



## ANALYSIS

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1961, No. 56

**An Act to amend the Education Act 1914**

[8 November 1961

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**—This Act may be cited as the Education Amendment Act 1961, and shall be read together with and deemed part of the Education Act 1914 (hereinafter referred to as the principal Act).

**2. Signing of cheques by Education Boards**—Section 35 of the principal Act is hereby amended by adding the following proviso:

“Provided that it shall be lawful, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit Office prescribes, for any money to be paid by the Board by cheque issued by means of a cheque-writing machine, and every such cheque issued by means of such a machine and bearing a facsimile of the signatures of the persons authorised pursuant to the provisions of this section to

sign and countersign cheques shall be deemed to have been duly signed and countersigned in accordance with the provisions of this section."

**3. Suspension and expulsion of pupils—**(1) The principal Act is hereby amended by repealing section 58, and substituting the following section:

"58. (1) It shall be lawful for the Head Teacher or Principal of any public school, Maori school, secondary school, technical school, or combined school to suspend from attendance any child who, from gross misconduct or incorrigible disobedience, may be considered an injurious or dangerous example to other pupils, or whose attendance at school is likely for any serious cause to have a detrimental effect upon that child or upon the other pupils:

"Provided that no such suspension of a pupil under fifteen years of age shall be for a period exceeding one week, except where extended as hereafter provided in this section.

"(2) Where any pupil under the age of fifteen years is suspended from attendance under subsection (1) of this section, the following provisions shall apply:

"(a) The Head Teacher or Principal shall immediately notify the parents or guardian of the pupil and the School Committee or Committee of Management (if any) of the school of the suspension and the reasons therefor, and shall forward forthwith to the Board or governing body of the school a full report of the suspension:

"(b) The Board or governing body on receiving the report may, after such inquiry as it considers necessary, either reinstate the pupil, or extend the term of suspension for such period as it deems fit:

"(c) The Board or governing body may depute any one or more of its members to receive reports of suspensions on its behalf; and any member or members so deputed may reinstate a pupil or extend the term of a suspension as if the member or members were the Board or governing body itself, but any action so taken shall be subject to confirmation by resolution of the Board or governing body at its next meeting:

"(d) In any case where the Board or governing body (or any member or members thereof deputed to act on its behalf) extends the term of suspension of a pupil for any reason, other than to allow time to

complete inquiries in the matter, it shall immediately notify the appropriate Senior Inspector of the suspension and the reasons for its extension:

- “(e) Where the suspended pupil is enrolled at a Maori school, the Senior Inspector to be notified in accordance with paragraph (d) of this subsection shall be the Senior Inspector of Maori Schools, and where the suspended pupil is enrolled at a secondary school or technical school or combined school or in the secondary department of a district high school, the Senior Inspector to be so notified shall be the Senior Inspector of Post-primary Schools for the area if he can be reached without delay, but in every other case he shall be the Senior Inspector of Primary Schools for the district:
- “(f) The Senior Inspector shall first endeavour to have the suspended pupil re-established in some suitable school, which school may, subject to the agreement of the Board or governing body, be the school from which the pupil was suspended, or it may be some other school providing education of the same kind which the pupil can conveniently attend, or a Correspondence School established under this Act:
- “(g) The Senior Inspector, in any case where he is unable to make suitable arrangements in accordance with paragraph (f) of this subsection for the education of a suspended pupil who has attained the age of fourteen years and has completed the work of form two, shall recommend to the Director of Education that the pupil be granted a certificate of exemption from the obligation to be enrolled as a pupil of any school:
- “(h) The Director, on receiving any such recommendation from the Senior Inspector of Schools, shall, if he considers that the circumstances so warrant, grant to the pupil a certificate of exemption from the obligation to be enrolled as a pupil of any school:
- “(i) The name of every suspended pupil shall remain on the register of the school from which he is suspended until he has been placed at some other school, or has been enrolled with a Correspondence School established under this Act, or has been granted by the Director exemption from the obligation to be enrolled as a pupil of any school.

“(3) Where any pupil fifteen years of age or over is suspended from attendance under subsection (1) of this section, the following provisions shall apply:

“(a) The Head Teacher or Principal shall immediately notify the parents or guardian of the pupil and the School Committee or Committee of Management (if any) of the school of the suspension and the reasons therefor, and shall forward forthwith to the Board or governing body of the school a full report of the suspension:

“(b) The Board or governing body on receiving the report shall thereupon investigate the matter; and, after such consultation with Senior Inspectors and Child Welfare Officers as it considers necessary in any case, may direct that the pupil be reinstated, or it may expel the child.

“(4) The Head Teacher or Principal of any public school, Maori school, secondary school, technical school, or combined school may suspend from attendance any child for want of cleanliness, or any child who may be likely to communicate any contagious disease; and in any such case the following provision shall apply:

“(a) The Head Teacher or Principal shall forthwith report to the parents or guardian of the pupil and to the School Committee or Committee of Management (if any) of the school and to the Board or governing body of the school the action taken by him and the reasons therefor:

“(b) The Board or governing body shall thereupon investigate the matter and may direct the child to be reinstated or forbid his attendance until the cause of complaint has been remedied or no longer exists:

“(c) Where a child has been forbidden to attend school for want of cleanliness, it shall be a defence in any proceedings under section 62 of this Act only if the parent satisfies the Court that the child was not absent from school for a longer period than was necessary in order to remove the cause for which he was so forbidden to attend school.”

(2) Section 4 of the Education Amendment Act 1926 is hereby consequentially repealed.

**4. Control of technical school**—(1) Section 12 of the Education Amendment Act 1924, as amended by section 12 of the Education Amendment Act 1952, is hereby further amended by inserting, after subsection (2), the following subsection:

“(2A) Notwithstanding anything in subsection (2) of this section, at any time before the expiry of three years from the date on which any technical school is established, the Minister may, on the joint application of the controlling authority of the school and of the special committee or any other committee of the school to which powers have been delegated by the controlling authority, by written notice to the controlling authority of the school, give any direction that he could have given under subsection (2) of this section.”

(2) The said section 12 of the Education Amendment Act 1924 is hereby further amended by adding the following subsections:

“(6) Notwithstanding anything in the principal Act, in any case where technical classes or courses of a special or advanced character are being provided in a technical school, being a school of which the sole control has been vested in a Board of Managers, to such an extent that the Minister deems it desirable to recognise those classes and courses as a separate technical school, the Minister may, on the application of the Board of Managers, by notice in the *Gazette*, direct that from a date to be specified in the notice the sole control of those classes and courses as a separate technical school shall be vested in a separate Board of Managers, as for a technical school, which Board shall be constituted in accordance with section 113 of the principal Act, as that section is substituted by section 31 of the Education Amendment Act 1920 and is for the time being amended or affected by any other enactment.

“(7) As from the date specified in any such notice published in the *Gazette*, the Board of Managers so constituted shall be deemed to be the controlling authority of the classes and courses recognised by the Minister as a separate technical school, and the provisions of the principal Act relating to controlling authorities shall, as far as they are applicable and with the necessary modifications, apply to that Board of Managers.”

**5. Membership of post-primary school Boards—**(1) Notwithstanding anything in the principal Act or in any other Act or in subsections (3) to (5) of this section, where immediately before the commencement of this Act it was provided by the principal Act or any other Act or any regulations or Order in Council that a Post-primary Schools Council or the Board of Governors of a secondary school or a combined school or a Board of Managers of a technical

school was to include a member or members to be appointed by the Governor-General, every member so appointed who was then in office shall, unless he sooner dies or otherwise vacates his office, continue in office until the expiry of the term for which he was appointed or, if that member was appointed by the Governor-General to hold office during his pleasure, until the thirty-first day of July, nineteen hundred and sixty-two.

(2) Subject as aforesaid, and except as otherwise provided in subsections (3) to (5) of this section, every such provision relating to any such Board shall be read as if the reference to the appointment of a member or members by the Governor-General were a reference to the election of a member or members by the parents of the pupils in addition to such other members to be elected by the parents of the pupils in accordance with the Act, regulations, or Order in Council constituting the Board:

Provided that, where the constitution of a Board of Governors in control of three or more schools provides for the parents of the pupils of each of the schools to elect one or more members of the Board, or where a Board has been constituted for the control of a secondary school and no secondary school has yet been placed under its control, the reference to the appointment of a member or members by the Governor-General shall be read as if it were a reference to the appointment of a member or members by the Board itself.

(3) Section 90 of the principal Act is hereby amended by omitting from subsection (1) the words "Three members shall be elected by the parents of the pupils; Two members shall be appointed by the Governor-General", and substituting the words "Five members shall be elected by the parents of the pupils".

(4) Section 18 of the Education Amendment Act 1948 is hereby amended by inserting in subsection (1), after the words "three or more schools", the words "being secondary schools, technical schools, or combined schools".

(5) Section 7 of the Education Amendment Act 1953 is hereby amended by omitting from paragraph (a) of subsection (4) the words "the Governor-General", and substituting the words "that Council".

**6. Filling of casual vacancies for parents' representatives on certain Boards—**(1) Notwithstanding anything in this Act or any other Act, but subject to the provisions of this section, any Board controlling a secondary school, a technical school,

or a combined school may, on the occurrence of a casual or extraordinary vacancy for a parent's representative on the Board, by resolution determine—

- (a) That the vacancy shall be filled by holding an election in the prescribed manner; or
  - (b) That the vacancy shall be filled by appointment by the Board of a person qualified to be so elected.
- (2) In any case where a Board determines to fill a vacancy by appointment as aforesaid, it shall, within fourteen days after making that determination, cause notice of that vacancy and determination to be published as an advertisement in a newspaper circulating in the locality of the Board's school or schools, and shall not fill that vacancy by appointment until after one month from the date of the publication of the advertisement, or if within that month more than ten per cent of the parents of pupils entitled to vote in an election to fill the vacancy have requested that a poll of electors be held.

(3) The Board may not fill by appointment as aforesaid more than one casual or extraordinary vacancy for a parents' representative at any time, nor more than three such vacancies in—

- (a) Any one term of office in the case of any Board whose members all hold office for a term expiring with the same date; or
  - (b) Any term of three years in any other case; and for the purposes of this paragraph the term "year" means a period of twelve months expiring with the thirty-first day of December.
- (4) Any person who is appointed to fill a casual or extraordinary vacancy on a Board in accordance with this section shall for all purposes be deemed to have been elected to that Board.

**7. Boards may establish Imprest Accounts**—Section 8 of the Education Amendment Act 1948 is hereby amended by omitting from subsection (1) the words "Notwithstanding the provisions of section thirty-five of the principal Act, any Education Board", and substituting the words "Notwithstanding anything to the contrary in the principal Act or any other Act, any Education Board, and any Board controlling a secondary school, a technical school, or a combined school".

**8. Bonds for entry to teaching**—(1) Any student accepted for admission to a teachers training college may be required as a condition of acceptance to sign a bond in a form to be

determined by the Director of Education requiring him to pay to the Crown the sum therein specified if he makes default in the performance of any condition of the bond.

(2) The Director may require that such a bond shall also be signed by a parent or guardian, or by some other person approved by the Director, as surety; and the parent or guardian or person who signs such a bond shall be jointly and severally liable thereunder.

(3) Every such bond shall be enforceable against the student and the surety who signs it, notwithstanding anything in this Act or any other Act or any rule of law.

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This Act is administered in the Department of Education.