

Hon. Mr. Reeves.

EDUCATION ACT AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Repeals.</p> <p style="text-align: center;">PART I.</p> <p>COMPULSORY ATTENDANCE AT PUBLIC SCHOOLS.</p> <p>3. Child must attend school thirty days in each quarter.</p> <p>4. Every child above seven nor more than thirteen to attend school.</p> <p>5. Exemptions.</p> <p>6. In case child does not attend school, notice may be given.</p> <p>7. Proceedings to compel attendance.</p> <p>8. Penalty for non-compliance with order of Justices.</p> <p>9. Proceedings to be taken under "The Justices of the Peace Act, 1882."</p> <p>10. Who may prosecute.</p> <p>11. Onus shall be on parent or guardian of proving that child is attending school.</p> <p>12. When compulsory clauses shall be enforced.</p>	<p style="text-align: center;">PART II.</p> <p>COMPULSORY ATTENDANCE AT NATIVE SCHOOLS.</p> <p>13. Interpretation.</p> <p>14. Native child must attend school thirty days in each quarter.</p> <p>15. Every Native child above seven nor more than thirteen to attend school.</p> <p>16. Exemptions.</p> <p>17. In case Native child does not attend school, notice may be given.</p> <p>18. Proceedings to compel attendance.</p> <p>19. Penalty for non-compliance with order of Justices.</p> <p>20. Proceedings to be taken under "The Justices of the Peace Act, 1882."</p> <p>21. Chairman of Native School Committee to prosecute.</p> <p>22. Onus shall be on parent or guardian of proving that child is attending school.</p> <p>23. Commencement of this Part of Act. Schedule.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

A BILL INTITULED

AN ACT to amend "The Education Act, 1877," in relation to the Title.
 Compulsory Attendance of Children at Public Schools, and
 to extend the said Provisions to Children attending Native
 Schools.

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

10 1. The Short Title of this Act is "The Education Act Amend- Short Title.
 ment Act, 1893." It shall be read together with "The Education
 Act, 1877" (hereinafter referred to as "the principal Act").

15 2. Sections eighty-nine to ninety-five and the Third Schedule Repeals.
 of the principal Act are hereby repealed; and so much of "The
 Education Act 1877 Amendment Act, 1885," as is not already
 repealed is also hereby repealed.

PART I.

COMPULSORY ATTENDANCE AT PUBLIC SCHOOLS.

20 3. Every child required by the principal Act to attend a public Child must attend
 school shall attend a public school during at least thirty days in each school thirty days
 quarterly school term. in each quarter.

Every child above seven nor more than thirteen to attend school.

4. Subject to the provisions of the principal Act, the parent or guardian of every child not less than seven nor more than thirteen years of age shall, in case such child lives within the distance of two miles, measured according to the nearest road, from a public school within a school district, send such child to school for at least one-half of the period in each year during which the school is usually open. 5

Exemptions.

5. The parent or guardian of any child may apply for and receive a certificate from the Board of the district in which such child resides exempting such child from attendance in whole or in part at school, upon satisfying the Board of the existence of any one of the following grounds, namely:— 10

- (1.) That the child is under efficient or regular instruction otherwise, or is attending some private school or some educational institution not supported by grants from the Board, and which school or institution provides for instruction in reading, writing, and arithmetic on week days: 15
- (2.) That the child is prevented attending school by sickness, danger of infection, temporary or permanent infirmity, or other unavoidable cause: 20
- (3.) That the road between the child's residence and the school is not sufficiently passable for such child: 20
- (4.) That one of the Inspectors or the master of any public school has, by writing under his hand, certified that such child has reached a standard of education prescribed by any regulations under the principal Act. 25

And every such certificate of exemption shall state the ground of exemption, and shall be in force for a period of one year, or for a shorter period, as may be named in such certificate; and during the period named in such certificate the holder thereof shall be freed from the operation of the provisions of this Act in respect of the child named therein. 30

In case child does not attend school, notice may be given.

6. In case the Board ascertains that any child between the ages of seven and thirteen years, and resident within the distance of two miles from a public school within its district, does not attend school, the Secretary or Chairman of such Board may give the parent or guardian of such child notice in writing, in the form or to the effect in the Schedule hereto, calling upon such parent or guardian to send such child to school. 35

Proceedings to compel attendance.

7. If the parent or guardian of any child between the ages of seven and thirteen resident within two miles from a public school, not holding a certificate of exemption as aforesaid in respect of such child, refuses or neglects to send such child to a public school after having been called upon in manner aforesaid to do so, the parent or guardian of such child may be summoned before any two Justices of the Peace, who may order such parent or guardian to send such child to a public school. 40 45

Penalty for non-compliance with order of Justices.

8. In case any parent or guardian, after having been ordered as aforesaid by any two Justices of the Peace to send any child to a public school, neglects to obey such order, or, having obeyed the same for a time, without sufficient cause ceases to do so, such parent or guardian shall be liable to a penalty not exceeding forty shillings. 50

and the same proceedings may be taken week by week in the case of failure by such parent to comply with the order aforesaid.

In any information or complaint under this Act, whether for recovery of penalties or for orders to send children to school, the allegation that the child is between the ages of seven and thirteen years shall be deemed sufficient *prima facie* evidence of the fact until the contrary is proved, and in every case the father and mother or guardian of any child may be witnesses.

9. All proceedings for orders to send children to school and for recovery of penalties under this Part of this Act may be had and taken in the manner prescribed by "The Justices of the Peace Act, 1882."

Proceedings to be taken under "The Justices of the Peace Act, 1882."

10. Any officer of police, or constable, or officer appointed by the Board as truant officer may conduct prosecutions on behalf of the Board under this Part of this Act.

Who may prosecute.

11. On the hearing of any information or complaint for an order to send children or a child to a public school, or for the recovery of a penalty in respect thereof, the onus shall be on the parent or guardian of such children or child of showing that such children or child have or has attended, or are or is attending, a public school, in accordance with the requirements of the said Act, or that such children or child are or is exempt from such attendance thereunder.

Onus shall be on parent or guardian of proving that child is attending school.

12. This Part of this Act shall come into force at once in respect of any public school to which the provisions of sections eighty-nine to ninety-three of the principal Act have been heretofore brought into force by a School Committee, but in respect of any other public school shall only come into force upon a resolution of the Board of the education district wherein such school is comprised.

When compulsory clauses shall be enforced.

PART II.

COMPULSORY ATTENDANCE AT NATIVE SCHOOLS.

13. In this Part of this Act the following expressions shall have the meanings hereby assigned thereto respectively:—

Interpretation.

"Native school" means and includes any school carried on as a school for native Maoris and half-castes under the direct control of the Minister of Education:

"Native School Committee" or "Committee" means a Committee for a Native school elected under any regulations from time to time prescribed by the Minister of Education for the conduct of Native schools:

"Chairman of Native School Committee" means the person from time to time elected by a Native School Committee as Chairman of such Committee.

14. Every Native child who, if its parents were Europeans, would be required by the principal Act to attend a public school shall attend a Native school or a public school during at least thirty days in each quarterly school term.

Native child must attend school thirty days in each quarter.

15. Subject to such provisions of the principal Act as refer to the parents or guardians of European children, the parent or guardian of every Native child not less than seven nor more than thirteen years of age shall, in case such child lives within the distance of two

Every Native child above seven nor more than thirteen to attend school.

miles, measured according to the nearest road, from a Native school, send such child to school for at least one-half of the period in each year during which the school is usually open.

Exemptions.

16. The parent or guardian of any child may apply for and receive a certificate from the Native School Committee of the district in which such child resides exempting such child from attendance in whole or in part at school, upon satisfying the Committee of the existence of any one of the following grounds, namely:— 5

- (1.) That the child is under sufficient or regular instruction otherwise, or is attending some public or private school or some educational institution other than a Native school as herein defined, and that such child receives thereat instruction in reading, writing, and arithmetic on week-days: 10
- (2.) That the child is prevented attending school by sickness, danger of infection, temporary or permanent infirmity, or other unavoidable cause: 15
- (3.) That the road between the child's residence and the school is not sufficiently passable for such child: 15
- (4.) That one of the Inspectors or the master of any Native or any public school has, by writing under his hand, certified that such child has reached a standard of education prescribed by any regulations under the principal Act, or under any regulations from time to time prescribed by the Minister of Education for the conduct of Native schools. 20 25

And every such certificate of exemption shall state the ground of exemption, and shall be in force for a period of one year, or for a shorter period, as may be named in such certificate; and during the period named in such certificate the holder thereof shall be freed from the operation of the provisions of this Act in respect of the child named therein. 30

In case Native child does not attend school, notice may be given.

17. In case the Committee ascertains that any child between the ages of seven and thirteen years, and resident within the distance of two miles from a Native school within its district, does not attend school, the Chairman of such Committee may give the parent or guardian of such child notice in writing, in the form or to the effect in the Schedule hereto, calling upon such parent or guardian to send such child to school. 35

Proceedings to compel attendance.

18. If the parent or guardian of any child between the ages of seven and thirteen resident within two miles from a Native school, not holding a certificate of exemption as aforesaid in respect of such child, refuses or neglects to send such child to a Native school after having been called upon in manner aforesaid to do so, the parent or guardian of such child may be summoned before a Resident Magistrate or any two Justices of the Peace, who may order such parent or guardian to send such child to a Native school. 40 45

Penalty for non-compliance with order of Justices.

19. In case any parent or guardian, after having been ordered as aforesaid by a Resident Magistrate or any two Justices of the Peace to send any child to a Native school, neglects to obey such order, or, having obeyed the same for a time, without sufficient cause ceases to do so, such parent or guardian shall be liable to a penalty not exceeding *forty* shillings, and the same proceedings may be taken week by 50

week in the case of failure by such parent to comply with the order aforesaid.

In any information or complaint under this Act, whether for recovery of penalties or for orders to send children to school, the allegation that the child is between the ages of seven and thirteen years shall be deemed sufficient *prima facie* evidence of the fact until the contrary is proved, and in every case the father and mother or guardian of any child may be witnesses.

20. All proceedings for orders to send children to school and for recovery of penalties under this Part of this Act may be had and taken in the manner prescribed by "The Justices of the Peace Act, 1882," before any Resident Magistrate or any two Justices of the Peace.

Proceedings to be taken under "The Justices of the Peace Act, 1882."

21. The Chairman of a Native School Committee may conduct prosecutions on behalf of the Committee under this Part of this Act for orders to send children to a Native school and for penalties inflicted under this Part of this Act; and a certificate under the hand of the Secretary for Education that the person named in such certificate is the Chairman of such Native School Committee shall be conclusive evidence that such person was duly elected Chairman of the said Committee.

Chairman of Native School Committee to prosecute.

22. On the hearing of any information or complaint for an order to send Native children or a Native child to a Native school, or for the recovery of a penalty in respect thereof, the onus shall be on the parent or guardian of such children or child of showing that such children or child have or has attended, or are or is attending, a Native school, in accordance with the requirements of this Act, or that such children or child are or is exempt from such attendance thereunder.

Onus shall be on parent or guardian of proving that child is attending school.

23. This Part of this Act shall come into operation on the first day of January, one thousand eight hundred and ninety-four.

Commencement of this Part of Act.

SCHEDULE.

Schedule.

To A.B.

You are hereby required to send your child C.D., between the ages of seven and thirteen years, to a public [or Native] school; and if you fail to do so you will be summoned before two Justices of the Peace to answer for such neglect.

If your said child is (1) under efficient instruction otherwise than at a public [or Native] school, or (2) if it is prevented from attending school by sickness or unavoidable cause, or (3) if the road between the child's residence and the nearest public [or Native] school is not sufficiently passable for your child, or (4) if you have obtained a certificate in writing from a Government Inspector of Schools or the master of any public [or Native] school that your child has reached the standard of education prescribed by the regulations, and if you satisfy the Education Board [or Native School Committee] of any of these facts, you will receive a certificate exempting you from sending your child to school.

E.F.,

Secretary [or Chairman] of the Education Board of the District of
[or Chairman of the Native School Committee of the District of]

Dated this day of , 18 .