



## ANALYSIS

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1963, No. 16

**An Act to make better provision for the advancement of adult education in New Zealand** [2 October 1963]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Adult Education Act 1963.

(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-four.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Council” means the National Council of Adult Education constituted under this Act:

“Financial year” means a period of twelve months ending with the thirty-first day of March in any year:

“Minister” means the Minister of Education.

Cf. 1947, No. 43, s. 2

### *National Council of Adult Education*

**3. Constitution of National Council of Adult Education**—

(1) There shall be a body, which shall be called the National Council of Adult Education, and which shall consist of the members who are appointed thereto in accordance with this Act and are for the time being in office.

(2) The National Council of Adult Education shall be a body corporate with perpetual succession and a common seal, and may hold real and personal property, and sue and be sued, and do and suffer all that bodies corporate may do and suffer.

(3) The National Council of Adult Education established under this Act is hereby declared to be the same body as the National Council of Adult Education existing immediately before the commencement of this Act under the Adult Education Act 1947.

Cf. 1947, No. 43, s. 3

**4. Membership of National Council**—(1) The National Council of Adult Education shall consist of:

(a) Two members, of whom at least one shall have had administrative or teaching experience in the field of adult education, to be appointed by the Minister:

(b) Two members to be appointed by the University Grants Committee, of which members one shall be appointed from a panel to which names may be submitted by the Council of any University that wishes to submit names, and one shall be appointed from a panel to which names may be submitted by any voluntary body that is actively engaged in adult education and wishes to submit names:

(c) The Chairman of the University Grants Committee, or his nominee:

(d) The Director of Education, or his nominee.

(2) In addition to the members specified in subsection (1) of this section, the Council may, from time to time, if and when it thinks fit, appoint, for such period not exceeding three years as it may specify in each case when making the appointment, one other person to be a member of the said Council:

Provided that upon any person completing two consecutive terms as a member of the Council appointed under this subsection, he shall cease to be eligible for reappointment under this subsection until after the lapse of one year during which he did not hold office as a member of the Council appointed under this subsection; but, except as provided in this subsection and in section 8 of this Act, he shall be eligible for reappointment under this subsection.

(3) Any Council or body which wishes to submit any name or names for inclusion in any panel from which the University Grants Committee is to make any appointment pursuant to paragraph (b) of subsection (1) of this section shall,—

(a) In the case of the first appointment to be so made, submit the name or names to the University Grants Committee not later than the fifteenth day of January, nineteen hundred and sixty-four:

(b) In the case of any subsequent appointment to be so made, submit the name or names to the University Grants Committee not later than the fifteenth day of November in the year in which the appointment is to be made where the vacancy is an ordinary vacancy, or not later than six weeks after the date on which the vacancy occurs where the vacancy is a casual vacancy.

(4) The fact that any person nominated by the Chairman of the University Grants Committee or the Director of Education attends any meeting of the Council shall be sufficient evidence of his authority to do so.

Cf. 1947, No. 43, s. 4

**5. Transitional provisions—**(1) With the exception of the Chairman of the University Grants Committee and the Director of Education, every member of the Council who was in office immediately before the commencement of this Act shall go out of office upon the commencement of this Act, and shall not be replaced.

(2) Of the first two members to be appointed to the Council by the Minister, one shall be appointed for a term expiring with the thirty-first day of December, nineteen hundred and

sixty-five, and the other shall be appointed for a term expiring with the thirty-first day of December, nineteen hundred and sixty-six.

(3) Of the first two members to be appointed to the Council by the University Grants Committee, one shall be appointed for a term expiring with the thirty-first day of December, nineteen hundred and sixty-four, and one shall be appointed for a term expiring with the thirty-first day of December, nineteen hundred and sixty-five.

(4) Each of the first two members to be appointed to the Council by the Minister, and each of the first two members to be appointed to the Council by the University Grants Committee, shall come into office on the date of his appointment or on the commencement of this Act, whichever is the later.

**6. Term of office**—(1) Except as otherwise provided in this Act, the appointed members of the Council shall hold office for a term of three years, but (except as provided in subsection (2) of section 4 and in section 8 of this Act) may from time to time be reappointed.

(2) Notwithstanding anything to the contrary in this Act except section 5, every appointed member of the Council, other than a member appointed under subsection (2) of section 4 of this Act, unless he vacates his office under section 9 of this Act, shall continue to hold office until his successor comes into office.

(3) The appointment of a member of the Council to replace a member due to retire in any year shall be made not later than the fifteenth day of December in that year.

(4) Except in the case of appointments to fill casual vacancies, and appointments under subsection (2) of section 4 or section 5 of this Act, members appointed shall come into office on the first day of January next following the date specified in this section for their appointment.

(5) If at the time prescribed by this Act for the appointment of any member or members, no member or members or insufficient members are appointed, the Council may itself appoint a suitable person in the place, and for the term or the remainder of the term, of the member who should have been appointed.

Cf. 1947, No. 43, s. 5

**7. Employees as Council members**—No person in the employment of the Council shall be eligible for office as a member of the Council:

Provided that no person shall be ineligible as aforesaid if the amount paid to him in any financial year in respect of that employment does not exceed four hundred pounds.

**8. Disqualification of members of Council**—The following persons shall be incapable of being appointed to be members of the Council:

- (a) A mentally defective person within the meaning of the Mental Health Act 1911;
- (b) A bankrupt who has not obtained his order of discharge or whose order of discharge has been 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 he has received a free pardon or has served his sentence or otherwise suffered the penalty imposed on him.

**9. Casual vacancies in Council**—(1) If any appointed member of the Council—

- (a) Dies; or
- (b) Resigns his office by writing under his hand delivered to the Secretary; or
- (c) Is absent without leave from three consecutive meetings of the Council; or
- (d) Becomes ineligible for election or appointment to the Council under the provision of this Act under which he was elected or appointed; or
- (e) Becomes a mentally defective person within the meaning of the Mental Health Act 1911; or
- (f) Is adjudged a bankrupt; or
- (g) Is convicted of any offence punishable by imprisonment,—

he shall thereupon cease to be a member, and the vacancy thereby created shall be deemed to be a casual vacancy.

(2) If any appointed member of the Council becomes the Chairman of the University Grants Committee or the Director of Education, a casual vacancy shall arise in respect of the office previously held by him.

(3) Every casual vacancy in the office of an appointed member of the Council (other than a member appointed by the Council under subsection (2) of section 4 of this Act) shall, as soon as practicable, be filled by the appointment of a member in the same manner as in the case of the vacating

member, and the member appointed to fill any casual vacancy shall hold office for only the residue of the term of the vacating member.

Cf. 1947, No. 43, s. 6

**10. Proceedings of Council not affected by vacancies, etc.—**No act or proceeding of the Council, or of any committee thereof, or of any person acting as a member of the Council, shall be invalidated in consequence of there being a vacancy in the number of the Council at the time of that act or proceeding, or of the subsequent discovery that there was some defect in the appointment of any person so acting, or that he was incapable of being or had ceased to be such a member.

**11. Appointment of Chairman—**(1) The Council shall from time to time appoint one of its members to be the Chairman of the Council.

(2) The person so appointed shall hold that office for such period not exceeding three years as the Council shall determine; but, unless the Chairman resigns from that office or vacates his office as a member of the Council under subsection (1) of section 9 of this Act, he shall continue to hold the office until his successor is appointed and shall be eligible for reappointment:

Provided that, upon any person completing two successive terms each of approximately three years as Chairman, he shall cease to be eligible for reappointment as Chairman until after the lapse of a period of three years during which he did not hold that office.

Cf. 1947, No. 43, s. 7

**12. Appointment of Deputy Chairman—**(1) The Council shall from time to time appoint one of its members to be the Deputy Chairman of the Council.

(2) The person so appointed shall hold that office for such period not exceeding three years as the Council shall determine, but, unless the Deputy Chairman resigns from that office or vacates his office as a member of the Council under subsection (1) of section 9 of this Act, he shall continue to hold the office until his successor is appointed, and shall be eligible for reappointment.

Cf. 1947, No. 43, s. 7

**13. Meetings of Council—**(1) Meetings of the Council shall be held at least once each year and at such times and places as the Chairman or the Council determines.

(2) At any meeting of the Council a quorum shall consist of three members of the Council, and no business shall be transacted unless a quorum is present.

(3) The Chairman shall preside at every meeting of the Council at which he is present. If at any meeting of the Council the Chairman is not present or there is no Chairman, the Deputy Chairman shall preside at the meeting; and if the Deputy Chairman also is not present or there is no Deputy Chairman, the Council shall appoint some member present to preside at that meeting. The Deputy Chairman or person so appointed shall have and may exercise in any such case all the powers and functions of the Chairman for the purposes of the meeting.

(4) At any meeting of the Council the person presiding at the meeting shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(5) Every question before the Council shall be decided by a majority of the valid votes recorded thereon.

(6) A resolution in writing signed by all the members of the Council for the time being present in New Zealand and not incapacitated by disability from attending a meeting shall be as valid and effectual as if it had been passed at a duly constituted meeting of the Council:

Provided that the Chairman shall report to the Council every resolution so signed since the previous meeting of the Council, and lay before the Council a copy of every such resolution.

(7) Save as expressly provided in this Act, the Council may regulate the procedure of its meetings.

Cf. 1947, No. 43, s. 8

**14. Special meetings—**(1) The Chairman of the Council shall call a special meeting of the Council on the requisition in writing of any three members.

(2) Notice of any such meeting shall be posted to each member at his usual address at least seven days before the date of the meeting.

#### *Functions and Powers of Council*

**15. Functions and powers—**(1) The functions and powers of the Council shall be:

- (a) To furnish information and advice to the University Grants Committee and the Director of Education on any matter relating to adult education, and in particular in regard to any matter which may be the subject of representation or recommendation through the Minister to the Government of New Zealand by the University Grants Committee or the Director of Education:
  - (b) To conduct such surveys and experiments in adult education as it may consider necessary or desirable:
  - (c) To advise and assist wherever possible and whenever desirable any bodies or organisations which are engaged in adult education activities, including any such bodies or organisations which are financed partly or wholly from public funds:
  - (d) To initiate from time to time experimental, exploratory, and pioneering activities relating to adult education; and to help to fill temporary gaps in existing activities:
  - (e) To call conferences and to cooperate with and foster cooperation between Universities and other bodies and organisations engaged in adult education:
  - (f) To collect, examine, and disseminate information relating to adult education:
  - (g) Generally to take an overall cognisance of the development of adult education; and, subject to the provisions of this Act or any other Act, to do whatever it considers necessary or desirable in order to stimulate activity in adult education so that it may best accomplish the purposes for which it exists.
- (2) In order to assist the Council to collect, examine, and disseminate information relating to adult education, any body or organisation which engages in adult education activities and which is financed partly or wholly from public funds shall supply the Council with all such information as the Council requests.

Cf. 1947, No. 43, s. 10

**16. Power to appoint committees**—(1) The Council may from time to time appoint standing or special committees, and may refer to any such committee any matters for consideration or inquiry or management.

(2) The Council may from time to time delegate any of its powers and functions (including any powers and functions



which it has by delegation from any other body or person, but not including this power of delegation) to any such committee or to any person; and the committee to which or the person to whom any such delegation is made, as the case may be, may, without confirmation by the Council, exercise or perform the delegated powers or functions in like manner and with the same effect as the Council could itself have exercised or performed them.

(3) It shall not be necessary that any person appointed to be a member of any such committee or to whom any delegation is made shall be a member of the Council.

(4) Every such delegation shall be revocable at will and no such delegation shall prevent the exercise of any power or function by the maker of the delegation.

(5) Unless and until any such delegation is revoked, it shall continue in force according to its tenor.

**17. Power to make rules**—Subject to the provisions of this Act and any other Act, the Council may from time to time make such rules as may be necessary or expedient for the administration of the affairs of the Council.

Cf. 1947, No. 43, s. 21

**18. Seal of the Council**—The seal of the Council shall not be affixed to any document except pursuant to a resolution of the Council, or by the authority of a committee of the Council acting in accordance with an authority for that purpose conferred upon it by the Council.

**19. Officers and staff**—(1) The Council shall have power to appoint and remove such officers and servants as may be necessary for the purposes of this Act.

(2) The Council may pay to its officers and servants such salaries and allowances as it thinks fit.

(3) Service as an officer or servant of the Council shall be deemed to be Education service within the meaning of the Superannuation Act 1956.

Cf. 1947, No. 43, ss. 10 (c), 19

#### *Financial Provisions*

**20. Investment of money**—Subject to the terms of any trust or endowment, any money belonging to or vested in the Council and available for investment may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds.

Cf. 1947, No. 43, s. 16

**21. Application of income and capital**—(1) Subject to the provisions of this Act and any other Act and to the terms of any trust or endowment, the income and capital of the Council shall be applied in doing whatever the Council thinks expedient in order that the Council may best accomplish the purposes for which it is established.

(2) Without limiting the generality of subsection (1) of this section it is hereby declared that the Council may from time to time, out of income which may be applied in accordance with subsection (1) of this section, create, maintain, and add to a fund or funds for any one or more of the purposes for which that income may be applied.

**22. Money to be paid into bank**—(1) All money received by the Council shall, as soon as practicable after it has come into the hands of the proper officer of the Council, be paid into such bank account or accounts of the Council as the Council from time to time determines.

(2) No money shall be withdrawn from any such bank account except by authority of the Council and by cheque signed by an officer of the Council approved by it, and countersigned by a member of the Council, or by another officer of the Council, approved by it.

Cf. 1947, No. 43, s. 15

**23. Accounts**—(1) The Council shall keep full and correct accounts of all money received and expended by it.

(2) The accounts shall be audited by the Audit Office, which for that purpose shall have all powers that it has under the Public Revenues Act 1953 in respect of public money and the audit of local authorities' accounts.

(3) The Council shall, as soon as is practicable after the end of every financial year, cause its accounts for that year to be balanced, and prepare a statement of the assets and liabilities of the Council as at the end of that financial year, together with an account of income and expenditure showing the financial transactions for that year.

Cf. 1947, No. 43, s. 17

**24. Travelling allowances and insurance**—(1) There may be paid to the members of the Council travelling allowances and expenses in accordance with the Fees and Travelling

Allowances Act 1951, and the provisions of that Act shall apply accordingly.

(2) For the purposes of subsection (1) of this section, the Council is hereby declared to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.

(3) The Council may from time to time enter into contracts of insurance of a type for the time being approved by the Minister insuring members of the Council against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Council, and may pay the premiums payable in respect of those contracts.

Cf. 1947, No. 43, s. 20

**25. Unauthorised expenditure**—The Council may in any year expend for purposes not authorised by any law for the time being in force any sum or sums not exceeding in the aggregate one hundred pounds.

Cf. 1947, No. 43, s. 11

**26. Payments to the Council**—There may from time to time be paid to the Council, out of money appropriated by Parliament for the purpose, such sums as the Minister of Finance from time to time approves.

**27. Local authorities, etc., may contribute to funds of Council**—For the purpose of providing funds for the exercise of the functions of the Council, any 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.

Cf. 1947, No. 43, s. 14

**28. Annual report**—(1) The Council shall, not later than the thirtieth day of June in every year, furnish to the Minister a report of its proceedings and operations for the preceding financial year.

(2) A copy of every such report shall be laid before Parliament within twenty-eight days after the date on which it is furnished to the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

Cf. 1947, No. 43, s. 18

*Miscellaneous Provisions*

**29. Contracts of Council**—Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in its appropriate alphabetical order the following item:

“The National Council | 1963, No. 16—The Adult  
of Adult Education | Education Act 1963.”

**30. Repeals**—The enactments specified in the Schedule to this Act are hereby repealed.

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**SCHEDULE**

Section 30

**ENACTMENTS REPEALED**

1947, No. 43 .....	.....	The Adult Education Act 1947. (1957 Reprint, Vol. 1, p. 103.)
1951, No. 79 .....	.....	The Fees and Travelling Allowances Act 1951: So much of the First Schedule as relates to the National Council of Adult Education, and so much of the Second Schedule as relates to the Adult Education Act 1947. (1957 Reprint, Vol. 4, p. 853.)
1954, No. 49 .....	.....	The Local Authorities (Members' Contracts) Act 1954: So much of Part II of the First Schedule as relates to the National Council of Adult Education. (1957 Reprint, Vol. 8, p. 534.)
1961, No. 54 ..	.....	The Universities Act 1961: So much of the First Schedule as relates to the Adult Education Act 1947.

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This Act is administered in the Department of Education.

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