

# EDUCATION AMENDMENT BILL 2017

## SAMOA

### Arrangement of Provisions

- |                                 |                            |
|---------------------------------|----------------------------|
| 1. Short title and commencement | 6. Section 24 amended      |
| 2. Section 2 amended            | 7. General amendments      |
| 3. Section 7 amended            | 8. Consequential amendment |
| 4. Section 11 amended           |                            |
| 5. Section 23 amended           |                            |

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[Year], No....

**AN ACT to amend the Education Act 2009 (“Principal Act”).**

**BE IT ENACTED** by the Legislative Assembly of Samoa in Parliament assembled as follows:

**1. Short title and commencement** – (1) This Act may be cited as the Education Amendment Bill 2017.

(2) This Act commences on a date nominated by the Minister.

**2. Section 2 amended** – (1) In section 2 of the Principal Act: repeal the definition of “Ministry school” and “village school”.

(2) For the definition of:

“compulsory school-aged child” substitute with new definition:

“compulsory school aged child” means a child who is 4 years old (for Early Childhood Education) and between 5 years old and 16 years old (for primary and secondary education);”.

(c) insert in its alphabetical the definition of:

““Government school” means a school that is overseen and regulated by the Ministry and includes a village primary school and district secondary school and college;”.

**3. Section 7 amended** – In section 7(2) substitute “special needs” with “disabilities”.

**4. Section 11 amended** – In section 11 of the Principal Act, substitute “and address” with “, address and birth certificate number”.

**5. Section 23 amended** – (1) In section 23(3) of the Principal Act substitute:

“(3) Despite subsection (2), any teacher of a child within a secondary school is justified in using reasonable force if the force is used in a reasonable circumstance including but not limited to:

- (a) preventing or minimising harm to the child or another person; or
- (b) preventing the child from engaging or continuing to engage in conduct that amounts to a criminal offence; or
- (c) preventing the child from engaging or continuing to engage in threatening, offensive or disruptive behaviour.

“(3A) For the purpose of subsection (3) the use of any object to impose force is not reasonable force and amounts to the commission of an offence under the Crimes Act 2013.”

**6. Section 24 amended** – For section 24 of the Principal Act, substitute:

**“24. Intoxication of teachers and students** – A teacher or student must not be:

- (a) drunk; or
- (b) affected by any drug to the extent that the teacher or student loses control or has significantly diminished control of his or her behaviour or faculties, -

(c) while attending any school-organised activity that involves the participation of students.”

**7. General amendments** – (1) In the Principal Act, for “Ministry school” and “village school” substitute “Government school”.

(2) In the Principal Act, for “with special needs” substitute “living with disabilities”.

**8. Consequential amendment - (1)** Section 14 of the Infants Ordinance 1961 is amended by inserting after “parent,” the words “secondary school”.

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