided to students.

(2) An Education Authority or a Provincial Education Board must not charge fees at any of its schools that are not within the prescribed range.

(3) Different fees may be prescribed in respect of:

(a) government and non-government schools; and

(b) government and non-government schools in different provinces.

(4) The parents of a child are jointly and severally liable for all fees due in respect of the child, whether or not they enrolled the child at the school.

(5) The principal of a school may, after consultation with the relevant Education Authority or Provincial Education Board, exclude from attendance at the school any student in respect of whom fees have not been paid by the due date.

(6) An Education Authority or a Provincial Education Board may waive in whole or in part the fees due in respect of a student if the Authority or Board is satisfied that the parents of the student are unable to pay such fees in whole or in part.

(7) This section does not apply to a non-government school that receives no funding from the Government.

### 36 Accountability of school fees

(1) The principal of a school is responsible for the collection of fees payable for any matter mentioned in subsection 35(1).

(2) An Education Authority or a Provincial Education Board must ensure that proper accounts are kept for each of its schools in relation to the collection and disbursement of such fees.

## Division 2 – Administration and management of schools

### 37 Responsibilities of principal

(1) The principal of a school is responsible for:

(a) the day to day administration and management of the school; and

(b) the general wellbeing of students and staff at the school; and

(c) the professional development of teaching and other staff at the school; and

(d) reporting to the Education Authority or Provincial Education Board on matters relating to the school as required by the Authority or the Board.

(2) Without limiting subsection (1), the principal of a school must:

(a) ensure the school buildings and grounds are kept clean and tidy, and are well maintained; and

(b) in consultation with the staff, school committees, school councils and school community associations develop rules for the school to ensure the well being of students and staff; and

(c) provide guidance and practicing to students, and advice to parents, on matters affecting a student's progress at the school; and

(d) keep and maintain all records required by or under this Act (eg attendance sheets, furniture inventory and book lists); and

(e) provide the Director-General with such information about the school as he or she requires for the purposes of this Act or the regulations.

### 38 Discipline of students

(1) As soon as possible after commencement, the Director-General must prepare guidelines for the adoption by schools of fair discipline practices that provide for the control and regulation of student discipline in schools, and that reinforce good behavior.

(2) The guidelines must not permit corporal punishment of students attending schools. However, they may permit other reasonable forms of punishment or correction of those students, including requiring students to perform any reasonable work or service for the school.

(3) Subject to subsection (4), an Education Authority or a Provincial Education Board may, on the recommendation of the principal of a school, expel a student from the school for:

(a) severe misconduct or disobedience; or

(b) any other activity that has a major detrimental effect on the school.

(4) An Education Authority or a Provincial Education Board must not expel a student unless it has conducted a thorough investigation in relation to the matter and the student has been given an opportunity to be heard.

(5) The Education Authority or Provincial Education Board must as soon as practicable notify the parents of a student who is expelled.

(6) The principal of a school may suspend a student from the school for misconduct or disobedience for a period not exceeding 2 weeks. The principal must as soon as practicable notify the parents of the suspended student.

(7) A parent of a student who has been expelled under subsection (3) may appeal in writing to the Director-General against the expulsion.

(8) The Director-General must determine the appeal as soon as possible and notify in writing the Education Authority or Provincial Education Board, as the case requires, and the appellant of his or her decision.

#### 39 Medical examination of students

(1) Subject to subsection (2), the Director-General must cause all students at a school to be examined by a qualified medical practitioner at regular intervals to be determined by the Director-General.

(2) The parent of a student may make a request to the principal that the student be exempt from a medical examination. The principal must allow the request if he or she is satisfied that a qualified medical practitioner will examine the student at the parent's expense.

(3) Following a medical examination, the principal may exclude a student from attending the school if he or she has a condition likely to endanger the health of other students.

(4) However, the student must be reinstated once a medical practitioner provides a report stating that the student is free from any such condition.

#### 40 School councils and school committees

(1) An Education Authority or a Provincial Education Board must establish a school council and/or a school committee for each of its schools to assist the principal in the management and administration of the school.

(2) An Education Authority or a Provincial Education Board is to determine for each school council and committee:

(a) the membership of the school council and committee, which must wherever possible include both male and female members; and

(b) the functions and responsibilities of the school council and committee.

(3) School councils and committees are to regulate their procedures in accordance with the by-laws made by the relevant Education Authority or Provincial Education Board.

(4) Subject to subsection (5), a member of a school council or committee is not entitled to any salary or other remuneration, including by way of allowances, for his or her services provided to the council or committee.

(5) Subject to the availability of funds at a school, a member of the school council or committee is to be reimbursed for expenses properly incurred when engaged on the business of the school council or committee.

(6) To avoid doubt, nothing in this section requires an Education Authority or a Provincial Education Board to establish a school council or committee for any of its schools.

#### 41 School community associations

(1) Parents of students attending any school together with other residents of the area served by the school who are interested in the welfare of the school may form a school community association in connection with the school.

(2) The school community association should aim to:

(a) promote the interests of the school by bringing parents, students, teaching staff and other residents of the school area into close co-operation; and



(b) assist in providing facilities and equipment for the school and in promoting the recreation and welfare of the students at the school; and

(c) encourage parent and community participation in curriculum and other education issues.

#### 42 Inspection and advisory services

(1) School inspectors must carry out inspections of schools at regular intervals to be determined by the Director of school programs.

(2) A school inspector may inspect a school to determine whether:

(a) the Education Authority is operating the school in accordance with the requirements of this Act and the regulations; or

(b) the school complies with the requirements for registration of a school under section 15; or

(c) the school is being well managed and discipline is satisfactory; or

(d) the school's academic standards are satisfactory; or

(e) the school premises and grounds are well maintained; or

(f) the social environment of the school is satisfactory; or

(h) the school complies with such other matters as are specified by the Director-General.

(3) A person who obstructs a school inspector in carrying out an inspection of a school is guilty of an offence punishable on conviction by a fine not exceeding VT 100,000 or imprisonment for a period not exceeding 3 months, or both.

(4) A school inspector may also provide advice to the principal and teachers of a school in relation to any of the matters mentioned in subsection (2).

(5) If requested to do so by the Director of school programs, a school inspector must as part of a school inspection assess whether the teachers and principal of the school are performing in a satisfactory manner. The school inspector must give to the Director a report in writing of his or her assessment within 14 days after carrying out the inspection.

(6) The Director of school programs must, within 7 days of receiving the report, give a copy of it to the Director-General who must decide whether or not to refer the report to the Teaching Service Commission and/or the relevant Provincial Education Board or Education Authority for appropriate action.

### Division 3 – Cancellation of registration of schools

#### 43 Cancellation of registration of schools by Director-General

(1) After consultation with the Minister, the Director-General may cancel the registration of a school if the Director-General is satisfied that:

(a) the school is being operated by the Education Authority or Provincial Education Board in a careless and irresponsible way to the detriment of its staff and students; or

(b) the school does not comply with the requirements for registration of a school under section 15 ; or

(c) the Education Authority or Provincial Education Board does not have sufficient money and facilities available for the satisfactory operation of the school; or

(d) the Education Authority or Provincial Education Board cannot competently administer the school; or

(e) it is not in the public interest to keep the school open.

(2) In deciding whether to cancel the registration of a school, the Director-General must take into account any inspection of the school carried out by a school inspector under section 42. However, the Director-General can decide to cancel the registration of a school in accordance with subsection (1) without an inspection having been carried out.

(3) The Director-General must give the principal of the school and the Education Authority or the Provincial Education Board written notice of the proposed cancellation and allow at least 28 days for submissions in writing to be made as to why the school's registration should not be cancelled.

(4) In deciding whether to cancel the registration of the school, the Director-General must take into account any submissions made by the Education Authority or the Provincial Education Board and the principal.

(5) The Director-General must give the Education Authority or the Provincial Education Board and the principal written notice of his or her decision within 28 days after making it. The cancellation of the registration of the school takes effect on the date specified in the notice.

(6) An Education Authority or a Provincial Education Board that continues to operate a school whose registration has been cancelled may be liable to a penalty under section 16.

(7) An Education Authority or a Provincial Education Board may appeal against the decision of the Director General to cancel the registration of a (see section 58).

#### 44 Takeover of schools

(1) If the Director-General is of the opinion that a school whose registration has been cancelled under section 43 should continue to operate, the Director-General may by order:

(a) take possession of the school and any property of the school, or any property of the Education Authority or Provincial Education Board at the school; and

(b) transfer the operation of the school to:

(i) the Education Authority (if any) that has agreed to operate the school; or

(ii) the relevant Provincial Education Board.

(2) To avoid doubt, no compensation is payable by the Government to any person in respect of an order made under this section.

Part 6 – National Education Advisory Council,  
National Education Commission and  
Provincial Education Boards

Division 1 – National Education Advisory Council

45 Establishment and functions of National Education Advisory Council

(1) The National Education Advisory Council is established.

(2) The Council has the following functions:

(a) to advise the Minister and the Director-General on:

(i) the operation of the primary and secondary education system; and

(ii) the funding of the primary and secondary education system, including the level of school fees to be prescribed under section 35; and

(iii) on any other matter affecting primary or secondary education;

(b) to monitor the effectiveness of education policies and practices;

(c) to develop policy proposals for consideration by the Ministry;

(d) to assist, advise and co-operate with communities, practicing ns and individuals on matters affecting primary or secondary education;

(e) when requested by the Minister or the Director-General, to provide information or advice to him or her on any matter affecting primary or secondary education.

#### 46 Membership of the Council

(1) The National Education Advisory Council has 11 members. Each member is to be appointed by the Minister on the advice of the Director-General.

(2) The members are to comprise the following persons:

(a) a representative of the Vanuatu Christian Council;

(b) 2 representatives of the Vanuatu Teachers Union;

(c) 2 representatives of school community associations;

(d) a representative of the National Council of Chiefs;

(e) a representative of the Vanuatu National Council of Women;

(f) a representative of the Ministry responsible for health;

(g) 2 representatives of the non-government sector;

(h) a representative of tertiary education institutions.

(3) The Director-General is an ex officio member of the Council, but has no voting rights at a meeting of the Council.

(4) An officer of the Department is to be appointed as the secretary to the Council by the Director-General to undertake such duties as may be assigned by the Chairperson.

(5) The Council is to have an equitable and balanced gender representation.

## Division 2 – National Education Commission

### 47 Establishment and membership of National Education Commission

(1) The National Education Commission is established.

(2) The Commission has 11 members. Each member is to be appointed by the Minister on the advice of the Director-General.

(3) At least 4 members must have qualifications and/or expertise in curriculum development.

(4) At least 2 members must have qualifications and/or expertise in examination practices and policy.

(5) At least 2 members must have qualifications and/or expertise in scholarships practices and policy.

(6) The 3 other members of the Commission must be representatives of the non-government sector.

(7) The Commission is to have an equitable and balanced gender representation.

(8) The Commission in undertaking its functions under sections 48, 49 and 50 must consult as widely as is practicable with communities, organisations and individuals.

### 48 Functions of the Commission in relation to examinations

The Commission has the following functions in relation to examinations:

- (a) to determine the number, type and content of examinations to be used for further education selection purposes, or for the award of any nationally recognised certificate or any other educational qualification;
- (b) to determine the procedures for conducting such examinations;
- (c) to arrange for such examinations to take place and to ensure they are conducted fairly;
- (d) to evaluate the process relating to examinations and assessment on a regular basis and advise the Director-General of any changes that may be necessary;
- (e) to recommend to the Director-General the criteria for selection and allocation of candidates to other educational institutions in Vanuatu;
- (f) to ensure that the processes relating to examinations and the selection and allocation of candidates are transparent, fair and based on merit;
- (g) to prepare for the Director-General an annual report and any other reports required by the Director-General relating to examinations;
- (h) when requested by the Minister or the Director-General, to provide information or advice to him or her on any matter affecting examinations.

#### 49 Functions of the Commission in relation to scholarships

- (1) The Commission's primary function in relation to scholarships is to develop and implement policies that support the scholarships program.
- (2) The scholarships program provides scholarships for post secondary education and training in order to develop appropriately qualified and skilled Ni-Vanuatu to further the development of Vanuatu.

(3) The scholarships program is to be administered by the training and scholarships coordination unit or such other body within the Department as is specified by the Director-General (“the scholarships unit”).

(4) The Commission also has the following functions in relation to scholarships:

(a) to undertake the fair, transparent and merit based selection of candidates for the award of scholarships;

(b) to determine annually the criteria, and the terms and conditions, for the award of scholarships by the Government;

(c) to determine the priority of scholarships for funding by the Government;

(d) to provide advice and guidance to the scholarships unit in its administration of the scholarships program;

(e) to assist the scholarships unit in seeking additional funding for scholarships;

(f) to determine appeals relating to the award or termination of scholarships;

(g) to prepare for the Director-General an annual report and any other reports required by the Director-General relating to scholarships;

(h) when requested by the Minister or the Director-General, to provide information or advice to him or her on any matter affecting scholarships.

## 50 Functions of the Commission in relation to curriculums and syllabuses

(1) The Commission has the following functions in relation to curriculums and syllabuses:

(a) subject to subsection (2), to evaluate and approve the national curriculum for primary and secondary education in Vanuatu;



- (b) to ensure that the national curriculum is implemented;
  - (c) to review the national curriculum at regular intervals and recommend any necessary changes;
  - (d) to evaluate and approve the syllabuses to be taught in primary and secondary schools, and the appropriate allocation of time for those subjects;
  - (e) to approve procedures, guidelines and timetables for the production or revision of subject syllabuses and support materials;
  - (f) to approve for purchase and distribution throughout Vanuatu support materials, including books and equipment;
  - (g) to prepare for the Director-General an annual report and any other reports required by the Director-General relating to the national curriculum or syllabuses;
  - (h) when requested by the Minister or the Director-General, to provide information or advice to him or her on any matter affecting the national curriculum or syllabuses.
- (2) The Commission must not approve a curriculum as the national curriculum unless it is satisfied that the curriculum takes into account national policies, needs and aspirations, and provides for the physical, spiritual, social and cultural development of students.

### Division 3 – Provincial Education Boards

#### 51 Establishment and membership of Provincial Education Boards

- (1) A Provincial Education Board is established for each province and municipality within that province.
- (2) Each Board has 6 members.

(3) The provincial government council is to nominate one member of the Board. The Provincial Education Officer is a member of the Board. The remaining 4 members are to be appointed by the Minister on the advice of the Director-General.

(4) The members of each Board must so far as practicable be broadly representative of:

(a) the teachers, and the parents of the students, at the schools in the province; and

(b) organisations and individuals interested in education in the province.

(5) Each Board is to have an equitable and balanced gender representation.

## 52 Functions of Provincial Education Boards

The functions of each Provincial Education Board are as follows:

(a) to operate and manage the government schools in the province;

(b) to plan, promote, develop and coordinate primary and secondary educational activities in the province;

(c) to advise the Director-General on the need for new schools in the province;

(d) to assist the Ministry in planning for sufficient schools to meet the needs of the province, and to apply for the registration of new schools and prescribed changes to existing schools in the approved form;

(e) to prepare for the Director-General an annual report and any other reports required by the Director-General relating to schools in the province;

(f) when requested by the Minister or the Director-General, to provide information or advice to him or her on any matter affecting schools in the province.

## 53 Accounts

(1) A Provincial Education Board must:

(a) keep proper accounting records in relation to its financial affairs (including receipt and expenditure of government grants under section 32); and

(b) prepare annual statements of account for each financial year.

(2) A Provincial Education Board's accounts for each financial year must be audited within 6 months after the end of that financial year by the Auditor-General.

## 54 Reports

(1) A Provincial Education Board must, within 2 months after the end of each year, provide the Director-General with a report relating to the administration of its schools for that year.

(2) The Provincial Education Board must provide the Director-General with any additional information he or she requires about a matter contained in a report.

## 55 Government schools - transitional arrangements

(1) On commencement, each of the Provincial Education Boards listed in a table in Schedule 2 is responsible for the operation of the government schools listed in that table, and each of those schools is taken to be registered.

(2) The Director-General must, as soon as practicable after commencement:

(a) enter each school listed in Schedule 2 in the Register; and

(b) issue each school with a certificate of registration.

(3) The Minister may by order amend Schedule 2 if the Minister is satisfied that the amendment is necessary to correct a mistake.

#### Division 4 – Administrative provisions

##### 56 Administrative provisions in Schedule 3

Subject to section 57, the administrative provisions relating to the National Education Advisory Council, the National Education Commission and the Provincial Education Boards are set out in Schedule 3.

##### 57 Provincial Education Boards

(1) The Provincial Education Officer is ex officio the chairperson of the Board.

(2) A Provincial Education Board must not implement a decision during the first 7 days after the decision is made. During these 7 days, if the Provincial Education Officer wishes to object to the decision, he or she must give the Board a written copy of his or her objection. The Provincial Education Officer must at the same time give the Director-General a copy of the objection.

(3) The Director-General must decide whether to accept or reject the objection within 21 days after receiving it. During these 21 days, the Provincial Education Board must not implement the decision.

(4) The Director-General must give the Provincial Education Board and the Provincial Education Officer written notice of his or her decision.

#### Part 7 – Miscellaneous

##### 58 Appeal to the Supreme Court

(1) A person in respect of whom any of the following decisions are made may appeal to the Supreme Court against the decision:

(a) to reject an application for approval as an Education Authority under section 20;

(b) to reject an application made by an Education Authority under section 21;

(c) to cancel the approval of an Education Authority under section 24;

(d) to cancel the registration of a school under section 43.

(2) An appeal must be made not more than 28 days after the date on which the appellant is notified of the decision appealed against, or within such further period as the Supreme Court may allow.

(3) The Supreme Court may:

(a) confirm, reverse or modify the decision appealed against, and make such orders and give such directions to the Director-General as may be necessary to give effect to the Court's decision; or

(b) refer the matter back to the Director-General with directions to reconsider the whole or any specified part of the matter.

## 59 Delegation of functions and powers

(1) The Director-General, a Director and a Provincial Education Officer may, by instrument in writing, delegate all or any of his or her functions and powers under this Act to another officer within the Ministry with appropriate qualifications and expertise, except this power of delegation.

(2) The delegation:

(a) may be made either generally or as otherwise provided by the instrument of delegation; and

(b) does not prevent the performance or exercise of the function or power so delegated by the Director-General, the Director or the Provincial Education Officer, as the case requires.

## 60 Regulations

(1) The Minister may, by order, make regulations prescribing all matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations may prescribe penalties for offences against the regulations. A penalty must not exceed VT 50,000.

## 61 Repeal of Administration of Schools Act

The Administration of Schools Act [CAP 121] is repealed.

## 62 Commencement

This Act commences on the day on which it is published in the Gazette.

## SCHEDULE 1

### Section 30

## EDUCATION AUTHORITIES AND NON-GOVERNMENT SCHOOLS

TABLE A  
SCHOOLS ADMINISTERED BY  
CATHOLIC CHURCH  
FANAFO CRAIG-COVE BAIE-BARRIER  
NABEL DIXON REEF BAIE-MARTELLIE  
NAVUSIRORO/BIG BAIE MAE LAIZADETH

PESENA NOTRE-DAME LATANO  
ST. JOSEPH/ROWOK OLAL (ST. JEAN) LOLOPUEPUE  
ST. MICHEL PAAMAL LO-ONE  
ST. PIERRE/OKORO PIKAYER MELSISI  
STE. ANNE SESSIVI NAMARAM  
STE. THÉRÈSE ST. LOUIS 98 ST. HENRI  
TOLOMAKO ST. PIERRE CHANEL ST. JOSEPH/RANGSUKSUK  
STE JEANNE d'ARC TOBOL ST. JEAN BAPTISTE (98)  
ST. JOSEPH LAGON 2 UNMET TSINBWEGE  
ENKATALEI VAO IIÔT UBIKU  
IKITI IPEKEL LOONO  
IMAFEN ITAKU LOWANATOM  
IMAKI LAMLU UMEJ  
IMARU LAUTAPUNGA YENAVATENG  
LYCEE DE MONTMARTRE MICHEL TAGAGA  
MELSISI SESSIVI VAO

TABLE B  
SCHOOLS ADMINISTERED BY  
PROTESTANT CHURCH  
IPAYATO 2000 VALABEI 2000 ORAP  
MARUA 2000 VENIE/MATAIPEVU RAMBECK  
MATALOI 2000 VUNAKARI/AKARA 2000 RORY  
NAMORU 2000 BENENAVETH SEMBOAS  
NIWA 2000 BETHEL WIARU  
PUAMA 2000 CHENARD WOMUL  
TASMALUM 2000 METOUNE ITEREI/ITASU  
TCHARANAVUSVUS 2000 NAMBAR YATUKUNE  
MOLI VALIVU ORAP

TABLE C  
SCHOOLS ADMINISTERED BY  
SEVENTH DAY ADVENTIST CHURCH  
AMABELAU/MATI 2000 KWATAPAREN LINBUL  
PAKER 2000 LOUNALOU MALUA BAY  
SARAKATA 2000 FONTENG MARANATHA  
VINAMBULU BUIAP SANESUP  
PORT QUIMMIE LALINDA TOPAEN  
VILANO. 2 SDA LAVALSAL WINN

AORE ADVENTIST ACADEMY

TABLE D  
SCHOOLS ADMINISTERED BY ANGLICAN CHURCH  
TURTLE BAY  
MATANTAS  
ST PATRICK'S COLLEGE

SCHEDULE 2

Section 55

PROVINCIAL EDUCATION BOARDS AND GOVERNMENT SCHOOLS

TABLE A

GOVERNMENT SCHOOLS ADMINISTERED BY  
TORBA PROVINCIAL EDUCATION BOARD  
AOTA/TASVARE SANLANG AREP  
DORIG/SARANTAR SHEM ROLEY NERGAR  
LEQUEL ST. GEORGE/PASALELE SANTA MARIA  
LOSALAVA TELHEI TELVET  
MARTIN BAGAVEGUG VAGET/AWOROR  
NOGUHU/ROBIN VAGET/AWOROR WONGYESKEI  
WOSOK IHIU

LOSALAVA  
PASALELE/ST. GEORGE AREP

TABLE B



GOVERNMENT SCHOOLS ADMINISTERED BY  
 SANMA PROVINCIAL EDUCATION BOARD  
 ALOWANU MEREI/PISULIMA 2000 TIASIA 2000  
 ARAKI/LEHILEHINA 2000 MWAS TIQUOTUQ 2000  
 AVUNARARA/JINAURE 2000 NANUHU 2000 VOVLEI 2000  
 AVUNATARI 2000 NASALANVUNMOL 2000 VUNABULU 2000  
 BALON 2000 NATAWA 2000 WAILAPA/EBENEZER 2000  
 DAMBULUA/TUTUBA 2000 NAVELE 2000 LATH HI 2000  
 IAN LIVO 2000 PIALUPLUP 2000 BUTMAS  
 IETH VEKAR 2000 PICARDIE KAMEWA 2000  
 J.N MACKENZIE PRENTER/HOG HARBOUR 2000 KOLE/LOREVIKARKAR  
 2000  
 JORDON VALLEY 2000 SANTO EAST 2000 NANDIUTU 2000  
 KAMEWA 2000 SARA 2000 NAVIARU 2000  
 KITACU/NANDIUTU 2000 SAKAKATA 2000 PIAMATSINA 2000  
 LEIMARUA/WUSI 2000 SELUSIA 2000 SANTO EAST 2000  
 MALAU 2000 SULEMAORI SARASOARI/AVUNARANI 2000  
 MAVEA/DAMBULU 2000 TAHARO 2000 SELUSIA 2000  
 MENEVULA/WUNPUKO 2000 TANOVUSIVUSI/SALETUI 2000 ST. JACQUES  
 2000  
 TATA 2000 COLLEGE DE LUGANVILLE HOG HARBOUR  
 MATAVULU COLLEGE SANTO EAST NANDIUTI

#### TABLE C

GOVERNMENT SCHOOLS ADMINISTERED BY  
 MALAMPA PROVINCIAL EDUCATION BOARD  
 AMELVET MELWORBAN WORA  
 AULUA NAMARU WURO  
 BENBON NERAMB AMELBILA  
 BRENWEI PINABOW AULUA  
 BULEMAP RANON BAIE CAROLINE  
 FARUN/KALWAI RENSARIE E.P BOTOVRO  
 LAINDUA SANESUP BUTEKAI  
 LAKATORO SANGALAI DAODOBO  
 LAMBUBU SELUSA/TAHI FANLA  
 LELEUT SENAI FARALO  
 LEVIAMP SIRGAGALAK KAMAI  
 LINGARACK SOUTH WEST BAY LEHILI  
 LIRO TAUTU LOLIBULO  
 LUVIL TISMAN NORSUP  
 LOWOI TEMBIBI 98 PORT VATO

MAE SIRBULBUL VUKOF-MAUR (TISVEL) RENSARIE  
MAGAM URIPIV WILAK  
MATANVAT VANRURU/HOKAI WORA  
MBOSSUNG VAULELI WURO  
MEGAMONE 98 VINMAVIS RANON  
NORSUP RENSARIE VAUM  
LAKATORO SOUTH WEST BAY

TABLE D

GOVERNMENT SCHOOLS ADMINISTERED BY  
PENAMA PROVINCIAL EDUCATION BOARD  
ABANGA LOQUIRUTANO VANUE MARAMA  
ALIGU LOVUNVILI VOLOVUHU  
AMBAEBULU MACKENZIE VUIGALATO  
ATAVTABANGA NALELEO WAISINE  
AUTABULU NANGOLE WALAHA  
BAKANA NAONE AMBAEBULU  
BANGABULU NAZARETH BIRIBIRI  
BENMOTRI NDUINDUI LAMORUNTOA/ABOUAGA  
BWATNAPNI PANGI NANIVELE  
ENKUL QUATUNEALA NAROUAH  
GAMALMAWA RANMAWAT NASAWA  
GAMBULE RANWAS/MANU SARABULU  
LABULTAMATA SIMON VILKALAKA  
LESASANEMAL SULUA VINAMANOWE  
LOLKASAI TANBOK TORLIE  
LOLOVOLI AMBAEBULU NAVUTIRIKE  
GAMBULE LINI MEMORIAL COLLEGE

TABLE E

GOVERNMENT SCHOOLS ADMINISTERED BY  
SHEFA PROVINCIAL EDUCATION BOARD  
AKAMA MALATIA VILA EAST  
AMARO/LELEPA MALAWIA (98) VILA NORTH (98)  
BLACK SANDS MANGARONGO YEVALI  
BUNINGA/SENECOL MANUA ANABROU

CENTRAL PRIMARY MATARARA BONGOVIU  
 COCONAK (98) MATASO BURUMBA  
 EKONAK MELEMAAT E.P BLACK SANDS  
 ELES MORIU (98) E.P CENTRE VILLE  
 ERAKOR MOSO/TASIRIKI E.P ERAKOR  
 ERATAP NAWORAONE E.P IFIRA  
 ERE NIKAURA E.P ITAKUMA/LEKANONE  
 ETON NOAWIA/MALALIU E.P KATUNDAULA  
 FRESH-WOTA NOFO E.P MALAWIA  
 HIWELO NOTTAGE E.P MATARISU  
 IFIRA PANGO E.P ROAU  
 KAWENU RANGORANGO E.P SUANGO  
 LAMENU SARA E.P WORARANA  
 LAUSAKE SIKENBO FRESH-WOTA  
 NGLA/MAGANUA TANGOVAWIA(98) PANGO/ESNAR  
 MABFILAU ULEI MAKIRA  
 CENTRAL SECONDARY UTANLAN/AMARONEA BOUGAINVILLW  
 MALAPOA COLLEGE ONESUA PRESBYTERIAN COLLEGE ULEI  
 BURAMBA EPI HIGH SCHOOL NAPANGASALE

#### TABLE F

GOVERNMENT SCHOOLS ADMINISTERED BY  
 TAFEA PROVINCIAL EDUCATION BOARD  
 ANALGAUHAT 2000 KAMAHAU

DILLON'S BAY 2000 KWAMERA 2000 LABONGTAUA  
 DIP POINT 2000 LOUKATAI 2000 LAMANAPIEPI  
 FETUKAI 2000 LOUNABIL 2000 LAMANARUAN  
 GREEN HILL 2000 LOUNAHUNU 2000 LAMAPRUAN  
 IARKEI/PETROS 2000 LOUNAPIKO 2000 LAMNATOU 2000  
 IETAP 2000 LOUNIALU 2000 LAPKIT 2000  
 IQUARMANU 2000 LOUSULA 2000 LAUNALANG  
 IRUMORI 2000 PORT NARVIN 2000 LANAKEN 2000  
 ISAKA 2000 PORT RESOLUTION 2000 LOUNIPAYEU  
 ISANGEL 2000 TUHU 2000 LOWIEPENG 2000  
 ISHIA 2000 UMPONIELOGIE 2000 LOWIERU  
 ISLA 2000 YAPILMAI MANUAPEN  
 IWUNMIT 2000 DILLON'S BAY 2000 NAFUTI  
 LAMKAIL EHNIU PORT MELOU 2000  
 LENAKEL 2000 IMANAKA 2000 YANAMWAKEI 2000  
 LENAKEN 2000 ISANGEL 2000 YAPIMAI  
 LENAULA ISANGEL LENAKEL

TAFEA

## SCHEDULE 3

### Section 56

#### ADMINISTRATIVE PROVISIONS FOR THE NATIONAL EDUCATION ADVISORY COUNCIL, NATIONAL EDUCATION COMMISSION AND PROVINCIAL EDUCATION BOARDS

##### 1 Interpretation

In this Schedule:

“education body” means:

(a) the National Education Advisory Council; or

(b) the National Education Commission; or

(c) a Provincial Education Board.

“member” means a member of an education body.

##### 2 Application of Leadership Code Act

A member is a leader within the meaning of the Leadership Code Act No. 2 of 1998.

##### 3 Term of office

A member is to be appointed for a term of 2 years and is eligible for reappointment.

#### 4 Chairperson and deputy chairperson

(1) The members of an education body must elect one member to be the Chairperson and another member to be the Deputy Chairperson.

(2) The Chairperson and Deputy Chairperson each hold office for a term of one year and are eligible for reappointment.

(3) The Chairperson and Deputy Chairperson may resign his or her office by giving a written resignation to the education body.

#### 5 Removal and resignation of members

(1) The Minister may, on the advice of the Director-General, remove a member by order if he or she:

(a) becomes a member of Parliament; or

(b) is convicted of an offence and sentenced to imprisonment for 3 months or longer; or

(c) is absent from 3 consecutive meetings without the leave of the education body; or

(d) becomes insolvent or an undischarged bankrupt; or

(e) is a person having professional qualifications and is disqualified or suspended for misconduct from practicing his or her profession; or

(f) in the case of a Provincial Education Board – has repeatedly failed to carry out his or her duties in a satisfactory manner.

(2) A member may resign at any time by giving his or her resignation in writing to the Minister.

#### 6 Terms and conditions

(1) The rate of remuneration payable to a member is the rate determined under the Government Remuneration Tribunal Act No. 20 of 1998.

(2) If a rate of remuneration has not been determined under that Act, a member is to be paid such remuneration as the education body determines, subject to the written approval of the Minister.

(3) A member must:

(a) be paid such sitting fees as the education body proposes and the Minister approves in writing; and

(b) be reimbursed for all reasonable out of pocket expenses, including travel costs, incurred by the member in connection with the performance of his or her duties as a member of the education body.

## 7 Disclosure of interests

A member who:

(a) has a personal or business interest in a matter under consideration by the education body; or

(b) is likely to have a conflict of interest in relation to the matter;

must disclose that interest to the education body in accordance with section 16 of the Leadership Code Act No.2 of 1998.

## 8 Meetings

(1) An education body must hold such meetings as are necessary for the performance of its functions.

(2) At a meeting a quorum consists of:

(a) in the case of the National Education Advisory Council and the National Education Commission – 6 members; and

(b) in the case of a Provincial Education Board – 3 members.

(3) Questions arising at a meeting are to be determined by a majority of the votes of the members present and voting.

(4) If the voting at a meeting is equal, the chairperson at the meeting has a casting vote.

#### 9 Acting members

An education body may appoint a person to act as a member if the member is absent from Vanuatu or is for any other reason unable to perform his or her duties. A person must not be appointed to act for more than 3 months.

#### 10 Procedures

Subject to this Schedule, an education body is to determine and regulate its own procedures.

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