

Hon. Mr. Fraser.

EDUCATION AMENDMENT.

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## A BILL INTITULED

Title.

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:—

Short Title and commencement. See Reprint of Statutes, Vol. II, p. 1007

1. (1) This Act may be cited as the Education Amendment Act, 1937, and shall be read together with and deemed part of the Education Act, 1914 (hereinafter referred to as the principal Act).

(2) Except as otherwise provided therein, this Act shall come into force on the first day of January, nineteen hundred and thirty-nine.

## PART I.

## CONSTITUTION OF EDUCATION DISTRICTS AND EDUCATION BOARDS.

Existing education districts abolished and the Boards thereof dissolved.

2. (1) The several education districts constituted in accordance with Part III of the principal Act are hereby abolished.

(2) The several Education Boards constituted in accordance with Part III of the principal Act are hereby dissolved.

Governing bodies of existing secondary and combined schools dissolved.

3. (1) The governing bodies of the several secondary schools mentioned in the Ninth Schedule to the principal Act, and the governing bodies of all secondary schools established under the principal Act, are hereby dissolved.

(2) The governing bodies of all combined schools (within the meaning of the Education Amendment Act, 1924) are hereby dissolved.

4. (1) The education districts named in the first column of the *First* Schedule hereto are hereby constituted education districts for the purposes of the principal Act, and each of those districts shall comprise the counties the names of which are set opposite to the name of such education district in the second column of that Schedule.

Constitution of new education districts.

(2) If at any time after the passing of this Act, and whether before or after the commencement thereof, a new county is created the limits whereof are wholly within one education district, the new county shall be included within and form part of that education district.

(3) If at any time after the passing of this Act, and whether before or after the commencement thereof, a new county is created the limits whereof extend into two or more education districts, the new county shall be included within and shall form part of such one of those education districts as the Governor-General by Order in Council determines. Any such Order in Council may be made retrospective, so as to operate from the date of the creation of the new county or from such later date as the Governor-General thinks fit. Any such Order in Council may be at any time revoked and another substituted therefor.

5. (1) Every education district shall include every borough and every town district situated within the boundaries of any county included in the education district, and shall also include every borough that is contiguous to any county included in the education district. For the purposes of this subsection a borough which is not itself contiguous to a county shall be deemed to be contiguous thereto if it is contiguous to another borough which is itself contiguous to that county.

Education districts to include all boroughs and town districts situated within boundaries of constituent counties.

(2) If at any time after the commencement of this Act the boundaries of any county, borough, or town district are altered, that alteration shall operate with respect to the education district, and the boundaries of the education district shall be deemed to be altered accordingly.

(3) If, on or at any time after the commencement of this Act, there is any county, borough, or town district to which none of the foregoing provisions are applicable, so as to include that county, borough, or town district in any education district, the Governor-General may by Order in Council assign that county, borough, or town district to such education district as he thinks fit, and it shall be included in that education district accordingly. Any such Order in Council may be made retrospective to such extent as is necessary to secure the inclusion of that county, borough, or town district at all times in an education district. Any such Order in Council may be at any time revoked and another substituted therefor.

Alteration of  
education  
districts.

6. (1) The Governor-General may from time to time by Order in Council—

- (a) Alter the name of any education district and the corporate name of the Board thereof:
- (b) Alter the boundaries of any education districts by the exclusion of any county from one district and its inclusion in an adjoining district.

(2) Any alteration of the boundaries of an education district by the inclusion therein or the exclusion therefrom of any county shall operate with respect to all boroughs and town districts situated within or contiguous to the boundaries of such county.

Constitution  
of Education  
Boards.

7. (1) For every education district there shall be an Education Board, to be constituted in accordance with the provisions of this Act.

(2) Every Education Board constituted under this Act shall be a body corporate by the name of "The [*Name of education district, omitting the words 'education district'*] Education Board", and shall have perpetual succession and a common seal, and shall be capable of holding real and personal property, of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

(3) Every such Board shall be deemed to come into existence as a body corporate on the commencement of this Act, whether or not the full or any number of the members of the Board has then been elected.

8. (1) Any contract which if made between private persons must be by deed shall, when made by a Board, be in writing under the common seal of the Board.

Contracts of Education Boards.

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

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

15 9. (1) Every Education Board constituted in accordance with this Act shall be charged with the duty of establishing and maintaining within its district such schools as may in its opinion be necessary for the purpose of providing primary, secondary, and technical education.

Functions of Education Boards.

20 (2) The courses of education shall from time to time be prescribed by regulations under the principal Act, and courses of primary, secondary, and technical education may be given in the same school or in separate schools.

25 (3) Any Education Board may, with the approval of the Minister but not otherwise, establish and maintain within its district a teachers' training college, for the purpose of ensuring the better education and training of teachers.

30 10. (1) Every Education Board constituted in accordance with this Act shall be deemed to be the successor of such of the Education Boards and governing bodies abolished by this Act as may be specified in that behalf by the Governor-General by Order in Council.

Assets and liabilities of abolished Boards and governing bodies to be assets and liabilities of Education Boards constituted under this Act.

35 (2) Except so far as is otherwise provided by this Act or except so far as may be inconsistent with this Act, an Education Board established under this Act shall be deemed to be the same corporation as any Education Board or governing body of which it is declared to be  
40 the successor in accordance with the *last preceding* subsection.

(3) On the constitution of any Education Board in accordance with this Act, all real and personal property vested in any former Education Board or in the corporation of any governing body of which the new Education Board is declared to be the successor in accordance with subsection *one* of this section shall, except as otherwise provided in this Act, vest in the new Board, without conveyance or assignment, for the estate or interest of the former Board or corporation therein, subject to all liabilities, charges, obligations, or trusts affecting that property. 5 10

(4) On the constitution of any Education Board in accordance with this Act, all the contracts, debts, and liabilities of any former Education Board or of the corporation of any governing body of which the new Education Board is declared to be the successor as aforesaid shall, except as otherwise provided in this Act, become contracts, debts, and liabilities respectively of the new Board. 15

(5) Notwithstanding anything in the foregoing provisions of this section, any real or personal property or any contracts, debts, or liabilities of any Education Board or of any governing body abolished by this Act may, as the Governor-General may by Order in Council determine, be apportioned between any two or more new Education Boards. 20 25

(6) Where any estate or interest in land is transferred by virtue of this section to any Education Board, and such estate or interest is registered under the Land Transfer Act, 1915, the District Land Registrar, on being satisfied that the estate or interest has been so transferred, shall, without payment of any fee, register the Education Board as the proprietor of such estate or interest. 30

See Reprint  
of Statutes,  
Vol. VII,  
p. 1162

## PART II.

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### ELECTION OF EDUCATION BOARDS.

Constitution of  
Education  
Boards.

**11.** Every Education Board shall consist of members to be elected annually in accordance with the following provisions of this Act.

*First Elections.*

12. (1) With respect to the first election of members of an Education Board constituted under this Act the following provisions shall apply:—

Provisions  
as to first  
elections.

5 (a) Such number of members as may be determined in accordance with the *next succeeding* section shall be elected by the members of the Committees of public schools and intermediate schools, and the governing bodies of secondary schools, combined schools, and technical schools, situated within the boundaries of the education district for which the election is held:

10 (b) One member shall be elected from among their number by those teachers who, on the thirty-first day of October, nineteen hundred and thirty-eight, were engaged as teachers in any public school or intermediate school or teachers' training college, situated respectively within the boundaries of the education district for which the election is held:

15 (c) One member shall be elected from among their number by those teachers who, on the thirty-first day of October, nineteen hundred and thirty-eight, were engaged as teachers in a secondary school, or a combined school, or a technical school situated within the boundaries of the education district for which the election is held.

20 (2) The first elections of the members of an Education Board constituted under this Act shall be held on such day or days as the Governor-General by Warrant under his hand appoints.

25 (3) By the same or any other such Warrant the Governor-General may make all such provisions as are deemed necessary or expedient for the purposes of such elections.

30 13. (1) For the purposes of paragraph (a) of the *last preceding* section, each education district shall, subject to the provisions of the *next succeeding* subsection, be divided into two electoral subdivisions as follows:—

Electoral  
subdivisions  
of education  
districts.

- (a) One subdivision (hereinafter referred to as the inner subdivision) consisting of so much of the education district as is comprised within a radius of fifteen miles from the post-office or principal post-office in the city or borough in which the office of the new Education Board will be situated: **5**
- (b) One subdivision (hereinafter referred to as the outer subdivision) consisting of so much of the education district as is not included in the inner subdivision. **10**

(2) Notwithstanding anything in the *last preceding* subsection, the Governor-General may by Order in Council constitute one or more special electoral subdivisions of any education district for the purpose of elections by members of Committees of public schools or intermediate schools, but not for other purposes. Every special electoral subdivision shall have such distinctive name and shall have such boundaries as may be specified in the Order in Council constituting the same. **15**  
**20**

(3) On the constitution of a special electoral subdivision the boundaries of either or both of the other subdivisions, as the case may require, shall be deemed to be consequentially amended for the purposes of elections by members of Committees of public schools and intermediate schools, but shall be deemed not to have been altered for the purposes of elections by the governing bodies of other schools. **25**

Elections by  
members of  
School  
Committees.

**14.** For each of the electoral subdivisions of an education district, one member for every three thousand pupils or part of that number enrolled in all the public schools and intermediate schools within the subdivision on the thirty-first day of October, nineteen hundred and thirty-eight, shall be elected by the persons who on that date were members of the Committee of any public school or intermediate school within that subdivision. **30**  
**35**

Elections by  
members of  
governing  
bodies of  
post-primary  
schools.

**15.** (1) Except as provided in the *next succeeding* section, one member for every two thousand pupils or part of that number, enrolled (as full-time or part-time pupils) in all the secondary schools, combined schools, and technical schools within the inner electoral subdivision of an education district on the thirty-first **40**



day of October, nineteen hundred and thirty-eight, shall be elected by the persons who on that date were members of the governing body of any secondary school, combined school, or technical school within that subdivision.

(2) One member shall be elected for every secondary school, combined school, or technical school within the outer electoral subdivision of any education district by the persons who on the thirty-first day of October, nineteen hundred and thirty-eight, were members of the governing body of such school.

16. (1) Notwithstanding anything in the *last preceding* section, the following special provisions shall apply with respect to the election of members of the respective Education Boards hereinafter referred to by the governing bodies of the schools hereinafter specified.

Special representation of the governing bodies of certain post-primary schools.

(2) With respect to the Wellington Education Board—

(a) One member shall be elected by the members of the governing body of the Hutt Valley High School:

(b) One member shall be elected by the members of the governing body of the Hutt Valley Memorial Technical College.

(3) With respect to the Hawke's Bay Education Board, one member shall be elected by the members of the governing body of the Hastings High School.

(4) In computing the number of other members to be elected for the several Education Boards specified in the foregoing provisions of this section, no account shall be taken of the pupils enrolled in the schools named in the foregoing provisions of this section, and the members of the governing bodies of those schools shall not be entitled to vote at the election of any such other members.

17. For the purposes of paragraphs (b) and (c) of subsection *one* of section *twelve* hereof the following special provisions shall apply, namely:—

Elections by teachers.

(a) The Principal and other members of the professional staff of a teachers' training college shall be deemed to be teachers engaged in the training college:

(b) Teachers engaged in the intermediate department of any school shall be entitled to vote at any election held for the purposes of paragraph (b) of the said subsection (as if they were engaged in an intermediate school) and shall not be entitled to vote at an election held for the purposes of paragraph (c) of that subsection: 5

(c) Instructors engaged by an Education Board or the governing body of any school in teaching special subjects (not being teachers within one of the classes of teachers mentioned in paragraph (b) or paragraph (c) of the said subsection) shall be entitled to vote as if they were teachers engaged in a technical school. 15

Term of office  
of members  
first elected.

18. The several members elected in accordance with the foregoing provisions shall come into office on the first day of January, nineteen hundred and thirty-nine, and unless they sooner vacate their office by death or resignation, or otherwise, shall continue in office until their successors come into office on the first day of July, nineteen hundred and forty. 20

*Subsequent Elections.*

Provisions as  
to second and  
subsequent  
elections of  
Education  
Boards.

19. In the month of June, nineteen hundred and forty, and in the same month in every year thereafter, members of every Education Board shall be elected in accordance with the following provisions, namely:— 25

(a) Such number of members as may be determined in accordance with the *next succeeding* section shall be elected by the members of the School Councils of the several schools under the control of the Education Board: 30

(b) One member shall be elected from among their number by those teachers who, on the last day of May immediately preceding, were engaged as teachers in any public school or intermediate school or teachers' training college, situated respectively within the boundaries of the education district for which the election is held: 35 40

5 (c) One member shall be elected from among their number by those teachers who, on the last day of May immediately preceding, were engaged as teachers in a secondary school, or a combined school, or a technical school situated respectively within the boundaries of the education district for which the election is held.

10 20. (1) For the purposes of paragraph (a) of the *last preceding* section, each education district shall, subject to the provisions of the *next succeeding* subsection, be divided into two electoral subdivisions as follows:—

Electoral subdivisions of education districts.

15 (a) One subdivision (hereinafter referred to as the inner subdivision) consisting of so much of the education district as is comprised within a radius of fifteen miles from the offices of the Education Board:

20 (b) One subdivision (hereinafter referred to as the outer subdivision) consisting of so much of the education district as is not included in the inner subdivision.

25 (2) Notwithstanding anything in the *last preceding* subsection, the Governor-General may from time to time, by Order in Council, constitute one or more special electoral subdivisions of any education district for the purpose of elections by members of the School Councils of public schools or intermediate schools, but not for other purposes. Every special electoral

30 subdivision shall have such distinctive name and shall have such boundaries as may be specified in the Order in Council constituting the same. Any Order in Council under this subsection may be at any time in like manner varied or revoked.

35 (3) On the constitution of a special electoral subdivision the boundaries of either or both of the other subdivisions, as the case may require, shall be deemed to be consequentially amended for the purposes of elections by members of the School Councils of public

40 schools and intermediate schools, but shall be deemed not to have been altered for the purposes of elections by the School Councils of other schools.

Elections by members of School Councils of primary schools.

**21.** For each of the electoral subdivisions of an education district, one member for every three thousand pupils or part of that number enrolled in all the public schools and intermediate schools within the subdivision on the last day of May immediately preceding shall be elected by the persons who on that date were members of the School Council of any public school or intermediate school within that subdivision. **5**

Elections by members of School Councils of post-primary schools.

**22.** (1) Except as provided in the *next succeeding* section, one member for every two thousand pupils or part of that number, enrolled (as full-time or part-time pupils) in all the secondary schools, combined schools, and technical schools within the inner electoral subdivision of an education district on the last day of May immediately preceding shall be elected by the persons who on that date were members of the School Council of any secondary school, combined school, or technical school within that subdivision. **10**  
**15**

(2) One member shall be elected for every secondary school, combined school, or technical school within the outer electoral subdivision of any education district, by the persons who on the last day of May immediately preceding were members of the School Council of such school. **20**  
**25**

Special representation of the School Councils of certain post-primary schools.

**23.** (1) Notwithstanding anything in the *last preceding* section the following special provisions shall apply with respect to the election of members of the respective Education Boards hereinafter referred to by the School Councils of the schools hereinafter specified. **20**  
**30**

(2) With respect to the Wellington Education Board—

(a) One member shall be elected by the members of the School Council of the Hutt Valley High School: **35**

(b) One member shall be elected by the members of the School Council of the Hutt Valley Memorial Technical College.

(3) With respect to the Hawke's Bay Education Board, one member shall be elected by the members of the School Council of the Hastings High School. **40**

(4) In computing the number of other members to be elected for the several Education Boards specified in the foregoing provisions of this section, no account **45**

shall be taken of the pupils enrolled in the schools named in the foregoing provisions of this section, and the members of the School Councils of those schools shall not be entitled to vote at the election of any such other members.

24. For the purposes of paragraphs (b) and (c) of section *nineteen* hereof the following special provisions shall apply, namely:—

Elections by teachers.

(a) The Principal and other members of the professional staff of a teachers' training college shall be deemed to be teachers engaged in the training college:

(b) Teachers engaged in the intermediate department of any school shall be entitled to vote at any election held for the purposes of paragraph (b) of the said section (as if they were engaged in an intermediate school) and shall not be entitled to vote at an election held for the purposes of paragraph (c) of that section:

(c) Instructors engaged by an Education Board in teaching special subjects (not being teachers within one of the classes of teachers mentioned in paragraph (b) or paragraph (c) of the said section) shall be entitled to vote as if they were teachers engaged in a technical school.

25. The several members elected in accordance with the foregoing provisions shall come into office on the first day of July following the date of their election, and, unless they sooner vacate their office by death, or resignation, or otherwise, shall continue in office until their successors come into office in accordance with this Act.

Term of office of members.

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### PART III.

#### SCHOOL COUNCILS.

26. (1) Except as provided in the *next succeeding* subsection, there shall be a School Council for every school under the control of an Education Board.

School Councils.

(2) With the consent of the Minister, but not otherwise, a School Council may be constituted for any two or more specified schools.

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(3) Every School Council of a public school or an intermediate school shall, in respect of the school or schools for which it is constituted, have the powers conferred by the principal Act on School Committees.

(4) Subject to the general direction of the Board, the School Council of a secondary school, combined school, or technical school shall have power to do all or any of the following things in relation to such school:—

(a) To control and manage the school buildings and the school-grounds: 10

(b) To establish and control continuation and technical classes in connection with the school:

(c) To control the funds provided for incidental expenses of schools (including grants for the provision of instruction in manual and science subjects): 15

(d) To recommend to the Board the appointment of teachers (after receiving from the Board the names of the teachers applying for any position on the staff of the school): 20

(e) To recommend to the Board suitable persons for appointment as part-time teachers in cases where the Department has approved of the appointment of such teachers:

(f) In the case of technical schools, to recommend to the Board the appointment of suitable persons to act on advisory committees: 25

(g) To recommend the suspension or dismissal of teachers on the ground of unfitness:

(h) Subject to regulations made in that behalf under the principal Act, to make recommendations to the Board with respect to school holidays. 30

(5) All references in any unrepealed Act to the Committee of any public school or intermediate school or to the governing body of any secondary school, combined school, or technical school shall, after the commencement of this Act, be read as references to the School Council of such school. 35

Existing governing bodies and School Committees to be the School Councils of their respective schools.

27. The governing body of every secondary school, combined school, or technical school and the Committee of every public school or intermediate school in office on the commencement of this Act shall, on the commencement of this Act, be deemed to be the School Councils of the schools for which they have been respectively constituted, and shall continue in office until their successors come into office in accordance with this Act. 40 45

28. (1) For every School Council of a public school or an intermediate school there shall be a school district, the boundaries of which shall be fixed from time to time by the Education Board of the district.

School districts.

5 (2) Any area may be included in two or more school districts.

29. (1) The School Council of every public school shall consist of not less than *five* nor more than *nine* members, as the Education Board of the district, having regard to the average attendance at the school, to any special requirements of the school, and to any other relevant considerations, may from time to time determine.

Constitution of School Councils.

10 (2) The School Council of every intermediate school shall consist of *nine* members.

15 (3) The School Council of every secondary school, combined school, or technical school shall consist of *eleven* members.

20 (4) Where a School Council is constituted for two or more schools the following special provisions shall apply:—

25 (a) If one of such schools is a secondary school, or a combined school, or a technical school, the number of members of the School Council, in accordance with the *last preceding* subsection, shall be increased by one for every other school under the control of the School Council:

30 (b) In any other case to which this subsection applies, the number of members of the School Council shall be fixed as for a public school.

30 (1) The members of School Councils shall be elected in accordance with the following provisions of this section.

Election of School Councils.

35 (2) Members of the School Council of a public school shall be elected by householders resident within the school district on the date of the election and by the parents or guardians of children enrolled as pupils of the school on that date (whether resident in the school district or not).

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(3) Members of the School Council of an intermediate school shall be elected as follows:—

(a) Six members shall be elected by the parents or guardians of children enrolled as pupils of the school on the date of the election (whether resident in the school district or not): 5

(b) Three members shall be elected in the month of *June* in each year by the members of the School Councils of contributing schools.

(4) Members of the School Council of a secondary school, combined school, or technical school shall be elected as follows:— 10

(a) Six members (of whom one shall be a woman) shall be elected by the parents or guardians of children enrolled as full-time or part-time pupils of the school on the date of the election: 15

(b) One member shall be elected by the members of the local authority in whose district the school is situated:

(c) Two members shall be elected by the members of an election committee recognized by the Minister as representing employers engaged in local industries: 20

(d) Two members shall be elected by the members of an election committee recognized by the Minister as representing the workers employed in local industries. 25

(5) All elections under this section shall be held in accordance with regulations to be made in that behalf. Such regulations may provide for a system of postal voting for the benefit of those persons who, being entitled to vote at an election of the School Council of a secondary school, a combined school, or a technical school, cannot reasonably be expected to attend a meeting of persons qualified to vote. 30 35

(6) No election under this section shall be deemed to be invalid by reason of any irregularity or informality in the conduct of the election, and a notice of the result of any such election given by the Returning Officer appointed to conduct such election shall not be questioned on any ground. 40



5 **31.** (1) Except as provided in paragraph (b) of subsection *three* of the *last preceding* section, elections of School Councils shall be held in the month of May in every year, the first such election to be held in the

Dates of election.

(2) Members elected in accordance with paragraph (b) of subsection *three* of the *last preceding* section shall come into office on the day following the date of their election. All other members elected at  
10 any such election shall come into office on the first day of June following the date of their election. Unless they sooner vacate their office by death, or resignation, or otherwise, members shall continue in office until their successors come into office.

15 **32.** (1) If no election is held, or if at any election the full number of members of a School Council is not elected, or if any member of a School Council vacates his office otherwise than by effluxion of time, the Board may appoint a member or such number of members as  
20 may be required.

Board may fill casual vacancies.

(2) Every member appointed under this section shall hold office as if he had been duly elected to be a member of the School Council.

#### PART IV.

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#### MISCELLANEOUS.

**33.** (1) The Minister may from time to time if he thinks fit so to do—

(a) Appoint an Advisory Council of Education to consider such general or particular matters  
30 relating to education as he may from time to time refer to it; and

(b) Appoint a Council of Adult Education to make such recommendations as it from time to time thinks fit with respect to the establishment of  
35 classes in general or special subjects to be conducted particularly for the benefit of persons over school-age; and

(c) Appoint, in assistance of the Council of Adult Education, such local advisory Committees as  
40 he thinks fit.

Provision for appointment of Advisory Council (for general educational matters) and of an Advisory Council and local Committees (for adult education).

(2) Members of any Council or Committee appointed under this section shall hold office during the pleasure of the Minister, but no member shall continue to hold office for more than *three* years without reappointment.

Provision for  
appointment  
of Education  
Officers.

**34.** (1) For every education district there shall be appointed an Education Officer (who shall be an officer of the Department of Education). 5

(2) The general functions of the Education Officer shall be—

- (a) To advise the Board in regard to the co-ordination of primary, secondary, and technical education within the district: 10
- (b) To arrange for the inspection of the schools under the control of the Board and of registered private schools within the district: 15
- (c) To make arrangements for the classification of teachers:
- (d) To co-operate with the Board in the appointment of teachers:
- (e) Generally, to advise the Board on matters relating to education and to promote the cause of education within the district. 20

Constitution of  
Appeal Board  
to hear  
appeals by  
teachers  
against non-  
appointment.

**35.** (1) For the purpose of hearing appeals by teachers against non-appointment in accordance with the *next succeeding* section, there shall be a Board of Appeal to be constituted in accordance with the following provisions of this section. 25

(2) The Board of Appeal shall consist of five members, to be appointed by the Minister, as follows:—

- (a) One member selected by the Minister shall be appointed as the Chairman of the Board: 30
- (b) One member shall be appointed on the recommendation of the Education Boards' Association or, if there is no such Association, then on the recommendation of any recognized organization of Education Boards: 35
- (c) One member shall be appointed on the recommendation of the New Zealand Educational Institute (being the society referred to in section one hundred and forty-six of the principal Act): 40

- 5 (d) One member shall be appointed on the recommendation of the Secondary School Teachers' Association (being a society registered in accordance with subsection two of section one hundred and thirty-eight of the principal Act):
- 10 (e) One member shall be appointed on the recommendation of the Technical School Teachers' Association (being a society registered in accordance with subsection two of section one hundred and thirty-eight of the principal Act).
- (3) Every member of the Board of Appeal shall be appointed for a term not exceeding *three* years.
- 15 (4) In the event of any member of the Board of Appeal being unable to act, the Minister may at any time appoint a deputy of such member to act for him on any appeal.
- (5) The Chairman and the member appointed to represent Education Boards shall sit on every appeal to the Board.
- 20 (6) Where an appeal relates to a position in a public school, but in no other case, the member appointed on the recommendation of the New Zealand Educational Institute shall sit on the Board of Appeal.
- 25 (7) Where an appeal relates to a position in a secondary school, but in no other case, the member appointed on the recommendation of the Secondary School Teachers' Association shall sit on the Board of Appeal.
- 30 (8) Where an appeal relates to a position in a technical school, but in no other case, the member appointed on the recommendation of the Technical School Teachers' Association shall sit on the Board of Appeal.
- 35 (9) Notwithstanding anything in the foregoing provisions of this section, where an appeal relates to a position in an intermediate school or in the intermediate department of any school, the representative of the New Zealand Educational Institute or of the Technical School Teachers' Association (as the case may require) shall sit on the Board of Appeal, and, where an appeal relates
- 40 to a position in a combined school, the representative of the Secondary School Teachers' Association or the representative of the Technical School Teachers' Association (as the case may require) shall sit on the Board of Appeal.

Rights of  
appeal by  
teachers  
against non-  
appointment  
to positions  
for which  
they have  
applied.

36. (1) Every teacher who has applied to be appointed to a position for which applications have been invited by the Board, and who is not appointed to that position, shall, if his appointment would have involved an increase of salary, but not in any other case, have a right of appeal against his non-appointment in accordance with the provisions of this section. 5

(2) Notice of appeal under this section and of the grounds of such appeal shall be forwarded to the Education Board within twenty-one days after the date on which the appellant has been notified by the Board of his non-appointment, and shall forthwith be forwarded by the Education Board to the Chairman of the Board of Appeal constituted under the *last preceding* section. 10 15

(3) Every appointment made by an Education Board shall be deemed to be provisional until the time allowed for appeal has expired, and, in the event of an appeal, until the appeal has been disposed of.

(4) Where a provisional appointment has not been appealed against, it shall be deemed to have become permanent on the date on which the teacher commences duty in the position to which he has been appointed. 20

(5) Where, on appeal under this section, a provisional appointment is confirmed, the appointment shall take effect as a permanent appointment on the day on which the teacher commences duty in the position to which he has been appointed (whether before or after the date of the determination of the appeal). 25

Procedure  
before Board  
of Appeal.

37. (1) For the purposes of any appeal under the *last preceding* section, the Board of Appeal shall have power to summon witnesses and to hear evidence on oath or otherwise. 30

(2) On any appeal as aforesaid, the decision of the Board of Appeal shall be final. 35

Raising  
school-age  
to fifteen  
years.

38. (1) Section fifty-nine of the principal Act is hereby amended as follows:—

(a) By omitting from subsection one the word “fourteen”, and substituting the word “fifteen”: 40

(b) By inserting, after the words “public school” in the same subsection, the words “secondary school, combined school, or technical school”.

(2) Notwithstanding anything in the foregoing provisions of this section, no child who, at any time before the first day of February, nineteen hundred and thirty-nine, had ceased to be enrolled on the register of any school, and had not been duly enrolled on the register of any other school, shall be exempt from the requirements of section fifty-nine of the principal Act, as amended by the foregoing provisions of this section.

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(3) Section ten of the Education Amendment Act, 1920, and paragraph (e) of subsection one of section sixty of the principal Act (as enacted in section nine of the Education Amendment Act, 1936), are hereby repealed.

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39. Notwithstanding anything to the contrary in the principal Act, if any person approved by the Board for the purpose desires to give religious instruction to children attending any public school or intermediate school, then, for the purpose of enabling such instruction to be given, the ordinary opening-time of the school shall be postponed or the ordinary closing-time of the school shall be advanced by half an hour on two days in each week, and a suitable room in the school shall be made available for the purpose, but no child shall be required to attend while such instruction is being given:

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Provided that nothing herein shall authorize the reduction of school-hours below four hours on each school-day, or below two hours in the forenoon or two hours in the afternoon of each school-day.

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40. (1) No Education Board shall refuse to appoint a married woman as a teacher in any school on the ground only that she is a married woman, and no married woman shall be dismissed from a position as a teacher in any school on the ground that she is a married woman.

Repeals.

Religious instruction in schools.

Employment of married women as teachers.

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(2) Subsection twelve of section two of the Education Amendment Act, 1920, is hereby repealed.

Repeal.

Schedule.

**SCHEDULE.****EDUCATION DISTRICTS.**

Education District.	Counties included in Education Districts.
Northland .. ..	Mangonui. Whangaroa. Hokianga. Bay of Islands. Whangarei. Hobson. Otamatea. Rodney.
Auckland .. ..	Waitemata. Eden. Manukau. Franklin. Great Barrier. Coromandel. Thames.
South Auckland .. ..	Raglan. Waikato. Waipa. Otorohanga. Kawhia. Matamata. Piako. Ohinemuri. Hauraki Plains. Tauranga. Rotorua. Taupo. Whakatane. Opotiki.
Taranaki .. ..	Waitomo. Taumarunui. Ohura. Whangamomona. Clifton. Taranaki. Inglewood. Egmont. Stratford. Eltham. Waimate West. Hawera.

Education District.		Counties included in Education Districts.
Wanganui	.. ..	Patea. Kaitieke. Waimarino. Waitotara. Wanganui. Rangitikei. Kiwitea. Pohangina. Oroua. Manawatu. Kairanga.
Hawke's Bay	.. ..	Matakaoa. Waipapu. Uawa. Waikohu. Cook. Wairoa. Hawke's Bay. Waipawa. Waipukurau. Patangata. Dannevirke. Woodville. Weber.
Wellington	.. ..	Pahiatua. Eketahuna. Akitio. Horowhenua. Mauriceville. Masterton. Castlepoint. Wairarapa South. Featherston. Hutt. Makara. Sounds. Marlborough. Awatere.
Nelson	.. ..	Collingwood. Takaka. Waimea. Buller. Murchison. Inangahua. Grey. Westland.

Education District.	Counties included in Education Districts.
Canterbury ..	.. Kaikoura. Amuri. Cheviot. Waipara. Kowai. Ashley. Rangiora. Eyre. Oxford. Tawera. Malvern. Paparua. Waimairi. Heathcote. Halswell. Akaroa. Wairewa. Springs. Ellesmere. Selwyn.
South Canterbury ..	.. Ashburton. Geraldine. Levels. Mackenzie. Waimate.
Otago ..	.. Vincent. Waitaki. Maniototo. Waihemo. Waikouaiti. Tuapeka. Taieri. Peninsula. Bruce.
Southland ..	.. Clutha. Southland. Lake. Fiord. Wallace. Stewart Island.



## EDUCATION AMENDMENT BILL.

### EXPLANATORY MEMORANDUM.

THE purpose of this Bill is to formulate certain major proposals for the alteration of the administration of primary and post-primary education in New Zealand (not including University education) in order that the proposals may be considered during the recess by a Select Committee of the House of Representatives, and by Education Boards, the governing bodies of schools, and other organizations and persons concerned with the improvement of the existing system. The alterations proposed are of such a nature that it would not be possible to embody them within the structure of the present Education Acts. No attempt has therefore been made to indicate the consequential alterations of those Acts that would be required in the event of the proposals contained in the present Bill being adopted in whole or in part. It is the intention of the Government, when this Bill has been considered and final decisions have been arrived at, to proceed with the preparation of a consolidation of the Education Acts in which the approved proposals will be incorporated. At that stage any necessary elaboration of the details of administration will be incorporated in the Bill; no useful purpose would be served by the inclusion of such details in the present Bill.

The major proposals referred to may be briefly summarized as follows:—

- (1) The abolition of the existing education districts, and the constitution of new districts (as set out in the Schedule to the Bill):
- (2) The abolition of the existing Education Boards, and the election of new Boards by—
  - (a) The School Councils of primary and post-primary schools; and
  - (b) The teachers engaged in primary and post-primary schools:
- (3) The extension of the functions of Education Boards, by giving them jurisdiction over secondary, combined, and technical schools as well as over public schools:
- (4) The abolition of the existing governing bodies of secondary, combined, and technical schools, and the transfer of their assets to Education Boards (to be held in trust for the purposes for which they are now held by the governing bodies concerned):
- (5) The constitution for every public, secondary, combined, or technical school of a School Council (with provision, in approved cases, for one School Council having authority with respect to two or more schools). In the case of public schools, the School Councils will take the place of the present School Committees; in the case of other schools—*i.e.*, secondary, combined, and technical schools—the School Councils will take the place of the present governing bodies. The School Councils of public schools will have the same functions as School Committees have at the present time; the School Councils of other schools will have those functions and certain extended functions (which are specified in clause 26 (4) of the Bill):
- (6) Provision is made for the special representation on the School Councils of post-primary schools of persons engaged, as employers or workers, in local industries, and also for the representation of the local authority of the district in which any such school is situated. It is provided (in clause 30 (4)) that at least one member of the School Council of a post-primary school shall be a woman:

- (7) The appointment of an Advisory Council of Education and of a special Advisory Council of Adult Education (with local Committees):
  - (8) The appointment for each education district of an officer of the Department of Education, to be known as the Education Officer. The general function of the Education Officer will be to co-ordinate the work of the schools within his district:
  - (9) The constitution of a special Board of Appeal, to hear appeals from teachers against their non-appointment to positions for which they have applied:
  - (10) The raising of the school-age to fifteen years (but not so as to require the return to school of any child who has duly left school before the alteration becomes operative):
  - (11) Allowing religious instruction to be given in public schools (for half an hour on two days in each week) by approved persons. To allow of such instruction being given, the ordinary opening-hour of the school will be postponed or the ordinary closing-hour will be advanced on the days affected, and no child will be compelled to attend a class for religious instruction:
  - (12) Removal of restrictions against the employment of married women as teachers.
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