

Hon. Mr. McCombs

ADULT EDUCATION

ANALYSIS

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A BILL INTITULED

Title.	AN ACT to make better Provision for Adult Education. BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title and commencement.	1. This Act may be cited as the Adult Education Act, 1947, and shall come into force on the <i>first</i> day of <i>February</i> , nineteen hundred and forty-eight.	
Interpretation.	2. In this Act, unless the context otherwise requires,—	10
	“ College Council ” means the Council of a constituent college of the University of New Zealand:	
	“ Financial year ” means a period of twelve months ending on the thirty-first day of March in any year:	15
	“ Minister ” means the Minister of Education:	
	“ National Council ” or “ Council ” means the National Council of Adult Education constituted under this Act:	20
	“ Regional Council ” means a Regional Council of Adult Education established under this Act:	
	“ University district ” means a University district as defined for the purposes of the New Zealand University Act, 1908.	25

See Reprint of Statutes, Vol. II, p. 1121

National Council of Adult Education

Incorporation of National Council.	3. (1) There is hereby constituted for the purposes of this Act a body corporate under the name of the National Council of Adult Education, having perpetual succession and a common seal, and being capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.	30
1934, No. 17	(2) The National Council is hereby declared to be a local authority for the purposes of the Local Authorities (Members' Contracts) Act, 1934.	35
1938, No. 14	(3) The Council of Adult Education established under section seven of the Education Amendment Act, 1938, is hereby abolished.	

(4) All moneys held by the University of New Zealand at the commencement of this Act on behalf of or subject to the control or direction of the said Council of Adult Education shall be paid to the
5 National Council.

4. (1) The National Council shall consist of—

Membership of
National
Council.

- (a) The Director of Education:
- (b) The Director of Broadcasting:
- (c) The Director of the National Library Service:
- 10 (d) One member to be appointed by the Senate of the University of New Zealand:
- (e) Two members to be appointed by the Auckland University College Council:
- (f) Two members to be appointed by the Victoria
15 University College Council:
- (g) Two members to be appointed by the Canterbury University College Council:
- (h) Two members to be appointed by the Council of the University of Otago:
- 20 (i) One member to be appointed by the Dominion Council of the Workers' Educational Association:
- (j) One member to be appointed by the Minister to represent the Maori race.

25 (2) In the absence from any meeting of the National Council of any of the said Directors, any member of his Department or Service authorized by him in that behalf may attend that meeting in his stead, and while so attending shall be deemed to be a member of the
30 Council. The fact that any person so attends shall be sufficient evidence of his authority so to do.

(3) A College Council shall not make any appointment under paragraph (e), (f), (g), or (h) of subsection *one* of this section until it has first given the
35 Regional Council of the University district a reasonable opportunity to make recommendations in that behalf, and considered any recommendation that the Regional Council may make.

(4) The National Council may from time to time, if
40 and when it thinks fit, appoint not more than two additional persons (hereinafter referred to as co-opted members) to be members of the National Council.

(5) Any person, except a person in the full-time employment of the National Council, shall be eligible to be a member of the National Council, and on the termination of the period of office of any member, he shall be eligible for reappointment to the National Council. 5

(6) Any member of the National Council who becomes a full-time employee of the Council shall cease to be a member of the Council.

(7) The powers of the National Council shall not be affected by any vacancy in the membership thereof. 10

Term of
office of
members of
National
Council.

5. (1) Unless he sooner vacates his office as provided in the *last preceding* section, every appointed member of the National Council (other than a co-opted member) shall continue in office until his successor comes into office, notwithstanding anything to the contrary in this Act. 15

(2) Except as otherwise provided in this Act, every appointed member of the National Council shall be appointed for a period of two years commencing on the first day of October in the year of his appointment. 20

(3) The appointment of members of the National Council to replace members due to retire in any year shall be made not later than the third Monday in September in that year: 25

Provided that nothing in this subsection shall be deemed to render invalid any appointment made after that date.

(4) With respect to the first appointed members of the National Council the following provisions shall apply:— 30

(a) They may be appointed at any time after the passing of this Act and shall come into office at the commencement of this Act or on the date of appointment whichever is the later: 35

(b) The member appointed by the Senate of the University of New Zealand shall retire on the thirtieth day of September, nineteen hundred and forty-eight:

(c) One member appointed by each College Council shall retire on the thirtieth day of September, nineteen hundred and forty-eight, and the 40

other member shall retire on the thirtieth day of September, nineteen hundred and forty-nine:

15 (d) Each College Council shall at the time of appointing the first two members specify which of them is to retire on the thirtieth day of September, nineteen hundred and forty-eight:

10 (e) The members appointed by the Dominion Council of the Workers' Educational Association and by the Minister shall retire on the thirtieth day of September, nineteen hundred and forty-nine.

15 (5) A co-opted member shall retire on the thirtieth day of September following his last appointment to the National Council if he has then been in office for one year, but if he has then been in office for less than one year since his last appointment he shall retire on the thirtieth day of September in the following year.

20 6. (1) Any member appointed to the National Council may at any time resign his office by writing addressed to the Chairman of the National Council. Extraordinary vacancies.

25 (2) If any appointed member of the National Council (other than a co-opted member) resigns his office, or dies, or ceases to be eligible to hold office, the vacancy shall as soon as practicable thereafter be filled by the appointment of a new member in the manner in which the vacating member was appointed.

30 (3) Any person appointed to fill a vacancy under this section shall hold office only for the remainder of the term for which his predecessor was appointed.

35 7. (1) At the first meeting of the National Council held after the commencement of this Act, and at the first meeting of the National Council held after the first day of October in the year nineteen hundred and forty-eight, and in each succeeding year, the Council shall appoint a Chairman and a Deputy Chairman. Chairman and Deputy Chairman.

40 (2) Any person appointed as the Chairman or Deputy Chairman shall hold office, while he continues to be a member of the National Council, until the appointment of his successor in accordance with this section, and may be reappointed.

Meetings of
National
Council.

8. (1) Meetings of the National Council shall be held at such times and places as it determines, but the Council shall meet at least once in each financial year.

(2) The Minister or the Chairman of the National Council may at any time call a special meeting thereof, and any three members of the Council may at any time by notice in writing request the Chairman to call a special meeting of the Council, and thereupon the Chairman shall call a special meeting of the Council to be held not later than one month after the day he received the notice.

(3) All members for the time being in New Zealand shall be given at least seven clear days notice in writing of any meeting of the National Council.

(4) At any meeting of the National Council *eight* members shall form a quorum.

(5) All questions before the National Council shall be decided by a majority of the valid votes recorded thereon:

Provided that a resolution signed by all the members of the Council for the time being in New Zealand shall have the same effect as a resolution duly passed at a meeting of the Council.

(6) The Chairman shall preside at all meetings of the National Council at which he is present.

(7) In the absence of the Chairman from any such meeting, the Deputy Chairman, if present, shall preside. In the absence from any such meeting of both the Chairman and the Deputy Chairman, the members present shall appoint one of their number to be the Chairman of that meeting.

(8) At any meeting of the National Council the Chairman shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

Functions of
the National
Council.

9. The functions of the National Council shall be—
(a) To promote and foster adult education and the cultivation of the arts:

(b) To make recommendations to the Minister as to the amount of the annual grant to be made to the National Council for adult education out of moneys appropriated by Parliament for that purpose, and to receive and administer and control the expenditure of all moneys granted to the Council as aforesaid.

10. The National Council shall have the following powers:—

Powers of the
National
Council.

- 5 (a) To expend any moneys that may be received by it, either by way of Government grant or from any other source, for any of the purposes specified in section *nine* of this Act in such manner as it thinks fit:
- 10 Provided that all benefactions at any time vested in or enjoyed by the National Council with a declaration of trust, or as an endowment for the promotion of any particular purpose shall be strictly applied by the Council accordingly:
- 15 (b) To make grants to any body of persons, whether incorporated or not, either generally for the purposes of adult education, or for any specified purpose in relation to adult education:
- 20 (c) To appoint officers and other servants and to pay them such remuneration as may be appropriate:
- (d) To appoint honorary officers from among its own members:
- 25 (e) To appoint committees of its members and to delegate to them such functions as it may determine:
- (f) To expend any moneys and generally take any action for any purpose that in its opinion is ancillary to its principal functions as defined in section *nine* of this Act:
- 30 (g) To appoint advisory committees and, if thought fit, to appoint to such committees persons not members of the National Council, and to pay to such members of advisory committees as are not members of the Council travelling expenses and allowances as though they were members of the Council:
- 35 (h) In making any payments as aforesaid, to impose in its discretion such conditions as it thinks fit for the purpose of ensuring that the moneys are expended only for the purposes
- 40 specified, and to the best advantage.

Unauthorized
expenditure.

11. The National Council may, in any financial year, expend out of its general fund for purposes not authorized by this or any other Act, any sum or sums not amounting in the whole to more than fifty pounds.

Contracts of
the National
Council.

12. (1) Any contract which if made between private persons must be by deed shall, when made by the National Council, be in writing under the common seal of the Council. 5

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall, when made by the National Council, be in writing signed by any person acting on behalf of and under the express or implied authority of the Council. 10

(3) Any contract which if made between private persons may be made verbally without writing may, when made by the National Council, be made verbally without writing by any person acting on behalf of and under the express or implied authority of the Council. 15

(4) The common seal of the National Council shall not be affixed to any document except pursuant to a resolution of the Council, and the execution of any document so sealed shall be attested by two members of the Council. 20

Annual grant
to the
National
Council.

13. For the purpose of providing funds for the exercise of the functions of the National Council, the Minister of Finance may in the financial year ending on the thirty-first day of March, nineteen hundred and forty-eight, and in every financial year thereafter, pay to the Council, out of moneys appropriated by Parliament for the purpose, such sum or sums as the Minister of Finance may from time to time approve. 25 30

Local
authorities
and public
bodies may
contribute to
funds of
National
Council.

14. For the purpose of providing funds for the exercise of the functions of the National 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. 35

Payment of
National
Council's
moneys into
bank and
mode of
withdrawal.

15. All moneys received by the National Council shall be paid forthwith into an account in its name in the Bank of New Zealand. No moneys shall be drawn out of the said account except by authority of the Council. All cheques on the said account shall be 40

signed by an officer of the Council appointed for the purpose, and countersigned by a member of the Council authorized by it from time to time to countersign cheques or by another officer of the Council so authorized.

5 **16.** Subject to the terms of any trust or endowment, any moneys belonging to the National Council that are not immediately required for expenditure may be invested in any manner in which trustees are for the 10 time being authorized to invest trust funds.

Investment of moneys.

17. (1) The National Council shall keep full and correct accounts of all moneys received and expended by it, and the accounts shall be audited by the Audit Office, which for that purpose shall have all powers that 15 it has under the Public Revenues Act, 1926, in respect of public moneys and the audit of local authorities' accounts.

Accounts.

See Reprint of Statutes, Vol. VII, p. 10

(2) The National Council shall, as soon as possible after the end of every financial year, cause its accounts 20 for that year to be balanced, and full and true statements and accounts of all the moneys received and expended by it during that year and of its assets and liabilities at the end of that year, to be prepared and submitted to the Audit Office.

25 **18.** (1) The National 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, together with a copy of its accounts for that year certified by the Audit Office.

Annual report to Minister.

30 (2) A copy of the report and of the accounts so certified shall be laid before Parliament within twenty-eight days after the receipt thereof by the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the 35 commencement of the next ensuing session.

(3) A copy of the report shall be forwarded to the Senate of the University of New Zealand.

40 **19.** For the purposes of the Public Service Superannuation Act, 1927, service as a permanent or temporary officer or servant of the National Council shall be deemed to be Education service within the meaning of Part IV of that Act.

Service under National Council to be Education service. Ibid., p. 559

Travelling-
expenses of
members of
National
Council.
Serial number
1941/149

20. The members of the National Council shall be paid out of the funds of the Council travelling allowances and expenses in accordance with the Travelling-allowance Regulations 1941. All allowances and expenses required under those regulations to be specified in special regulations may be prescribed by rules made under this Act and approved by the Minister of Finance. 5

Rules.

21. (1) The National Council may from time to time, by resolution, make rules not inconsistent with this Act for all or any of the following purposes, namely:— 10

- (a) Regulating its proceedings and the conduct of its meetings:
- (b) Providing for the custody of its property and the custody and use of its common seal: 15
- (c) Prescribing the duties of its officers and other servants:
- (d) Prescribing the travelling allowances and expenses to be paid to its members as provided in section *twenty* of this Act: 20
- (e) Such other purposes as may be deemed necessary or expedient for duly carrying out the work of the National Council.

(2) Notice of every resolution proposed to be submitted to any meeting of the National Council for the making, amendment, or revocation of any such rules as aforesaid shall be given to every member of the Council for the time being in New Zealand not less than fourteen clear days before the day fixed for the meeting. 25 30

Regional Councils of Adult Education

Constitution
of Regional
Councils.

22. (1) In each University district there shall be established a Regional Council of Adult Education whose constitution shall from time to time be determined and whose members shall be appointed by the College Council of the district, and which shall exercise such powers in respect of adult education as the College Council may delegate to it. 35

(2) The College Council shall ensure that at least half of the members of the Regional Council of the district are persons appointed on the nomination of voluntary associations or organizations engaged or interested in adult education in its district. Any dispute as to what constitutes a voluntary association or organization engaged or interested in adult education in any University district for the purposes of this section, shall be referred to the National Council whose decision shall be final.

(3) A College Council shall not make any application to the National Council for a grant for purposes of adult education until it has first given the Regional Council of the district a reasonable opportunity to make a report in that connection, and considered any report which the Regional Council may make.

(4) Within *thirty* days from the commencement of this Act, it shall be the duty of each College Council to notify the Minister of the manner in which the Regional Council is constituted and of the names of the members appointed.

(5) A College Council shall notify the National Council of any change made thereafter in the constitution of the Regional Council.

25 *Community Centres*

23. (1) For the purpose of providing educational and cultural activities for persons resident in any locality, the Minister may establish a community centre either separately or in connection with any school.

Establishment
of community
centres.

30 (2) The Minister may recognize any existing community centre for the purposes of this section.

(3) The Minister may from time to time pay, out of moneys appropriated by Parliament for the purpose, such sum or sums as he approves towards the payment of the whole or part of the salaries of the staff of any community centre established or recognized under this section and of the expenses incurred in the conduct of any such community centre. All payments heretofore made for any of such purposes as aforesaid are hereby validated and shall be deemed to have been lawfully made.

(4) The Governor-General may from time to time, by Order in Council, make regulations, not inconsistent with this Act, providing for the staffing and maintenance of community centres.

Repeals

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Repeals.
1938, No. 14

24. Sections seven to eleven of the Education Amendment Act, 1938, are hereby repealed.