

Education Act 1986 – 87

An act to constitute the Department of Education and to consolidate and amend the law relating to the provision of education in the Cook Islands. (6 March 1987)

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

1. Short title and commencement -

(1) This act may be cited as the Education Act 1986-1987.

(2) This Act shall come in to force on a date to be appointed by the minister and notified by Publication in the Gazette.

2. Interpretation - In this Act, unless the context otherwise requires:

“Cabinet” means the Cabinet of the Cook Islands duly appointed under Article 13 of the Constitution;

“Commissioner” means the Public Service Commissioner appointed under Article 73 of the Constitution;

“Constitution” means the Constitution of the Cook Islands as contained in the Second Schedule to the Cook Islands Constitution Amendment Act 1965;

“Department” means the Department of Education established under Section 3 of this Act;

“Education Officer” as provided for in Section 11 of this Act means a salaried officer of the Department, other than a teacher, who is engaged in professional education tasks rather than purely administrative or clerical tasks;

“Government schools” means primary and secondary schools established and maintained by the Government of the Cook Islands;

“Guardian” shall include any person for the time being in loco parentis in relation to any child whether or not any order for custody or guardianship shall have been made in relation to such child.

“Minister” means the Minister of Education.

“Private School” means any school that has been established by an authority or person other than the Government of the Cook Islands;

“Pre-School Child” means a child between the ages of three and a half years and five years attending a pre-school institute;

“Pre-School Institute” means an educational institute for the education of pre-school children;

Primary” means grades 1 – 6 (inclusive of those grades);

“Prescribed” means prescribed by regulations;

“Principal” means the teacher in charge of any school established or approved under this Act, and includes a teacher for the time being acting as principal;

“School” means any building or part thereof used permanently or temporarily for the purposes of pre-school, primary, or secondary education;

“Secondary” means forms 1 – 5 (inclusive of those forms);

“Secretary” means the Secretary of Education;

“Teach” means to regularly impart a course of instruction of an educational nature in a school at any level from pre-school to tertiary, and to receive remuneration for the imparting of such instruction, and “teacher” has a corresponding meaning;

“Tertiary institution” means an institution in the nature of a school at which tertiary education is taught whether full or part time.

“Tertiary Education” means formal education beyond the secondary level;

“Tertiary Student” means any person attending a tertiary institution.

PART 1
ESTABLISHMENT

3. Department Of Education – There shall be a Department of state to be known as the Department of Education.
4. Functions of the Department - The general functions of the Department shall be:
 - a) To provide and maintain a system of education and establish and maintain educational institutions from the pre-school to the tertiary level to fulfil the development needs of the Cook Islands;
 - b) To ensure the provision and implementation of curricula appropriate to the needs and resources of the Cook islands;
 - c) To ensure the provision of a number of qualified teachers sufficient to provide the quality of education required by this Act;
 - d) To ensure the provision of a number of schools sufficient to meet the educational needs provided for in this Act;
 - e) To enlist the co – operation and participation of the community in the provision of education in the Cook Islands;
 - f) To actively promote and co-ordinate the development of non-formal education programmes;
 - g) To Administer the provisions of this Act and regulations made under it;
 - h) To carry out such other educational functions as the Minister may from time to time lawfully direct subject to the provisions of the Act;
5. Minister of Education - The Minister of Education shall be responsible for the policy of the department and its control, and such other functions as may be conferred upon him by this or any other Act.
6. Advisory and Technical committees – (1) The Minister may from time to time appoint such advisory and technical committees as he thinks fit to advise him for any of the purposes of this Act, and may from time to time determine the functions of any such committee. Subject to this Act and to any regulations made under it, such advisory or technical committees may regulate their own procedure.
7. Delegation of Minister’s Powers - (1) The appointment of a Head of Department shall be evidence of delegation to him of all the powers under this Act of the Minister except for such powers as the Minister, in writing, reserves to himself and subject to such constraints on the exercise of such powers as the Minister may in writing impose.
(2) Every such reservation or constraint imposed by the Minister shall continue in force until it is modified or revoked by him in writing.
8. Secretary of Education - There shall from time to time be appointed under the Public Service Act 1975 a Secretary of Education who shall be the administrative heads of department.
9. Duties of Secretary - the Principal duties of the Secretary shall be:
 - a. To exercise those powers vested in him by this Act and any regulations made under it, and those powers delegated to him by the Minister;
 - b. To ensure that the functions of the Department, as set out in Section 4, are effectively carried out;
 - c. To Administer the Provisions of this Act and any regulations made under it;

- d. To issue such instructions and rules to officers, teacher and general staff of the education department as may be required to give full effect to this Act and any regulations made under it;
- e. To plan for the development of education in the Cook islands for such period and in such detail as the Minister may from time to time require;
- f. To regularly advice the Minister of educational development and requirements in the Cook Islands.
- g. To implement policies referred to him by the Minister.

10. Delegation of Secretary's Powers - (1) The Secretary may from time to time by writing under his hand, either generally or particularly, delegate to such officer or officers or employee or employees of the department as he thinks fit all or any of the powers exercisable by him under this Act or any other enactment, but not including this present power of delegation;

Provided that the Secretary shall not delegate any power delegated to him by the Minister without the written consent of the Minister.

(2) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(3) Any delegation under this section may be made to any specified officer or employee or to officers or employees of a specified class, or be made to the holder or holders for the time being of a specified office or class of office.

(4) Every delegation under this section shall be revocable at will and no such delegation shall prevent the exercise of any power by the Secretary.

(5) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Secretary by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Secretary.

11. Officers of the Department - There shall, pursuant to the Public Service Act 1975, be appointed to the Department from time to time such education officers, teachers and general staff as may be necessary for the purposes of this Act.
12. Expenses of Department to be appropriated by Parliament - There shall be paid out of the moneys from time to time appropriated by Parliament such moneys as are required by the Department to give effect to the provisions of this Act.
13. Establishment and dis-establishment of schools - (1) The Minister may, with the concurrence of cabinet, establish, or approve the establishment of, such schools as are deemed necessary for the education of the inhabitants of the Cook Islands, and no school shall be established except by the Minister or with his approval.
- (2) Having due regard to the requirements of and provision of education in any locality the minister may, with the concurrence of Cabinet, dis-establish any government school if, in his opinion, the number of pupils in it is such as to warrant dis-establishment, or if he considers that the pupils attending the school could conveniently attend another government school at which comparable means of education are provided, and that it is expedient that the first mentioned school be dis-established.

(3) Where the Minister has directed that a government school be dis-established, the land, buildings, and equipment of that school shall, subject to such terms or agreement under which the Crown holds the same, and without conveyance or transfer, vest in the Crown or such public authority as the Queen's Representative may by order in Executive Council determine, and shall be utilized for such educational purposes as the Queen's Representative by the same or a subsequent order in Executive Council may direct.

PART 11

SCHOOL ASSOCIATIONS AND COMMITTEES

14. School Associations - (1) There shall be a school association for each government school in the Cook Islands.
- (2) The functions and powers of each school association shall be as follows.
- a) To represent the community in school affairs of general or educational interest;
 - b) To work with the Department, principal and staff in promoting the welfare and improvement of the school;
 - c) To assist in the effective maintenance of school grounds, buildings, equipment and amenities;
 - d) To raise and maintain funds to be used by the school committee for any of its lawful purposes;
 - e) Such other functions and powers as may from time to time be specified in regulations under this Act.
- (3) The accounts held by school associations established under this section shall be submitted for annual inspection by the Department.
15. School Association not to unduly influence principal or teachers – The school association shall not unduly influence the principal or teachers of a school in the carrying out of policy instructions and school duties and programmes of the Department, or interfere with the approved operation or management of the school.
16. Membership of school association - (1) The parents or guardians of any child enrolled at any government school may be members of the school association in respect of that school while that child remains so enrolled.
- (2) Any other interested member of the public may be an associate member of a school association in the district of their residence and shall be eligible to vote for the school committee, but shall not be eligible for election to the School Committee.
17. General meeting of school association - the annual general meeting of the school association for which seven days' public notice shall be given by any officer of the school committee, (as defined in Section 25 of this Act) shall be held on or before the 31st day of March each year.
18. School Committees - Each school association shall have a school committee which shall have the responsibility of carrying out the functions and powers of the association on behalf of its members.

19. Constitution of School committee - School committees shall consist of the following members:
- (a) Ex officio members: being the principal of the school; and a representative of the teachers of the school elected by such teachers:
 - (b) Ordinary members of such number as shall be determined by regulations to be made under the provision of this Act.
20. Term of office - the term of office for all members of the school committee shall be from the annual general meeting of the school association at which they are elected to the completion of the next following annual general meeting. Any member of the school committee who is still qualified shall be eligible for re-election.
21. Election of school committee - The ordinary members of the school committee shall be elected at the Annual general meeting of the school association.
22. Casual vacancies - The school committee may co-opt any member of the school association who is eligible for election to the school committee to fill any casual vacancy among the ordinary members of the committee.
23. School Committee meetings - (1) School committee meetings shall be held at least once every two months.
(2) The quorum at such meetings shall be one-half of the school committee members.
24. Disqualification of members of school committee - The office of any member of the school committee shall be vacated if:-
- (a) being any ordinary member, he ceases to be eligible for membership of the school association.
 - (b) He dies or resigns by giving written notice of resignation to the Chairman.
 - (c) He fails to attend three consecutive meetings of the committee without leave of absence being granted by the committee before or after the event;
 - (d) He is sentenced to a term of imprisonment.
25. Officers of School Committee - (1) There shall be the following officers of each school committee: -
- (a) A Chairman, who shall preside over general meetings of the school association and meetings of the committee:
 - (b) A Secretary, who shall keep minutes of meetings, conducts correspondence and keeps all general records of the Association and the committee.
 - (c) A Treasurer, who shall receive all moneys due to the Association and make such payments as are authorised by the committee; keep full and regular accounts, and report on the finances of the association at each meeting of the committee and furnish at the annual general meeting of the association an annual financial report for the previous year ending 31 December.

(2) Such officers shall be elected either by the school committee from its own members, or at the annual general meeting of the school association, whichever the school association at its annual general meeting decides.

PART 111

ADMINISTRATION

26. Registration of Private Schools - (1) The Minister may, with the concurrence of Cabinet, register any private school which makes application for such registration if he is satisfied that the school meets the criteria set out in regulations made under this Act, and if he is satisfied that the establishment of such a school would fulfil a need in the Cook Islands.
- (2) Notice of any registration of a private school under this Section shall be given in the Gazette.
- (3) Where it can be shown that a private school registered under this Section is failing to comply in any respect with this Act, or regulations made under this Act, the Minister may, with the concurrence of Cabinet revoke the registration of such school.
- (4) Any private school registered under the Education Act 1966 and operating at the time of coming into force of this Act shall be deemed to be registered under this Act.
27. Operating un-registered private schools - (1) No person or persons shall operate, or assist in the operating of an unregistered private school.
- (2) Any person acting in contravention of subsection (1) of this section commits an offence and on conviction shall be liable to a fine not exceeding \$1,000 and for each and every day upon which the offence continues, to a further fine not exceeding \$20 every such day.
28. School integration - (1) If the owner or controlling authority of a private school wishes to relinquish ownership or control of that school, or to close such school, it shall first advise the Minister in writing giving its reasons and may apply to the Minister for that school to be integrated into the government system of schools
- (2) If the Minister, is of the opinion that such integration is in the public interest then he may, with the concurrence of cabinet, integrate such school into the government system of schools.
- (3) In every case where a private school is integrated into the government school system in accordance with subsection (2) the site, buildings and equipment of the school shall without further conveyance than this section and subject to the payment of fair compensation vest absolutely in the Crown.
29. Compensation - The amount of compensation payable for the site building and equipment of a private school integrated into the Government system of schools shall in the absence of agreement be determined by the High Court.
30. Establishment of tertiary institutions (1) The Minister may, with the concurrence of Cabinet, establish such tertiary classes or institutions for further education and training as may from time to time be deemed necessary and having due regard to the need at any particular time, may discontinue such class or classes or may, with the concurrence of Cabinet, dis-establish any such tertiary institution.

(2) The land, buildings and equipment of any tertiary institution so dis-established shall be dealt with in the same manner as dis-established government schools.

PART 1V

ATTENDANCE AND CURRICULUM

31. Compulsory attendance (1) Subject to the provisions of Sections 32 & 33 it shall be compulsory for every child to be enrolled at, and to attend, a school registered under this Act, from that child's fifth birthday until his fifteenth birthday.

(2) The parent or guardian of any child who is required by sub-section (1) to be enrolled at and to attend a school commits an offence if without just cause or excuse the parent or guardian fails to enrol such child for regular attendance at a school.

(3) Attendance at any pre-school institute by any pre-school child shall be voluntary whether or not such child is enrolled at such institute.

(4) Every person who commits an offence under this Section shall be liable on conviction to a fine not exceeding \$100 and on conviction for any second or subsequent offence to a fine not exceeding \$200

32. Exemption from attendances - The Secretary may, at anytime, in his discretion, exempt any parent or guardian from the provisions of Section 31 for such period or periods as the Secretary thinks fit in respect of any child of that parent or guardian who is: -

- (a) Prevented from attendance at a school by reason of ill health, danger of infection, serious illness of a parent or other sufficient cause which the Secretary may deem sufficient for non-attendance at a school; or
- (b) Receiving sufficient and equivalent education in some other way; or
- (c) No longer benefiting from attendance at a school.

33. Suspensions and Expulsion - (1) The Secretary may, in his discretion, suspend any child of or over the age of twelve years from attendance at any government school for a period not exceeding two weeks at any one time if, in the opinion of the Secretary, such child is guilty of misbehaviour to the prejudice of the good conduct and discipline of that school.

(2) The Secretary may in his discretion expel any child of or over the age of twelve years from any government school which that child is attending and remove such child's name from the school register if in the opinion of the Secretary such child is guilty of gross misbehaviour to the prejudice of the good conduct and discipline of any school.

(3) The procedure to be followed in suspending and expelling any child from school shall be prescribed by regulation.

(4) Written notice of any suspension or expulsion under this section shall be given by the Secretary to the principal of the school at which such child is enrolled and to the parents or guardians of such child.

(5) Any child suspended or expelled under this section shall not attend any government school -

- (a) In the case of a suspension, for the period of such suspension;
- (b) In the case of expulsion, until the written consent of the Secretary for the child to so attend is obtained.

34. Dismissal of Tertiary Students - (1) Where the Secretary is of the opinion that a tertiary student in any government tertiary institution is making unsatisfactory progress, or is guilty of gross misbehaviour to the prejudice of the good conduct and discipline of that institution, the Secretary may dismiss that tertiary student from that institution.
35. Hours and terms of instructions - (1) Pre-school institutions shall be kept open for not less than 2 hours a day and for not less than 200 days a year.
 (2) Primary schools shall be kept open for not less than 4 hours a day and for not less than 200 days a year.
 (3) Secondary schools shall be kept open for not less than 5 hours a day and for not less than 200 days a year.
 (4) No school shall remain continuously open for any term exceeding 15 weeks.
36. School zones - (1) The Queen's representative may by order in Executive council declare any area to be a school zone.
 (2) Any child required by the provisions of this Act to attend a school and who is living within any area declared to be a school zone under subsection (1) shall attend the school within that zone, and shall not be enrolled in any other school, provided that this provision shall not apply to any child attending a private school duly registered under the provisions of this Act.
 (3) The Secretary with the concurrence of the Minister may in his discretion exempt any child from the provisions of this section.
37. Curriculum - Courses of study in schools shall be from time to time determined and approved by the Secretary provided that the curriculum for all schools shall include Cook Islands language and culture.
38. Certificates as to education - Certificates attesting the course of education completed, or the standard of education attained, may be issued by or under the authority of the Secretary of pupils of any school, or to any other persons who have, in the opinion of the Secretary, attained a standard of education warranting the issue of such certificates.

PART V

TEACHERS

39. Teachers to be registered - (1) No person shall teach in any school unless that person is registered in accordance with this Act.
 (2) Every person who teaches in any school and is not registered as a teacher pursuant to the provisions of this Act commits an offence and shall be liable on conviction to a fine not exceeding \$200.00.
40. Teachers Register - (1) The Secretary shall keep a register of teachers, which shall be known as the teachers register.
 (2) Entries in the Register shall include the following particulars; -
 (a) The nature of the Registration;
 (b) The name of the person registered;
 (c) The school at which such person is teaching;

- (d) The academic qualifications of such person;
 - (e) The date of registration;
 - (f) Such other particulars as may be prescribed by regulations made under this Act.
- (3) The Secretary shall issue to such teachers as are registered upon payment of the prescribed fee, a certificate of registration.
41. Registration of teachers - The Secretary may register as a teacher any person who applies in the manner prescribed by him and who:
- (a) Provides evidence that he is the holder of a teacher's certificate issued in the Cook Islands, New Zealand, Australia or some other country which the Secretary considers has a comparable teacher certificate; and
 - (b) Provides such evidence of his good character as may be required by the Secretary.
42. Conditional registration - (1) the Secretary may grant conditional registration to any person who applies in the manner prescribed by him and who. -
- (a) Provides evidence that he has successfully completed an initial course of teacher training; or
 - (b) Is the holder of a relevant university degree or diploma; and
 - (c) Provides such evidence of his character as may be required by the Secretary.
- (2) Conditional registration may be granted for such period, as the Secretary thinks fit but in any event not exceeding one year, and shall not be renewable.
- (3) If at the end of the period of conditional registration the Secretary is satisfied that a person is a fit and proper person and is sufficiently competent to teach then the Secretary may, upon application register that person pursuant to section 41.
43. Department to make application for certain persons - Where a volunteer or overseas aid person has been engaged by the Government of the Cook Islands with the concurrence of the Minister to assist in the Cook Islands as a teacher, and officer of the department may make application for registration or conditional registration, as the case may be, on behalf of such person.
44. Transitional provision - (1) every person teaching in a school established or approved by the Minister shall, within 3 months of the commencement of this Act, make application for registration.
- (2) Notwithstanding any other provision of the Act, any person engaged in teaching at the commencement of this Act shall be entitled to continue to teach, providing such person makes application for registration within 3 months from the commencement of this Act.
45. Registration fees - (1) Subject to subsection (2) every application for registration or conditional registration shall be accompanied by such fee and maybe prescribed by regulation.
- (2) Where any person conditionally registered is granted full registration, no further fee shall be payable by that person and a certificate of registration shall be issued to that person accordingly.
46. Manner of dealing with applications - (1) The Secretary shall deal with an application for registration as Secretary shall deal with an application for registration as soon as

practicable after such application has been received by him, and after 1 month's notice of the receipt of such application has been published in the Education Gazette.

(2) The Secretary may require such information as he thinks fit, in respect of any application and may require such information to be provided in the form of a statutory declaration.

(3) If the Secretary is of the opinion that the applicant is entitled to be registered in the manner specified in the application he shall thereupon register that person accordingly.

(4) If the Secretary is of the opinion that the applicant is not entitled to be registered in the manner specified in the application by reason of the fact that:

(a) He does not have the requisite qualification;

Or

(b) He is not of good mental or physical health;

Or

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

Or

(d) He is not otherwise of good character;

Or

(e) He lacks professional competence, the Secretary shall not register that person in that manner and shall notify such person accordingly.

47. Offence as to Registration - Every person who wilfully procures or attempts to procure himself to be registered under this Act by making or producing or causing to be made or produced, any false or fraudulent representation or declaration either orally or in writing and any person who assists him commits an offence and is liable on conviction to a fine not exceeding \$200 or imprisonment for a term not exceeding 3 months or both.

48. Register to be open to inspection and to be published - (1) the teacher's register kept by the Secretary shall at all reasonable times be open to inspection by the public.

(2) A copy of the teachers

register as at the 30th June each year shall be published in the Education Gazette as soon as practicable after that date.

49. Secretary to be informed of Changes - (1) Every registered teacher shall inform the Secretary of any change in address, or school or name within 1 month of such change. Any person who does not report such change shall have committed an offence and shall be liable on conviction to a fine not exceeding \$20.

(2) Any registered teacher may notify the Secretary of additional qualifications obtained and these shall then be entered in the register.

50. Removal of certain names from the register - The Secretary shall remove from the Teacher's Register the name of any person if,

(a) That person dies;

(b) That person resigns or retires;

(c) That person has not held any teaching appointment within the preceding 3 years and has not applied for the retention of his name on the Register;

- (d) The Secretary orders de-registration as the result of action taken pursuant to Section 53.
 - (e) The secretary is satisfied that any person by reason of unsoundness of mind or ill health is not a fit person to be registered.
51. Cancellation of conditional registration - The Secretary may cancel the conditional registration of any teacher where he considers that such teacher is not a fit person to be conditional registered by reason of the fact that either -
- (a) He is not of good fame or character;
 - Or,
 - (b) He lacks professional competence,
52. Ethical standards to be observed - Registered teachers shall conduct themselves in accordance with ethical standards of professional conduct from time to time applicable to teachers.
53. De-registration -
- (1) Where the Secretary has any reason to believe that a person whose name is entered in the teachers register may have been guilty of professional misconduct or infamous conduct he shall investigate the matter and shall decide whether or not the conduct, if proved, may constitute misconduct or infamous conduct. In the event of any such investigation being held, the person against whom the charge is made shall be informed of the charge and shall be entitled to be heard by the Secretary.
 - (2) Where the Secretary is of the opinion that the conduct if proven would not constitute professional misconduct or infamous conduct or was of such a minor character that it would be inappropriate to exercise the powers conferred on him by subsection (5) he shall so record such opinion and inform any complainant, the person complained against, and the Minister.
 - (3) In all cases other than where the Secretary exercises the discretion conferred upon him by subsection (2) the Secretary shall hold a formal inquiry to ascertain the facts and to decide whether or not there has been professional misconduct or infamous conduct. Any such inquiry shall be held in private. The complainant if any, and the person against whom the charge of professional misconduct or infamous conduct as the case may be is made, and counsel representing any party shall be entitled to be present throughout the inquiry and to adduce evidence, including examining and cross-examining witnesses and to address the Secretary with regard to the matter.
 - (4) Where as the result of a formal inquiry under subsection (3) the Secretary decides that the person against whom the charge has been made has not been guilty of professional misconduct or infamous conduct, he shall in writing so inform that person, any complainant, and the Minister accordingly.
 - (5) Where as the result of a formal inquiry under subsection (3) the Secretary is satisfied that the person against whom the charge was made has been guilty of professional misconduct or infamous conduct he may: -
 - (a) Reprimand him; or
 - (b) Remove his name from the register for such duration or permanently as the Secretary considers appropriate, and shall inform that person, any complainant and the Minister of his decision
54. General appeal - Any person aggrieved by any decision or determination of the Secretary under this part of this Act may appeal to the High Court such appeal to be lodged not later than 21 days after the decision or determination of the Secretary is given. Every such appeal shall be by way of rehearing, and on the hearing of any such appeal, to the

High Court may affirm, vary or annul any decision or determination of the Secretary and give such directions to the Secretary to carry out its decision as it thinks fit.

55. Children to be treated with respect – every teacher shall respect the right of every child to be treated with understanding, dignity and respect.
56. Corporal punishment - (1) A principal, or teacher whom a principal delegates such authority, may, when all other courses of action have been exhausted, administer reasonable corporal punishment to a secondary school child in the prescribed manner.
(2) Corporal punishment may only be so administered for such offences as shall have been previously agreed to by the school principal and the school committee of that school.

PART VI

GENERAL PROVISIONS

57. Incorporation of Society of teachers - Subject to the provisions of the Incorporated Societies Act 1908, any body of teachers may incorporate and register a society pursuant to the provisions of the Act to promote the welfare and generally protect the interests of teachers and the teaching profession.
58. Education Gazette - The Department shall from time to time publish and issue to all schools an Education gazette to convey to teachers educational and other information.
59. Rules and instructions to principals - (1) Subject to the provisions of this Act, the Secretary may issue such instructions to principals as he deems necessary to achieve the objectives of this Act and regulations made under it and education policies from time to time promulgated by Government.
60. Annual Report - (1) As soon as practicable after the end of each financial year, the Secretary shall present to the Minister a report on the progress and condition of education in the Cook Islands for the preceding 12 month period, and shall also present a general statement of accounts for the Department with respect to the same period.
(2) A copy of the report and statement shall be laid before Parliament within 14 days after the date on which it is presented to the Minister if Parliament is then in session, and if Parliament is not then in session, than at the commencement of the next ensuing session.
61. Bursaries for continuing or higher education - (1) For the purposes of enabling persons to pursue courses of technical or higher education, or for training as teachers, the Minister may establish bursaries for such education which shall be awarded in accordance with regulations made under this Act.
(2) The value of such bursaries shall be prescribed by regulation from time to time and all payments shall be made out of monies appropriated by Parliament for that purpose.
62. Disturbing schools - Every person commits an offence who wilfully disturbs any school in session or who insults or abuses or any teacher in the course of his duties in the presence of pupils in the school or school grounds or, for the purpose of any authorised

school activity at any other place, and shall be liable on conviction to a fine not exceeding \$50.00

63. Schools Rules - (1) The principal of every school may make school rules for the good conduct of its pupils whilst they are at school or travelling to or from school on public transport provided that such rules shall first require the approval of the Secretary.
- (2) A copy of such rules shall be displayed in the English and Maori languages, on the school notice board and any parent or guardian shall be entitled to a copy on request.
64. Regulations - (1) The Queen's Representative may from time to time, by order in Executive Council, make regulations for all or any of the following purposes;
- (a) Providing for the organisation and management of the Department and of schools.
 - (b) Prescribing the accounts to be kept by schools and school associations.
 - (c) Providing for the making of grants out of monies appropriated by Parliament, for the provision of free textbooks in schools, to school associations, of private schools, or any of them; and prescribing the conditions on which those grants may be made.
 - (d) Defining the courses of study which maybe given in accordance with the act.
 - (e) Providing for uniforms and badges or monograms of schools
 - (f) Fixing the terms and holidays to be observed in pre-schools, primary schools, secondary schools, and tertiary institutions, and defining the public holidays and other occasions on which any such schools may be closed, and the conditions under which the Minister may grant holidays on special occasions.
 - (g) Prescribing the procedures of meetings of advisory and technical committees appointed pursuant to section 6 of this Act and their remuneration and expenses.
 - (h) Prescribing the numbers of school committee members either generally or in respect of any particular school.
 - (i) Prescribing registration fees for teachers, and the forms and procedures for applications for registration of teachers.
 - (j) Providing for procedures to be followed in cases of suspension or expulsion of a child.
 - (k) Prescribing the standards and courses for study, and establishing certificates of qualification and attainment.
 - (l) Providing for such other matters as are contemplated or necessary for giving full effect to the provisions of this Act and for due administration thereof. (2) Any regulations made under this Act shall be laid before Parliament by the Minister within 14 days if Parliament is then in session, and if Parliament is not then in session then at the commencement of the next ensuing sessions.
- (2) Any regulations made under this Act shall be laid before Parliament by the Minister within 14 days if Parliament is then in session, and if Parliament is not then in session then at the commencement of the next ensuing session.

65. Repeal and amendments - (1) The following enactments are repealed:
- (a) Education Act 1966
 - (b) Education Amendment Act 1967-1968
 - (c) Education Amendment Act 1968-1969
- (3) The Ministry of Social Services Act 1973-74 is amended as follows:
- (a) By deleting from paragraph (a) of section 4 the word “education”
 - (b) By deleting paragraph (c) from section 4;
 - (c) By deleting from paragraph (a) of section 6 the words “A Director of the Education Division of the Ministry”
 - (d) By deleting from the Second Schedule every reference to the Education Act 1966.
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1989 No 7

An Act to amend the Education Act 1986-87

(2 May 1989)

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

1. Short title – This Act may be cited as the Education Amendment Act 1989, and shall be read with and deemed part of the Education Act 1986 - 1987 (herein referred to as the “principal Act”)
2. Interpretation - Section 2 of the Principal Act is Amended by repealing the definition of “secondary” and substituting the following definition -
“Secondary” means forms 1 to 7, inclusive of those forms;”
3. Delegation of Minister’s powers – The principal Act is further amended by repealing section 7 and substituting the following section-

“7. (1) Delegation of Minister’s powers – The Minister may from time to time, by writing under his hand, either generally or particularly, delegate to the Secretary all or any of the powers which are conferred on him as Minister of Education by this act or any other enactment, including powers delegated to him under any enactment, but not including the power to delegate under this section or the power to consent to a delegation under section 10 of this Act.
 - (2) Subject to any general or special directions given or conditions or restrictions attached by the minister, the Secretary may exercise any powers delegated to him as aforesaid in the same manner and with the same effect as if they had been conferred upon him directly by this section and not by delegation.
 - (3) Where the Secretary purports to act pursuant to any delegation under this section, he shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof of the contrary.
 - (4) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the minister.

- (5) Unless and until any such delegation is revoked, it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister and, in the event of the Secretary to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as Secretary or, if there is no Secretary in office or for the time being appointed under the Public Service Act 1975 to exercise and perform the Public Service Act 1975 to exercise and perform the powers and duties of the Secretary.”

1989

Education Amendment

No. 8

Analysis

Title

1. Short Title
 2. Compulsory attendance
 3. Suspension and expulsion
 4. Corporal Punishment
 5. Ministry of Education
-

1992, No 8

An Act to amend the Education Act 1986-1987

(1 December 1992

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

1. Short Title - This Act may be cited as the Education Amendment act 1992 and shall form part of and be read together with the Education Act 1986-1987 (hereinafter referred to as “the principal Act”)
2. Compulsory attendance – Section 31 of the principal Act is amended by repealing subsection (1) and substituting the following subsection :

“(1) subject to the provisions of section 32 and 33, it shall be compulsory for every child –

(a) to be enrolled at a school registered under this Act in accordance with the following paragraphs:

- (i) a child who attains the age of 5 years and between the months of January and April shall be enrolled at the commencement of the first term of school year;
- (ii) a child who attains the age of 5 years in and between the months of May and August shall be enrolled at the commencement of the second term of the school year;
- (iii) A child who attains the age of 5 years in and between the months of September and December shall be enrolled at

the commencement of the third term of the school year;
and

- (b) to attend a school registered under the Act from the date of enrolment to the end of the school year during which the child attains the age of 15 years.

3. Suspension and Expulsion - Section 33 of the principal Act is repealed and the following section substituted:

“33. Suspension and expulsion – (1) A principal of a government school may after consultation with the school committee suspend any child of or over the age of twelve years from attendance at any government school on time if, in the opinion of the principal, such child is guilty of misbehaviour to the prejudice of the good conduct and discipline of that school.

(2) A principal of a government school may after consultation with the school committee expel any child of or over the age of twelve years from any government school which that child is attending and remove such child’s name from the school register if in the opinion of the principal such child is guilty of gross misbehaviour to the prejudice of the good conduct and discipline of any school.

(3) The procedure to be followed in suspending and expelling any child from school may be prescribed by regulations but in the absence of such regulations shall be determined by the principal.

(4) Written notice of any suspension or expulsion under this section shall be given by the principal to the Secretary and to the parents or guardians of such child.

(5) Any child suspended or expelled under the section shall not attend any government school.

(a) in the case of suspension, for the period of such suspension;

(b) in the case of expulsion, until the written consent of the Secretary for the child to so attend is obtained.

(6) A parent or guardian of a child suspended or expelled from school may within 7 days of receiving a notice under subsection (4) appeal in writing to the Secretary against the suspension or expulsion (as the case may be) and setting out the grounds upon which the appeal is brought.

(7) Every appeal shall be considered by the Secretary who may confirm, reverse or vary the decision of the principal and every determination of the Secretary shall be final.”

4. Corporal Punishment - Section 56 of the principal Act is amended by deleting the words “in the prescribed manner” and substituting the words : “ and a primary school child as may from time to time be prescribed by regulation.”

5. Ministry of Education – The principal Act is amended by deleting the words “Department” and “Department of Education” Wherever they appear and substituting the words “Ministry” and “Ministry of Education” respectively.

This Act is administered by the Ministry of Education

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 1986-1987 (“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-

- i. Registered in accordance with this Act; or
- ii. 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. (1) Conditional Registration - 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 wither at that person’s request or under section 53(5).”

(2) Section 42 (3) is amended by omitting the expression “the period”, and submitting 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 and 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.
 - (c)
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, skill, 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 sections:

“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 that 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”.