

New Zealand.



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1907, No. 47.

AN ACT to amend the Education Act, 1904.

[19th November, 1907.]

Title.

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

1. This Act may be cited as the Education Act Amendment Act, 1907, and shall form part of and be read together with the Education Act, 1904 (hereinafter referred to as the principal Act). Short Title.

2. The definition of "public school" in section two of the principal Act is hereby amended by adding thereto the words "and includes a district high school." Definition of "public school" amended.

3. Section seventeen of the principal Act is hereby amended by inserting at the commencement thereof the following:— Section 17 of principal Act amended.

"(1.) If the number of duly nominated candidates is less than or equal to the number of persons to be elected, the Returning Officer shall declare that such candidates have been duly elected.

"(2.) If the number of duly nominated candidates exceeds the number of persons to be elected, then."

4. (1.) Section seventy-four of the principal Act is hereby amended as follows:— Section 74 of principal Act amended.

(a.) By omitting from paragraph (a) thereof the word "five" wherever that word occurs, and substituting therefor the word "four";

- (b.) By omitting from paragraph (b) thereof the word "Fifth" where that word first occurs, and substituting therefor the word "Sixth";
 - (c.) By repealing paragraph (f) thereof;
 - (d.) By inserting, before the words "any year" in paragraph (g) thereof, the words "the year immediately preceding or for";
 - (e.) By omitting the proviso to paragraph (j) thereof, and substituting therefor the following:—

" Provided that, in the case of any junior scholar who passes such examination as may be prescribed, the Board may, with the approval of the Minister, extend the scholarship for such period as the Board thinks fit, save that no junior scholar shall hold any such scholarship after he has attained the age of eighteen years ";
 - (f.) By omitting paragraph (l) thereof; and
 - (g.) By omitting the words " Provided that the total number of junior scholarships under this section shall not exceed thirty-one granted in any one year."
- (2.) Section fourteen of the Education Act Amendment Act, 1905, is hereby amended by omitting the word "thirteen" in paragraph (a), and substituting therefor the word "fourteen"; and by repealing paragraph (b).

Senior National Scholarships.

5. (1.) With respect to the Senior National Scholarships the following provisions shall apply:—
- (a.) Senior scholarships, not exceeding twenty in number, shall be awarded annually on the result of the junior scholarship examination of the University of New Zealand.
 - (b.) Candidates may be persons of either sex who, being resident in New Zealand for the three years immediately preceding the date of the examination, are under nineteen years of age on the first day of December of the year in which the examination is held.
 - (c.) No scholarship shall be awarded to a candidate unless he is deemed by the Senate of the University to be entitled to a pass with credit in the examination.
 - (d.) The term of a senior scholarship shall be three years, if the holder so long fulfils the prescribed conditions.
 - (e.) The holder of a senior scholarship shall receive the sum of twenty pounds per annum, in addition to the amount of the tuition fees (if any) payable by him at the University college to which he belongs.
 - (f.) Candidates for these scholarships must forward their applications in the time and manner prescribed by the University for junior scholarship candidates, and shall comply generally with the conditions of application for the junior scholarship examination of the University.
 - (g.) No person shall be entitled to hold a scholarship unless within three months after its acquisition he has matriculated as a member of the University, and has entered his name upon the books of the college of the

university district to which he belongs, nor unless he produces a certificate from the Chairman of the Professorial Board of such college that he has attended regularly the course of studies and lectures provided by the college, and that he has made progress satisfactory to the Professorial Board thereof :

Provided that if the holder of a senior scholarship is unable to obtain tuition in the subjects required for his University course at such college he may, with the approval of the Minister previously obtained, pursue his studies at another college.

- (h.) A scholarship shall become vacant by failure on the part of the holder to pass each year in at least two subjects of the annual examination of the college upon the books of which he may have entered his name, unless the holder produces proof to the satisfaction of the Chancellor of the University that such failure was occasioned by illness or other sufficient cause.
- (i.) All scholars, unless for any reason specially allowed by the Chancellor, shall, as a condition of holding their scholarship, be required at the end of their second year after matriculation to pass in one section of the examination for the degree of Bachelor of Arts or Bachelor of Laws, or for the ordinary degree of Bachelor of Science.
- (j.) Any scholar may, by permission of the Chancellor, enter upon a course of study in medicine, engineering, mining, agriculture, or veterinary science, or similar branch of applied science ; and such scholar shall not be bound by paragraphs (h) and (i) of this section, but shall furnish to the Chancellor, as a condition of receiving the emoluments of his scholarship, sufficient proof that he has advanced in his professional studies, and that he has passed regularly the several examinations required of him in his professional course.
- (k.) The senior scholarship shall not be tenable with a junior scholarship of the University, nor with any scholarship the value of which added to that of the Senior National Scholarship exceeds eighty pounds in any year.

(2.) This section is in substitution for section seventy-five of the principal Act, which section is hereby repealed accordingly.

Repeal.

6. Sections four and five hereof shall come into operation on the first day of May, nineteen hundred and eight, after which date no Queen's Scholarships shall be awarded under the provisions of section thirty-five of the Victoria College Act, 1905, and that section and section thirty-six of the same Act are hereby accordingly repealed as from the date aforesaid ; provided that such repeal shall not affect any scholarship awarded before that date.

Provisions as to Queen's Scholarships repealed.

7. Section seventy-seven of the principal Act is hereby amended by adding thereto the following subsection :—

“(2.) Where the holder of a Junior or Senior National Scholarship lives at home, but is obliged to travel more than four miles daily

Where holder of scholarship has to travel four miles to school.

each way to prosecute his studies, there shall be paid to him an additional sum to meet the actual cost of such travelling, but this additional sum shall not exceed ten pounds per annum."

District high schools to give free places.

8. Section eighty-one of the principal Act is hereby amended by adding thereto the following subsection:—

"(4.) Every district high school shall provide free places in accordance with regulations, and no fees, whether under subsection two of this section or otherwise, shall be chargeable to any pupil while holding a free place."

Section 86 of principal Act amended.

9. Section eighty-six of the principal Act is hereby amended by inserting, after the words "one-fifth of the" in subsection one, the word "net."

Secondary-school reports.

10. (1.) Every secondary school shall, on or before the first day of April in every year, forward to the Minister a report for the previous year, containing—

- (a.) A full account of the income and expenditure for the year ending the thirty-first day of December preceding;
- (b.) A return of all scholarships and free places held at the school;
- (c.) A statement of the net annual income derived from endowments; and
- (d.) Such information as to the staff, pupils, curriculum, and buildings of the school, and other matters relating to the school, as the Minister directs.

Repeal.

(2.) Section ninety-two of the principal Act is hereby repealed.

Section 95 of principal Act amended.

11. Section ninety-five of the principal Act is hereby amended by omitting the words "such last-mentioned high school," and substituting therefor the words "high school established as aforesaid or any district high school."

"Efficient instruction" redefined.

12. (1.) Section one hundred and forty-two of the principal Act is hereby amended by repealing the definition of "efficient instruction" in subsection five, and substituting therefor the following:—

"'Efficient instruction' means efficient instruction as prescribed by regulations and given to children in their own homes or in a school subject to inspection under this Act."

(2.) This section shall come into operation on the first day of January, nineteen hundred and eleven.

Section 145 of principal Act amended.

13. Subsection one of section one hundred and forty-five of the principal Act is hereby amended by inserting, after the words "one hundred and forty-one," the words "or where any child whose name is included in a general certificate of exemption given under section one hundred and forty-three hereof does not attend the school named in such certificate of exemption regularly as is provided in subsection one of section one hundred and forty-one, then, in either case."

Attendance at Native Schools.

14. (1.) A Native school means a school for the education of Natives which is under the control of the Education Department.

(2.) For the purposes of sections one hundred and forty-one to one hundred and fifty of the principal Act a Native school shall be deemed to be a public school.

(3.) All the powers and functions possessed by the School Committee, or by the Chairman or the Secretary of the Committee, or by the head teacher of a public school under sections one hundred and forty-one to one hundred and fifty of the principal Act shall, with the necessary modifications, be possessed in the case of a Native school by the teacher of that school, or by any other person appointed in that behalf by the Minister.

(4.) All the powers and functions possessed by the Education Board, or by the Chairman, Secretary, or Truant Officer thereof, under sections one hundred and forty-one to one hundred and fifty of the principal Act shall, with the necessary modifications, be possessed in the case of Native schools by any person appointed in that behalf by the Minister.

(5.) All penalties recovered under section one hundred and forty-four or one hundred and forty-five of the principal Act in any proceedings taken by virtue of the powers and functions referred to in subsections three and four hereof shall be paid into the Public Account or applied and expended for the benefit of the Native school, as the Minister from time to time directs.

(6.) Schools in the Chatham Islands shall for the purposes of sections one hundred and forty-one to one hundred and fifty of the principal Act be deemed to be Native schools.

15. Section one hundred and fifty-nine of the principal Act is hereby amended by inserting, after the word "deaf" wherever it occurs therein, the words "or defective or epileptic," and by adding thereto the following subsection:—

Blind and deaf children.

"(7.) For the purposes of this section a 'blind child' means a child who on account of his defective sight cannot be efficiently taught with other children in an ordinary school; and similarly a 'deaf child' means a child who on account of his defective hearing cannot be taught orally with other children in an ordinary school; and, further, a 'defective child' means a child who, not being idiot or imbecile, and not being merely backward, is by reason of mental or physical defect incapable of receiving proper benefit from instruction in an ordinary school, but is not incapable by reason of such defect of receiving benefit from instruction in a special school or class; and an 'epileptic child' means an epileptic child who, not being idiot or imbecile, is unfit by reason of severe or frequent epilepsy to attend an ordinary school, but is not a proper person to be sent to a mental hospital."

16. Subsection one of section one hundred and sixty-two of the principal Act is hereby amended by omitting all words after the words "such inspection," and substituting therefor the words "and the Board shall thereupon arrange for the inspection of such school, such inspection to be conducted in like manner as the inspection of public schools"; and by adding the following subsections:—

Section 162 of principal Act amended.

"(3.) A school inspected in accordance with this section shall thereupon be held to be a school subject to inspection under this Act.

"(4.) A school subject to inspection under this section shall, if it gives secondary education, be open to inspection by an Inspector appointed by the Minister."

"Continuation class" redefined.

17. Section one hundred and sixty-nine of the principal Act is hereby amended by inserting, after the word "afternoon" in the definition of "continuation class," the words "of any working-day of the week except Saturday, or at any hour on Saturday."

Section 171 of principal Act amended.

18. Section one hundred and seventy-one of the principal Act is hereby amended by inserting, after the words "university college" in paragraph (c) of subsection one, the words "or of a secondary school."

Section 183 of principal Act amended.

19. Section one hundred and eighty-three of the principal Act is hereby amended by adding thereto the following subsection:—

"(2.) Without limiting the generality of the last preceding subsection, it is hereby declared that the contribution or application of moneys by a local authority or a controlling authority for the purpose of acquiring land or buildings, or of erecting or extending buildings, or of acquiring apparatus or appliances in connection with the therein-mentioned classes, shall be deemed to be for the purpose of encouraging the formation or increasing the efficiency of such classes within the meaning of that subsection."

Section 11 of Amendment Act of 1905 amended.

20. Section eleven of the Education Act Amendment Act, 1905, is hereby amended by omitting the word "mean" before the words "average attendance for the two years" in subsection one.

Part I of Schedule amended.

21. The Schedule to the Education Act Amendment Act, 1905, is hereby amended by omitting all words of paragraph (h) after the word "assistant," and substituting therefor the following words: "and of 5 per cent. in the case of every head or sole teacher or assistant who is the holder of a temporary certificate or of a license to teach; but in either case not so as to reduce the annual salary below £85."

Section 206 of principal Act amended.

22. Section two hundred and six of the principal Act is hereby amended by adding thereto the following proviso:—

"Provided further that in the case of any teacher the determination of his engagement by the Board on the ground that he has reached the age of sixty-five years shall be deemed to be reasonable without regard to any other circumstances."

Boroughs in education districts.

23. (1.) For the purposes of the principal Act a borough which is not included within the territorial area of any county shall be deemed to be included therein if it adjoins a borough that is so included.

(2.) Where any doubt arises as to the district in which any borough is comprised, the same shall be determined by the Governor.

Regulations.

24. The Governor may from time to time, by Order in Council gazetted, make regulations for the control and management and defining the staff, salaries, and allowances of teachers, and the course of instruction in Native schools and other schools under the Education Department.

Governor to consent to setting apart school-sites.

25. Section fifteen of the Education Reserves Act, 1877, is hereby amended by inserting at the beginning thereof the words "With the consent of the Governor in each case."

Taranaki Scholarships.

26. Paragraph (c) of section three of the Taranaki Scholarships Act, 1905, is hereby repealed, and the following substituted in lieu thereof:—

“(c.) The scholarships shall be open to all candidates who have resided and attended a school within the district for not less than two years (such residence or attendance to have continued to within six months of the date of the examination) who are between the ages of sixteen and nineteen years on the first day of December nearest to the date of the examination, who have not been matriculated, and who have not carried on their studies at any college.”