

EDUCATION AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill provides for amendments to the Education Act, 1914, and its amendments.

Clause 2 amends section 138 of the principal Act so as to authorize the registration of any society of teachers although its members are not all resident in the same district if each district from which its members are drawn adjoins every other such district.

Clause 3 extends the ordinary term of office of members of School Committees who are in office at the passing of this Bill to three years, but does not affect the normal two year term of members of School Committees elected at future elections. This is being done so as to ensure that, in future, elections to School Committees will not take place in the same year as elections to Education Boards, and that members of School Committees shall be in office for at least a year before being called upon to elect representatives to Education Boards. The clause consequentially rewrites section 4 of the Education Law Amendment Act, 1933, so as to provide for the next meeting of householders for the election of School Committees to take place in 1953, and for each outgoing Committee to give a full account of its proceedings for the three year period at the meeting of householders for its district held in that year.

Clause 4 rewrites the provisions contained in subsection (5) of section 6 of the Education Amendment Act, 1948, so as to make it clear, by the new *subclause (6)*, that a Primary Teachers Appeal Board, when considering an appeal, is to form its own opinion of the suitability for the position under consideration of the person provisionally appointed and the appellants, and that the Appeal Board is not to be bound by the opinion of the appointing authority or the Senior Inspector. It declares that an Appeal Board must allow the appeal of any appellant unless in its opinion—

- (a) The person provisionally appointed or any other person who appealed against the appointment is more suitable for the position under consideration than the appellant; or
- (b) Any other person who appealed against the appointment and who is higher than the appellant on the graded list of teachers is as suitable for the position under consideration as the appellant.

The new *subclauses (5) and (7)*, which are set out in *clause 4*, repeat the provisions of the present subsection (5).

Hon. Mr. Algie

EDUCATION AMENDMENT

ANALYSIS

Title.	3. Term of office of members of School Committees, and biennial meeting of householders.
1. Short Title.	4. Suitability for position to be determined by Appeal Board in the event of an appeal.
2. Registration of societies.	

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, 1950, and shall be read together with and deemed part of the Education Act, 1914 (hereinafter referred to as the principal Act). Short Title.
See Reprint of Statutes, Vol. II, p. 1007

2. Subsection one of section one hundred and thirty-eight of the principal Act is hereby amended by adding the following as a proviso to the subsection:— Registration of societies.

“ Provided that any society may be so registered although its members are not all resident in the same education district if each district from which its members are drawn adjoins every other such district ”.

3. (1) Notwithstanding anything to the contrary in section forty-one of the principal Act, the ordinary term of office of members of School Committees who are in office at the passing of this Act shall be three years. Term of office of members of School Committees, and biennial meeting of householders.

(2) The principal Act is hereby amended by inserting, after section forty-two, the following section:—

“43. (1) In the year nineteen hundred and fifty-three and in every alternate year thereafter, on a day fixed in each such year by the Board, being a day not earlier than the second Wednesday in April and not later than the first Wednesday in May, there shall be a biennial meeting of householders in each school district. Not less than twenty-one days before the day so fixed the Board shall give public notification thereof, and in the notification shall fix the hour and place of the meeting. 5 10

“(2) At each such biennial meeting a Chairman shall be chosen, and the Committee shall give a full account of its proceedings, in the case of the meeting to be held in the year nineteen hundred and fifty-three for the period of three years, and in every other case for the period of two years, ending on the last day of February preceding the meeting. 15

“(3) At every biennial meeting the Chairman shall have a deliberative vote, and in case of an equality of votes shall also have a casting vote.” 20

(3) Section four of the Education Law Amendment Act, 1933, is hereby repealed.

4. Section six of the Education Amendment Act, 1948, is hereby amended by repealing subsection five, and substituting the following subsections:— 25

“(5) In the event of any appeal to any Primary Teachers Appeal Board against any appointment, that Appeal Board, after considering every appeal against the appointment, shall either allow or dismiss each appeal. 30

“(6) In considering any appeal the Appeal Board shall not be bound by the opinion of the appointing authority or the Senior Inspector as to the suitability for the position of the person provisionally appointed or of any other person who appealed against the appointment; and the Appeal Board shall allow the appeal of any appellant unless in its opinion:— 35

“(a) The person provisionally appointed or any other person who appealed against the appointment is more suitable for the position under consideration than the appellant; or 40

1933, No. 37

Suitability for position to be determined by Appeal Board in the event of an Appeal.
1948, No. 68

“(b) Any other person who appealed against the appointment and who is higher than the appellant on the said graded list of teachers is as suitable for the position under consideration as the appellant.

5

“(7) If any such appeal is allowed the appropriate appointing authority shall forthwith appoint the successful appellant to the position and shall cancel the provisional appointment. No appeal shall lie against any

10