

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,*

*17th October, 1924.*

[AS REPORTED FROM THE EDUCATION COMMITTEE.]

*Legislative Council, 30th October, 1924.*

*Hon. Mr. Parr.*

## EDUCATION AMENDMENT.

### ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p><i>Single Control of Secondary and Technical Schools.</i></p> <p>2. Secondary schools and technical schools may be combined for control.</p> <p>3. Governing body of combined schools.</p> <p>4. Incorporation of governing body.</p> <p>5. Governing bodies of separate schools dissolved.</p> <p>6. Vesting of property in governing body of combined schools.</p> <p>7. Property in technical school vested in body other than Board of Managers to pass to governing body of combined schools.</p> <p>8. Provisions of principal Act applicable to the separate schools combined as aforesaid.</p> <p><i>Junior High Schools.</i></p> <p>9. Establishment and conduct of junior high schools.</p> <p><i>Technical Schools.</i></p> <p>10. Technical schools need not be placed under Board of Managers.</p>	<p>11. Board of Managers of technical schools may be dissolved, and sole control vested in controlling authority.</p> <p>12. Sole control of technical schools may be vested in Board of Managers.</p> <p><i>Registration of Teachers.</i></p> <p>13. No teacher to be employed unless registered.</p> <p>14. Teachers register.</p> <p>15. Copy of register to be published in <i>Gazette</i>.</p> <p>16. Correction of register.</p> <p>17. Registration may be cancelled for misconduct, but subject to right of appeal.</p> <p>18. Notification of removal of name from Teachers Register.</p> <p><i>General.</i></p> <p>19. To prevent overcrowding at public schools Board may limit attendance.</p> <p>20. Section 40 of principal Act (relating to notification of new school district) amended.</p> <p>21. Issue of certificates to pupils at registered private schools.</p> <p>22. Section 105 of principal Act amended.</p> <p>23. Section 159 of principal Act amended.</p> <p>24. Third Schedule to principal Act amended.</p>
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### A BILL INTITULED

AN ACT to amend the Education Act, 1914.

Title.

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, 1924, and shall be read together with and deemed part of the Education Act, 1914 (hereinafter referred to as the principal Act).

Short Title.

10 *Single Control of Secondary and Technical Schools.*

2. Upon the recommendation of the Minister, made with the approval of the governing bodies or controlling authorities of the schools affected, the Governor-General may, by Order in Council, direct that any secondary school or schools and any technical school or schools shall, as from a date to be named in the Order, be combined for the purpose of control by a single governing body as hereinafter set out.

Secondary schools and technical schools may be combined for control.

Governing body of  
combined schools.

3. (1.) The governing body of the schools so dealt with (hereinafter referred to as the combined schools) shall be constituted in manner prescribed, but the number of members thereof shall not exceed thirteen, of whom not more than three shall be appointed by the Governor-General, not less than three shall be elected by the parents of pupils attending the schools, at least one shall be elected by associations of employers and at least one by associations of employees in local industries, and not less than two shall be appointed by the Education Board of the district. 5

Incorporation of  
governing body.

(2.) The appointment or election of members of the governing body of combined schools shall be made in the manner prescribed. 10

4. (1.) The governing body of the combined schools shall be a body corporate with perpetual succession and a common seal, and shall have power to hold land; it may sue and be sued, and may do and suffer all such acts and things as corporate bodies may do and suffer. 15

(2.) The governing body of the combined schools shall, subject to the provisions of the principal Act and this Act, have power to purchase, take, or otherwise acquire land as sites for any school buildings or teachers' residences or for any other purpose in connection with such schools. 20

(3.) The governing body of the combined schools shall be deemed to come into existence as a body corporate on the date fixed as aforesaid for its taking control of the schools, whether the full number of members thereof has been elected or appointed or not.

Governing bodies of  
separate schools  
dissolved.

5. On the date fixed for the single control of the combined schools to take effect the control over the separate schools exercised by any existing controlling body or bodies thereof shall cease, and in the case of the secondary school or schools the governing body or bodies thereof, and in the case of the technical school or schools the Board or Boards of Managers thereof, if any, shall be and be deemed to be dissolved. 25 30

Vesting of property  
in governing body  
of combined schools.

6. On the dissolution of any governing body or of any Board of Managers as aforesaid all property of the governing body or Board dissolved as aforesaid shall vest in the governing body of the combined schools, and all rights and liabilities of the governing body or Board so dissolved shall become the rights and liabilities of the governing body of the combined schools. 35

Property in  
technical school  
vested in body  
other than Board of  
Managers to pass to  
governing body of  
combined schools.

7. (1.) In respect of any technical school combined as aforesaid, where there is a controlling authority of that school other than or in addition to the Board of Managers, the property, rights, and liabilities of such controlling authority in respect of that school shall, as from the date fixed for single control, vest in and become the property, rights, and liabilities of the governing body of the combined schools, save in so far as such property, rights, and liabilities may be expressly limited or excepted by the Governor-General by Order in Council gazetted. 40 45

(2.) In the event of any dispute as to what property, rights, and liabilities of the controlling authority shall pass as aforesaid to the governing body of the combined schools the Governor-General shall determine the matter by Order in Council, and every such Order in Council shall have effect according to its tenor. 50

Provisions of  
principal Act  
applicable to the  
separate schools  
combined  
as aforesaid.

8. (1.) Notwithstanding the combination of schools as aforesaid for the purpose of control the appropriate provisions of the principal Act or any other Act shall, as far as applicable, and subject to any

special provisions made under the *next succeeding* subsection, continue to apply to each of the schools so combined, save that in the case of a secondary school the references to the governing body and in the case of a technical school the references to the controlling authority and the Board of Managers shall be deemed to be

5 references to the governing body of the combined schools.  
 (2.) The Governor - General may by Order in Council, make regulations relating to the maintenance, administration, staffing, and salaries of staffs of combined schools.

10 *Junior High Schools.*

9. (1.) A " junior high school " means a school providing courses of instruction occupying normally three years and, in general, covering the higher stages of the course of primary instruction and the earlier stages of the secondary course.

Establishment and  
conduct of junior  
high schools.

15 (2.) Having due regard to the requirements in any locality or in any education district, and after consultation with the Board or other body affected, the Minister may establish in such locality or district a junior high school, and with the like regard may disestablish any junior high school.

20 (3.) At the discretion of the Minister a junior high school on establishment may be placed under the control of the Board of the district as a public school, or under the control of the governing body of a secondary school, or of the controlling authority or Board of Managers of a technical high school.

25 (4.) Where a junior high school is placed under the control of the Board of the district the following provisions shall apply :—

(a.) The provisions of the principal Act relating to public schools shall, as far as applicable and subject to any special provisions made under subsection *six* hereof, apply to the junior high school.

30 (b.) The Board may place the school under the management of the Committee of the school district in which such junior high school is situated, or may place it under the management of a special Committee elected or appointed in manner prescribed and having such powers as may be delegated to it by the Board.

35 (5.) Where a junior high school is placed under the control of the governing body of a secondary school or of the controlling authority or Board of Managers of a technical high school the provisions of the principal Act relating to secondary schools or technical high schools, as the case may be, shall, as far as applicable, and subject to any special provisions made under the *next succeeding* subsection, apply to such junior high school.

40 (6.) The Governor - General may by Order in Council make regulations relating to the maintenance and control of junior high schools (including the admission of free pupils).

*Technical Schools.*

10. (1.) Notwithstanding anything to the contrary in the principal Act, the Minister may, on the application of the controlling authority or on the advice of the Council of Education, by notice published in

Technical schools  
need not be placed  
under Board of  
Managers.

the *Gazette*, direct that in lieu of a technical school being placed under the immediate control of Managers the controlling authority shall retain such control.

(2.) Where the immediate control of a technical school is retained by a controlling authority it may, with the approval of the Minister, delegate such powers over the school as it thinks fit to the Committee of the school district in which such technical school is situated, or to a special Committee elected or appointed in such manner as may be prescribed. 5

Board of Managers of technical schools may be dissolved, and sole control vested in controlling authority.

11. (1.) In respect of any technical school, whether established before or after the coming into operation of this Act, the Minister may, on the application of the controlling authority thereof or on the advice of the Council of Education, by notice published in the *Gazette*, direct that from a date named in the notice the immediate control of the technical school shall pass from the Board of Managers to the controlling authority thereof. 10 15

(2.) From the date specified in such notice the Board of Managers shall be and shall be deemed to be dissolved, and all the property, rights, and liabilities of the Board shall vest in and become the property, rights, and liabilities of the controlling authority. 20

(3.) The provisions of subsection *two* of the *last preceding* section in regard to the delegation of powers by a controlling authority shall also apply where the immediate control of a technical school is resumed by the controlling authority thereof under this section.

Sole control of technical schools may be vested in Board of Managers.

12. (1.) In respect of any technical school, whether established before or after the coming into operation of this Act, the Minister may, on the application of the controlling authority thereof or on the advice of the Council of Education, by notice published in the *Gazette*, direct that from a date to be named in the notice the controlling authority shall cease to exercise control over the school and that the sole control thereof shall be vested in the Board of Managers: 25 30

Provided that nothing herein shall affect the right of the original controlling authority to representation on the Board of Managers as provided in the principal Act. 35

(2.) From the date specified in the aforesaid notice the Board of Managers shall be deemed to be the controlling authority of the technical school, and the provisions of the principal Act relating to controlling authorities shall, as far as applicable and with the necessary modifications, apply to such Board of Managers. 40

(3.) All the property, rights, and liabilities of the original controlling authority in respect of the technical school shall, as from the date specified in the notice aforesaid, vest in and become the property, rights, and liabilities of the Board of Managers, save so far as such property, rights, and liabilities may be expressly limited or excepted in the notice published by the Minister, and every such notice shall have effect according to its tenor. 45

#### *Registration of Teachers.*

13. Without derogating from any other requirement of the principal Act or of any regulation thereunder, no person shall, on or after the *first* day of April, nineteen hundred and *twenty-five*, be capable of 50

No teacher to be employed unless registered.

being appointed to be or of continuing to be a teacher unless his name is registered in the register of teachers hereinafter required to be kept :

5 Provided that nothing herein shall require persons who are appointed temporarily to positions as teachers or who are employed as teachers in schools under the Department to be registered :

10 Provided further that a person whose registration has been cancelled on the grounds set out in section *seventeen* hereof shall not be appointed temporarily to a position as a teacher unless his name has been reinstated on the register.

14. (1.) The Director shall keep in such manner as may be prescribed a register of teachers (hereinafter referred to as the Teachers Register). Teachers register.

15 (2.) The names of the following persons shall be entered by the Director in the Teachers Register :—

(a.) Every person who on the *first* day of April, nineteen hundred and *twenty-five*, is employed permanently as a teacher ;

20 (b.) Every person who though not permanently employed as a teacher on the *first* day of April aforesaid is the holder of a teacher's certificate of competency or a license to teach under the principal Act issued prior to that date and who applies to be registered ;

25 (c.) Every person to whom is issued on or after the *first* day of April aforesaid a teacher's certificate of competency or a license to teach under the principal Act ; and

(d.) Every person who applies in the prescribed manner to be registered and who satisfies the Director that he has the prescribed qualifications and is in other respects a fit and suitable person to be appointed as a teacher :

30 Provided that a person who has been refused registration for any reason other than that of lack of the prescribed *academic educational* qualifications may, within *forty-two* days of such refusal, appeal in the manner prescribed in the case of the cancellation of registration in section *seventeen* hereof, the provisions of which shall, *mutatis mutandis*, apply.

35 15. A copy of the Teachers Register corrected to a date specified therein shall be published in the *Gazette* within thirty days after the coming into force of this section, and thereafter in each year before the thirtieth day of April : Copy of register to be published in Gazette.

40 Provided that the Director may from time to time publish in the *Gazette* a supplementary list of names added to the register subsequently to the date of the last publication of any names.

45 16. The Director shall from time to time remove from the Teachers Register the names of all persons recorded therein who are deceased, or who have notified their resignation or retirement from the teaching profession, or who have not within the preceding *two* years held any appointment as a teacher and have not applied for the retention of their names on the register. Correction of register.

50 17. (1.) If in the opinion of the Director any person whose name appears on the Teachers Register has been guilty of immorality or gross misbehaviour, or other conduct unfitting him for employment as a teacher, he may, with the approval of the Minister and subject to the succeeding provisions of this section, cancel the registration of such person and remove his name from the register. Registration may be cancelled for misconduct, but subject to right of appeal.

(2.) On the complaint of any society of teachers registered under the principal Act, and approved by the Minister for the purposes of this section, that any person whose name appears on the Teachers Register has been guilty of any such conduct as aforesaid, the Director may, with the approval of the Minister, and subject to the succeeding provisions of this section, cancel the *certificate and* registration of such person and remove his name from the register. 5

(3.) Before the cancellation of the *certificate and* registration of any person under the provisions of the *two last preceding* subsections shall take effect, the Director shall give not less than *forty-two days'* notice of such cancellation to the person affected, setting out in the notice with sufficient particularity the grounds of the cancellation. 10

(4.) Any person receiving notice of the cancellation of his registration as aforesaid may, at any time prior to the date on which the cancellation takes effect, appeal in the prescribed manner against such cancellation. 15

(5.) The appeal shall be heard and determined by a Magistrate nominated for the purpose by the Minister of Justice.

(6.) On any such appeal the appellant and the Director, as respondent, may appear personally or may be represented by some other person, or by counsel. Where the registration of a teacher is cancelled on the complaint of any registered society, such society may be represented by counsel or some other person. 20

(7.) The Magistrate shall make such order as he thinks proper, having regard to the merits of the case and the public welfare.

(8.) If an appeal is not made, or, if made, is dismissed by the Magistrate, the cancellation of the *certificate and* registration shall take effect as from the date specified by the Director in his notice of cancellation. 25

Notification of removal of name from Teachers Register.

18. Where the name of any person has been removed from the Teachers Register for misconduct, a notice of such removal shall be published in the *Gazette* and such other notification shall be made to any Board or other body employing such person as a teacher as the Director deems necessary. 30

#### General.

To prevent overcrowding at public schools Board may limit attendance.

19. In addition to the powers conferred on it by section thirty-two of the principal Act, a Board may, with the approval of the Minister, in order to avoid overcrowding at any public school, limit the attendance at such school in such manner as it determines : 35

Provided that the power hereby conferred shall not be exercised unless there is adequate and convenient provision for every child eligible therefor and debarred from attending such school at another public school. 40

Section 40 of principal Act (relating to notification of new school district) amended.

20. Section forty of the principal Act is hereby amended by omitting from subsection five thereof all words after the words " the Board shall cause," and substituting the words " to be publicly notified the formation of such new district and the place (being the Board's office or some other convenient place) where a plan showing the boundaries of the district may be inspected. The boundaries as shown on such plan shall be held to be the boundaries of the new district." 45 50

*New.*

20A. Section seventy-one of the principal Act is hereby amended by omitting the second proviso to subsection six thereof as set out in section eight of the Education Amendment Act, 1921-22, and substituting the following proviso:—

5 Provided also that except in any special case approved by the Director on the recommendation of the Board and the Senior Inspector no person who has been permanently appointed as a teacher to any position shall, before the thirty-first day of December in the year immediately following the year in which he was so appointed, be eligible for appointment to another position.

10 21. Section ninety-five of the principal Act is hereby amended by omitting the words "or technical high school," and substituting the words "technical high school or registered private secondary school."

Issue of certificates to pupils at registered private schools.

15 22. Section one hundred and five of the principal Act is hereby amended by repealing subsection three thereof.

Section 105 of principal Act amended.

20 23. Section one hundred and fifty-nine of the principal Act is hereby amended by omitting from subsection one thereof the words "subsidies shall, without further appropriation than this Act, but subject to such other conditions and limitations as may be prescribed, be payable out of the Consolidated Fund to such Board, governing body, or managers as follows:—" and substituting the words "there shall be paid to such Board, governing body, or managers, without further appropriation than this Act, but subject to such other conditions and limitations as may be prescribed, such sums as the Minister directs by way of subsidy, but not exceeding ."

Section 159 of principal Act amended.

25 24. Subclause three of clause four of the Third Schedule to the principal Act, as amended by section thirty-eight of the Education Amendment Act, 1920, is hereby further amended by omitting therefrom the words "not more than one hundred and twenty children," and substituting the words "not more than two hundred and forty children."

Third Schedule to principal Act amended.