



# **REPORT FOR THE LEGISLATIVE ASSEMBLY**

## **“Teachers Bill 2015”**

**Education, Science, Communication and Information Technology  
Committee**

**(Presented to the Legislative Assembly)**

### **1. RECOMMENDATION:**

**The Education, Science, Communication & Information Technology Committee recommends that the Assembly take note of its Report.**

### **2. BILL CONSIDERED:-**

*(Referred 21/03/2015)*

**Teachers Bill 2015.**

The Education, Science, Communication & Information Technology Committee<sup>1</sup> considered the Teachers Bill 2015 ('Bill'), in accordance with instructions by the Legislative Assembly on 21<sup>st</sup> March 2015.

### **3. PROCEEDINGS:-**

The Committee called for Public Submissions through advertisements broadcast on the Samoa Quality Broadcasting TV1, 2AP radio and the Parliament Website. During Committee proceedings and deliberation several witnesses were given the opportunity to discuss their oral and written submissions on the Bill.<sup>2</sup>

The Committee requested the assistance of the following as they considered this Bill.

#### **Assistance (S.O. 156)**

#### **Office of the Attorney General:**

Tuatagaloa Aumua Meing Leung Wai	-	Attorney General
Loretta Teueli	-	Assistant Attorney General
Meiapo Faasau	-	Assistant Attorney General
Rupeni Nawaqakuta	-	Legal Consultant
Leitu Moananu	-	Senior Drafter

#### **Ministry of Education Sports and Culture:**

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<sup>1</sup> Standing Order 172, It shall be the duty of the Committee:

- (a) To consider any bill, petition or other matter referred by the Assembly or pursuant to these Standing Orders; and such Estimates or review of ministerial performance as maybe referred by the Finance & Expenditure Committee;
- (b) To examine the policy, administration and expenditure of the ministries and associated government organizations related to Education, Sports, Youth & Culture, Science, Communications and information Technology

<sup>2</sup> Refer Part 7 - Witnesses

Matafeo Falanaipupu T. Aiafi	-	Chief Executive Officer
Maimoana Petaia	-	Assistant Chief Executive Officer
Polataivao M. Tiotio	-	Assistant Chief Executive Officer
Faatamalii Jenny Lauano	-	Assistant Chief Executive Officer
Vau Peseta	-	Assistant Chief Executive Officer
Werner Kappus	-	Assistant Chief Executive Officer
Maina Field	-	Assistant Chief Executive Officer
Peone Fuimaono	-	Assistant Chief Executive Officer
Leota Valma Galuvao	-	Assistant Chief Executive Officer

#### 4. FINDINGS:-

The Committee noted that consultations on this Bill began in 2007, and it took 8 years to complete. The Committee also noted that this Bill seeks;

- To regulate the registration of teachers, including issuing of their registration certificates and teaching licenses, the types of registration, suspension, cancellation and re-registration of teachers by the Samoa Teachers Council (Council);
- To provide for the establishment of the Council together with its members, functions, and rules relating to its meeting;
- To regulate professional standards and breach of professional standards; and
- To establish a Tribunal which mainly deals with complaints and appeals against the decisions of the council.

The Committee noted that the Bill provides a legal framework for the teaching profession and it is to be recognized for the first time like the lawyers, doctors, engineers and other areas of expertise. The intention is that if better regulations and systems are in place to guide and assist the teaching service, it will help improve the standard of teaching to provide better and higher level education and effective learning for our children in schools, especially the gain of public trust and meet expectation of the parents.

All submissions were seriously considered by the Committee, and an overview of public submissions indicated that the majority supported the Bill; however there were few queries put forward by the public regarding to irrelevant provisions and contradictions with other Acts. The Committee considered the concerns raised and thoroughly investigated the queries with the assistance of the Office of the Attorney General. It concluded that there are no irrelevant provisions and no contradictions between some of the provisions under the Teacher's Bill and some of the government Acts.

The main question raised by the majority of witnesses was, why the proposed Bill does not apply to those who teach in the tertiary level like the University, yet they provide the same services. The Ministry of Education explained that the University has already established their own set of regulations suitable to the tertiary level, different from those applied to all teachers in government, mission and private schools, as well as early childhood education.

The mission schools questioned the membership of the Teachers Council. Due to the fact that there are more mission schools than private schools, they proposed to add another member for the mission schools in the council. The Ministry explained that this provision seeks fair and equal representation within the Council for mission and private schools. The Committee acknowledges the concern raised by the mission schools but believed that the most important thing is that the mission schools are given an opportunity to select their members for the Council, and it's up to them to make sure that all the different churches that operates mission schools are fairly represented in the Council.

The Committee noted during their proceedings that the use of teacher aides in private schools for early childhood education and primary and some mission schools are very effective, and their contribution is very essential. The concern raised by the majority is that the Bill might discontinue this valuable service because of the provisions for teaching licences. The Ministry explained that there is a provision under the Bill for these types of services including other services such private tutorials, and power is given to the Council to grant or refuse to grant a license to the applicant after thorough evaluation of the application.

It was also noted by the Committee during their deliberation that there is a need to establish an organization for substitute teachers. This initiative was in consideration of retired teachers who still have the strength and the capacity to provide teaching service. The intention is that the students studies will not be interrupted by a teachers absence. The Ministry explained that it is in the Ministry's framework for the future to establish a pool of substitute teachers to cover for an absent teacher.

The Committee noted that there is a need to clarify the provisions stated under clause 20 which provides for teaching license for full registration. The Committee noted that the duration of a teaching license for temporary registration, was unclear as to whether the teaching license issued to a teacher for 3 years will be valid before or after the given due date. An amendment to this provision was made possible by the assistance given to the Committee. The Committee believes these amendments provide more

clarification for the duration of a teaching license for full registration, and will also help the Council and the Ministry in the execution of their work outputs.

## 5. CONSIDERATION IN DETAIL OF THE BILL:-

The Committee noted during its consideration in detail of the Bill that the provisions therein are sufficient except for amendments to the following clauses:

### AMENDMENT

1. Delete **Clause 20** and replace with a **new Clause 20** to be read as follows:

**“20 Teaching licence for full registration-(1) When a teacher is first issued with the certificate of full registration, the Registrar must also issue, in the approved form, to the teacher a teaching licence for full registration, upon payment of the prescribed fee for the teaching licence, subject to conditions imposed by the Council under subsection (4).**

**(2) The teaching licence for full registration is valid for three 3 years from the date of its issue.**

**(3) Within 4 months before the expiry of a teaching licence, the teacher must apply, in the approved form and accompanied by the prescribed fee, to the Council.**

**(4) The Council may, with or without conditions, grant extension of teaching licence for full registration, which may include specifying the category of school or category of subject for which the licence relate.**

**(5)The Council must take into account the following when determining the application for extension:**

- (a) any continuing training programme under taken by the teacher during the period of the current teaching licence; or**
- (b) the appraisal system for teachers in any government policy or by the employer of the teacher; or**
- (c) any other prescribed matter.**

2. **Clause 21(1)**

- (i) Delete “section 20(5)” and replace with “section 20 (4) therefore Clause 21(1) reads:**

“21. Temporary Teaching Licence-(1)When a certificate of temporary registration or extension of temporary registration is granted under section 15, the Registrar may issue, in the approved form, to the teacher a teacher’s teaching licence for temporary registration, upon payment of the prescribed fee for the teaching licence, subject to conditions the Council may impose under section 20(4).”

**6. RESOLUTION:-**

At the conclusion of its consideration in detail, the Committee resolved;

**That the Teachers Bill 2015 progress together with amendments.**

**7. WITNESSES:-**

During the course of its investigations, the Committee considered oral and written evidence submitted by the following:-

**7.1 Oral Submissions**

**Public Service Commission**

Tuu’u Dr. Ieti Taulealo	-	Chairman
Beth Onesemo Tuilaepa	-	Secretary

**Samoa Teachers Society**

Gatoloai Tili Afamasaga	-	President
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**Catholic Church School Committee**

Aeau Chriz Hazelman	-	Director
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**SCCC School Committee**

Rev Vavatau Taufao	-	Director
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**Methodist Church School Committee**

Rev Sailiai Tumaai	-	Director
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**SDS School Committee**

Seiuli Paul Wallwork	-	Director
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**Pesega College**

Laulu T. Leauanae	-	Principal
<b>Le Amosa School</b> Le Tagaloa Pita	-	Registrar
<b>Samoa Primary</b> Anne Leauga	-	Principal
<b>Robert Louise Stevenson College</b> Masa Faasau	-	Principal

## 7.2 Written Submission

### **Public Service Commission**

Tuu'u Dr Leti Taulealo	-	Chairman
Beth Onesemo	-	Secretary

### **Methodist Church School Committee**

Rev Sailiai Tumaai	-	Director
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8. SIGNATURES OF COMMITTEE MEMBERS

Tofa LENATAI Victor Faafoi Tamapua  
**CHAIRPERSON**

Susuga IFOPO Matia Filisi  
**DEPUTY CHAIRPERSON**

Tofa AVEAU Tuala Lepale Niko Palamo  
**MEMBER**

Tofa TUSA Misi Tupuola  
**MEMBER**

Tofa LEVAOPOLO Talatonu  
**MEMBER**

Afioga TUFUGA Gafaleata Faitua  
**MEMBER**

Tofa TUILEUTU Alavaa Voi  
**MEMBER**