

# Niue Education Regulations 1968

(SR 1968/24)

PURSUANT to the Niue Act 1966, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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### Note

These regulations are administered in the Department of Maori and Islands Affairs.

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## **1 Title and commencement**

- (1) These regulations may be cited as the Niue Education Regulations 1968.
- (2) These regulations shall come into force in Niue on the 1st day of April 1968.

## **2 Interpretation**

In these regulations, unless the context otherwise requires,—

**The Act** means the Niue Act 1966

**Chief Medical Officer** means the Chief Medical Officer of Niue appointed under section 21 of the Act

**Director** means the Director of Education appointed under these regulations; and includes any person lawfully acting as the deputy of the Director

**Department** means the Department of Education constituted by these regulations

**Education** means regular instruction by way of the personal tuition of pupils by teachers in the courses of instruction prescribed by the Director pursuant to these regulations

**Executive Committee** means the Executive Committee of Niue established under section 9 of the Act

**Government school** means any school maintained from public funds and controlled and administered by the Department

**Parent**, in relation to any child, includes the legal adoptive parent or legal guardian of that child and any person who has actual custody of that child

**Private school** means any private school that is registered under regulation 6 of these regulations

**Pupil** means any person who is enrolled on the register of pupils of any school and who has not attained the age of 21 years

**Registered** means registered under these regulations

**School** means any institution which not fewer than eight pupils or other persons normally attend for their education; and includes the assembly of not fewer than eight persons for that purpose; and also includes any institution from which regular educational instruction is given by correspondence; and also includes any class, division, or section of any school; but does not include—

- (a) Any institution or assembly in which instruction is given which is wholly or mainly of a religious character; or
- (b) Any institution controlled by a religious organisation for the purpose of training persons for the Ministry of religion or for admission to a religious order:

**School committee** means a body of persons established to assist in the operation of any Government school

Expressions defined in the Act have the meanings so defined.

## **Part 1 Administration**

### **3 Department of Education and Director of Education**

- (1) There shall be a Department of the Government of Niue to be called the Department of Education, which shall be the same Department as that existing under the same name at the commencement of these regulations.

- (2) There shall from time to time be appointed under the provisions of Part 31 of the Act a fit person to be the Director of Education, who shall be the administrative head of the Department.
- (3) The person holding office as Director of Education at the commencement of these regulations shall be deemed to have been appointed Director hereunder.

#### **4 General duties of Director**

- (1) It shall be the duty of the Director to promote the education of the inhabitants of Niue, to control, administer, and maintain all Government schools established there, and to exercise such supervisory and other functions in relation to private schools as are provided by these regulations.
- (2) In the execution of his functions the Director shall be responsible to the Resident Commissioner, and shall make such returns, reports, and financial estimates as the Resident Commissioner may from time to time require.

## **Part 2**

### **Establishment and control of schools**

#### **5 Government schools**

- (1) The Resident Commissioner shall establish in Niue such Government schools as are approved from time to time by the Minister under section 30 of the Act.
- (2) The Director shall from time to time advise the Resident Commissioner as to the number and location of schools and teachers, and as to the courses of instruction, which he believes to be necessary in order that the education of the inhabitants of Niue may be satisfactorily promoted.

#### **6 Establishment and registration of private schools**

- (1) Any person or body of persons desirous of obtaining the approval of the Minister to establish a private school in Niue shall apply in writing to the Director, and shall provide such information as the Director may require to enable him to report on that application to the Executive Committee.

- (2) Every such application shall be referred by the Executive Committee to the Niue Island Assembly for consideration.
- (3) After consideration by the Assembly, the Executive Committee shall forward the application through the Resident Commissioner to the Minister together with a copy of any resolution of the Assembly in relation thereto, and, if the Minister approves the application, the school shall be registered by the Resident Commissioner as a private school and the registration shall be notified by him in the Niue Island Gazette.
- (4) No private school shall be entitled to receive assistance from public funds for its establishment or for its maintenance or operation.

#### **7 Deregistration of private schools**

- (1) The Resident Commissioner, with the approval of the Minister, may cancel the registration of a private school if the Resident Commissioner is satisfied that—
  - (a) The school is conducted inefficiently or in a manner which is or is likely to be detrimental to the physical, mental, or moral welfare of the pupils attending; or
  - (b) Any instruction has been imparted therein to any pupil which is prejudicial to the peace, order, and good government of Niue; or
  - (c) The school is carried on in premises which do not and cannot at reasonable expense be made to conform with standards of health and hygiene acceptable to the Resident Commissioner.
- (2) The Resident Commissioner shall give notice in writing of the cancellation of registration of any private school to the management of the school, and any such school shall be closed by the management not later than within four days after the receipt of that notice.
- (3) The cancellation of the registration of any private school shall be notified by the Resident Commissioner in the Niue Island Gazette.

**8 Trespass and disturbance**

Every person commits an offence, and is liable to imprisonment for a term not exceeding two months or to a fine not exceeding \$40, who—

- (a) Enters on the premises of any school without lawful excuse or the prior approval of the Director in the case of a Government school or of the head teacher in the case of a private school; or
- (b) Wilfully disturbs any school; or
- (c) Upbraids, insults, or abuses any teacher in the presence or hearing of the pupils who are then in school, or are then assembled for school purposes, whether in school or not.

**9 School committees**

- (1) A school committee may be established under a constitution providing for the election of members, which is approved by the Director, for any Government school in Niue.
- (2) Any school committee may at any time be dissolved by the Resident Commissioner if it acts, or a majority of its members act, in any way that amounts in the opinion of the Resident Commissioner to a wilful and serious departure from the provisions of its constitution as approved by the Director.

**10 Head teachers**

- (1) Every Government school shall have a head teacher appointed as such, who shall be responsible to the Director for the efficient operation and control of that school, and for the supervision and care of the school grounds, buildings, and property.
- (2) The head teacher shall take such measures as are reasonable and necessary for the care, safety, control, and discipline of each pupil while that pupil is in actual attendance at his school.

### **Part 3** **Attendance of pupils**

**11 Enrolment and attendance to be compulsory**

Every child who is in Niue and is ordinarily resident in Niue shall, unless exempted under these regulations, be enrolled at

and shall attend, whenever it is open, the Government school which is appropriate from time to time to his zone of residence as determined by the Director under regulation 17 of these regulations or a private school, during the whole of the period commencing on his sixth birthday (or on the next ensuing day on which any such school is open) and ending on his fourteenth birthday.

**12 Parents' responsibilities**

It shall be the duty of each parent of any child who is in Niue and is ordinarily resident in Niue to arrange for the enrolment of that child as a pupil at a school and to cause the child to attend that school and remain at school during school hours during the period provided for in regulation 11 of these regulations, on every day on which the school is open and during any subsequent period for which that child remains enrolled as a pupil at the school, unless the child is unable to attend, or, as the case may be, remain at school, on any day by reason of sickness, danger of infection, severe stress of weather, sudden and serious illness of parent, or other sufficient cause.

**13 Head teacher's responsibilities**

It shall be the duty of the head teacher of each school to enrol, and to keep a true record of the attendance of, each pupil presented for enrolment, in such form and manner as are required by the Director; and to report to the Director, or to an officer of the Department nominated to him by the Director, each case of irregular attendance by any pupil.

**14 Exemption from attendance**

Any parent may apply to the Director for exemption from the requirements of regulation 11 or regulation 12 of these regulations, and the Director may grant such exemption if the child in respect of whom the application is made—

- (a) Is prevented from attendance at a school by reason of ill-health, or by any other cause, whether temporary or permanent, which the Director may consider a sufficient reason for the nonattendance of that child; or

- (b) Is receiving, or is able to receive, in the opinion of the Director, instruction which is adequate for his needs by some means other than attendance at a school.

### **15 Penalty for non-attendance**

- (1) Where any child who is required to enrol and attend school under these regulations is not enrolled or fails to attend school in accordance with these regulations, each parent of the child commits an offence, and is liable to a fine not exceeding \$2 for a first conviction and \$4 for any subsequent conviction in respect of the same child or any other such child.
- (2) In any prosecution under subclause (1) of this regulation, the onus of proof that any child is not by reason of his age required under these regulations to enrol and attend a school shall be on the person charged.

### **16 Suspension and expulsion of pupils**

- (1) Notwithstanding the provisions of regulation 11 of these regulations, the Director—
  - (a) May suspend any pupil 12 years of age or older enrolled at a Government school from attendance at school for a period not exceeding two weeks, if in the opinion of the Director the pupil is guilty of misbehaviour which is prejudicial to the good order and discipline of any school:
  - (b) May expel any pupil 14 years of age or older enrolled at a Government school and remove his name from the roll of his school, if in the opinion of the Director the pupil is guilty of gross misbehaviour which is prejudicial to the good order and discipline of any school.
- (2) The Director shall give written notice of his decision to suspend or expel any child under this regulation to the head teacher of the school of which the child is a pupil.
- (3) No child expelled from a school under this regulation shall subsequently be enrolled in any Government school without the prior consent in writing of the Director.

- (4) Where a pupil under 14 years of age is suspended or expelled from a private school, the head teacher of that school shall immediately notify the Director.

**17 Director may prescribe zones of residence**

- (1) The Director may from time to time prescribe zones of residence of pupils, and any pupil ordinarily residing within any such zone who is not exempted from attendance at a school under regulation 14 of these regulations or who is not attending a private school shall attend the Government school which the Director prescribes as appropriate to that zone.
- (2) The boundaries of any such zone shall be notified by the Director in the Niue Island Gazette.

**Part 4**

**School classes, hours, and terms**

**18 Classification of pupils**

The Director shall classify pupils under a system of nomenclature which distinguishes different classes, standards, or forms within schools in accordance with the stage and nature of instruction provided therein, and may amend any such classification or system from time to time.

**19 Hours and terms of attendance**

- (1) All schools shall be open during the hours prescribed from time to time by the Director, with the approval of the Executive Committee, from Monday to Friday (inclusive of both days) in each week, except on—
- (a) Statutory holidays; and
- (b) Such of those days as the Resident Commissioner or the Director, with the approval of the Executive Committee, may require or permit any school to be closed.
- (2) The period or periods of instruction on any day shall not exceed in total five hours for any pupil under the age of seven years, or six hours for any pupil who is seven years of age or older.
- (3) All schools shall be open for periods totalling not less than 200 nor more than 210 days in any calendar year.

- (4) No school shall remain open for any continuous period or term which exceeds 15 weeks.

## **Part 5**

### **Courses of instruction**

#### **20 Instruction to be secular**

Courses of instruction in all Government schools in Niue shall be secular and of such content and standard as shall from time to time be approved by the Resident Commissioner after consultation with the Director.

#### **21 Religious instruction**

Notwithstanding anything in regulation 20 of these regulations,—

- (a) Provision may be made with the approval of the Resident Commissioner for religious instruction to be given on the school premises to pupils of any Government school for a period not exceeding 30 minutes for any class in any week before or after the times fixed by the Director for the attendance of pupils for secular instruction; and
- (b) Such religious instruction shall be observed or conducted in accordance with syllabuses which are not contrary to Government policy and are given by voluntary instructors who must be approved by the Director; and
- (c) Such religious instruction shall be of a non-denominational character, and no religious denomination or combination of religious denominations shall be entitled to give separate religious instruction; and
- (d) No teacher shall be compelled to give such instruction, or to attend while such instruction is being given, against the dictates of his conscience; and
- (e) If a parent of any pupil applies to the head teacher of any school for the pupil to be excused wholly or in part from attendance at religious instruction,

the pupil shall be excused from such attendance in accordance with the terms of the application.

## **Part 6**

### **General provisions**

#### **22 Primary education to be free**

- (1) Primary education provided in Government schools shall be free:

Provided that the Director may in his discretion make charges for items of stationery issued to pupils.

- (2) Parents shall be liable in respect of post-primary education provided for their children for such fees and levies (if any) as are prescribed from time to time by the Resident Commissioner and notified by him in the Niue Island Gazette.
- (3) Such fees and levies shall form part of the public revenues of Niue, and the amount thereof shall be a debt due to the Crown by each parent and may be recovered as such in the High Court.

#### **23 Medical inspection and treatment**

Every pupil in attendance at a Government school shall undergo such medical and dental inspection and treatment as is provided for such pupils from time to time by the Government of Niue, or approved by the Resident Commissioner, and any such inspection and treatment provided by the Government shall be free in all cases:

Provided that the consent of the parents shall be obtained before treatment is ordered.

#### **24 Rules and instructions**

- (1) The Director may make such rules and issue such instructions as in his opinion are necessary from time to time to give proper effect to the provisions of these regulations.
- (2) Any rule purporting to be made or any instruction purporting to be issued by the Director, or any notification or other act purporting to be made by the Resident Commissioner, under the provisions of these regulations, shall be deemed, until the

contrary is proved, to have been properly made or issued hereunder.

## 25 Revocations and savings

- (1) On and after the commencement of these regulations, the regulations specified in the Schedule to these regulations shall cease to have effect as part of the law of Niue.
- (2) The provisions of the Acts Interpretation Act 1924 shall apply with respect to the regulations specified in the Schedule to these regulations as if they had been revoked by these regulations.

### Schedule

Reg 25

#### Regulations ceasing to be in force in Niue

Regulations	<i>Gazette</i> Reference
Regulations as to Education in the Cook Islands made by Order in Council on 2 October 1916	1916, Vol III, p 3169
Regulations amending the Cook Islands Regulations as to Education made by Order in Council on 19 December 1922	1923, Vol I, p 16
Regulations amending the Cook Islands Regulations as to Education made by Order in Council on 22 September 1948	1948, Vol III, p 1202
Regulations relating to Schools in the Cook Islands made by the Minister for the Cook Islands pursuant to section 51(3) of the Cook Islands Act 1915 on 22 October 1934	Not gazetted

P J BROOKS,  
Clerk of the Executive Council.

### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations amend and consolidate the regulations and procedures relating to education in Niue Island, and make provision—

- (a) For free, secular, and compulsory education for all children between the ages of 6 and 14.
- (b) For secondary and other education.
- (c) For the establishment of approved private schools.

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Issued under the authority of the Regulations Act 1936.  
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