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New Zealand Council for Educational Research Act 1972

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Education.

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An Act to consolidate and amend the law relating to the powers and functions of the New Zealand Council for Educational Research**1 Short Title and commencement**

- (1) This Act may be cited as the New Zealand Council for Educational Research Act 1972.
- (2) This Act shall come into force on 1 January 1973.

2 Interpretation

In this Act, unless the context otherwise requires,—

Council means the New Zealand Council for Educational Research

fees framework means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest

financial statements has the same meaning as in section 6 of the Financial Reporting Act 2013

financial year means a period of 12 consecutive months ending with 30 June

generally accepted accounting practice has the same meaning as in section 8 of the Financial Reporting Act 2013

Minister means the Minister of Education.

Compare: 1945 No 26 s 2

Section 2 **electoral college**: repealed, on 29 October 2016, by section 44(1) of the Education Legislation Act 2016 (2016 No 72).

Section 2 **fees framework**: inserted, on 29 October 2016, by section 44(2) of the Education Legislation Act 2016 (2016 No 72).

Section 2 **financial statements**: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 2 **financial year**: amended, on 29 October 2016, by section 44(3) of the Education Legislation Act 2016 (2016 No 72).

Section 2 **generally accepted accounting practice**: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Constitution of New Zealand Council for Educational Research

3 New Zealand Council for Educational Research

- (1) For the purposes of this Act, there shall continue to be a body corporate to be known as the New Zealand Council for Educational Research, which shall, subject to this Act, be the same body corporate of the same name as was constituted under the New Zealand Council for Educational Research Act 1945.
- (2) The Council shall continue to have perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all that bodies corporate may do and suffer.

Compare: 1945 No 26 s 3

4 Eligibility for membership of Council

Every person having attained the age of 20 years who is not disqualified under section 5 from appointment as a member of the Council shall be eligible to be appointed as a member of the Council.

Compare: 1945 No 26 s 4(3)

5 Disqualification from membership of Council

The following persons shall be disqualified from appointment as members of the Council:

- (a) a person who is subject to a property order made under section 30 or 31 of the Protection of Personal and Property Rights Act 1988;
- (b) a bankrupt who has not obtained an order of discharge or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled;
- (c) a person convicted of any offence punishable by imprisonment, unless the person has received a full pardon or has served the sentence or otherwise suffered the penalty imposed;
- (d) an employee of the Council employed by it in a full-time capacity for salary or other remuneration.

Section 5(a): replaced, on 10 September 2008, by section 12(2) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Section 5(b): amended, on 29 October 2016, by section 45(1) of the Education Legislation Act 2016 (2016 No 72).

Section 5(c): replaced, on 29 October 2016, by section 45(2) of the Education Legislation Act 2016 (2016 No 72).

Section 5(d): amended, on 29 October 2016, by section 45(3) of the Education Legislation Act 2016 (2016 No 72).

6 Constitution of Council

The Council consists of—

- (a) 1 member appointed by the Minister;
- (b) 5 elective members appointed by the Council on election in accordance with rules made under section 33(1);
- (c) 3 members appointed by the Council.

Section 6: replaced, on 29 October 2016, by section 46 of the Education Legislation Act 2016 (2016 No 72).

6A Criteria for appointment to Council

- (1) When appointing a member under section 6(a), the Minister must—
 - (a) appoint a person who, in the Minister's opinion, has the appropriate knowledge, skills, and experience to assist the Council to perform its functions; and
 - (b) take into account the collective knowledge, skills, and experience of all of the members that constitute the Council.
- (2) When appointing a member under section 6(c), the Council must—
 - (a) appoint a person who, in the Council's opinion, has the appropriate knowledge, skills, and experience to assist the Council to perform its functions; and

- (b) take into account the collective knowledge, skills, and experience of all of the members that constitute the Council; and
- (c) take into account the desirability of achieving diversity in the membership of the Council.

Section 6A: inserted, on 29 October 2016, by section 46 of the Education Legislation Act 2016 (2016 No 72).

7 Extraordinary vacancies on Council

- (1) The office of any member of the Council shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy, if the member—
 - (a) dies; or
 - (b) resigns by signed notice of resignation given to the chairperson of the Council; or
 - (c) becomes ineligible for appointment as a member of the Council under paragraph (a), paragraph (b), or paragraph (d) of section 5; or
 - (d) is absent without leave from 3 consecutive meetings of the Council; or
 - (e) is convicted of any offence punishable by imprisonment for a term of 2 years or more; or
 - (f) is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.
- (1A) If a property order is made in respect of a member under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders),—
 - (a) subsection (1)(c) does not apply to the member by virtue only of the making of that order; but
 - (b) while the order remains in force, the member is deemed to have been granted leave of absence and is not capable of acting as a member during that period.
- (2) In any case to which paragraph (e) of subsection (1) applies—
 - (a) the disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and
 - (b) the member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.
- (3) In any case to which paragraph (f) of subsection (1) applies—
 - (a) the disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against conviction or against the sentence or both, until the appeal is determined; and

- (b) the member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.
- (4) Every extraordinary vacancy on the Council shall be filled as soon as practicable after it occurs by the appointment of a new member in the same manner as the vacating member was appointed, and the member then appointed shall retain office for as long as the vacating member would have retained office if no such vacancy had occurred; but no extraordinary vacancy occurring within 6 months before the date set for the retirement of any other member of the Council need be filled before that date if the Council so resolves; and no extraordinary vacancy created by the death, resignation, or disqualification of any co-opted member need at any time be filled.

Compare: 1945 No 26 s 6

Section 7(1)(b): replaced, on 29 October 2016, by section 47 of the Education Legislation Act 2016 (2016 No 72).

Section 7(1A): inserted, on 10 September 2008, by section 12(3) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

8 Term of office of members of Council

- (1) Unless otherwise provided by this Act, each member of the Council is appointed for a term of up to 4 years and may be reappointed.
- (2) Despite anything in this Act, each member of the Council continues to hold office (unless the member earlier vacates the office) until a successor comes into office.

Section 8: replaced, on 29 October 2016, by section 48 of the Education Legislation Act 2016 (2016 No 72).

9 Chairperson, deputy chairperson, and treasurer

- (1) At the first meeting of the Council held after 1 October in each year the Council must appoint a chairperson, a deputy chairperson, and a treasurer.
- (2) Each person appointed as the chairperson, deputy chairperson, or treasurer, while the person continues to be a member of the Council, holds office until the appointment of a successor in accordance with this section, and may be reappointed.

Compare: 1945 No 26 s 7

Section 9 heading: amended, on 29 October 2016, by section 49(1) of the Education Legislation Act 2016 (2016 No 72).

Section 9(1): amended, on 29 October 2016, by section 49(2) of the Education Legislation Act 2016 (2016 No 72).

Section 9(2): amended, on 29 October 2016, by section 49(3) of the Education Legislation Act 2016 (2016 No 72).

10 Meetings of Council

- (1) Meetings of the Council shall be held at such times and places as the Council determines.
- (2) The chairperson of the Council or any 4 members of the Council may at any time call a special meeting of the Council.
- (3) At any meeting of the Council 4 members shall form a quorum.
- (4) *[Repealed]*
- (5) The chairperson must preside at all meetings of the Council at which he or she is present.
- (6) The deputy chairperson (if present) must preside at any meeting of the Council from which the chairperson is absent.
- (7) At any meeting from which both the chairperson and the deputy chairperson are absent, the members present must appoint one of their number to chair the meeting.
- (8) At any meeting of the Council, the chairperson has a deliberative vote and, in the case of an equality of votes, also has a casting vote.

Compare: 1945 No 26 s 8

Section 10(2): amended, on 29 October 2016, by section 50(1) of the Education Legislation Act 2016 (2016 No 72).

Section 10(4): repealed, on 29 October 2016, by section 50(2) of the Education Legislation Act 2016 (2016 No 72).

Section 10(5): replaced, on 29 October 2016, by section 50(3) of the Education Legislation Act 2016 (2016 No 72).

Section 10(6): replaced, on 29 October 2016, by section 50(3) of the Education Legislation Act 2016 (2016 No 72).

Section 10(7): replaced, on 29 October 2016, by section 50(3) of the Education Legislation Act 2016 (2016 No 72).

Section 10(8): inserted, on 29 October 2016, by section 50(3) of the Education Legislation Act 2016 (2016 No 72).

11 Passing of resolutions by Council without a meeting

- (1) Anything that may be done by resolution passed at a meeting of the Council may be done by the Council by means of a resolution signed in accordance with subsection (2) without a meeting or any prior notice being required; but any member of the Council, or the member's duly appointed deputy, entitled to sign that resolution may by notice in writing to the chairperson of the Council require that the matter be determined at a meeting of the Council, in which case a meeting of the Council to determine the matter shall be held as soon as a meeting can be called.
- (2) Every resolution made without a meeting of the Council shall be signed by all the members of the Council who are for the time being in New Zealand and are not incapacitated by disability from attending the meeting.

- (3) Every resolution of the Council made without a meeting of the Council shall be deemed to be passed as soon as it is delivered to the chairperson, or if it is constituted by several instruments as soon as all the instruments constituting it have been delivered to the chairperson, who shall note on the resolution or the last received instrument constituting the resolution the date of the passing of the resolution, and shall forthwith notify that date to each member of the Council.
- (4) Notwithstanding that for the purposes of making a resolution without a meeting of the Council the signatures of all the members of the Council mentioned in subsection (2) are required to the resolution, it shall be sufficient for the purposes of this section if those signatures are given on separate instruments having the same form and setting forth the same resolution, in which case, those instruments shall together constitute the resolution.

Section 11(1): amended, on 29 October 2016, by section 51(1) of the Education Legislation Act 2016 (2016 No 72).

Section 11(3): amended, on 29 October 2016, by section 51(2) of the Education Legislation Act 2016 (2016 No 72).

12 Powers of Council unaffected by informality, etc

The powers of the Council shall not be affected by any vacancy in the membership of the Council, nor in consequence of the subsequent discovery of any error or defect in the appointment of any member of the Council, or of the fact that any member of the Council is disqualified or has forfeited his membership.

12A Members of Council not personally liable

No member of the Council is personally liable for—

- (a) any act or omission by the Council; or
- (b) any loss to the Council arising out of any act or omission by the member if the act or omission was in good faith with the intention of performing the functions of the Council.

Section 12A: inserted, on 29 October 2016, by section 52 of the Education Legislation Act 2016 (2016 No 72).

Functions and powers of Council

13 Functions of Council

The functions of the Council shall be—

- (a) to foster the study of, and research into, educational and other like matters, and to prepare and publish such reports on these matters as may in its opinion be necessary or of value to teachers or other persons:
- (b) to furnish information, advice, and assistance to persons and organisations concerned with education and other similar matters.

Compare: 1945 No 26 s 9

14 Powers of Council

The Council shall have all such powers as may be reasonably necessary or expedient to enable it to carry out its functions. Without limiting the generality of those powers, the Council may—

- (a) expend funds for any of the purposes specified in section 13, and for any purpose that in the opinion of the Council is ancillary to any of those specified purposes, in such manner as, subject to the terms of any trust or endowment, the Council thinks fit:
- (b) make grants to any person or persons approved by the Council to assist the person or persons to make studies or investigations approved by the Council:
- (c) appoint honorary officers from among its own members:
- (d) appoint committees of its members and delegate to them such of its functions and powers as it may determine, except this power of delegation:
- (e) appoint committees of suitable persons who would be eligible for membership of the Council and delegate to those committees such of its functions under section 13 as it may determine:
- (f) with a view to furthering the functions of the Council, co-operate with any persons, associations, or organisations outside New Zealand having functions similar to the functions of the Council.

Compare: 1945 No 26 s 10

Section 14(b): amended, on 29 October 2016, by section 53 of the Education Legislation Act 2016 (2016 No 72).

15 Power to appoint employees

- (1) The Council may from time to time appoint, and may determine the appointment of, such employees, including acting, temporary, or casual employees, as it thinks necessary for the efficient exercise of its functions and powers under this Act, and may pay them remuneration and allowances at such rates as it may from time to time determine after consultation with the Public Service Commission.
- (1A) Notwithstanding anything in subsection (1), the remuneration payable to the chief executive officer of the Council shall be determined from time to time by the Public Service Commission.
- (2) For the purpose of providing superannuation or retiring allowances for its employees, the Council may, out of its own funds, make payments to subsidise or contribute to any retirement scheme (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013).

Compare: 1945 No 26 s 10(c)

Section 15 heading: amended, on 29 October 2016, by section 54(1) of the Education Legislation Act 2016 (2016 No 72).

Section 15(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 15(1): amended, on 29 October 2016, by section 54(2) of the Education Legislation Act 2016 (2016 No 72).

Section 15(1A): inserted, on 1 April 1988, by section 87 of the State Sector Act 1988 (1988 No 20).

Section 15(1A): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 15(2): replaced, on 1 April 1991, by section 80 of the National Provident Fund Restructuring Act 1990 (1990 No 126).

Section 15(2): amended, on 29 October 2016, by section 54(3) of the Education Legislation Act 2016 (2016 No 72).

Section 15(2): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

16 Power to insure members and employees

- (1) The Council may from time to time enter into contracts of insurance to insure members and employees of the Council and members of any committee appointed under paragraph (e) of section 14 against loss from personal accident arising out of and in the course of the exercise of their powers and duties as members of the Council or of a committee so appointed, or, in the case of employees, arising out of and in the course of their employment. The Council may pay the premium payable for those contracts of insurance.
- (2) The Council may pay the net proceeds received by it under any such contract of insurance to the person affected or, as the case may require, to the person's personal representative.

Section 16 heading: amended, on 29 October 2016, by section 55(1) of the Education Legislation Act 2016 (2016 No 72).

Section 16(1): amended, on 29 October 2016, by section 55(2) of the Education Legislation Act 2016 (2016 No 72).

Section 16(1): amended, on 29 October 2016, by section 55(3) of the Education Legislation Act 2016 (2016 No 72).

Section 16(2): amended, on 29 October 2016, by section 55(4) of the Education Legislation Act 2016 (2016 No 72).

17 Power to acquire land

With the approval of the Minister, the Council may, out of its funds, purchase, take on lease or licence, or otherwise acquire such land as in the opinion of the Council is necessary for the performance of its functions.

18 Power to sell or exchange land

- (1) Subject to subsections (2) and (3), the Council may with the approval of the Minister sell or exchange any land vested in the Council, and in receiving any land by way of exchange may pay or receive any money by way of equality of exchange.

- (2) Nothing in this section shall authorise the sale or exchange of any land granted by the Crown or under any Act as an endowment to the Council.
- (3) The powers of selling or exchanging land which are conferred on the Council by this section in so far as they extend to land held in trust for any special purpose do so notwithstanding the terms of the trust; but the proceeds of any such sale, and the land or money obtained by any such exchange, shall be subject to the same or similar trusts, so far as may be, as the land so disposed of.

19 Power to grant leases

The Council may grant leases of any land vested in the Council for such period or periods at such rent and generally on such terms and conditions as the Council considers advisable or expedient; but no lease shall be granted for a period, or periods in the aggregate, exceeding 10 years unless the consent in writing of the Minister has been previously given.

20 Power to acquire plant, etc

The Council may, out of its funds, purchase, take on lease, hire, or otherwise acquire such plant, machinery, and equipment as in the opinion of the Council are necessary for the performance of its functions.

20A Delegation of powers

- (1) The Council may delegate to its chief executive officer all or any of its powers except the powers described in any of—
 - (a) paragraphs (c), (d), and (e) of section 14:
 - (b) sections 17, 18, 24, and 25.
- (2) Every delegation must be in writing.
- (3) The chief executive officer may further delegate any power of the Council to a person appointed under section 15 if—
 - (a) the chief executive officer is authorised in writing to delegate the power; and
 - (b) the delegation is in accordance with any conditions contained in the authorisation.
- (4) A power that has been delegated under subsection (3) may not be further delegated.
- (5) Every delegation continues in force until it is revoked by the Council or chief executive officer (as appropriate).
- (6) The delegation of a power does not prevent the Council from exercising that power, nor does it affect the responsibility of the Council for the actions of any person acting under the delegation.

Section 20A: inserted, on 27 September 2001, by section 4 of the New Zealand Council for Educational Research Amendment Act 2001 (2001 No 74).

*Electoral college**[Repealed]*

Heading: repealed, on 29 October 2016, by section 56 of the Education Legislation Act 2016 (2016 No 72).

21 Electoral college*[Repealed]*

Section 21: repealed, on 29 October 2016, by section 56 of the Education Legislation Act 2016 (2016 No 72).

*Financial provisions***22 Grants to Council**

For the purpose of providing funds for the exercise of the functions of the Council,—

- (a) the Minister of Finance shall in each financial year pay to the Council, out of money appropriated by Parliament for the purpose, such sum as the Minister of Finance may approve:
- (b) any education board, and the governing body of any secondary school, technical institute, or teachers college, may in any financial year, with the prior approval of the Minister, make a grant to the Council out of its general funds of such amount as it thinks fit:
- (c) any university, local authority, or public body may from time to time make grants out of its general funds to the Council of such amounts as it thinks fit.

Compare: 1945 No 26 ss 14, 15

23 Funds and property of Council

The funds and property of the Council shall consist of—

- (a) all money paid to the Council out of money appropriated by Parliament for the purpose:
- (b) all money paid to the Council by way of grants, subsidies, donations, gifts, fees, subscriptions, royalties, rent, and interest:
- (c) all money derived from the sale of any property held by or on behalf of the Council:
- (d) all other money and property lawfully received by the Council:
- (e) all accumulations of income derived from any such property or money.

24 Investment of money

Subject to the terms of any trust or endowment, any money belonging to the Council and available for investment may be invested in any manner in which trustees are for the time being authorised to invest trust funds.

Compare: 1945 No 26 s 18

25 Borrowing powers

With the prior consent in writing of the Minister of Finance, the Council may borrow money from the Crown, from any local authority or public body, or from any person; and, for the purpose of securing that money, may mortgage, charge, or pledge any right, title, estate, or interest in any of its property.

Compare: 1945 No 26 s 17

26 Bank account

The Council must, as soon as practicable after it receives money belonging to the Council, pay the money into the account of the Council at a bank appointed by the Council.

Section 26: replaced, on 29 October 2016, by section 57 of the Education Legislation Act 2016 (2016 No 72).

27 Council may establish imprest accounts

- (1) For the purposes of paying salaries, wages, and such other expenditure as the Auditor-General may approve, the Council may, if it so resolves, establish and maintain any imprest account at a bank.
- (2) Each imprest account shall be held jointly in the names of, and be operated by, 2 responsible persons to be appointed in that behalf by the Council, or, with the express approval in writing of the Auditor-General, shall be in the sole name of, and be operated by, the treasurer or other approved officer of the Council. At each ordinary meeting of the Council a statement of all payments from each imprest account that have not been approved by the Council at any previous meeting shall be submitted to the Council for its approval by that person or those persons in whose name or names the account stands.
- (3) The Council shall from time to time by resolution fix the maximum amount not exceeding such amount as the Auditor-General may from time to time approve, to be held at any time in each imprest account.
- (4) The payment of money out of any imprest account for any purpose not authorised under this section shall be deemed to be a misappropriation of the funds of the Council.

Section 27(1): amended, on 27 September 2001, by section 6 of the New Zealand Council for Educational Research Amendment Act 2001 (2001 No 74).

Section 27(1): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 27(2): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 27(3): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

28 Accounting records must be kept

- (1) The Council must ensure that there are kept at all times accounting records that—
 - (a) correctly record the transactions of the Council; and
 - (b) will enable the Council to ensure that the financial statements of the Council comply with this Act; and
 - (c) will enable the financial statements of the Council to be readily and properly audited.
- (2) *[Repealed]*
- (3) *[Repealed]*

Section 28: replaced, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 28(2): repealed, on 29 October 2016, by section 58 of the Education Legislation Act 2016 (2016 No 72).

Section 28(3): repealed, on 29 October 2016, by section 58 of the Education Legislation Act 2016 (2016 No 72).

28A Financial statements must be prepared

The Council must ensure that, within 5 months after the end of the financial year, financial statements that comply with generally accepted accounting practice are—

- (a) completed in relation to the Council and that financial year; and
- (b) dated and signed on behalf of the Council by 2 members of the Council.

Section 28A: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

28B Financial statements must be audited

- (1) The Council must ensure that the financial statements of the Council are audited.
- (2) The Council is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Section 28B: inserted, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

29 Exemption from land and income tax

- (1) All land owned by the Council shall be exempt from land tax.
- (2) The Council is hereby declared to be exempt from the payment of income tax.

30 Remuneration of members of Council

- (1) Every Council member and member of a committee appointed under section 14(e) is entitled to receive from the Council remuneration for services as a member at a rate and of a kind determined by the Minister in accordance with the fees framework.
- (2) A person holding any of the following offices is not entitled to any remuneration for services as a member of the Council or a member of a committee:
 - (a) a Judge:
 - (b) a member of Parliament:
 - (c) an employee of the State services who is acting in the employee's official capacity.

Section 30: replaced, on 29 October 2016, by section 59 of the Education Legislation Act 2016 (2016 No 72).

30A Expenses of Council members and committee members

In addition to any remuneration received under section 30, every Council member and member of a committee is entitled, in accordance with the fees framework, to be reimbursed by the Council for actual and reasonable travelling and other expenses incurred in carrying out his or her service as a member.

Section 30A: inserted, on 29 October 2016, by section 59 of the Education Legislation Act 2016 (2016 No 72).

31 Unauthorised expenditure

The Council may in any financial year out of its income available for general purposes expend for purposes not authorised by this or any other Act for the time being in force any sum or sums not amounting in the aggregate to more than \$500 or such other amount as may be prescribed by regulations made under this Act.

Compare: 1945 No 26 s 11

Section 31: amended, on 9 December 1976, by section 2 of the New Zealand Council for Educational Research Amendment Act 1976 (1976 No 108).

Miscellaneous provisions

32 Annual report

- (1) The Council shall, as soon as practicable after the end of each financial year, provide the Minister with a report of its proceedings and operations for the preceding financial year.
- (2) The annual report must contain the financial statements of the Council for the financial year and the audit report on those statements.
- (3) A copy of the annual report shall, after its receipt by the Minister, be laid before Parliament as soon as practicable.

Compare: 1945 No 26 s 20

Section 32(2): replaced, on 1 April 2014, by section 125 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

33 Rules

- (1) The Council must, as soon as practicable, by resolution, make rules prescribing the method of election of members of the Council.
- (1A) Rules made under subsection (1) must require the notification of elections.
- (1B) The Council may from time to time, by resolution, make rules that are reasonably necessary to enable the Council to perform its functions.
- (2) Subject to section 11, notice of every resolution proposed to be submitted to any meeting for the making, amendment, or revocation of any rule shall be given to every member of the Council not less than 14 clear days before the day fixed for the meeting.
- (3) Rules under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1945 No 26 s 23

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	It is not required to be published	LA19 s 73(2)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 33(1): replaced, on 29 October 2016, by section 60(1) of the Education Legislation Act 2016 (2016 No 72).

Section 33(1A): inserted, on 29 October 2016, by section 60(1) of the Education Legislation Act 2016 (2016 No 72).

Section 33(1B): inserted, on 29 October 2016, by section 60(1) of the Education Legislation Act 2016 (2016 No 72).

Section 33(3): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

34 Consequential amendments, savings, and repeals

- (1) *Amendment(s) incorporated in the principal Act(s).*
- (2) *Amendment(s) incorporated in the principal Act(s).*
- (3) *[Repealed]*
- (4) *[Repealed]*
- (5) *[Repealed]*
- (6) The New Zealand Council for Educational Research Act 1945 is hereby repealed.

Section 34(3): repealed, on 24 May 1999, by section 15(1) of the Estate Duty Repeal Act 1999 (1999 No 64).

Section 34(4): repealed, on 20 May 1999 (applying to instruments executed after 20 May 1999 and instruments executed between 20 May 1991 and 20 May 1999 (both dates inclusive) if the transac-

tions to which the instruments relate are not completed or, in the case of leases are not carried into effect, on or before 20 May 1999), by section 7 of the Stamp Duty Abolition Act 1999 (1999 No 61).

Section 34(5): repealed, on 20 May 1999 (applying to instruments executed after 20 May 1999 and instruments executed between 20 May 1991 and 20 May 1999 (both dates inclusive) if the transactions to which the instruments relate are not completed or, in the case of leases are not carried into effect, on or before 20 May 1999), by section 7 of the Stamp Duty Abolition Act 1999 (1999 No 61).

Notes

1 *General*

This is a consolidation of the New Zealand Council for Educational Research Act 1972 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Education Legislation Act 2016 (2016 No 72): Part 2 subpart 1

Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102): section 125

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64): section 12

New Zealand Council for Educational Research Amendment Act 2001 (2001 No 74)

Public Audit Act 2001 (2001 No 10): sections 52, 53

Estate Duty Repeal Act 1999 (1999 No 64): section 15(1)

Stamp Duty Abolition Act 1999 (1999 No 61): section 7

National Provident Fund Restructuring Act 1990 (1990 No 126): section 80

State Sector Act 1988 (1988 No 20): section 87

New Zealand Council for Educational Research Amendment Act 1976 (1976 No 108)