

[AS REPORTED FROM THE EDUCATION COMMITTEE.]

House of Representatives, 25th November, 1921.

Hon. Mr. Parr.

EDUCATION AMENDMENT.

Title.	ANALYSIS.
1. Short Title.	8. Section 71 of principal Act (relating to appointments of teachers) amended. Consequential repeal.
2. Urban school districts abolished.	9. National Scholarships available for children resident in Cook Islands or Western Samoa.
3. Meetings of Education Boards.	10. Definition of "bequest" for purposes of subsidies.
4. Restriction on expenditure of rebuilding funds.	11. Property vested in Education Boards to be exempt from local by-laws.
5. Unauthorized expenditure of Education Boards, and of Secondary and Technical School Boards.	12. Teachers to take oath of allegiance.
6. Special classes for crippled and backward children.	
7. Registration and inspection of private schools. Consequential repeal.	

A BILL INTITULED

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, 1921, and shall be read together with and deemed part of the Education Act, 1914 (hereinafter referred to as the principal Act).
2. (1.) All urban school districts under the principal Act are hereby abolished. The Committee of any urban school district in office at the commencement of this Act shall continue in office as if this Act had not been passed until the first annual election of School Committees to be held after the commencement of this Act.
- (2.) The enactments hereinafter mentioned are hereby consequentially amended as follows:—
- (a.) Section two of the principal Act—By repealing the definition of "urban school district":
- (b.) Section eleven of the principal Act—By omitting from paragraph (e) of subsection two the words "a representative of an urban school district, or":
- (c.) Section fifteen of the principal Act—By omitting from subsection three the words "whether an urban school district or not":
- (d.) Section forty of the principal Act—
- (i.) By omitting from the second proviso to subsection two the words "other than an urban school district":
- (ii.) By repealing subsections six, seven, and eight.

- (e.) Section forty-one of the principal Act—  
 (i.) By repealing the proviso to subsection two :  
 (ii.) By omitting from subsection three the words  
 “except in the case of the members of the Committee of  
 an urban school district, whose ordinary term of office  
 shall be two years” : 5
- (f.) Section forty-seven of the principal Act—By repealing the  
 proviso :
- (g.) Section eighty-eight of the principal Act—By omitting from  
 subsection two the words “or the Committee of any urban  
 school district, after consultation with the Board” : 10
- (h.) Section ninety of the principal Act—By omitting from  
 subsection one the words “by the Committee of the  
 urban school district (if any) within five miles of such  
 school, or, if there is no such urban school district” : 15
- (i.) Section one hundred and ten of the principal Act—By  
 omitting from subsection two the words “and any urban  
 School Committee” :
- (j.) Section one hundred and thirteen of the principal Act, as  
 set out in section thirty-one of the Education Amend- 20  
 ment Act, 1920,—  
 (i.) By omitting from the proviso to subsection two  
 the words “and one manager shall be appointed by the  
 Committee of the urban school district, if any, within five  
 miles of such technical school” : 25  
 (ii.) By omitting from paragraph (b) of subsection five  
 the words “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” : 30
- (k.) Third Schedule to the principal Act—  
 (i.) By omitting from the heading to Part I the  
 words “other than urban school districts” :  
 (ii.) By repealing Parts II and III. 35
3. Section twenty-eight of the principal Act is hereby amended 35  
 by repealing the proviso to subsection one thereof.
4. (1.) After the passing of this Act an Education Board shall not  
 enter into any contract or engagement involving the expenditure of  
 money out of the special fund established for the rebuilding of  
 schools and the replacement of school class-rooms (hereinafter 40  
 referred to as the rebuilding fund), save with the prior consent in  
 writing of the Minister, nor shall any moneys be hereafter paid out  
 of that fund unless such consent has been given, save in respect of  
 contracts lawfully entered into by the Board before the passing of  
 this Act for the purposes or any of the purposes for which the 45  
 rebuilding fund has been established.
- (2.) In addition to the purposes referred to in subsection six of  
 section thirty-three of the principal Act (as set out in section nine of  
 the Statute Law Amendment Act, 1917) in relation to the rebuilding  
 fund, the moneys in that fund shall, as from the passing of this Act, 50  
 be available for expenditure in respect of the remodelling of schools  
 or class-rooms, additions to schools, and the building of new schools  
 and residences :

Meetings of  
 Education Boards.

Restriction on  
 expenditure of  
 rebuilding funds.

Provided that nothing herein shall authorize the payment of any moneys into any fund otherwise than as provided by the said subsection six.

(3.) Any moneys in the rebuilding fund that are not for the time being required for the purposes of that fund may, and, if the Minister so directs, shall, be temporarily invested in such securities or in such manner as may be approved for the purpose by the Governor-General in Council.

(4.) All moneys accruing from the investment of any moneys as aforesaid shall be paid into the rebuilding fund.

5. (1.) An Education Board may, in any calendar year, expend out of its General Fund for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than *one* per centum of such portion of its income for that year as is payable to the General Fund, nor in any case to more than *fifty* pounds.

Unauthorized expenditure of Education Boards, and of Secondary and Technical School Boards.

(2.) The governing body of any secondary school and the controlling authority or Board of Managers, as the case may be, of a technical school may, in any calendar year, expend out of its income received for general or incidental purposes, for purposes not authorized by any Act or law for the time being in force, any sum or sums not amounting in the whole to more than *one* per centum of such portion of its income for that year as is chargeable with general or incidental expenses, nor in any case to more than *twenty-five* pounds.

6. Section nine of the Education Amendment Act, 1920, is hereby repealed; and the following proviso substituted as the first proviso to subsection two of section fifty-six of the principal Act:—

Special classes for crippled and backward children.

“Provided that the Minister may sanction the establishment, either in connection with a public school or as a separate school, of special classes for children who, through physical infirmity, absence from school, or other circumstances, require special tuition. A separate school so established shall be deemed to be a public school, save that it may, on the recommendation of the Board and with the approval of the Minister, be placed under the control of any person or persons appointed by the Board for the purpose in lieu of a School Committee.”

7. (1.) For the purposes of this section—

“Efficient” used with reference to any private school means that the premises, staff, equipment, and curriculum of the school are suitable; that the instruction afforded therein is as efficient as in a public school of the same class; and that suitable provision is made for the inculcation in the minds of the pupils of sentiments of patriotism and loyalty; and that each person who acts as a teacher in the school has taken the oath of allegiance as prescribed in section twelve hereof.

Registration and inspection of private schools.

“Managers” used in relation to a private school means and includes all persons who have the control and management of such school, whether they have a proprietary interest therein or not.

(2.) The managers of every private school established before the passing of this Act and not then registered as such shall, within six months after the passing of this Act, apply to the Director of Education for the registration of the school under this section. Such application shall be in the form provided, and shall give 5 such information as may be required regarding the premises, staff, equipment, curriculum, and pupils of the school.

(3.) No private school shall be established after the passing of this Act unless application for registration has been made to the Director of Education, and he is satisfied that the premises, staff, 10 equipment, and curriculum are satisfactory.

(4.) On receipt of an application for the registration of a private school, the Director shall cause the school to be inspected by an Inspector. If on the report of the Inspector the Director is satisfied that the school is efficient, but in no other case, he shall cause the 15 school to be registered as a private primary, secondary, or technical school, as the case may be.

(5.) The Director shall publish annually in the *Gazette* a list of all registered private schools.

(6.) Every private school, whether registered under this section 20 or not, shall be inspected annually, and a copy of the Inspector's report shall be sent to the head teacher or the managers thereof.

(7.) If at any time it appears to the Director that any registered private school has ceased to be an efficient private school, within the meaning of this section, the Director shall remove the name of the 25 school from the list of registered schools, and shall notify the head teacher and the managers accordingly.

(8.) The managers of any existing unregistered private school who fail to apply for registration of the school within six months after the passing of this Act, and the managers of any private 30 school established after the passing of this Act without application for registration having been made as herein required, shall be jointly and severally liable on summary conviction to a fine of *fifty* pounds.

(9.) Every private school shall keep such registers of attendances and such other records as may be prescribed, and shall furnish 35 such annual and other returns as may be required.

(10.) This section is in substitution for section one hundred and thirty-three of the principal Act, and that section is hereby accordingly repealed.

8. (1.) Section seventy-one of the principal Act is hereby 40 amended as follows:—

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

“(4.) Except in the case of appointments by way of transfer made without increase of salary, the Board shall, 45 before making an appointment to any position, invite applications for appointment to that position, by advertisement in such one or more newspapers as it thinks fit, and also, if so required by the Minister, in any official publication that may be issued by his direction.” 50

Consequential  
repeal.

Section 71 of  
principal Act  
(relating to  
appointment of  
teachers) amended.

(b.) By adding to subsection six as set out in section sixteen of the Education Amendment Act, 1920, the following proviso:—

5 "Provided also that, save in the case of the first permanent appointment of a teacher, or in any special case approved by the Director on the recommendation of the Board, no teacher shall be eligible for appointment to any vacant position before the expiry of at least one year after the date of his last permanent appointment."

10 (2.) Before making any appointment of a teacher under section seventy-one of the principal Act (whether by way of transfer or otherwise) the Board shall consider the fitness for the vacant position of every teacher in the employment of the Board referred to in paragraph (a) of subsection three thereof, or in section nine of the  
15 Education Amendment Act, 1919, and, if the appointment would not involve an increase of salary, shall appoint the most suitable of those teachers, unless it is of opinion that none of those teachers is suitable to fill the vacant position.

(3.) Subsection *two* of this section is in substitution for the first  
20 proviso to subsection three of section seventy-one of the principal Act, and that proviso is hereby repealed accordingly.

Consequential repeal.

9. (1.) Notwithstanding anything to the contrary in section one hundred and two of the principal Act, applications for Junior  
25 National Scholarships or Senior National Scholarships may be made to the Director by or on behalf of persons resident and receiving educational instruction in the Cook Islands or in Western Samoa, but eligible in other respects to be the holders of such scholarships, and scholarships may be awarded in accordance with this section.

National Scholarships available for children resident in Cook Islands or Western Samoa.

(2.) Every scholarship awarded under this section shall be  
30 awarded by the Minister, on the recommendation of the Director, and not by an Education Board.

(3.) Every scholarship awarded under this section shall be held in New Zealand.

(4.) All moneys payable in respect of scholarships awarded  
35 under this section shall be issued out of the Consolidated Fund by the Minister of Finance pursuant to section one hundred and six of the principal Act, but shall be paid by him to the Director and not to an Education Board.

10. Section one hundred and fifty-nine of the principal Act is  
40 hereby amended by adding the following subsection:—

Definition of "bequest" for purposes of subsidies.

"(3.) For the purposes of this section the term 'bequest' means and includes any property, whether real or personal, derived from the estate of a deceased person, whether or not any discretionary powers as to the disposal of that property are vested in the personal  
45 representatives of the deceased."

*Struck out.*

50 11. Section two hundred and nineteen of the Counties Act, 1920, and section three hundred and eighty-four of the Municipal Corporations Act, 1920 (providing for the exemption of property of the Crown from the said Acts and the regulations and by-laws thereunder), shall apply in respect of property vested in any Education Board or in the governing body or controlling authority of any secondary school or technical school in the same manner and to the same extent as they respectively apply to property of the Crown.

Property vested in Education Boards to be exempt from local by-laws.

Teachers to take  
oath of allegiance.

12. (1.) No person shall after the first day of January, nineteen hundred and *twenty-two*, be employed or continue to be employed as a teacher in any public school, or in any secondary school or technical school, unless, in the case of a British subject, he has since the passing of this Act made and subscribed the oath of allegiance, and, in any other case, he has since the passing of this Act made and subscribed in the prescribed form an oath that he will not be concerned in any manner, directly or indirectly, in any act which would be disloyal to His Majesty the King if committed by a subject of His Majesty. 5 10

*New.*

(1A.) Nothing herein shall be so construed as to restrict the provisions of section fifty of the Evidence Act, 1908, whereby every person is entitled as of right to make his solemn affirmation instead of taking an oath. 15

(2.) Nothing in section ten of the Promissory Oaths Act, 1908, shall limit the operation of this section.

*New.*

(3.) Any oath or affirmation required to be made under this section may be made and subscribed before a Justice of the Peace, or a solicitor of the Supreme Court, or the Chairman of an Education Board or of the governing body or controlling authority of a secondary school or technical school or of a School Committee, and every such Justice, solicitor, and Chairman respectively shall have authority to administer and receive any such oath or affirmation. 25

13. For the purpose of appointments to the staff of the Department of Education constituted by the principal Act, every person who is permanently employed in the Education service within the meaning of Part I of the Public Service Classification and Superannuation Amendment Act, 1908, shall be deemed to be a person employed in the Public Service within the meaning of section forty of the Public Service Act, 1912, whether or not he is a person so employed for the purpose of any other appointment in the Public Service or within the meaning of any other provisions of that Act. 30