

NEW HEBRIDES
REPRESENTATIVE ASSEMBLY

RA3/D/19-P.
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ADMINISTRATION OF SCHOOLS

REGULATION

Explanatory Note

This law provides for the organisation of Government schools and the general development of educational services in the New Hebrides.

Part 2 of the law has provisions about the Education Advisory Council which will advise the Minister on matters concerning education. The members of the Council show a careful balance between the educational groups in the country.

Under Section 6 (8) the Minister or his representative or both may attend Council meetings and participate but may not vote.

In order to allow the Council to operate from day to day without calling all its members together the Council may appoint an Education Advisory Executive Committee which again as far as practicable will be representative of the main groups interested in Education.

The law provides for District Education Boards for each District. These will be responsible for promoting and developing education in Districts and again will be representative of all groups. The Boards appoint District Education Executive Committees to carry out their day to day work and look after the schools under their supervision. Provision is also made for School Councils or School Committees to be established to run grant aided schools. Section 31 provides for Boards and Councils to keep proper accounts and for them to be audited annually.

Under Section 32 Boards and Councils must make annual reports to the Minister. It should be noted that no members of Boards or Councils are to be paid. See Section 33.

April 1980

D. Kalpokas
Minister of Education.

DRAFTMANS NOTE .

The Resident Commissioners Joint Regulation bringing this Regulation into force as a law will provide that it shall be cited as the Administration of Schools Regulation and shall come into operation on the Day of Independence.

ADMINISTRATION OF SCHOOLS

REGULATION

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Membership of
the Council.

- 4.(1) The members of the Council who together with an alternate for each member shall be appointed by the Minister shall be :-
- (a) 6 members one of whom and his alternate shall be nominated by each of the following :-
 - (i) the Presbyterian Church;
 - (ii) the Diocese in Vanuatu of the Anglican Church;
 - (iii) the Churches of Christ;
 - (iv) the Seventh Day Adventist Church;
 - (v) the Roman Catholic Church and
 - (vi) the French Protestant Church
 - (b) one member to represent secular schools.
 - (c) one member from each of the administrative districts.
 - (d) 2 representatives of teachers selected by the Minister from among persons nominated by representative bodies of teachers.
 - (e) 4 representatives selected by the Minister from among persons nominated by the representative bodies for parents of children in schools;
- (2) The First Secretary of the ministry responsible for education or his representative who shall be nominated by him shall be the Chairman and a member of the Council ex-officio.

Term of office
of Members of
the Council.

- 5.(1) Subject to section 4 (2) members of the Council shall be appointed for a period of 4 years.
- (2) The Minister may at any time declare the office of any member except an ex-officio member or his alternate or both vacant by notice in the Vanuatu Gazette and if the member is a nominated member require the body with a right of nomination to nominate a new member or alternate or both for appointment or selection and appointment by him.

Meetings of
the Council.

- 6.(1) The Council shall meet not less than once in every 12 months.
- (2) Subject to subsection (3) the Minister shall convene meetings of the Council.
- (3) Extraordinary meetings shall be convened by the Minister by 30 days notice in writing on his own motion or upon receiving a request for such meeting signed by not less than eight members.
- (4) If neither the First Secretary of the ministry responsible for education nor his nominee is available to chair an extraordinary meeting the Minister shall nominate a Chairman in writing.
- (5) The quorum for all meetings shall be not less than half of the members.
- (6) Decisions at meetings shall be made by a simple majority, the chairman having a casting vote.
- (7) The proceedings at any meeting shall not be invalidated by any vacancies in membership of the Council provided that the number of vacancies shall not exceed 4.
- (8) The Minister may attend and send a representative to meetings of the Council both of whom shall have a right to participate in its deliberations but shall have no vote.

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- (9) Subject to this Regulation the Council may with the Minister's approval make internal rules, regulating its procedures.
- Education Advisory Executive Committee.
- 7.(1) There shall be an Education Advisory Executive Committee appointed by the Council consisting of the Chairman of the Council and four other members elected by the Council to represent as far as is practicable the main groups interested in education.
- (2) Members shall remain on the Education Advisory Executive Committee, either until their term of office on the Council ends or until their appointment to the Education Advisory Executive Committee is revoked by the Council.
- Function of Education Advisory Executive Committee.
- 8.(1) The function of the Education Advisory Executive Committee shall be to deal on behalf of the Council with urgent matters delegated to it by the Council.
- (2) Decisions of the Education Advisory Executive Committee shall be subject to ratification by the Council except as the Council otherwise decides.
- (3) A quorum for meetings of the Education Advisory Executive Committee shall be the Chairman who shall have a casting vote and 2 members.
- (4) Subject to subsection (3) the Education Advisory Executive Committee shall adopt and regulate its own procedures.
- Advice of Council to be in writing.
- 9.(1) The Council shall tender advice to the Minister in writing.
- (2) The Minister shall inform the Council within a reasonable time of receiving its advice whether or not he has taken action thereon.
- Minister to assign staff to Council and Education Advisory Executive Committee and provide accommodation.
10. The Minister shall assign staff to assist the Council and the Education Advisory Executive Committee in their work and provide accommodation for meetings in Port Vila.

PART 3 - DISTRICT EDUCATION BOARDS

- District Education Boards.
- 11.(1) There are hereby established District Education Boards, one for each administrative district which shall be bodies corporate and known as Southern District Education Board, Central District No 1 Education Board, Central District No 2 Education Board and Northern District Education Board respectively.
- (2) Each Board shall have perpetual succession and may sue or be sued in its corporate name.
- Function of Boards.
- 12.(1) The function of each Board which it shall exercise for and within its administrative District shall be to promote and develop education.
- (2) Without limiting the function provided for in subsection (1) the Boards shall :-
- (a) submit development plans for education to the Minister for approval and so far as possible put approved plans into effect;

- (b) advise the Minister on the establishment and administration of schools;
- (c) submit such statistical, financial and other reports as the Minister may require;
- (d) when directed by the Minister administer or assist in the administration of any grant aided school not having a School Council or any other school that has requested administrative assistance;
- (e) employ teachers seconded to them by the Government;
- (f) for those schools not having a School Council, where fees are payable, fix fees with the approval of the Minister and receive such fees;
- (g) receive and administer grants and donations.

Powers of Boards.

- 13.(1) Boards may do all things necessary and convenient for carrying out their functions.
- (2) Without derogating from the generality of subsection (1) Boards may -
 - (a) acquire hold and dispose of real and personal property;
 - (b) subject to subsection (3) borrow money; and
 - (c) publish printed matter for sale or otherwise.
- (3) The Minister shall prescribe by notice in writing to each Board :-
 - (a) the aggregate maximum indebtedness that it may incur without his consent in writing; and
 - (b) the maximum individual sums that it may likewise borrow.

Membership of Boards.

- 14.(1) Each Board shall consist of :-
 - (a) the District Education Officer who shall be Chairman and one assistant education officer who shall be the Secretary;
 - (b) 10 or more other members appointed by the Minister who shall, as far as practicable, represent the main groups interested in education in the District.
- (2) Every member of a Board may nominate an alternate who when approved by the Minister may represent the member at meetings of the Board and vote on his behalf when the member is for good cause unable to attend.

Terms of Office of members of Boards.

- 15.(1) Subject to subsection (2) appointed members shall serve for a period of 4 years.
- (2) The Minister may at any time by notice in the New Hebrides Gazette declare the office of an appointed member vacant.

Meetings of Boards

- 16.(1) Subject to subsection (2) each Board shall meet not less than once in every 6 months.
- (2) The Chairman may by 30 days notice in writing convene an extraordinary meeting of a Board either on his own motion or on the request in writing of not less than four members.
- (3) The Minister shall receive notices of all meetings and he or his representative may attend any meeting but shall have no vote.
- (4) The Chairman of a Board shall have a casting vote.

- (5) The quorum for meetings of a Board shall be 6 members.
- (6) Subject to the preceding subsections Boards shall adopt and regulate their own procedures.

District
Education
Executive
Committees.

- 17.(1) Each Board shall appoint a District Education Executive Committee consisting of the Chairman and Secretary, ex officio, and not less than 2 nor more than 4 other members.
- (2) Each District Education Executive Committee shall be responsible for conducting such business as its Board may direct which shall not include approval of the annual accounts of the Board.
- (3) Unless a Board otherwise directs in writing acts of its District Education Executive Committee shall be subject to ratification by the Board.
- (4) A quorum for meetings of a District Education Executive Committee shall be the chairman, secretary and one other member.
- (5) Subject to the preceding subsections each District Education Executive Committee shall adopt and regulate its own procedures.

PART 4 - SCHOOL COUNCILS

Establishment
of School
Councils.

- 18.(1) The Minister may by order establish a School Council for a grant aided school named in such order.
- (2) A School Council established under subsection (1) shall have perpetual succession and may sue or be sued in its corporate name.

Functions of
School
Councils.

- 19.(1) The functions of a School Council shall be to administer and generally promote and develop the school for which it is established.
- (2) Without derogating from the generality of subsection (1) a School Council shall :-
 - (a) submit development plans for its school to the Minister for approval;
 - (b) submit such statistical, financial and other reports as the Minister may require;
 - (c) subject to the prior approval of the Minister, fix and collect school fees;
 - (d) subject to the prior approval of the Minister, receive and expend for the benefit of the school grants other than those made by the Government;
 - (e) ensure that the syllabus, curriculum and organisation of its school meets with the general approval of the Minister;
 - (f) ensure that its school is open for inspection at reasonable times by the Minister responsible for education or a person acting under his authority.

Powers of
School
Councils

- 20.(1) A School Council may do all things necessary and convenient for the carrying out of its functions.
- (2) Without derogating from the generality of subsection (1) a School Council may :-
 - (a) acquire, hold and dispose of real and personal property;
 - (b) subject to subsection (3) borrow money.

(3) The Minister shall prescribe by notice in writing to a School Council :

- (a) the aggregate maximum indebtedness that it may incur without his consent in writing; and
- (b) the maximum individual sums that it may likewise borrow.

Membership of
School
Councils.

21.(1) A School Council shall consist of :-

- (a) the headteacher of the school who shall also be its Secretary; and
- (b) not more than 10 nor less than 4 other governors appointed by the Minister who in making appointments shall take into account the interests of the owner of the school, the parents of the pupils and such other interests as he shall consider appropriate.

(2) The chairman of a School Council who shall be one of the governors provided for in subsection (1) may be the holder for the time being of an office designated by the Minister in the order referred to in section 18 or any other order made by him.

(3) Where no chairman has been designated the chairman shall be elected from time to time by the governors.

Term of
office of
Governors.

22.(1) Subject to subsection (2) governors other than the headteacher and the chairman provided for in section 21 (2) shall be appointed for a period of 4 years.

(2) The Minister may revoke the appointment of a governor other than the headteacher or the chairman referred to in section 21 (2) by notice in writing to the governor should he be satisfied after receiving the advice of the Secretary that the governor :

- (a) has been absent from two consecutive meetings of the Council without the consent of the chairman;
- (b) has become insolvent;
- (c) is incapacitated by physical or mental illness;
- (d) has been convicted of a crime involving moral turpitude; or
- (e) is otherwise unable or unfit to discharge the functions of a member.

(3) An appointed governor of a School Council may resign by notice in writing to the Minister.

Meetings of
School
Councils.

23.(1) Subject to subsection (2) a School Council shall meet not less than once in every 6 months.

(2) The chairman may by 15 days notice in writing convene an extraordinary meeting of a School Council either on his own motion or on the request in writing of not less than one third of the governors.

(3) The Minister shall receive notices of all meetings of a School Council and he or his representative may attend any meeting but shall have no vote.

(4) The chairman of a School Council shall have a casting vote.

(5) The quorum for meetings shall be one third of the governors.

(6) The proceedings of any meeting of a School Council shall not be invalidated by any vacancies in membership of the School Council provided such vacancies do not exceed 2.

- (o) Subject to the preceding subsections School Councils shall adopt and regulate their own procedures.

- School Council Executive Committees. 24.(1) Each School Council shall establish a School Council Executive Committee consisting of the chairman and secretary of the School Council and not less than 2 nor more than 4 governors appointed by the School Council.
- (2) The members shall remain on the Committee either until their term of office on the School Council ends or, in the case of appointed members, the School Council revokes their appointments.
- Function of School Council Executive Committees. 25.(1) The function of a School Council Executive Committee shall be to ensure the speedy administration of the business of its School Council subject to such directions as the School Council shall give to it.
- (2) Decisions and acts of a School Council Executive Committee shall be subject to ratification by its School Council except as the School Council otherwise directs.
- Meetings of School Council Executive Committees. 26.(1) The quorum for meetings of a School Council Executive Committee shall be the chairman who shall have a casting vote, the secretary and one other member.
- (2) Subject to subsection (1) a School Council Executive Committee shall adopt and regulate its own procedures.
- Construction works and maintenance of buildings on land not owned by School Councils. 27.(1) Where a School Council does not own the school it administers or the land and buildings or part thereof it shall not construct new buildings or carry out other works on land belonging to the owner or permanently alter buildings belonging to the owner without the prior approval in writing of the owner.
- (2) A School Council shall maintain in good order all land and buildings used for the purpose of its school.

PART 5 - SCHOOL COMMITTEES

- School Committees. 28.(1) The Minister may require a grant aided school which has no School Council or a group of such schools to establish a School Committee for such school or schools.
- Function of Committee. 29.(1) It shall be the function of a Committee to foster generally the interests of the school it represents.
- (2) Without derogating from the generality of subsection (1) each Committee may propose a person for appointment to the Board of its District in accordance with section 14 (1) (b) and shall approve the accounts of the schools it represents.
- Membership of Committees. 30.(1) The headteacher of a school or where a Committee is responsible for more than one school a headteacher selected by the Board of its District shall be secretary of the Committee.
- (2) The members of a Committee shall consist of the headteacher or headteachers, ex officio, and not less than 2 other members who shall be elected by the parents, and teachers of the school or schools at meetings convened for that purpose by the secretary of the committee provided that where the Committee is responsible for more than one school each school shall be entitled to be represented on the Committee by 2 members.

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- (3) A Committee shall elect its own chairman.
- (4) The quorum for meetings of a committee shall be two members and the Secretary.
- (5) Decisions of a Committee shall be taken by a majority vote, with the chairman having a casting vote.
- (6) Subject to the preceding subsections each Committee shall regulate its own procedures.

PART 6 - ACCOUNTS AND REPORTS

- Accounts of Boards and School Councils. 31.(1) Each Board and School Council shall keep proper accounts and other records in respect of its receipts and expenditure and shall cause to be prepared an annual statement of account in respect of each financial year which shall include an income and expenditure account, a balance sheet showing the assets and liabilities of the Board or School Council and such other accounts as the Minister may prescribe.
- (2) The accounts of each Board or School Council shall be audited annually by auditors approved in writing by the Minister responsible for Finance.
- (3) Within a reasonable time after receiving the audited accounts and the auditors report thereon the secretary to a Board or School Council shall transmit one copy of each to the Minister and to the Minister responsible for Finance and to any body or person who is providing the Board or Council with financial support.
- Annual Reports of Boards and School Committees. 32. Each Board and School Council shall make an annual Report of its activities to the Minister not less than 45 days after the close of the Financial Year.
- Restriction on remuneration of members of boards, councils and committees and reimbursement of expenses. 33.(1) No member or governor of any body established in accordance with the provisions of this Regulation shall be entitled to receive remuneration for his services as a member of such body.
- (2) Members of any body established in accordance with this Regulation shall be reimbursed expenses properly incurred in the exercise of their functions in the amounts and the manner provided in such orders as may be made by the Minister.

PART 7 - MISCELLANEOUS

- Orders. 34.(1) The Minister may for the better carrying out the provisions of this Regulation make orders not inconsistent with this Regulation.
- (2) Without derogating from the generality of subsection (1) orders made by the Minister may provide for :-
- (a) the powers and duties of Boards in establishing new schools and supervising them;
 - (b) the statistics and records to be kept by any Boards, Councils or committees established in accordance with this Regulation and the form in which they shall be kept and the manner in which they shall render returns.
 - (c) the procedures to be followed at meetings;
 - (d) the manner in which development plans be drawn up;
 - (e) the manner in which members of Boards, Councils or Committees shall be reimbursed expenses.

- (f) the manner of fixing and collecting school fees;
- (g) the provision of meals, transport and other benefits and services and such payments as may be made towards them by students;
- (h) the conditions of entry to schools;
- (i) the manner in which contracts made by bodies established under this Regulation may be sealed, signed or otherwise executed;
- (j) the winding up of and disposal of assets of School Councils generally or specified School Councils.

Limitation of liability of members of Boards, Councils and Committees.

35. No person being a member or governor of any body established in accordance with this Regulation shall be liable for any act or default done by that person in good faith and without negligence in the course of his duties as such member or governor.

District Education Committees to cease to function and assets and liabilities to vest in Board.

- 36.(1) On the appointment of the members of a Board the District Education Committee for the appropriate district shall cease to function.
- (2) The assets and liabilities of each District Education Committee shall on the coming into force of this Regulation vest in the Board established in its district without the necessity of any further acts except the making of such entries as may be required in any registers kept in accordance with Joint Regulations, which shall be made on the direction of the Minister.
- (3) All contracts and agreements subsisting before the coming into force of this Regulation affecting a District Education Committee shall have effect against or in favour of the Board replacing the Committee and be enforceable as if it and not the District Education Committee were a party thereto.