

Education Bill 2011

SECOND READING SPEECH

Minister for Education, Honourable Roland Kun
25 February 2011

Mr Speaker,

It gives me great pleasure and pride to introduce to this House today the *Education Bill 2011*. The introduction of this Bill today marks a pivotal turning point for education in Nauru.

This Bill is essential in enabling the effective and efficient delivery of high quality education to all children in Nauru.

Mr Speaker, it is important to note that this Bill would repeal the *1921-1967 Compulsory Education Ordinance*. With education reform a key priority of the government this Bill will provide the opportunity to support and consolidate these initiatives.

The principal objectives of the Bill are:

- to improve the quality of education in Nauru
- to promote compulsory education; and
- to seek to make available to each school-age child in Nauru an education that will maximise the child's educational potential and enable the child to become an effective and informed member of the community

The Bill seeks to achieve this through measures such as:

- requiring adherence to approved curricula
- requiring all teachers to be qualified and registered
- providing for the registration of non-government schools
- imposing health and safety standards on all schools, and
- placing responsibilities on parents and the Government in relation to the education of school-age children

Because of the significance of this proposed law, the Act would not commence until 90 days after it is certified, so that there is sufficient time for the Department to undertake a comprehensive socialisation of key aspects of the new law, and to train officers of the Department.

Mr Speaker, members have before them the Explanatory Memorandum which provides a detailed explanation of the provisions of the Bill, so I will make reference only to some of the key provisions of the Bill.

Of key significance is Part 4 of the Bill which relates to compulsory education. As many are aware, attendance and truancy continues to be an issue within the sector. If children are not in school then they are not learning. The Bill proposes that schooling be compulsory from ages 4 to 18.

Schools, teachers, principals and the department can all play their part in the delivery of quality education, however we also require parents to take responsibility for the education of their children. The Bill therefore proposed that there be an obligation on parents to ensure that their child is enrolled in a school and that the child attends school on each school day. Penalties would apply for failure to comply with these obligations.

There is a clear process to ensure that parents have the opportunity to respond to issues of failure to enrol or irregular attendance.

In the event of failure to comply with the obligations to ensure attendance for example, parents would first be given an explanatory notice about their obligations, and an authorised officer would meet with a parent to discuss the child's non-attendance. If the non-attendance persists, a warning notice may be issued. Only when these measures fail to resolve the issue would the parents be charged and penalised.

We wish to afford every opportunity to our young people to receive a quality education and provide multiple pathways for their continued education and employment. In recognition of this there will be provision for the Secretary to grant an exemption from compulsory schooling in certain circumstances, for example, because of a training or employment opportunity offered to the child before the child is of school-leaving age.

Central to all education systems is curriculum and the ability of a system to ensure cohesion and consistency. Clause 22 provides that the Secretary must make curriculum recommendations to the Board; the Board makes curriculum recommendations to the Minister, and the Minister approves a curriculum for each year level.

To ensure compliance, Clause 23 provides that the principal of a school must ensure that approved curricula for each year level are adhered to, and the Secretary must monitor the principal's compliance. In addition, The Board may

request information from the Secretary or a principal about teaching and curricula, and the Board must report to the Minister about adherence to curricula

We wish to engender a strong sense and balance of rights and responsibilities in our young people. The Bill provides for the discipline of students, by way of detention, suspension or expulsion, in limited circumstances of ‘unacceptable behaviour’. The Bill provides that a parent can ask for a decision on exclusion or expulsion to be reviewed, and a student who is suspended must be given school work to do during their suspension or exclusion.

Clause 37 specifies that administration of corporal punishment to a student is an offence punishable by a maximum fine of \$500.

Part 6 of the Bill provides for the establishment of a Teacher Registration and Curriculum Board and specifies composition, appointment and powers and functions of the Board. The main functions of the Board are to make curriculum recommendations to the Minister, monitor the adherence to approved curricula, and to maintain the teachers register.

Part 7 provides for teacher registration, and the Bill would require all teachers to be registered in order to teach at a school. The requirements for full registration are that a person has a recognised teaching qualification and has successfully completed at least one year of full-time teaching (or equivalent part-time) to the satisfaction of the Board, and that the person is of good character.

There are additional provisions permitting people to teach if they have provisional registration (for a person who has a recognised teaching qualification but does not yet have 12 months’ teaching experience) or a limited authority (for people who may be authorised to teach a particular trade skill for example).

In recognition of the fact that many teachers are currently in training, transitional provisions would allow unregistered teachers to continue to teach for the 12 month period following commencement of the Act, and would allow current teachers who do not yet have a recognised teaching qualification but are studying towards one to be provisionally registered until 1 January 2015.

Clause 49 would make it an offence to teach without being registered or authorised, and clause 50 would make it an offence to employ a person to teach if that person is not registered or authorised to teach.

Part 9 of the Bill provides that education for school-age children in government schools is free (in this context, ‘education’ includes the provision of instruction, administration and facilities). The Minister would have the power to establish, amalgamate or close any government school.

The Bill provides that education in government schools must be secular, and also provides for up to one hour per week for religious education to be conducted by

authorised representatives of the churches. Attending religious education classes is not compulsory for any student. This gives effect to the protection of the right to freedom of conscience, thought and religion enshrined in Article 11 of the Constitution.

Part 10 of the Bill provides for the registration of non-government schools. Non-government schools need to meet established criteria for registration and comply with the conditions of registration. It would be an offence to operate a non-government school unless it is registered.

Clause 81 provides the criteria for registration. The criteria include:

- the facilities must be of an acceptable standard
- the school must be financially viable, and
- the Minister must be satisfied that there is sufficient demand for enrolment at the school and that the registration of the school would not be contrary to the public interest.

Clause 83 provides the conditions of registration. These include:

- the school must provide high-quality education
- it must teach the approved curricula in full
- the proprietor of the school must report to the Secretary and cooperate with school inspections, and
- the school's proprietor, principal and staff must comply with the Act (which includes for example, employing only registered teachers).

There are mechanisms to facilitate this process and the Secretary would make recommendations to the Minister about whether to register a school that has applied for registration, and the Minister would decide whether or not to grant registration to the school.

Should a registered non-government school fail to comply with the conditions of registration it would have its registration cancelled.

Clause 92 provides that government may subsidise a non-government school, and must use its best endeavours, within its available resources, to contribute towards non-government schools. However, government must not provide funding towards the education of school-age children at registered non-government schools to an extent that would compromise its ability to provide quality education for school-age children at government schools.

In providing education to all children, Part 11 of the Bill provides that all schools must adhere to the principle of inclusive education, whereby students with disabilities are integrated into mainstream schools wherever practicable. Clause 95 provides that a school age child with a disability must not be excluded from access to free primary and secondary education on the basis of the disability.

The Bill would require government to establish a centre for special education of school-age children with disabilities who cannot be included in an ordinary school (which means the Minister would formally establish the existing Able-Disable Centre as such a centre).

Part 12 of the Bill provides that parents may apply to register their child for home education, and the Secretary may approve the application.

Clause 99 specifies the conditions of registration for home education. The conditions include:

- that the parents of the child must provide high-quality education for the child
- the parents must document the educational opportunities offered to their child and the learning strategies used, and
- the parents must make available for inspection on request by the Secretary all material and records used for home education.

In order to ensure that natural justice is accorded to persons affected by decisions made under the Act, Part 13 provides for the review of certain decisions.

Reviewable decisions include:

- a decision to reject an application for a certificate of exemption
- a decision to suspend or cancel a teacher's registration
- a decision to refuse to register a non-government school or cancel the registration of a non-government school, and
- decisions relating to registration of a child for home education.

If the initial decision was made by the Secretary or a principal, the decision can be reviewed on its merits by the Minister. The Minister can affirm, vary or set aside and substitute the decision.

In the case where a decision is made by the Minister or by the Board, the decision can be appealed on a point of law to the Supreme Court. The Supreme Court can

either affirm the decision or refer the matter back to the decision maker with directions to reconsider the matter.

Part 14 covers a range of miscellaneous matters and includes some general offences: including trespassing and offensive or disorderly behaviour on school premises; and providing false or misleading information to a person who is exercising powers or performing functions under the Act.

Clause 110 specifies a maximum penalty of \$10 000 and 12 months imprisonment for providing false or misleading information. This offence could involve for example the commission of serious fraud in relation to making an application for registration as a teacher or registration of a non-government school.

This Part also includes a provision that protects any person who exercises a power or performs a function under the Act (for example, a Board member, principal etc) from criminal or civil liability for anything done or omitted to be done in good faith.

Mr Speaker, this Bill will ensure that all children have access to free education, education of a high quality and the opportunity to realise their full potential. I commend the Bill to the House.

Thank you Mr Speaker.