

Fiji Teachers Registration

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Fiji Teachers Registration Act 2008

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Fiji Teachers Registration Act 2008

TABLE OF AMENDMENTS

Fiji Teachers Registration Act 2008 (No 25 of 2008)¹ commenced on 1 June 2009, as amended by:

Amending Legislation	Date of Commencement
Revised Edition of the Laws (Consequential Amendments) Act 2016 (No 31 of 2016)	1 December 2016
Fiji Teachers Registration (Amendment) Act 2018 (No 33 of 2018)	23 July 2018

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¹ This was promulgated as Promulgation 25 of 2008. In accordance with section 3 of the Interpretation Act of 1987 the word "Promulgation" used with reference to any such Promulgation in the title or provisions of any written law or in any document or legal proceeding may be replaced with the word "Act".

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AN ACT 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

[FTR 1] Short title and commencement

- 1 (1) This Act may be cited as the Fiji Teachers Registration Act 2008.
- (2) This Act comes into force on a date appointed by the Minister, by notice in the Gazette.

[FTR 2] Interpretation

2 In this Act, 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 Fiji 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;

Permanent Secretary means the permanent secretary responsible for education;

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

practising 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;

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 1966; and

student means a child or person enrolled at a school.

[FTR 3] Act binds the State

3 This Act binds the State.

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PART 2 — ESTABLISHMENT, FUNCTIONS AND POWERS OF FIJI TEACHERS
REGISTRATION BOARD

[FTR 4] Establishment of the Board

4 (1) This section establishes the Fiji Teachers Registration Board consisting of a chairperson and 8 other members appointed by the Minister.

[subs (1) subst Act 33 of 2018 s 2, opn 23 July 2018]

(1A) The members shall be persons who, in the opinion of the Minister, have adequate qualifications, skills, expertise and knowledge to contribute to the functions of the Board under this Act, and in particular for the development of the teaching profession, education standards, and general administration and financial management of the Board.

[subs (1A) insrt Act 33 of 2018 s 2, opn 23 July 2018]

(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 reappointment.

(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 functions and powers.

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

[FTR 5] 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 Act;
- (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 organisations 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 Act, 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 profession;
- (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.

[FTR 6] Powers of the Board

6 (1) In addition to the powers conferred upon it under this Act or any other written law, the board has the following powers—

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

- (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 Act or any other written law.
- (2) For material 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.

[FTR 7] 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 Act.

[FTR 8] Directions

8 (1) The Minister may give the Board a written policy direction 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).

[FTR 9] Secretariat

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

[The next page is 675,601]

PART 3 — REGISTRATION OF TEACHERS

[FTR 10] 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 authorisation 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.

[FTR 11] Power to register

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

(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.

[FTR 12] 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.

[FTR 13] 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 recognised 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.

[FTR 14] 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.

[FTR 15] 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.

[FTR 16] 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.

[FTR 17] 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.

[FTR 18] 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 2 such extensions, after which an application for renewal of registration shall be made.

[FTR 19] 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.

[FTR 20] 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.

[FTR 21] 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.

[FTR 22] 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.

(2) 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.

[FTR 23] 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.

[FTR 24] 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 authorisation under this section authorising 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 recognised 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.

[FTR 25] 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.

[The next page is 675,801]

PART 4 — APPEALS

[FTR 26] 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) 2 other members.

[FTR 27] Power of the Appeals Board

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

(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.

[FTR 28] 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.

[FTR 29] 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.

[FTR 30] Rules of the Appeals Board

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

[FTR 31] 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.

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PART 5 — DISCIPLINE AND INQUIRIES

[FTR 32] 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.

[FTR 33] 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.

[FTR 34] 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 Act; 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.

[FTR 35] Committee of inquiry

- 35 (1) The Board may appoint a committee of inquiry consisting of—
- (a) 2 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 Act and in accordance with any directions of the Board.

[FTR 36] 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.

[FTR 37] 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.

[FTR 38] 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.

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PART 6 — OFFENCES AND PENALTIES

[FTR 39] Unregistered persons not to be employed

39 (1) A person who employs a person not being registered or authorised under this Act 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 practising teacher or of a trainee teacher without being authorised 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.

[FTR 40] 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.

[FTR 41] 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.

[FTR 42] 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.

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PART 7 — MISCELLANEOUS

[FTR 43] Register of teachers

43 (1) The Board must establish, keep and maintain a register of persons who are registered under this Act, 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.

[FTR 44] 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.

[FTR 45] Duties of employers

45 Where a duty is imposed under this Act 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.

[FTR 46] Annual returns

46 The employer or a person so authorised 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.

[FTR 47] 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 Act 2004, and the Audit Act 1969.

[subs (3) am Act 31 of 2016 s 84, opn 1 Dec 2016]

- (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.

[FTR 48] Regulations

48 (1) The Minister may make regulations to give effect to the provisions of this Act, 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 Act;
- (c) fees, charges and other costs for the purpose of this Act;
- (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.

[FTR 49] Repeal and transitional

49 (1) Part 8 (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 3 months of the date of the notification in the Gazette of the Board's establishment.

(5) All trainee teachers undertaking teaching practice at the commencement of this Act are deemed to have been authorised 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.

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OTHER PROVISIONS OF THE FIJI TEACHER'S 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 Act 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

6 (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

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

Presiding at meetings

8 (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

9 (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

10 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

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

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Fiji Teachers Registration Regulations 2009

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<i>Regulation</i>	<i>Title</i>	<i>Paragraph</i>
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23	Procedural and administrative order	[FTR 10,115]
24	Power to amend charge or notice of referral	[FTR 10,120]

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<i>Regulation</i>	<i>Title</i>	<i>Paragraph</i>
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	SCHEDULE E — COMPLAINT FORM	[FTR 10,330]

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Fiji Teachers Registration Regulations 2009

TABLE OF AMENDMENTS

Fiji Teachers Registration Regulations 2009 (LN 33 of 2009)¹ commenced on 1 July 2009, as amended by:

Amending Legislation	Date of Commencement
Public Service (Amendment) Act 2016 (No 2 of 2016)	16 February 2016
Revised Edition of the Laws (Consequential Amendments) Regulations 2016 (LN 99 of 2016)	1 December 2016

FIJI TEACHERS REGISTRATION
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¹ This was rectified by the Corrigenda published on 24 July 2009.

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PART 1 — PRELIMINARY

[FTR 10,005] Short title and commencement

1 These Regulations may be cited as the Fiji Teachers Registration Regulations 2009 and will come into force on 1 July 2009.

[FTR 10,010] Applications

2 These Regulations apply to all teachers as practising teachers, practising teacher educators and practising teacher administrators registered in accordance to Part 3 of the Act and those teachers with limited authority to teach as defined under the Act.

[FTR 10,015] Definitions

3 In these Regulations, unless the context otherwise requires—

Act means the Fiji Teachers Registration Act 2008;

approved qualification means—

- (a) any degree, diploma or other qualification in primary or secondary education currently awarded by a tertiary educational institution that is recognised by the Ministry of Education, including any practical student teaching component provided by the educational institution;
- (b) any degree, diploma or other qualification that was at any time nationally awarded by a tertiary education institution(s) that is recognised by the Ministry of Education which has to be determined by the Fiji Teachers' Registration Board before registration.

Chairperson means chairperson of the Appeals Board;

[def am LN 99 of 2016 reg 83, opn 1 Dec 2016]

complaints means any complaints to the Fiji Teachers Registration Board relating to under misconduct, professional competence or medical incapacity;

court means any court of Fiji of competent jurisdiction;

education officer means an education officer designated for the purpose of the Act and these Regulations;

employer means a school as defined under the Act;

Fiji Teachers Registration Board means Fiji Teachers Registration Board established under section 4 of the Act;

inquiry means any inquiry conducted under section 34 of the Act;

Minister means the minister to whom the Board is responsible for teacher registration pursuant to section 5 of the Act;

Parties with reference to appeals means—

- (a) a registered teacher;
- (b) any witness to the appeals;
- (c) representatives or agents of the registered teacher or the registered school;

policies includes any collective agreement or memorandum of agreement between the Public Service Commission and the trade union representing the teachers;

registered teacher means full and provisional registration and includes a teacher who is provisionally registered;

report and mandatory report means any mandatory report to the Fiji Teachers Registration Board by an employer in respect of—

- (a) resignation, dismissal and incapacity;
- (b) complaints received about a former employee;
- (c) possible serious misconduct;
- (d) failure to reach required level of competency;
- (e) Director of Public Prosecutions and Commissioner of Police of applicable conviction;

secretary means the secretary of the Board;

Senior Education Officer means senior education officer designated for the purpose of the Act and these Regulations;

serious misconduct means conduct by a teacher that—

- (i) adversely effects or is likely to adversely effect the well-being or learning of one or more students; or
- (ii) reflects adversely on the teachers' fitness to be a teacher; and

teacher administrator means a teacher who is part of the administration staff of the Ministry of Education.

For all other definitions, reference should be made to Part 1 of the Act.

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PART 2 — REGISTRATION

[FTR 10,020] Prescribed qualification, experience and requirements for registration as a teacher

4 (1) For the purpose of the criteria prescribed by section 13(1)(a) of the Act, the qualifications required for registration as a teacher are as follows—

- (a) an approved teacher education degree, diploma or other qualification awarded on satisfactory completion of a prescribed tertiary course of teacher education in primary or secondary education that—
 - (i) is at least of full-time duration or part-time equivalent duration as stipulated by the training institutions recognised by the Ministry of Education, including a practical student teaching component undertaken at a designated school; or
- (b) an approved non-teacher education degree, diploma or other qualification awarded on satisfactory completion of a tertiary course that is at least of a full-time duration or part-time equivalent duration the determinants of which lie with the discretionary authority of the Minister for Education on the advice of the permanent secretary responsible for education; or an approved postgraduate degree, diploma or other qualification awarded on satisfactory completion of a tertiary course of teacher education in primary or secondary education that is of at least—
 - (i) one year's full-time duration or part-time equivalent duration; and
 - (ii) includes a practical student teaching component undertaken at a designated school.

(2) For the purpose of section 21(1)(a) of the Act, the experience required for registration as a teacher is one year's full-time satisfactory service as a teacher at a school in Fiji or any countries recognised for that purpose by the Ministry of Education.

[FTR 10,025] Fees for registration

5 An application for registration as a teacher must be accompanied by the fees as set out in Schedule A.

[FTR 10,030] Verification of qualification by the Fiji Teachers Registration Board on qualifications

6 (1) The Board may, on application, verify whether a qualification is appropriate for registration.

- (2) An application for verification of a qualification must—
 - (a) be made to the Board in the manner and in the forms FTRB1, FTRB2, FTRB3 and FTRB4 prescribed in Schedule D (approved by the Board); and
 - (b) be accompanied by the appropriate prescribed fee as set out in Schedule B.
- (3) An applicant for verification of a qualification must provide the Board with any information required by the Board for the purposes of determining the application, supported, if the Board so requires, by statutory declaration.

(4) Full registration as a practising teacher, a teacher educator or teacher administrator must—

- (a) successfully complete an approved course and qualification relating to teacher education from a recognised institution;
- (b) have at least one year full time teaching experience;
- (c) hold provisional registration;
- (d) be recommended for full registration by his or her respective head teacher and principals and have been endorsed by relevant District Divisional Education Officers;
- (e) be of good character;
- (f) be medically fit to be a teacher.

(5) For provisional registration a person must—

- (a) be a current practising teacher, teacher administrator or teacher educator that is applying for the first time;
- (b) be a new graduate from any training institutions approved by the Ministry of Education;
- (c) have successfully completed an approved course and obtained an approved qualification relating to teacher education from a recognised institution;
- (d) have at least one year full time teaching experience;
- (e) has complied with any requirements of the Board during any period of provisional registration;
- (f) be of good character;
- (g) be medically fit to be a teacher.

[FTR 10,035] Replacement of certificate of registration

- 7 (a) Where the Board is satisfied that a person's certificate of registration as a teacher has been lost or destroyed the secretariat must, upon payment of the fee prescribed in Schedule B, issue to that person a duplicate certificate of registration.
- (b) An application for replacement of a certificate which is claimed to be lost or destroyed must be supported by a statutory declaration.

[FTR 10,040] Fee to accompany application for special authority for unregistered person(s) to teach

8 An application for a limited authority under section 24 of the Act must be accompanied by the following fees—

- (a) basic fee prescribed in Schedule B; and
- (b) an amount specified by the Board, being the amount payable to the Board for the conduct by the Board of a criminal record check relating to the applicant.

[FTR 10,045] Refund of fees

9 The Board may, if satisfied that reasonable cause exists for doing so, refund a fee prescribed by these Regulations in whole or in part.

[FTR 10,050] Renewal of registration

10 An application for renewal of registration under section 19 of the Act must—

- (a) be made in the form FTRB4 prescribed in Schedule C;
- (b) include the prescribed fee of registration as in Schedule B;

- (c) provide details of any professional development undertaken;
- (d) contain any other relevant matter considered necessary by the Board.

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PART 3 — INQUIRIES AND DISCIPLINE

[FTR 10,055] Complaints individuals

11 (1) Any complaints or allegation concerning a teacher's, teacher educator's or teacher administrator's conduct, competency or incapacity, must be submitted to the Board in the form prescribed in Schedule E and accompanied by the fee prescribed in Schedule B.

(2) Any complaints or allegations submitted to the Board must be assessed and forwarded to the teacher, teacher educator or teacher administrator within 14 days of their receipt by the Board.

(3) The teacher, teacher educator and teacher administrator against whom a complaint or allegation is made must respond within 14 days of receiving notice from the Board of such complaints or allegations.

[FTR 10,060] Complaints from Ministry of Education or schools

12 (1) Any complaint forwarded from the Ministry of Education or schools must submit a mandatory report to the Board which must supply—

- (a) the teacher's, teacher educator's or teacher administrator's TPF, EDP and registration number, current and last known address;
- (b) the name and address of the school or other place at which the teacher, teacher educator or teacher administrator is, or was at the relevant time employed; and
- (c) the names and addresses of all persons whom the employer believes may be able to give material evidence relevant to the question of the teacher's, teacher educator's or teacher administrator's alleged unprofessional conduct, incapacity, resignation or dismissal as the case may be;
- (d) relevant documentation that provides evidence of the matters complained of or reported about including but not limited to—
 - (i) statements of complaints, witness;
 - (ii) letters of complaints received by the employer about the teacher, teacher educator or teacher administrator;
 - (iii) recent performance report of the teacher, teacher educator or teacher administrator;
 - (iv) letters between the employer or any of his representatives and the teacher, teacher educator and teacher administrator concerning the complaints or the matters of concern;
 - (v) any statement or responses or records of the statement or responses received from the teacher, teacher educator or teacher administrator or their representatives;
 - (vi) the teacher's, teacher educator's or teacher administrator's letter of resignation;
 - (vii) minutes of board meeting, staff meeting at which the matter was discussed;
 - (viii) any relevant information provided by any other persons or an official police report.

[subreg (1) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

[FTR 10,065] Conduct of inquiry by the Board

13 (1) The Board may initiate an inquiry if it is in the public interest according to section 33 or the Minister responsible for education may conduct an inquiry into—

- (a) an allegation of breach of the Board code of conduct or any provision of Board Act;
- (b) any teaching service employment policy or practice;
- (c) any matter relating to registration;
- (d) any matter relating to a person who is or was a registered teacher or has or had a limited authority to teach.

[subreg (1) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

(2) For the purpose of an inquiry the Board, a person authorised by the Board or the Minister must obtain a search warrant from the Magistrates Court, to be able to—

- (a) enter the premise of any school or the Ministry of Education;
- (b) require the production of, examine and copy of document in the possession of a school or Ministry of Education.

(3) Subject to subregulation (2), the Board or person authorised by the Board or the Minister may—

- (a) interview any employee of any school or Ministry of Education;
- (b) interview anyone else who can provide information relevant to the inquiry.

(4) The permanent secretary responsible for education and other employees of the school or the Ministry of Education must give the Fiji Teachers Registration Board any assistance it reasonably requires to conduct the inquiry.

(5)

- (i) The Board shall compile a report of the allegation and the report shall be sent to the teacher, teacher educator or teacher administrator within 14 days after having considered relevant information.
- (ii) The teacher, teacher educator or teacher administrator on receipt of the said allegations will have 14 days to file a response to the Board regarding the allegations.
- (iii) The Board, acting on its own deliberate judgement, may after assessing the allegations and the response convene a hearing subject to section 15(1), and (2)(a)(b).

[subreg (5) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

[FTR 10,070] Conduct of inquiry by committee of inquiry

14 (1) The Board in appointing a committee of inquiry under section 35 of the Act, must assess whether a teacher, teacher educator or teacher administrator's actions has breached the Fiji Teachers Registration Board Code of Conduct and the Act to warrant a disciplinary action by the Board or its representatives or on the directive of the Minister.

[subreg (1) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

(2) The committee in conducting an inquiry in accordance to section 36 of the Act, the committee—

- (a) must conduct a preliminary inquiry;
- (b) may use the mandatory report for its second opinion;
- (c) may compile a report and present its finding to the Fiji Teachers Registration Board;
- (d) must identify the breaches of the code of conduct or the Act to the Fiji Teachers Registration Board;
- (e) may recommend whether or not a disciplinary action is warranted;
- (f) must provide the category of discipline;
- (g) must provide the Fiji Teachers Registration Board any evidence to accompany the category of discipline.

(3) The Board on receipt of the report from the committee of inquiry must forward to the teacher, teacher educator and teacher administrator information stating—

- (a) the name of the registered teacher, teacher educator or teacher administrator;
- (b) the name of the school;
- (c) the registered number;
- (d) the date of alleged offence;
- (e) the position and title of the registered teacher;
- (f) the particulars of the offence;
- (g) the code of conduct that has been breached;
- (h) the grounds of disciplinary action.

[subreg (3) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

(4) Without limiting subregulation (2), the Board must ensure that when the charges are laid the following must be clearly stated—

- (a) the category of discipline;
- (b) any accompanied documentary evidence;
- (c) the date upon which the reply is to be submitted;
- (d) any other matter deemed necessary for the information of the teacher.

(5) Information provided by the Board under subregulations (2) and (3) must be forwarded to the teacher, teacher educator or teacher administrator within 14 days from the date of receipt of report from the committee of inquiry.

[subreg (5) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

(6) The teacher, teacher educator and teacher administrator for various reasons may within 14 days respond to the charges.

[FTR 10,075] Composition of the committee of inquiry

15 (1) Every inquiry must be conducted by 5 members of the committee of inquiry chaired by the Chairperson or an alternative Chairperson.

(2) The 3 other members of the committee of inquiry must be registered teachers; one of whom is to be the representative of the Fiji Teachers Union.

[subreg (2) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

[FTR 10,080] Board hearing for disciplinary action

16 (1) Where the Board is satisfied that the teacher, teacher educator and teacher administrator has committed any offence either in Fiji or outside Fiji amounting to a professional misconduct, the Board must inform the parties and conduct a hearing.

(2) Without limiting subregulation (1), the Board must—

- (a) allow the teacher, teacher educator or the teacher administrator a reasonable opportunity to present information or make representations and provide evidence, views about whether the teacher, teacher educator or the teacher administrator has breached the Code of Professional Conduct as defined under the Act and if so what disciplinary action should be taken against them; and
- (b) consider any representations and information presented and any views stated by the teacher, teacher educator or teacher administrator.

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PART 4 — APPEALS AND HEARINGS

[FTR 10,085] Composition of the Appeals Board

17 (1) Every hearing must be conducted by 3 members of the Appeals Board established under section 26 of the Act chaired by a legal practitioner.

(2) The members of the Appeals Board must be appointed by the Minister and should not be members of the committee of inquiry or any committee that has investigated the teacher, teacher educator or teacher administrator.

[subreg (2) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

[FTR 10,090] Appeals procedure

18 (1) The Appeals Board shall regulate its own procedure in relation to hearings.

(2) The Appeals Board shall meet at the allocated time and at the designated venue designated by the Chairperson. The Chairperson must ensure that the meeting is convened at the best possible time so as to hear appeals by the teacher, teacher educator and teacher administrator.

[subreg (2) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

[FTR 10,095] Record of proceedings

19 (1) A record book must be kept in which all particulars of the proceedings of the meeting of the Appeals Board are recorded.

(2) The record of the proceedings of any meeting of the Appeals Board must be confirmed no later than after the next meeting of the same Board. The confirmed record of proceedings must be signed by the Chairperson and the secretary.

[FTR 10,100] Lodging of appeal

20 (1) An appeal by a registered teacher, teacher educator or teacher administrator under section 28(1) of the Act must—

- (a) be in writing;
- (b) set out clearly and concisely the grounds of dissatisfaction;
- (c) be lodged with the Appeals Board in accordance with section 28(2) by sending it to the secretary.

[subreg (1) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

(2) The secretary must acknowledge receipt of the appeal forthwith in writing and must forward a copy of the appeal to the Chairperson of the Appeals Board.

[FTR 10,105] Hearing

21 (1) If the Appeals Board is satisfied beyond reasonable doubt that a *prima facie* ground for appeal exists and the appeal is not frivolous or vexatious, the secretary must as soon as practicable formally accept the appeal and advise the registered teacher, teacher educator or teacher administrator concerned in writing of the venue, date and time of hearing.

[subreg (1) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

(2) The notice given to the teacher, teacher educator or teacher administrator may be served personally or by facsimile transmission or by e-mail or by post whichever is applicable—

- (a) if posted, may be posted to an address advised in writing by the teacher or to the last known address of the teacher and will be deemed received 7 working days after posting;
- (b) if served by facsimile or electronic transmission it will be deemed received on the date sent by facsimile or electronic transmission;
- (c) if personally served it shall be deemed received on the date and time of actual receipt, practicable allowable time must be given to enable for the transmission of notice of acceptance and for the teacher to travel to the hearing.

[subreg (2) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

- (3) Without prejudice to subregulation (2), the Appeals Board may—
- (a) determine the time, place and date at which any hearing may be held;
 - (b) adjourn the hearing from time to time; and
 - (c) determine who may attend a particular hearing; and
 - (d) may determine that any person attending hearing may do so by video links, video conferencing or by any other appropriate technology.

[FTR 10,110] The right to appeal

- 22 An aggrieved party may appeal against the decisions of the Board in respect of—
- (a) actions pertaining to matters related to the registration of the teacher, individual or aggrieved party;
 - (b) disciplinary actions of the Board against the aggrieved teacher, teacher educator or teacher administrator.

[reg 22 am LN 99 of 2016 reg 83, opn 1 Dec 2016]

[FTR 10,115] Procedural and administrative order

23 The chairperson of the Appeals Board may make any procedural or administrative order that is preliminary or incidental to a hearing including without limitations the following—

- (a) an order for discovery or inspection of documents;
- (b) an order for the filling of brief of evidence;
- (c) timetable order;
- (d) an order that evidence can be given or be taken at a time in advance of the hearing;
- (e) an order by consent of the parties.

[FTR 10,120] Power to amend charge or notice of referral

24 (1) The Appeals Board may at any time during a hearing of a charge amend the charge or give a notice of referral back to the committee of inquiry or any relevant committee as per need or the teacher's employer for clarification, reconsideration or re-endorsement of the matter in dispute.

[subreg (1) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

(2) The Appeals Board may at the request of the teacher, teacher administrator and teacher educator concerned, if it is of the opinion that the teacher would be disadvantaged in his or her defence by reason of an amendment made, properly under this rule, adjourn the hearing to a later date.

[FTR 10,125] Parties to the hearing

25 The parties to a hearing are—

(1) the teacher, teacher educator and teacher administrator concerned and or his or her representatives;

(2) the Chairperson of the disciplinary committee or committee of inquiry;
[subreg (2) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

(3) the teacher's, teacher educator or teacher administrator's employer or his or her representatives at the time when the complaint was lodged;

[subreg (3) am LN 99 of 2016 reg 83, opn 1 Dec 2016]

(4) the secretary of the Appeals Board.

[FTR 10,130] Parties may object to the composition of the Appeals Board

26 (1) Any party may by notice in writing sent within 7 working days of receipt of the hearing object to any member of the Appeals Board who will be conducting the hearing on the ground that the member suffers from and is in a position of conflict of interest.

(2) The Chairperson of the Appeals Board must determine whether the grounds of objection are correct and if they are must replace the member objected to with another member.

(3) If a member is replaced, notice of that fact must be send to the parties and any party may object under subregulation (1) to any substituted member.

[FTR 10,135] Teacher, teacher educator and teacher administrator and/or representative may give evidence

27 The Appeals Board may treat the teacher, teacher educator or teacher administrator and/or their representative as witness in order to admit and receive evidence under the powers conferred upon it.

[reg 27 am LN 99 of 2016 reg 83, opn 1 Dec 2016]

[FTR 10,140] Documentary evidence

28 In the case of an appeal against a penalty imposed for professional misconduct, any documentary evidence to be considered by the Board which is additional to that produced at the disciplinary inquiry must first be supplied to or made available to the teacher and or his or her representative 7 days before the scheduled appeal date.

[FTR 10,145] Affidavit evidence

29 Where the evidence of a witness is required and his or her attendance is in the opinion of the Chairperson impossible or possible only inconveniently, the Chairperson may authorise that an affidavit concerning the matter under appeal be sworn before a Commission for Oaths and submitted as evidence.

[FTR 10,150] Want of prosecution

30 If the teacher, teacher educator or teacher administrator or their representative fails to appear at the hearing at the appointed place, date and time, the Board may dismiss the appeal for want of prosecution.

[FTR 10,155] Decision on appeal

31 (1) The secretary must as soon as possible after an appeal has been made forward the decision of the Board with reasons in writing to all interested parties to the appeal.

(2) A decision of the Appeals Board must be unanimous or otherwise by a majority of the members.

[FTR 10,160] Expenses of witness

32 (1) Witnesses called by the Appeals Board in an appeal are entitled to be paid reasonable expenses.

(2) In determining the conditions or expenses payable to a witness, the Board must be guided by the rates of expenses applicable in the civil service generally.

[subreg (2) am Act 2 of 2016 s 20, opn 16 Feb 2016]

[FTR 10,165] Expenses of the Appeals Board

33 The expenses of the Board are chargeable against public funds.

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PART 5 — OFFENCES AND PENALTY NOTICES

[FTR 10,170] Offences

34 (1) Any person who contravenes a provision under these Regulations relating to this Part commits an offence.

(2) Under this Part, “person” means an employer or any person representing or agent of the employer or any other person or entity securing a prescribed user-pay from the Ministry:

[FTR 10,175] Penalty notice

35 (1) A penalty notice served under section 39(1) of the Act must be issued in Form 2 as set out in Schedule C.

(2) The Permanent Secretary, Senior Education Officer and/or Education Officer may serve a penalty notice on an employer or a person for the purpose for ensuring compliance with any provision of the Act or its Regulations.

(3) Any employer or person who is served with the penalty notice and pays the full penalty specified under the notice shall not be prosecuted for that particular offence.

[FTR 10,180] Notices

36 A notice that is required to be served may be served on the parties personally or by facsimile, e-mail or by post. If posted may be posted to an address advised in writing by a party or to the last known address of the party and will be deemed received 7 working days after posting. If served by facsimile or electronic transmission, it will be deemed received on the date sent by facsimile or other electronic transmission. If personally served it will be deemed received at the date and time of actual receipt.

[FTR 10,185] Penalties

37 Any person who contravenes a provision of these Regulations commits an offence and, unless otherwise provided shall be liable for a fine not exceeding \$20,000.

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PART 6 — MISCELLANEOUS

[FTR 10,190] Teacher register

38 (1) Pursuant to section 43(1) of the Act the Board shall keep a teacher register of all persons registered under the Act. The register must have the following information—

- (a) the full name and address of the registered teacher;
- (b) date and type of registration;
- (c) particulars of the qualification and experience by which the teacher is registered;
- (d) the date of making the entry;
- (e) any other prescribed particulars;
- (f) date and details of any cancellation of registration;
- (g) date and details of any suspension of registration and the period of registration.

(2) An application to inspect the register must be accompanied by the fees prescribed as set out in Schedule A.

[FTR 10,195] Annual staff returns

39 The annual staff return required to be made under section 46 of the Act shall be completed in accordance with Form 1 of Schedule C.

[FTR 10,200] Board to keep proper financial record

40 In order to comply with its duties under section 47 of the Act, the Board must—

- (a) keep such financial records as correctly recorded and explain the transaction and financial position of the board;
- (b) keep its financial records in a manner that will enable an annual report to be prepared under section 46(1) of the Act; and
- (c) keep its financial record in a manner that will enable the accounts of the Board to be conveniently and properly audited.

[FTR 10,205] Prescribed fees

41 (1) Where any provision of the Act or these Regulations stipulates the payment of the fee, the fee therefore is as prescribed in Schedules A and B.

(2) All the fees prescribed under Schedule A and Schedule B shall be paid into the Consolidated Fund of Government.

(3) The fees listed under the Schedule shall be paid by the employer/institution or any registered person or entity at the time required and prescribed under the Act.

(4) No certificate of registration or identity card shall be issued before the relevant fee has been paid in full.

[FTR 10,210] Revocation

42 The Education (Teachers Certification and Licensing) Regulations 1966 are hereby revoked. All policies relating to professional standards and teacher registration are superseded by the provisions of the Fiji Teachers Registration Act 2008 and these Regulations.

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[FTR 10,310]

SCHEDULE A — TEACHER
REGISTRATION FEES

Regulation	Type of fee	Amount F(\$)
5	Registration Fee for an Overseas Applicant	\$100
10	Annual Registration Fee	\$30
10	Fee for Renewal of a Registration	\$30
6	Late Penalty for Renewal	\$30
38(2)	Inspection of Register (Local)	\$20
38(2)	Inspection of Register (Overseas)	\$100
5	Lodgements of Registration	\$10

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[FTR 10,315]

SCHEDULE B — OTHER FEES

Regulation	Type of fee	Amount of Fee
6	Verification of Local Qualification	\$45
6	Verification of Overseas Qualification	\$250
7	Replacement of lost, damaged or destroyed certificate	\$25
8	Basic Application Fee for Limited Authority to Teach (Individual)	\$15
8	Basic Application Fee for Limited Authority to Teach (Teacher Training Institutions)	\$250
11	Complaint Fee	\$50

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