

Hon. Mr. Parr.

EDUCATION AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none">1. Short Title.2. Provision for representation on Education Board of combined urban areas.3. Extension of provisions as to payment of travelling-expenses of members of Board.4. Education Board accounts.5. Section 39 of principal Act amended.6. Transfer of charges heretofore improperly made.7. Annual report of School Committee.8. Salaries of itinerant teachers.9. Establishment of special classes.10. Extension of school age from fourteen years to fifteen years.11. Section 64 of principal Act (as to informations for failure to attend school) amended.12. Evidence of appointment of person to lay information and conduct proceedings.13. Disposal of fines for non-attendance.14. Commencement of sections 10 to 13 hereof.15. Attendance Officers.16. Amending provisions as to appointment and transfer of teachers.17. Section 72 of principal Act amended.18. Section 73 of principal Act amended.19. Section 78 of principal Act (relating to probationers) amended.20. Interpretation.21. Election by Education Boards of members of governing bodies of secondary schools.22. Section 90 of principal Act (relating to election of governing bodies of secondary schools) amended. | <ol style="list-style-type: none">23. Governor-General may prescribe staffs of secondary schools, and their rates of salaries and allowances.24. Grants to secondary schools out of public revenues. Consequential repeals.25. Commencement of sections 23 and 24 hereof.26. Determination of number of National Scholarships to be awarded.27. Holders of National Scholarships to hold same at secondary, district high, or technical schools.28. Payments to holders of National Scholarships.29. Local authorities may contribute to cost of schools.30. Distinction between certificates of proficiency and competency abolished.31. Section 109 of principal Act amended.32. Repeal. Technical schools to be under control of managers.33. Special provisions as to Elam School of Art.34. Section 114 of principal Act amended.35. Governor-General may prescribe rates of salaries and allowances for teachers of technical schools. Consequential repeals.36. Transfer of Medical Inspectors to Department of Health.37. Modification of constitution of Teachers' Court of Appeal.38. Section 151 of principal Act amended.39. Section 153 of principal Act amended.40. Section 157 of principal Act amended.41. Third Schedule to principal Act (relating to election of School Committees) amended.42. Section nine of Education Amendment Act, 1919, amended. |
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A BILL INTITLED

AN ACT to amend the Education Act, 1914.

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 Amendment Act, 1920, and shall be read together with and deemed part of the Education Act, 1914 (hereinafter referred to as the principal Act).
2. When, by the operation of an Order in Council under paragraph (c) of section two of the Education Amendment Act, 1919 (amending the definition of the term "urban area"), two or more urban areas are combined to form one such area the members of the Education Board for those urban areas in office on the coming into force of such Order in Council shall continue in office until the next general election of members, when so many of those members shall retire as shall be necessary to reduce the number of

Title.

Short Title.

Provision for representation on Education Board of combined urban areas.

members for the combined urban area to one-half the number prescribed for that urban area by subsection three of section fifteen of the principal Act. If any question arises as to which members shall retire, the same shall be determined in the manner provided by subsection four of section sixteen of the principal Act.

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Extension of provisions as to payment of travelling-expenses of members of Board.

3. Section thirty-one of the principal Act is hereby amended by adding to subsection one the words "or in attending (as a representative appointed by the Board) any conference summoned or approved by the Minister."

Education Board accounts.

4. Section thirty-three of the principal Act is hereby amended 10 by adding the following subsections:—

"(8.) Notwithstanding anything in this section, the Board may expend from its General Fund or its fund for the maintenance and repair of buildings—

"(a.) Such amount as the Minister may approve on workshops 15 and plant to be used in connection with the Board's building operations or the manufacture of school furniture; and

"(b.) Such amount as the Board may deem necessary for the purchase or manufacture of material, fittings, and 20 furniture for school purposes.

"(9.) So soon as it shall appear to what fund or funds the expenditure under paragraph (b) of the *last preceding* subsection is properly chargeable, the Board shall charge to each fund the cost properly chargeable thereto, and the cost may include such reasonable 25 charges for the use of workshops and plant as the Minister may approve."

Section 39 of principal Act amended.

5. Section thirty-nine of the principal Act is hereby amended by omitting from subsection two the words "audited as provided in the last preceding section."

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Transfer of charges heretofore improperly made.

6. Where prior to the first day of January, nineteen hundred and nineteen, an Education Board has in its accounts charged to any special account payments in excess of the sum available in the corresponding special fund, such excess payments shall be transferred to and charged to the General Fund or to such other special 35 fund as the Minister may in any case determine.

Annual report of School Committee.

7. Section forty-three of the principal Act is hereby amended by omitting from subsection two the word "December," and substituting the word "February."

Salaries of itinerant teachers.

8. Section fifty-four of the principal Act is hereby amended by 40 omitting from subsection seven all words after the words "shall be paid," and substituting the words "such salaries and allowances as may be prescribed."

Establishment of special classes.

9. Section fifty-six of the principal Act is hereby amended by 45 omitting the first proviso to subsection two, and substituting the following:—

"Provided that the Minister may sanction the establishment of special classes for children who, through physical infirmity, absence from school, or other circumstances require special tuition."

Extension of school age from fourteen years to fifteen years.

10. (1.) Section fifty-nine of the principal Act is hereby 50 amended—

(a.) By omitting from subsection one the word "fourteen," and substituting the word "fifteen";

- (b.) By inserting in the same subsection, after the words "public school," the words "secondary school, technical high school"; and by adding to the subsection the words "or other controlling authority"; and
- 5 (c.) By adding to subsection two the words "On any day on which a secondary school or technical high school has been open for four hours or upwards, a child shall, for the purposes of this section, be deemed to have attended that school if he has been in attendance thereat for not less
- 10 than four hours."

(2.) Section sixty of the principal Act is hereby amended—

- (a.) By omitting from paragraph (a) of subsection one all the words after the words "ten years of age," and substituting the words "or more than three miles in the case of a child
- 15 over ten and under fourteen years of age, or more than four miles in any other case, the distance being estimated by the nearest practicable route"; and

- (b.) By adding to paragraph (e) of subsection one the words "and that the distance he would be required to walk to a school providing instruction in advance of the work of Standard VI exceeds the limits of distance prescribed by
- 20 paragraph (a) hereof."

(3.) Section sixty-one of the principal Act is hereby amended by inserting in subsection one, after the words "public school," the

25 words "secondary school, technical high school."

11. Section sixty-four of the principal Act is hereby amended by inserting, after the words "clerk of the Committee," the words "or any person appointed for the purpose by a Technical School Board or the governing body of a secondary school."

Section 64 of principal Act (as to informations for failure to attend school) amended.

30 12. Section sixty-five of the principal Act is hereby repealed, and the following section substituted therefor:—

Evidence of appointment of person to lay information and conduct proceedings.

"65. A certificate under the hand of the Chairman or the Secretary of the Board or other authority concerned showing that the person named in the certificate has been duly appointed for any

35 of the purposes mentioned in the last preceding section shall be sufficient evidence of his appointment, and the election or appointment of the person acting as such Chairman or Secretary or the signature to any such certificate shall not in any proceedings be inquired into or disputed."

40 13. Section sixty-eight of the principal Act is hereby amended by inserting, after the word "Board" wherever it occurs, the words "or other authority."

Disposal of fines for non-attendance.

45 14. Sections *ten to thirteen* hereof shall come into operation on a date to be determined by the Governor-General in Council, being not earlier than the first day of January, nineteen hundred and *twenty-two*.

Commencement of sections 10 to 13 hereof.

50 15. All references in the principal Act or in any other Act to Truant Officers appointed under the principal Act shall hereafter be read as references to Attendance Officers. All persons holding office on the commencement of this Act as Truant Officers shall be deemed to have been appointed as Attendance Officers.

Attendance Officers

Amending provisions as to appointment and transfer of teachers.

16. (1.) Section seventy-one of the principal Act is hereby amended by repealing subsections six and seven, and substituting the following subsections:—

“(6.) In any case where applications have been invited, or in the case of a transfer of a teacher from one position to another to which is attached a higher grade of salary, the Board shall select for appointment or transfer the candidate who is highest on the graded list of teachers, unless in the opinion of the Board and the Senior Inspector some other candidate is more suitable for the position under consideration: 5

“Provided that in any case where, in the opinion of the Board and the Senior Inspector, a teacher of a particular description or with special qualifications is required for a position, the Board shall select the candidate highest on the graded list of teachers who satisfies the description or who possesses the special qualifications, and if applications are invited for any such position a statement of the special requirements shall be included in the advertisement calling for applications.” 10 15

“(7.) If in any case to which the *last preceding* subsection applies it appears to the Board and Senior Inspector that two or more candidates possess as nearly as may be equal claims to appointment, then, but in no other case, the Board may select not more than three of such candidates for consideration by the Committee.” 20

(2.) Section seventy-one of the principal Act is hereby further amended by adding the following subsection:— 25

“(9.) Notwithstanding anything in this section, the Board in making an appointment by transfer or otherwise may, on the recommendation of the Senior Inspector, give preference to the teacher who in accordance with subsections six and seven of this section is best fitted for the position among those candidates who have served for not less than two years in remote districts or in schools with an average attendance of less than one hundred and twenty. 30

Section 72 of principal Act amended.

17. Section seventy-two of the principal Act is hereby amended by omitting from subsection three the word “temporary,” and substituting the word “relieving.” 35

Section 73 of principal Act amended.

18. Section seventy-three of the principal Act is hereby amended by adding to subsection five the following words: “or if he is being transferred without reduction of salary under the provisions of paragraph (a) of subsection three of section seventy-one hereof.” 40

Section 78 of principal Act (relating to probationers) amended.

19. Section seventy-eight of the principal Act is hereby amended—

(a.) By omitting from subsection two the word “fifteen,” and substituting the word “twenty.”

(b.) By omitting from subsection three the words “No probationer,” and substituting the words “Every probationer.” 45

Interpretation.

20. (1.) Section eighty-six of the principal Act is hereby amended by repealing the definitions of the terms “endowments” and “net annual income derived from endowments” respectively, and substituting the following:—

“‘Endowments’ includes reserves and endowments administered by a Land Board pursuant to the Educa- 50

tion Reserves Amendment Act, 1910, and also includes any estate or interest in land granted by or on behalf of His Majesty and vested in the governing body of a secondary school or vested in any other person or body corporate wholly or in part for the purposes of any secondary school, and all estates or interests in land held for the purposes aforesaid and acquired wholly or in part from income derived from endowments or from grants from the public revenue :

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“The net annual income derived from endowments’ means, in the case of any secondary school, the total income received during the year ending on the thirty-first day of December preceding, available for the general purposes of the school, and derived from endowments or from investments of moneys derived from endowments (including mortgages and bank deposits), diminished by—

“(a.) Expenditure on such endowments or investments ;

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“(b.) Expenditure upon buildings and the maintenance and repairs of buildings ; and

“(c.) Interest paid in respect of loans for the purposes of lands and buildings :

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“Provided that unless the Minister is satisfied that such expenditure is necessary for the purposes of the secondary school, expenditure for any of the following purposes shall not be deducted, that is to say :—

“(i.) The erection of new buildings or of additions to buildings :

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“(ii.) The maintenance and repair of any building any part of which is used as a teacher’s residence or as a boardinghouse for pupils :

“(iii.) The acquisition of sites for buildings :

“(iv.) The payment of interest on moneys borrowed for building purposes.”

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

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21. Where by any Act heretofore passed and now in force the Education Board of any district which has ceased to exist by reason of the operation of the principal Act as amended by section two of the Education Amendment Act, 1915 (No. 2), is empowered to appoint or elect a member or members of the governing body of any secondary school, the power of election or appointment shall be deemed to be transferred to the Education Board of the district in which the secondary school is situated.

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22. Section ninety of the principal Act is hereby amended by adding the following proviso to subsection one :—

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“Provided that in the case of a newly-established secondary school until the school is opened and the election of members by the parents of the pupils is held the school shall be controlled by a Board consisting of the other six members.”

Election by
Education Boards
of members of
governing bodies of
secondary schools.

Section 90
of principal Act
(relating to election
of governing bodies
of secondary schools)
amended.

Governor-General may prescribe staffs of secondary schools and their rates of salaries and allowances.

23. Notwithstanding anything to the contrary in the principal Act, or in any Act establishing any secondary school, the Governor-General may, by Order in Council, make regulations regarding secondary schools, prescribing—

- (a.) The staffs of teachers to be employed in such schools; 5
- (b.) The salaries, allowances, and other emoluments of such teachers, and the conditions of their employment;
- (c.) The conditions subject to which leave of absence may be granted to teachers;
- (d.) The purposes for which incidental allowances may be expended; and 10
- (e.) The amount of tuition fees payable by other than free pupils.

Grants to secondary schools out of public revenues.

24. (1.) Section one hundred of the principal Act is hereby amended by repealing subsection one, and substituting the following subsections:— 15

“(1.) There shall be paid to the governing body of every secondary school, out of moneys appropriated from time to time by Parliament, the sums required for the following purposes:—

- (a.) The payment of the salaries of teachers; and 20
- (b.) The payment of such an allowance as may be prescribed for incidental purposes.

“(1A.) In estimating the amount required for the purposes aforesaid, the following amounts shall be taken into account, namely:— 25

- “(a.) The net annual income derived from endowments;
- “(b.) Grants from the Consolidated Fund, available for general purposes; and
- “(c.) Tuition fees receivable from pupils (exclusive of pupils in any lower department).” 30

Consequential repeals.

(2.) Section seventeen of the Education Amendment Act, 1919, and the Second Schedule thereto are hereby repealed.

Commencement of sections 23 and 24 hereof.

25. The *two last* preceding sections shall be deemed to have been in force on and after the first day of April, nineteen hundred and *twenty*. 35

Determination of number of National Scholarships to be awarded.

26. Section one hundred and two of the principal Act is hereby amended by repealing subsection five, and substituting the following subsection:—

“(5.) The total number of scholarships to be awarded in any year shall be determined in manner prescribed by regulations in that behalf, being not less than one scholarship for every five hundred children who were in yearly average attendance at all the public schools in New Zealand in the immediately preceding year.” 40

Holders of National Scholarships to hold same at secondary, district high, or technical schools.

27. (1.) Section one hundred and three of the principal Act is hereby amended by omitting the words “or its equivalent,” and substituting the words “or district high school or technical school.” 45

(2.) The amendment effected by this section shall not apply with respect to any scholarship awarded before the passing of this Act.

Payments to holders of National Scholarships.

28. Section one hundred and four of the principal Act is hereby amended— 50

- (a.) By omitting from subsection one the words “In addition to the amount of the tuition fees (if any) payable by him.”

(b.) By inserting in subsection two, after the words "is obliged," the words "in the opinion of the Board and the Minister."

Local authorities may contribute to cost of schools.

29. Any local authority may from time to time, out of its general funds, contribute such sums as it thinks fit to any School Committee, or to the Board or governing body of any secondary school, for the purpose of increasing the efficiency of such school, and may for that purpose make a grant by lease or otherwise of lands or buildings, anything in any Act to the contrary notwithstanding.

30. Where in the principal Act or in any other Act reference is made to certificates of proficiency or to certificates of competency in the subjects of Standard VI, such reference shall, after the passing of this Act, be read as a reference to a Standard VI certificate.

Distinction between certificates of proficiency and competency abolished.

31. Section one hundred and nine of the principal Act is hereby amended by omitting the definition of "public association."

Section 109 of principal Act amended.

32. Section one hundred and thirteen of the principal Act is hereby repealed, and the following substituted therefor:—

Repeal.

113. (1.) Subject to the provisions of this Act and regulations thereunder, all technical schools which, on the application of the controlling authority or on the advice of the Council of Education, have been approved by the Minister for the purposes of this section shall be under the immediate control of managers.

Technical schools to be under control of managers.

(2.) The Masterton Technical School and the classes established in connection therewith shall be under the control of managers elected or appointed in accordance with regulations:

Provided that at least one of the managers shall be appointed by the Wellington Education Board, and one manager shall be appointed by the Committee of the urban school district, if any, within five miles of such technical school.

(3.) In the case of the Canterbury College School of Art the controlling authority shall be the managers thereof.

(4.) In the case of the Elam School of Art the Auckland Education Board shall be the controlling authority thereof, and the managers shall be appointed in the manner prescribed by regulations:

Provided that not less than three of the managers shall be appointed by the Auckland Education Board, at least one manager shall be appointed by the Auckland City Council; and not less than two managers shall be appointed by the Elam Trustees so long as the income of the Elam trust is applied to the provision of free studentships at the school.

(5.) In the case of all other technical schools, the managers shall be elected or appointed in the manner prescribed by regulations as follows, namely:—

(a.) The controlling authority shall have the power to appoint at least one, but not more than three managers.

(b.) The Committee of the urban school district, if any, in which any such technical school is situated shall have the power to appoint one manager, or, if an urban school district has not been formed, the members of the various School Committees of the public schools within

five miles of such technical school shall have the power to elect one manager.

“(c.) If there is a technical high school in connection with such technical school, the parents of the pupils attending such technical high school shall have the power to elect three managers, one of whom shall be a woman. 6

“(d.) Other managers may be appointed or elected by the local authorities of the cities, boroughs, or counties any part of which is within five miles of such technical school, save that the number of managers so appointed or elected shall not exceed the number appointed by the controlling authority. 10

“(e.) The Governor-General shall appoint at least one, and not more than three, managers to represent employers, and the same number of managers to represent employees, in local industries. 15

“(6.) In the case of any other technical or continuation classes the controlling authority may delegate such powers of control as it shall see fit to the School Committee of the district.

“(7.) The Board of Managers of a technical school shall be a corporate body under the name of ‘The [Name] Technical School Board.’ 20

“(8.) The Governor-General may by Order in Council make regulations defining the powers of control and management possessed respectively by the controlling authority and the managers of technical schools. Such regulations may reserve to the controlling authority, except in the case of technical schools established before the commencement of this Act, the expenditure of money and the power of appointing teachers under this Part of this Act.” 25

Special provisions
as to Elam School
of Art.

33. (1.) The Elam Trustees are hereby empowered to transfer to the Auckland Education Board their interest in the Elam School buildings, equipment, and site, and the said Board is hereby empowered to take over the control of the said school. 30

(2.) Out of moneys appropriated by Parliament for the purpose the Minister may make grants— 35

(a.) To enable the Auckland Education Board to pay to the Elam Trustees such portion of the cost of the buildings and equipment taken over from the Trustees as has been provided out of the funds of the trust:

(b.) To enable the said Education Board to take over the liabilities of the managers in respect of the maintenance of the Elam School of Art as at the thirty-first day of December, nineteen hundred and twenty. 40

Section 114 of
principal Act
amended.

34. (1.) Section one hundred and fourteen of the principal Act is hereby amended by omitting the words “those specified in Part II of the Eleventh Schedule hereof,” and substituting the words “the Masterton Technical School.” 45

(2.) The Eleventh Schedule to the principal Act is hereby amended by repealing Parts II and III thereof.

Governor-General
may prescribe rates
of salaries and
allowances for
teachers of technical
schools.

35. (1.) The Governor-General may, by Order in Council, make regulations regarding technical schools and classes prescribing— 50

(a.) The staffs of teachers to be employed therein;

- (b.) The rates of salaries and allowances to be paid to the teachers, and the conditions of their employment ;
- (c.) The conditions subject to which leave of absence may be granted to such teachers ; and
- 6 (d.) The payments that may be made towards the cost of maintenance and administration.
- (2.) The payments for salaries, maintenance, and administration as prescribed under the provisions of this section shall be made out of moneys to be appropriated from time to time by Parliament for
- 10 those purposes.
- (3.) Sections one hundred and fifteen, one hundred and sixteen, one hundred and seventeen, and one hundred and eighteen of the principal Act are hereby repealed. Consequential repeals.
- (4.) This section shall be deemed to have been in force as from
- 15 the thirty-first day of March, nineteen hundred and *twenty*.
36. The Chief Medical Inspector and other Medical Inspectors of Schools appointed under section one hundred and thirty-four of the principal Act, and holding office on the coming into operation of the Health Act, 1920, shall thereafter be deemed to be officers of the
- 20 Department of Health under that Act. Transfer of Medical Inspectors to Department of Health.
37. Section one hundred and forty-eight of the principal Act is hereby amended— Modification of constitution of Teachers' Court of Appeal.
- (a.) By inserting in paragraph (b) of subsection one, after the words "either sex," the words "not being a teacher employed in a public school, secondary school, or technical school" ; and
- 25 (b.) By inserting in paragraph (c) of the same subsection, after the words "such person," the words "not being a member or officer of the Board concerned."
- 30 38. Section one hundred and fifty-one of the principal Act is hereby amended by omitting from the second proviso thereto the words "fifty-five years," and substituting the words "sixty years." Section 151 of principal Act amended.
39. Section one hundred and fifty-three of the principal Act is hereby amended by omitting from subsection one the words "at the
- 35 option of the Board." Section 153 of principal Act amended.
40. Section one hundred and fifty-seven of the principal Act is hereby amended by inserting, after the word "teacher" in subsection one, the words "pupil-teacher or probationer" ; and by omitting the words "two pounds," and substituting the words "ten
- 40 pounds." Section 157 of principal Act amended.
41. The Third Schedule to the principal Act is hereby amended as follows :— Third Schedule to principal Act (relating to election of School Committees) amended.
- (a.) By inserting at the end of clause one the words " Provided that in case of a first election or where the position of Chairman is vacant such nominations shall be sent to such person as may be appointed by the Board to receive them."
- 45 (b.) By omitting from subclause three of clause four the words "in the case of a school district in a rural area," and substituting the words "in the case of a school district in which there were not more than one hundred and twenty children in average attendance at the public schools therein during the preceding year."
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Section 9 of
Education
Amendment Act,
1919, amended.

42. Section nine of the Education Amendment Act, 1919, is hereby amended—

(a.) By repealing subsection one, and substituting the following subsection :—

“(1.) If at any time the grade of salary attached to the position of any teacher in a school is raised, the teacher occupying that position shall not be entitled, subject to the provisions hereinafter contained, to claim an increase of salary in respect of his position.” 5

(b.) By omitting from subsection two the words “within one month after such alteration of the grading of the school,” and substituting the words “before the expiry of one month after the date of the taking effect of the alteration.” 10

(c.) By omitting from subsection three the words “in the grading of the school,” and the words “(if any),” and also the words “in that school.” 15

By Authority : MARCUS F. MARKS, Government Printer, Wellington.—1920.