

REPUBLIC OF FIJI ISLANDS

INTERIM GOVERNMENT OF THE REPUBLIC OF THE FIJI ISLANDS

FIJI TEACHERS REGISTRATION PROMULGATION 2008
(PROMULGATION No. 25 OF 2008)

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FIJI TEACHERS REGISTRATION PROMULGATION 2008 (PROMULGATION NO. 25 OF 2008)

IN EXERCISE of the powers conferred upon the Interim Government, and upon the exercise of my own deliberate judgment as President of the Republic of Fiji Islands as to what is best and good for the people of the Republic of the Fiji Islands, and by the exercise of the executive authority of the State in accordance with paragraph 85 of the Constitution and such other powers as may appertain, and with the approval of Cabinet, I, Josefa Iloilovatu Uluivuda, make this Promulgation -

**TO ESTABLISH THE FIJI TEACHERS REGISTRATION BOARD AND TO
PROVIDE FOR ITS FUNCTIONS AND POWERS FOR REGISTRATION OF
TEACHERS AND RELATED MATTERS**

PART 1 - PRELIMINARY

Short title and commencement

1.-(1) This Promulgation may be cited as the Fiji Teachers Registration Promulgation 2008.

(2) This Promulgation comes into force on a date appointed by the Minister, by notice in the *Gazette*.

Interpretation

2. In this Promulgation, unless the context otherwise requires -

"Appeals Board" means the Teachers' Appeals Board established by section 26;

"approved" means approved by the Board;

"Board" means the Teachers Registration Board established by section 4;

"certificate of registration" means a certificate of registration issued under section 16;

"committee of inquiry" means a committee of inquiry appointed under section 35;

"good character" means good character as referred to in section 13;

"inquiry" means an inquiry held under section 34;

"Ministry" means the Ministry responsible for Education;

"practicing teacher" means a registered teacher who is part of the teaching staff of a school;

"practicing teacher educator" means a registered teacher who is part of the teaching staff of a college of education or other institution providing teacher education and training;

"Permanent Secretary" means the Permanent Secretary responsible for Education;

"provisional registration" means provisional registration granted under section 21;

"register" means the register of teachers established and kept under section 43;

"registered teacher" means a person -

(a) who is registered or provisionally registered; and

(b) whose name appears on the register;

"registration" means registration under section 11, and includes renewal of registration and provisional registration;

"school" means-

(a) a Government or non-Government school, college or other institution that provides educational instruction up to and including the final year of secondary education;

(b) a college of education (whether Government or non-Government owned) or other institution that provides teacher education and training; or

(c) a school registered under the Education Act (Cap. 262);

"student" means a child or person enrolled at a school.

Promulgation binds the State

3. This Promulgation binds the State.

**PART 2 - ESTABLISHMENT, FUNCTIONS AND POWERS OF TEACHERS
REGISTRATION BOARD**

Establishment of the Board

4.-(1) This section establishes the Fiji Teachers Registration Board consisting of the following members to be appointed by the Minister -

(a) a chairperson;

(b) three members nominated by the Permanent Secretary (one practicing teacher as primary schools representative, one practicing teacher as secondary schools representative and one person as the Ministry's representative);

(c) two members from the teachers' unions (one to be nominated by the Fijian Teachers Association and one by the Fiji Teachers Union);

(d) two members from the teachers training institutions (one to be nominated by the Lautoka Teachers College and one by the Fiji College of Advanced Education);

(e) two members who are practicing teacher educators to be nominated by the institutions of higher education;

(f) two members to represent the school management boards; and

(g) two members to represent the parents.

(2) The Minister has the power to co-opt other persons as members from time to time to

facilitate the work of the Board, subject to terms and conditions the Minister determines.

(3) A member may be appointed for a term of 3 years and is eligible for re-appointment.

(4) The Board has the power to elect one of its members as its deputy chairperson, to perform the functions and powers of the Chairperson when the Chairperson is absent or unable to perform such function and powers.

(5) Schedule 1 sets out other provisions relating to the Board.

Functions of the Board

5. The functions of the Board are -

(a) to be responsible to the Minister for the registration of persons qualified to be registered as teachers under this Promulgation;

(b) to keep teacher registration in Fiji under continuous review and to make reports and recommendations to the Minister thereon;

(c) to confer and collaborate with employing authorities, teacher education institutions, the teaching profession, teacher organizations and the general community in relation to standards of courses of teacher education acceptable for the purpose of teacher registration and to advise the Minister accordingly;

(d) to undertake relevant review and research projects for the purpose of this Promulgation, given to it in writing by the Minister from time to time;

(e) to promote the teaching profession;

(f) to develop, formulate and improve professional teaching standards attuned to the needs of students and of a professional work force;

(g) to develop, formulate and maintain a code of professional ethics for the teaching professions;

(h) to make recommendations to the Minister with respect to special projects not inconsistent with its other functions, including funding required to undertake such projects.

Powers of the Board

6.-(1) In addition to the powers conferred upon it under this Promulgation or any other written law, the Board has the following powers-

(a) to collect prescribed fees for the purpose of this Promulgation;

(b) to investigate complaints and institute disciplinary action;

(c) to produce materials in the performance of its functions;

(d) to exercise other powers conferred upon it under this Promulgation or any other written law.

(2) For materials produced by it, the Board may -

(a) charge for advertising in the material;

(b) sell the material; or

(c) enter into an agreement with any person to sell the material.

Committees

7. The Board may establish the following committees consisting of its members and other persons it considers appropriate to assist perform its functions -

(a) Teacher Registration Committee;

(b) Teacher Education Committee;

(c) Code of Professional Ethics Committee;

(d) Professional Teaching Standards Committee;

(e) Finance and Management Committee;

(f) Disciplinary Committee; and

(g) other committee, it considers necessary for the purposes of this Promulgation.

Directions

8.-(1) The Minister may give the Board a written policy directions in relation to its powers and functions if the Minister is satisfied that it is necessary to do so in the public interest.

(2) The Board must comply with the directions given under subsection (1).

Secretariat

9. The Ministry shall provide for such number of public officers necessary for the administration of the Board.

PART 3 - REGISTRATION OF TEACHERS

Must register to teach

10.-(1) No person shall be permitted to teach at a school in Fiji unless the person is a holder of a certificate of registration under section 16 or authorization under section 24 permitting the person to teach or practice teaching at a school in Fiji.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction-

(a) for first offence, to a fine not exceeding \$5,000;

(b) for second or subsequent offence, to a fine not exceeding \$20,000.

Power to register

11.-(1) The Board has the power to grant the registration of a person as a teacher under this Promulgation.

(2) The power under subsection (1) includes the power-

(a) to refuse registration, to renew, vary, suspend or cancel such registration; or

(b) to impose, vary, suspend or revoke conditions.

Application for registration

12.-(1) A person qualified to be registered as a teacher may, in the prescribed form and accompanied by the prescribed fee, apply to the Board for registration.

(2) The Board may require a person to provide any further information it considers necessary to consider the application.

Criteria for registration

13.-(1) The Board shall not register a person as a teacher unless it is satisfied that-

(a) the person -

(i) has successfully completed an approved course and qualification relating to teacher education and training from a recognized institution, and at least one year of full-time teaching to the satisfaction of the Board;

(ii) has contributed to educational practice and has the qualification and experience that, in the opinion of the Board, are sufficient to warrant registration; or

(iii) has complied with any requirements of the Board during any period of provisional registration; and

(b) the person is of good character; and

(c) the person is fit to be a teacher (which may include requiring the person to be certified by a registered medical practitioner as medically fit to be a teacher).

(2) The Board must not approve an application unless the Board is also satisfied that the person is of good character. In determining whether an applicant is of good character, the Board -

(a) must take into account any conviction of, or charge made against, the applicant;

and

(b) must take into account any behaviour of the applicant that -

(i) does not satisfy a standard of behaviour generally expected of a teacher; or

(ii) is otherwise disgraceful or improper; or

(iii) shows that the applicant is unfit to be a teacher; and

(c) may take into account any other matter it considers relevant even if the matter happened in another country.

(3) If the Board takes into account any matter under subsection (2), the Board shall give the applicant an opportunity to respond, in writing or orally, to such matter.

(4) The applicant may appear before the Board with or without a representative.

Notice of Board's decision

14.-(1) The Board must, within 14 days after the date of its decision on an application, notify the applicant in writing about its decision, including the reasons for refusal if the application is refused.

(2) The notice given under subsection (1) must also state the right of appeal and the period of appeal under section 28.

(3) For an approval for provisional registration, the notice must also state -

(a) the additional qualification or experience required for full registration; and

(b) the time within which the applicant must obtain or complete the stated additional qualification or experience.

Registration fee

15.-(1) A person who is registered, or whose registration is renewed (including provisional registration and limited authority), shall pay an annual prescribed registration fee for each year, excluding the first year, for which the registration is granted or renewed.

(2) The fee referred to in subsection (1) is to be paid on or before 31 December in each year during the currency of the registration, failing which such registration shall lapse.

Certificate of registration

16.-(1) If an application for registration (including renewals of or provisional registration) is granted by the Board, the Board shall issue a certificate of registration in the prescribed form.

(2) If a certificate of registration is lost or destroyed, the Board may, on payment of the prescribed fee, issue a replacement certificate.

Duration of registration

17.-(1) The period of registration shall be 3 years starting on 1 January of the year when the application for registration is granted and ending on 31 December in the third year.

(2) If the first registration is granted during the year, the registration shall be effective from 1 January of that year.

Extension of registration

18.-(1) A person whose registration will expire on 31 December of a particular year or whose registration has lapsed under section 15(2) may, in the prescribed form and accompanied by the prescribed fee, apply to the Board for an extension of his or her registration until 31 December of the following year.

(2) An applicant is allowed two such extensions, after which an application for renewal of registration shall be made.

Renewal of registration

19.-(1) A person may, in the approved form and accompanied by the prescribed fee, apply to the Board for renewal of registration.

(2) The application must be accompanied by satisfactory evidence of -

(a) ongoing competence; or

(b) any professional development undertaken.

(3) The Board shall not renew the registration of a person unless it is satisfied

(a) that the person continues to be of good character; and

(b) with the evidence referred to in subsection (2).

(4) The Board may renew the registration for a period not exceeding 3 years, subject to payment of the prescribed registration fees.

Restoration of registration

20.-(1) A person whose registration was cancelled or suspended or has expired may, in the prescribed form and accompanied by the prescribed fee, apply to the Board for restoration of such registration.

(2) Section 13 applies to an application under this section.

Provisional registration

21.-(1) If a person has applied for full registration and the Board is satisfied that the applicant

-

(a) has not complied with the qualifications and experience required for full registration;

(b) has the qualifications and experience the Board determines, as necessary for the requirement for provisional registration or is able to obtain the qualifications and experience required for full registration; and

(c) the person is of good character,

the Board may grant a provisional registration, subject to conditions, to the applicant.

(2) Despite subsection (1), a person may, in the prescribed form and accompanied with the prescribed fee, apply to the Board for provisional registration instead of full registration.

(3) The period of provisional registration shall be a period of up to 3 years determined by the Board.

Reports from employers on provisional registrants

22.-(1) The Board may require a person who has been granted a provisional registration to submit a report in an approved form from the person's employer with respect to -

(a) the manner in which the person has performed teaching duties; and

(b) any recommendations as to the person's suitability for full registration.

(5) A recommendation for full registration of a person granted provisional registration may be made by the employer of the person after the person has completed one year of teaching.

Cancellation of provisional registration

23. The Board may cancel the provisional registration of a person -

(a) if the person fails to comply with a condition of such registration; or

(b) for any other good reason the Board determines.

Limited authority to teach

24.-(1) No person shall be allowed to practise teaching as a teacher trainee at a school, unless the person has written authorization under this section authorizing the person to undertake practical teaching at a school.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$2,000.

(3) The Board has the power to grant limited authority to a person, in the prescribed form, to teach at any school in any specified subject if the Board is satisfied that the person -

(a) does not meet the requirements for full registration or provisional registration but has the appropriate skill or experience that is not attained by a registered teacher;

(b) is a teacher trainee recommended by a recognized teacher education college or by

the Permanent Secretary; and

(c) is of good character.

(4) The period of limited authority shall be a period of up to 2 years determined by the Board, and may be extended for a further period for up to 2 years.

Cancellation of limited authority

25. The Board has the power to cancel or suspend the limited authority issued to a person if -

(a) the person is convicted of an offence in Fiji or in another country; or

(b) the Board considers it appropriate to do so.

PART 4 - APPEALS

Establishment of the Appeals Board

26. This section establishes the Teachers' Appeals Board consisting of the following members to be appointed by the Minister -

(a) a legal practitioner who has at least 7 years of legal practice, as the chairperson;
and

(b) two other members.

Power of the Appeals Board

27.-(1) The power of the Appeals Board is to hear and determine an appeal under this Promulgation.

(2) The Appeals Board has the power to confirm or vary the decision of the Registration Board or to quash the decision and make a new decision.

(3) In determining an appeal, the Appeals Board may take into consideration any evidence or statement relating to the character, academic and general suitability of the appellant.

Right of Appeal

28.-(1) A person who is aggrieved by a decision of the Board given under Part 3 or 5 has the right to appeal to the Appeals Board.

(2) An appeal shall be lodged with the Appeals Board within 30 days from the date of the notice given under section 14.

Appeals to the High Court on question of law

29. A person who is aggrieved by the decision of the Appeals Board may appeal the decision to the High Court on a question of law.

Rules of the Appeals Board

30. The Minister may make rules regulating the procedures for appeals.

Secretary to the Appeals Board

31. The Permanent Secretary has the power to designate a senior staff of the Ministry to be the Secretary to the Appeals Board.

PART 5 - DISCIPLINE AND INQUIRIES

Disciplinary action on conviction

32.-(1) If a registered teacher is convicted of an offence in Fiji, the Commissioner of Police or the Director of Public Prosecutions shall cause to be sent to the Board a written notice stating the name of the registered teacher, the nature of the offence and the penalty imposed by the court.

(2) A registered teacher who is convicted of an offence in another country must, within 28 days after conviction notify the Board, in writing, of -

(a) that conviction; and

(b) the circumstances in which the offence was committed.

(3) When the Board receives a notice under subsection (1) or (2), the Board may -

(a) caution the teacher; or

(b) if it is of the opinion that the circumstances of the offence render the teacher unfit to teach -

(i) suspend the teacher's registration for any period, and subject to any conditions, it considers appropriate; or

(ii) cancel the teacher's registration.

(4) The Board, on suspending the registration of a teacher under subsection 3(b) (i), may substitute provisional registration for any period, and subject to any conditions, the Board thinks fit.

Complaints

33.-(1) A person ("the complainant") has the right to complain, by notice in writing to the Board, about the professional conduct of a registered teacher ("the respondent").

(2) The Board may dismiss a complaint if it is frivolous or vexatious and shall notify the complainant of such dismissal.

(3) The Board must send a copy of the complaint -

(a) to the respondent; and

(b) to the employer of the respondent, if the employer contact details are stated in the complaint.

Inquiries

34.-(1) The Board has the power to hold an inquiry on -

(a) a matter relating to the registration of a person under this Promulgation; and

(b) any complaint made under section 33.

(2) For the purpose of subsection (1), the Board may appoint a committee of inquiry to hold the inquiry and make recommendations to the Board.

(3) The Board may also hold an inquiry in respect of a registered teacher if it reasonably believes that -

(a) the person is incompetent in teaching and has been dismissed from employment or has resigned in circumstances that, in the opinion of the person's employer, call into question the person's competency to teach;

(b) the person's registration to teach in another country has been cancelled or suspended;

(c) the person's employment in another country to teach has been terminated because the person's employer was reasonably satisfied the person was not competent or fit to teach;

(d) the person was registered on the basis of false or misleading information;

(e) the person is no longer of good character; or

(f) the person is convicted of an offence in Fiji or another country.

(4) The Board may hold an inquiry in respect of a person only if reasonably satisfied that it is in the public interest to do so.

Committee of inquiry

35.-(1) The Board may appoint a committee of inquiry consisting of-

(a) two persons who are members of the Board; and

(b) 3 other persons 2 of whom are registered teachers.

(2) A committee of inquiry shall hold an inquiry subject to this Promulgation and in accordance with any directions of the Board.

Conduct of inquiry

36.-(1) If the Board determines that an inquiry is to be held in respect of a person who is or

was a registered teacher, the Board must serve the person with a notice of the proposed inquiry stating the following -

- (a) the nature and details of any matter of the proposed inquiry;
- (b) the date on which and the time and place at which it is to be held;
- (c) whether the inquiry is to be held by the Board or a committee of inquiry;
- (d) the full names of the members of the committee of inquiry;
- (e) that the person may submit to the Board within 14 days of service of the notice a statement in writing -
 - (i) admitting to, or refuting, the substance of any matter to be inquired into; or
 - (ii) notifying the Board of the intention to appear in person.

(2) A person may be represented by any other person at an inquiry.

Committee to report to Board

37. When an inquiry is completed, the committee must prepare and submit to the Board a report including its findings and recommendations.

Decision of the Board on inquiry

38. When making any decision in relation to the inquiry, the Board must take into account any findings and recommendations of the committee of inquiry, and may make any of the following decisions as a result of an inquiry -

- (a) caution the person;
- (b) suspend the registration for any period, subject to conditions;
- (c) cancel the registration;
- (d) dismiss the complaint or matter being inquired into.

PART 6 - OFFENCES AND PENALTIES

Unregistered persons not to be employed

39.-(1) A person who employs a person not being registered or authorized under this Promulgation to teach at a school as a teacher commits an offence and is liable on conviction -

- (a) for first offence, to a fine not exceeding \$50,000;
- (b) for second or subsequent offence, to a fine not exceeding \$150,000.

(2) A person not being a registered teacher who enters a school to supervise or assess the work of a practicing teacher or of a trainee teacher without being authorized to do so by the Board commits an offence and is liable on conviction -

(a) for first offence, to a fine not exceeding \$20,000;

(b) for second or subsequent offence, to a fine not exceeding \$50,000.

Duty of registered teacher whose registration is cancelled

40.-(1) A registered teacher must give written notice to the Board about any of the following events within 14 days after the happening of such event -

(a) if the teacher was registered in another country, the cancellation or suspension (however described) of the person's registration in that other country as a teacher;

(b) if the teacher was employed in another country that does not register teachers, the termination of the teacher's employment as a teacher in the other country because the teacher's employer was reasonably satisfied the teacher was not competent or fit to be employed as a teacher in that other country.

(2) A teacher who contravenes subsection (1) commits an offence and is liable on conviction

(a) for first offence, to a fine not exceeding \$5,000;

(b) for second or subsequent offence, to a fine not exceeding \$20,000.

Notification on sexual allegations

41.-(1) If there is a sexual allegation involving a student and a teacher and the employing authority has undertaken measures that resulted in the dismissal or resignation of the teacher, the employing authority must, within 7 days of making such decision or receiving the resignation, notify the Board of the matters set out in subsection (2).

(2) The notice must include the following -

(a) the name of the employing authority and, if the name of the authority is different to the name of the school, the name of the school;

(b) the name of the relevant teacher;

(c) the date the employing authority gave notice to the relevant teacher of the dismissal or the employing authority was given notice of the resignation, and the date of effect of the dismissal or resignation;

(d) the sexual allegation, particulars of the sexual allegation and any other relevant information;

(e) the reasons given by the employing authority for the dismissal or by the relevant teacher for resigning.

(3) The employer that fails to comply with the notice requirements under this section commits an offence and is liable on conviction -

(a) for first offence, to a fine not exceeding \$1,000;

(b) for second or subsequent offence, to a fine not exceeding \$5,000.

False or misleading information or document

42. A person who gives the Board or a committee of inquiry-

(a) any information that the person knows is false or misleading in a material particular; or

(b) any document containing information the person knows is false, incomplete or misleading in a material particular,

commits an offence and is liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 5 years.

PART 7 - MISCELLANEOUS

Register of teachers

43.-(1) The Board must establish, keep and maintain a register of persons who are registered under this Promulgation, containing the following information -

(a) the full name and address of the registered person;

(b) the type of registration (full or provisional);

(c) particulars of the qualifications and experience by which the person is registered;

(d) the date of making of the entry;

(e) any other prescribed particulars.

(2) The register must be kept at the Board's office and other office it determines, and the register may be open for inspection during office hours by any person on payment of the prescribed fee.

(3) The Board must -

(a) when a person is registered as a teacher, enter in the register the details set out in subsection (1) about that person;

(b) when the registration of a person has been suspended or cancelled or has expired, make necessary notations on the register;

(c) enter other matters on the register, as it thinks fit.

Removal of name from register

44. The Board may remove the name of a person from the register if -

(a) the person has died;

(b) the person requests that his or her name be removed from the register if the person is no longer employed as a teacher;

(c) the registration is cancelled under section 11, 23, 25 or 38;

(d) the person has not applied for renewal of registration under section 19; or

(e) the person has not paid the relevant prescribed annual registration fee by the due date.

Duties of employers

45. Where a duty is imposed under this Promulgation on an employer, the duty may be performed on behalf of the employer -

(a) for any kindergarten, by the director or head of the kindergarten;

(b) for any primary school, the head teacher or the manager or head of the school management;

(c) for any secondary school, the principal or the manager or head of the school management.

Annual returns

46. The employer or a person so authorized by the employer must, on or before June each year, provide the Board with a return in the prescribed form of all persons teaching at the school as at 1 May that year.

Annual report and Audit report

47.-(1) The Board is to submit an annual report to the Minister by 30 March the following year on its activities for the last financial year. A copy of the certified audit statement is to be attached to the annual report.

(2) The Board is to -

(a) keep proper accounts and records in relation to all its operations including fees collected; and

(b) ensure all payments made by it are correctly made and properly authorised; and

(c) ensure that adequate control is maintained over -

(i) any assets in its custody; and

(ii) the incurring of liabilities.

(3) The accounts and financial records of the Board are subject to the Financial Management Reform Act, 2004 and the Audit Act.

(4) The Board, on or before 31 August in each year, is to -

(a) prepare financial statements with respect to the preceding financial year in the form, and containing the information, determined by the Auditor-General; and

(b) provide the Auditor-General with the financial statements.

Regulations

48.-(1) The Minister may make regulations to give effect to the provisions of this Promulgation, and in particular to regulate -

(a) procedures and requirements for application for registration, provisional registration and limited authority;

(b) forms for the purpose of this Promulgation;

(c) fees, charges and other costs for the purpose of this Promulgation;

(d) other procedures and rules relating to the conduct of inquiry or investigation;

(e) inspection or entry in the register; and

(f) other service provided by the Board.

(2) Regulations may prescribe penalties not exceeding \$2,000 or to imprisonment not exceeding 2 years, for offences created under such regulations.

Repeal and transitional

49.-(1) Part VIII (sections 21, 22, 23 and 24) of the Education Act (Cap.262) is repealed.

(2) On the establishment of the Board, all teachers currently teaching in schools will be granted provisional registration for one year on lodgement of an application for provisional registration and on payment of the fee prescribed under a regulation.

(3) Any such provisional registration is extended only on the approval of the Minister.

(4) All teachers receiving such provisional registration as referred to in subsection(2) shall lodge an application for full registration within the first three months of the date of the notification in the Gazette of the Boards establishment.

(5) All trainee teachers undertaking teaching practice at the commencement of this promulgation are deemed to have been authorized by virtue of section 24 on lodgement of an application for limited authority to teach and on payment of the fee prescribed under a regulation.

SCHEDULE 1
(Section 4(5))

OTHER PROVISIONS OF THE TEACHERS REGISTRATION BOARD

Interpretation

1. In this Schedule, "member" means a member of the Board.

Conditions of appointment

2.-(1) A member is entitled to be paid any allowances the Minister determines.

(2) A member holds office on other terms and conditions specified in the letter of appointment.

Holding other office

3. The holder of an office who is required under any Act to devote the whole time to the duties of that office is not disqualified from -

(a) holding that office in conjunction with the office of a member; or

(b) accepting any allowances payable to a member.

Resignation

4. A member may resign by signed notice given to the Minister.

Removal of member

5. The Minister may remove a member from office -

(a) if the member is convicted of a serious offence under this Promulgation or any other written law;

(b) if the member is convicted in another country of an offence which, if committed in Fiji, would be a serious offence;

(c) if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors;

(d) if the Minister considers that the member is unable to perform adequately or competently the functions of the member's office;

(e) if the member has been absent for 3 consecutive meetings of the Board without the

permission of the Board; or

(f) for any other just cause or excuse.

Filling of vacancies

7.-(1) A member vacates office if the member -

(a) dies;

(b) resigns; or

(c) is removed from office under clause 5

(2) If the office of a member becomes vacant, the Minister may appoint to the vacant office for the remainder of that member's term of office a person who is nominated by the same body or association as that member.

Convening of meetings

8. The Chairperson shall convene meetings of the Board, which shall be convened at least once every 4 months.

Presiding at meetings

9.-(1) The Chairperson of the Board presides at all meetings of the Board at which he or she is present.

(2) If the chairperson of the Board is not present at a meeting of the Board, the deputy chairperson is to preside.

Quorum and voting at meetings

10.-(1) A quorum at any duly convened meeting of the Board is 51% of the current members.

(2) At a meeting of the Board -

(a) the member presiding does not have an ordinary vote but only has a deliberative vote; and

(b) a question is decided -

(i) by a majority of votes of the members present and voting; or

(ii) in the negative if there is an equality of votes of the members present and voting.

Minutes

11. The Board is to -

(a) cause full and accurate minutes to be kept of its proceedings at meetings; and

(b) submit to the Minister a copy of the minutes of each meeting within 14 days after the date on which the meeting is held.

Conduct

12. Subject to this Promulgation, the Board may regulate the convening and the conduct of business at its meetings as it considers appropriate.

GIVEN UNDER MY HAND this 15th day of October 2008.

J. I. ULUIVUDA
President of the Republic of Fiji
