

New Zealand.



ANALYSIS.

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1884, No. 52.

AN ACT to repeal "The Westland Education District Subdivision Act, 1883," and to make other Provision in lieu thereof. Title.

[10th November, 1884.]

WHEREAS by "The Westland Education District Subdivision Act, 1883," it was, among other things, enacted that the Education District of Westland should be divided into two new districts, and that the Education Board for the said district should be dissolved, and that new Boards should be elected for such new districts in the manner therein stated: And whereas, owing to various causes, such elections of new Boards were not held and completed, and in other respects effect has not been given to the Act last named: And whereas the Board of Education for the Education District of Westland, on or about the thirty-first day of December last, ceased or declined to exercise its functions, and on or about that date and subsequent thereto, in order to avoid public inconvenience, the Minister of Education assumed the control of education in Westland, and he and the officers of the Department under his control have exercised powers and performed duties which ought to have been performed and exercised by the said Board, or by the Boards intended to have been elected under such Act, and liabilities have been incurred and money expended for those purposes: And whereas it is expedient that the original intention of the Legis-

lature should be carried out, and that the herein above-mentioned Act should be repealed, and other provision should be made in lieu thereof:

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

Short Title.

1. The Short Title of this Act is “The Westland Education District Subdivision Act, 1884.”

Repeal of “The Westland Education District Subdivision Act, 1883.”

2. “The Westland Education District Subdivision Act, 1883,” is hereby repealed, and the subdivisions of the Education District of Westland thereby created are hereby abolished.

Division of Westland Education District into two new districts.

3. On the commencement of this Act, the Education District of Westland, as constituted by “The Education Act, 1877,” shall be divided into two education districts, being the divisions of the colony described in the Schedule hereto, the first-described of such districts being called “the District of Westland,” and the second so described being called “the District of Grey.”

Board to be elected for Westland District.

4. There shall be an Education Board of the District of Westland consisting of seven members, of whom three shall be appointed by the Governor as soon as may be after the passing of this Act, and four shall be elected as hereinafter provided:

- (1.) Between the commencement of this Act and the first day of January next an election of four members of the aforesaid Board shall be held.
- (2.) The Governor shall appoint a fit person in such district to conduct such election at such time and place as may be necessary to give immediate effect to this Act, and to perform and exercise all such powers, duties, and authorities as hereinafter mentioned.
- (3.) Subject to this Act every such election shall be conducted in the like manner as provided by the thirteenth section of “The Education Act, 1877” (herein referred to as “the said Act,”) in the case of the election of first Education Boards, and all the provisions of the said Act as to number, qualification, and election of first members of such Boards, shall be applicable accordingly, except that every duty or function, which would in such case be performed or exercised by a Board, or the Chairman or Secretary of a Board, shall under this Act be performed and exercised by the person to be appointed as aforesaid.
- (4.) The Board then elected shall be deemed to be first Education Board of the Westland District, and all other the provisions of the said Act in respect of first Boards shall be applicable so far as may be necessary to give effect to this Act.
- (5.) Two of the elected members of the Board shall retire from office on the thirty-first day of March next, and ordinary elections shall be held to fill such vacancies as provided in the said Act.

Commissioners to exercise functions of Education Board for Grey District.

5. In respect of the Education District of Grey, all powers, authorities, functions, and duties exercisable by or imposed upon Education Boards by the said Act shall be exercisable by any Com-

missioner or Commissioners who may be appointed in that behalf from time to time by the Governor in Council.

The said Commissioners shall be deemed for all purposes to be the Education Board for the said district.

For the purposes of this Act, of the said Act, and of all other Acts the expressions "Board" or "Education Board" shall include the Commissioners exercising the functions of an Education Board within the Education District of Grey.

6. The Boards constituted under this Act shall come into office on such day, and hold their first meeting respectively at such time and place, as the Governor shall appoint.

First meeting
of Boards.

7. As soon as conveniently may be after the commencement of this Act the Governor in Council shall appoint a Commissioner, whose powers and duties shall be—

Commissioner to be
appointed to
ascertain debts, &c.,
of original Board.

(1.) To ascertain and determine what personal property belonged to the Education Board of the Education District of Westland (hereinafter called "the original Board"), as the same was constituted prior to the thirty-first day of December, one thousand eight hundred and eighty-three; and as to the whole or such part thereof as may now be in existence, or in the charge or control of the original Board or the said Minister or any person on its or his behalf, to apportion and divide the same between the Boards constituted under this Act:

His powers and
duties.

(2.) To inquire and determine what contracts, entered into by the original Board and in force at the commencement of this Act, shall be contracts of the Boards constituted under this Act, either jointly or severally, and to award, determine, and direct accordingly; and to ascertain what debts, liabilities, and engagements of the original Board existed or were capable of being recovered or enforced on the said thirty-first day of December, or at any time subsequent thereto up to the date of the commencement of this Act:

(3.) To ascertain and determine what moneys have been expended or liabilities incurred by the Minister of Education, or any officer of his Department, or any other person by his authority, in carrying on public education in the said Education District of Westland subsequent to the date aforesaid and up to and including the date when the Board and the Commissioners respectively constituted or appointed under this Act enter upon their functions, and including all charges and expenses of any kind whatsoever which have been incurred by reason of the failure to carry out the provisions of the Act hereby repealed, or which may be in any manner incidental to such failure:

(4.) To award and determine that such debts, liabilities, and engagements of the original Board, and the moneys expended or liabilities incurred as aforesaid, should be borne by and charged against the Boards of the districts constituted under this Act jointly, or that any part of such debts, liabilities, engagements, or liabilities or moneys,

shall be borne by and charged against either of such Boards in such manner and proportion as the Commissioner thinks fit, and to direct by which of such Boards the same should be paid, satisfied, and performed.

- (5.) Every award of the Commissioner upon all or any of such matters shall be final, binding, and conclusive on all persons and bodies concerned or interested in, or affected by, any such contracts, debts, liabilities, or engagements, and every such award shall be made in writing, and shall specify distinctly all such matters and things as may be necessary to give effect to this Act.
- (6.) The Boards respectively constituted or appointed under this Act may agree in writing that any contract, or the whole or any part of such debts, liabilities, and engagements as to which the Commissioner is empowered under this Act to inquire and determine, shall belong or attach to such one of them as shall be stated in such agreement, and if the said Boards do so agree, then the Commissioner shall forbear to inquire into and decide the matters comprised in such agreement.

But nothing in any such agreement shall affect the title, status, or interest of any person affected by, or interested in, any such contract, debt, liability, or engagement, except he is a party to such agreement, or otherwise consents thereto.

And every such award of the Commissioner, when published in the *Gazette*, shall have the effect of a judgment of the Supreme Court, and may be enforced or otherwise acted on by the person or persons interested therein or affected thereby accordingly.

For the purposes of this section, any Commissioner shall have and may exercise all the powers vested in Commissioners by "The Commissioners' Powers Act, 1867," and any Act amending the same, and shall do all things necessary or requisite to give full effect to this Act at such times and places and in such manner as the Governor in Council may from time to time direct.

8. All real property which immediately before the coming into operation of this Act was vested in the original Board shall, on the date when the Board and the Commissioners appointed under this Act respectively come into office, be vested in the Board of the district constituted under this Act wherein such property is situate; but the change of ownership hereby created shall not affect any valid lease, charge, or contract now subsisting in respect of any such land, but the same shall vest in the new Board subject thereto in all respects.

In respect of any land affected by this Act which shall be held by any title conferred under "The Land Transfer Act, 1870," or its amendments, the District Land Registrar of Westland shall, upon being satisfied thereof, and subject to the last preceding enactment, enter in the register-book, and upon any instrument presented for that purpose, a note of the change of ownership created by this Act, which shall be sufficient authority for that purpose.

To have powers given by "The Commissioners' Powers Act, 1867."

Real property in new districts to vest in new Board, subject to contracts, &c.

District Land Registrar may alter register accordingly.

9. The members of the several School Committees in office at the commencement of this Act shall be and be deemed to have been duly elected, notwithstanding any defect in the mode or time of election, and, until new elections shall be held, shall be deemed to be the several School Committees in the districts constituted by this Act.

Members of Committees now in office deemed duly elected for new districts.

10. This Act shall be read and construed with "The Education Act, 1877," except in so far as the provisions therein contained are contrary to the provisions hereof; and all the provisions of the said Act shall extend and apply accordingly.

Act to be read with "The Education Act, 1877."

11. The Colonial Treasurer, the Minister of Education, and every officer or person acting by or under the authority or direction of the Colonial Treasurer or the Minister of Education, is and shall be hereby indemnified for and in respect of the payment of all moneys paid for teachers' salaries, grants to Education Committees, rent or repairs of school buildings, and all other charges and expenses whatsoever for carrying on and administering public education in Westland from the thirty-first day of December last up to and inclusive of the date when the Board and Commissioners respectively appointed under this Act come into office as aforesaid.

Indemnity to Colonial Treasurer, Minister of Education, and all others for certain expenditure in Westland.

And all moneys so expended shall be deemed to have been and to be expended by or on behalf of the original Board, and any such moneys which the Commissioner appointed under section seven of this Act shall decide should be charged against the Boards constituted under this Act, or either of them, shall be deemed to be a debt due by such Board to the Crown, and may be deducted by the Colonial Treasurer from any subsidy or moneys hereafter payable by the Crown to such Boards, or either of them, in such manner and in such proportions as the Minister of Education thinks fit.

Moneys expended to be debts of Board.

12. The indemnity hereby created shall extend to all acts and things whatsoever done by all or any of the persons mentioned in the last-preceding section for the purpose of carrying on and administering public education in the said District of Westland and incidental thereto, or that may have been occasioned in any manner by reason of the failure to carry out the provisions of the Act hereby repealed.

Indemnity to extend to all acts done for carrying on education in Westland.

13. Saving as to section two hereof, this Act shall continue in force until the termination of the next session of the General Assembly and no longer.

Duration of Act.

SCHEDULE.

Schedule.

EDUCATION DISTRICT OF WESTLAND.

ALL that area in the Colony of New Zealand being the County of Westland, and the Boroughs of Hokitika, Kumara, and Ross.

EDUCATION DISTRICT OF GREY.

All that area in the Colony of New Zealand being the County of Grey, and including the Borough of Greymouth.