

EDUCATION AMENDMENT BILL

EXPLANATORY NOTE

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

Clauses 2 to 9 give effect to a request from the Auckland Education Board for the constitution of a new education district comprising the southern part of the present Education District of Auckland. They also enable other new education districts to be created in future at the request of the Education Boards concerned.

Clause 2 repeals section 13 of the Education Act 1914 under which the existing education districts were constituted. It recognizes the present districts as they now exist with the exception that the South Auckland area is being excluded from the present Education District of Auckland.

Clause 3 constitutes the Education District of South Auckland with boundaries as defined in the Schedule to the Bill and with its Education Board's office at Hamilton.

Clause 4 enables the Minister to constitute other new education districts at the request of the Education Boards concerned.

Clause 5 provides machinery for vesting school sites in the Education Board of a new district, for the apportionment of moneys in which a new Board has an interest, and generally for making Orders in Council and regulations providing for all matters which become necessary because of the establishment of a new district.

Clause 6 provides that, where part of the rural area of any education district is included in a new education district, the Board of the original district is to make a fresh division of its rural area into wards and to determine which of the reconstituted wards the members for the rural area represent.

Clause 7 provides that, where a new education district has been constituted, the Minister shall as soon as practicable appoint a Commission to take all steps necessary to arrange for the holding of the first election of members of the Education Board for the district and generally to act as Education Board for the district until the first elected members of the new Board come into office. Until the Commission is appointed, the Education Board or Boards which previously had jurisdiction in the area are to retain their jurisdiction. The first elected Board must come into office within one year after the date of the constitution of the new district. The Commission is to be appointed by the Minister and is to comprise not less than 3 nor more than 9 persons. As members of the Commission may have more duties during the transition period than members of an Education Board normally have, provision is made for them to receive remuneration in accordance with the Fees and Travelling Allowances Act 1951 where the Minister approves.

Clause 8 provides that, where any urban area, or the whole or part of any ward in the rural area, of any education district is included in a new education district, every member of the Education Board of the previously existing district is to continue in office as a member of that Board until the date on which the members of that Board who are elected at the first general election of Board members held after the constitution of the new district come into office, or the date on which he is due to retire, or the date on which he is appointed or elected as a member of the Commission or Board of the new district, whichever date is the earliest. Where the member who goes out of office represents an urban area included in the new district, the vacancy on the original Board is not to be filled, but where he represents a reconstituted rural ward in the original district, the vacancy is to be filled. Where the vacancy occurs by reason of a member for a reconstituted ward in the rural area of the original district being appointed or elected as a member of the Commission or Board of the new district, the vacancy is to be deemed an extraordinary vacancy and filled accordingly.

Clause 9 provides for the Minister to fix the date on which the first election of members of the Education Board for a new district is to be held and the date on which the elected members come into office. These must both be within one year after the constitution of the district. Subsequent elections are to be held as provided in section 16 of the principal Act, but this provision is not to operate so as to cause a second election to be held less than one year after the first election.

Clauses 10 and *11* authorize the Governor-General, by Order in Council, to vary the constitution of the Board of Governors or governing body of any secondary school or of the Board of Managers of any technical school.

Clause 12 provides that at any time after three years from the date on which any technical school is established, if the Education Board has retained control of the school, the Minister may, on the application of the special committee of the school, transfer the control of the school to a Board of Managers as for a technical school or to a Board of Governors as for a secondary school. Where the control is transferred to a Board of Governors the school is to be deemed to become a secondary school and is to be controlled accordingly.

Clause 13 removes the Christchurch Technical School from the control of the Christchurch Post-primary Schools Board and provides for its control under a separate Board constituted in the manner provided for other technical schools.

Clause 14 provides that a child suffering from cerebral palsy who has not attained school age may be enrolled at a separate school or a special class if enrolment is approved by the Director of Education.

Hon. Mr. Algie

EDUCATION AMENDMENT

ANALYSIS

Title.	
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<i>Education Districts</i>	<i>Post-primary Schools</i>
2. Education districts.	10. Variation of constitution of governing bodies of secondary schools.
3. Constitution of Education District of South Auckland.	11. Variation of constitution of Board of Managers of a technical school.
4. Constitution of other new education districts.	12. Change in control of technical school.
5. Provisions affecting new districts.	13. Control of Christchurch Technical School.
6. Redivision of rural area of existing district into wards following constitution of new district.	<i>Enrolment of Children Under School Age</i>
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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

5 of the same, as follows:—

1. This Act may be cited as the Education Amendment Act 1952, 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

Education Districts

Education
districts.

2. (1) The principal Act is hereby amended by repealing section thirteen, and substituting the following section:—

“13. (1) The education districts of Canterbury, Hawke’s Bay, Nelson, Otago, Southland, Taranaki, Wanganui, and Wellington, as they exist at the commencement of this section, are hereby declared to be education districts. 5

“(2) The Education District of Auckland, having the boundaries defined in the Fourth Schedule to this Act (as set out in the Schedule to the Education Amendment Act 1952) and otherwise as it exists at the commencement of this section, is hereby declared to be an education district. 10

“(3) The foregoing provisions of this section shall not prevent the boundaries of any education district from being altered at any time in accordance with this Act. 15

“(4) Where the boundaries of any education district are described with reference to any county, borough, town district, or road district, and the boundaries of the county, borough, town district, or road district are altered, the alteration shall operate with respect to the education district and shall take effect accordingly. 20

“(5) Where the boundaries of any education district are described with reference to the counties, boroughs, town districts, and road districts comprised therein, and a new county, borough, town district, or road district is created which is wholly within that education district as it was theretofore described, the new county, borough, town district, or road district shall be deemed to be within that education district.” 25

(2) The principal Act is hereby amended by inserting, after the Third Schedule, the Fourth Schedule set out in the Schedule to this Act. 35

(3) Section two of the Education Amendment Act 1915 (No. 2) is hereby repealed.

See Reprint
of Statutes,
Vol. II, p. 1087

3. The principal Act is hereby amended by inserting, after section thirteen (as set out in section *two* of this Act), the following section:—

Constitution
of Education
District of
South
Auckland.

5 “13A. (1) The Education District of South Auckland, having the boundaries defined in the Fourth Schedule to this Act (as set out in the Schedule to the Education Amendment 1952), is hereby constituted an education district:

10 “Provided that nothing in this section shall prevent the boundaries of the district from being altered at any time in accordance with this Act.

“(2) The office of the Education Board of the District of South Auckland shall be situated in the City of Hamilton.

15 “(3) All the provisions of this Act which apply where a new education district has been constituted by the Minister shall apply as if the Education District of South Auckland had been so constituted.”

20 4. The principal Act is hereby amended by inserting, after section thirteen A (as set out in section *three* of this Act), the following section:—

Constitution
of other new
education
districts.

25 “13B. (1) On being requested to do so by the Education Board for every district whose boundaries will be affected, the Minister may, by notice published in the *Gazette*, constitute part of the district or districts of one or more Education Boards a new education district.

30 “(2) The notice constituting the new education district shall set forth the name and boundaries of the new district, and the situation of the office of the Board for the district, and the date on which the district is to come into existence. The notice shall take effect and the new education district shall be constituted and come into existence on the date specified in the notice in the *Gazette*. The notice so gazetted shall for all purposes
35 be conclusive proof of the due constitution of the new education district and of all matters so set forth in the notice.”

Provisions
affecting new
districts.

5. The principal Act is hereby amended by inserting, after section thirteen B (as set out in section *four* of this Act), the following section:—

“13c. (1) At any time after the constitution of a new education district, the Governor-General may, by Order in Council,— 5

“(a) Apportion or provide for the apportionment of any moneys held by any Board whose district, immediately before the constitution of the new district, included the whole or part of the new district: 10

“(b) Provide or make regulations providing for all matters which become necessary because of the establishment of the new district.

“(2) As from such date as the Minister, by notice in the *Gazette*, may specify, all school sites situated within the new education district and all other real or personal property vested in any other Education Board and held by it for the purposes of any school within the new district shall, without conveyance or transfer or assignment, vest in the Education Board of the new district. The District Land Registrar shall, on request by the new Education Board and without payment of any fee, make such entries in the register books and in any outstanding documents of title as may be necessary to give effect to the provisions of this subsection.” 15 20 25

Redivision of
rural area of
existing district
into wards
following
constitution of
new district.

6. Section fourteen of the principal Act is hereby amended by adding the following subsection:—

“(4) Where part of the rural area of any education district has been included in a new education district, the Board of the original district shall, as soon as practicable after the date of the constitution of the new district, make a fresh division of the rural area of its district into wards, and shall determine which of the reconstituted wards the members for the rural area represent.” 30 35

Appointment of
Commission
to act as
Education
Board for
new district.

7. The principal Act is hereby amended by inserting, after section fifteen, the following section:—

“15A. (1) Where a new education district has been constituted, the Minister shall, as soon as practicable, by notice in the *Gazette*, appoint such persons as may be specified in the notice as a Commission to take all 40

steps necessary to arrange for the holding of an election of members of the Board of the new district and generally to act as Education Board for the new district until the first elected members of the Board of the new district come into office; and the Minister may from time to time in like manner appoint additional persons to the Commission:

“ Provided that the number of persons on the Commission shall not at any time be less than three nor more than nine.

“(2) Where a new education district has been constituted, every Education Board whose district previously included the whole or part of the new district shall continue to be the Education Board of the whole of its district as previously constituted until a Commission is appointed as aforesaid for the new district; and the powers and duties of every such Education Board in respect of the new district shall then cease.

“(3) While a Commission acts as Education Board of a district in accordance with this section, it shall be deemed for all purposes to be the Education Board of the district; and its members shall be deemed for all purposes to be members of the Education Board of the district.

“(4) With the approval of the Minister, and in addition to any travelling allowances and expenses to which the members of any such Commission may be entitled, a Commission may pay out of its General Fund to its members remuneration by way of fees, salary, or allowances in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the members of the Commission were members of a statutory Board within the meaning of that Act.”

8. Section sixteen of the principal Act is hereby amended by adding the following subsection:—

“(5) Where any urban area, or the whole or part of any ward in the rural area, of any education district is included in a new education district, every member

1951, No. 79

Retirement of members of a Board who represent areas included in a new district.

for that urban area or ward shall, until the date on which members elected at the first elections of members of all Education Boards held after the constitution of the new education district come into office, or the date on which he is due to retire, or the date on which he is appointed or elected as a member of the Commission or Board of the new district (whichever date is the earliest), continue to be a member of the Board to which he was elected, and he shall then go out of office. Where the member who goes out of office as aforesaid represents an urban area, the vacancy shall not be filled; but where he represents a ward in the rural area (as redivided in consequence of the constitution of the new district), the vacancy shall be filled. Where the vacancy occurs by reason of a member for a ward of the rural area being appointed or elected as a member of the Commission or Board of a new district the vacancy shall be deemed to be an extraordinary vacancy and shall be filled accordingly."

First election of Board for new education district.

9. The principal Act is hereby amended by repealing section seventeen, and substituting the following section:—

" 17. Where a new education district is constituted—

"(a) The first election of members of the Board of the district shall be held on such date, being not later than one year after the constitution of the new district, as the Minister may appoint by notice in the *Gazette*; and the members then elected shall come into office on such date, being not later than one year after the constitution of the new district, as the Minister may in like manner appoint:

"(b) Subsequent elections of members of the Board shall be held as provided in section sixteen of this Act:

" Provided that no further election of members of the Board shall be held within one year after the date of the first election of members of the Board."

Post-primary Schools

10. Subsection one of section ninety of the principal Act, as amended by section twenty-two of the Education Amendment Act 1920, is hereby further amended by adding the following further proviso:—

Variation of constitution of governing bodies of secondary schools.

See Reprint of Statutes, Vol. II, p. 1094

“ Provided also that the Governor-General may, by Order in Council, from time to time vary the constitution of the Board or governing body of any such secondary school.”

11. Subsection five of section one hundred and thirteen of the principal Act, as substituted by section thirty-one of the Education Amendment Act 1920, is hereby amended by adding the following proviso:—

Variation of constitution of Board of Managers of a technical school.

Ibid., p. 1095

“ Provided that the Governor-General may, by Order in Council, from time to time vary the constitution of the Board of Managers of any such technical school.”

12. Section twelve of the Education Amendment Act 1924 is hereby amended by repealing subsections two and three and substituting the following subsections:—

Change in control of technical school.
Ibid., p. 1105

“(2) At any time after three years from the date on which any technical school is established, the Minister may, on the application of the special committee of the school to which powers have been delegated by the controlling authority, by written notice to the controlling authority of the school, direct that as from a date fixed in the notice the controlling authority shall cease to exercise control over the school and that the sole control thereof shall be vested in—

“(a) A Board of Managers, as for a technical school, which Board shall be constituted in accordance with section one hundred and thirteen of the principal Act as that section is substituted by section thirty-one of the Education Amendment Act 1920 and is for the time being amended or affected by any other enactment; or

Ibid., p. 1095

“(b) A Board of Governors, as for a secondary school, which Board shall be constituted in accordance with section ninety of the principal Act and all enactments which amend or affect that section.

“(3) As from the date specified in any such notice published in the *Gazette*, or in any such notice given by the Minister which vests control of the school in a Board of Managers, 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 they are applicable and with the necessary modifications, apply to the Board of Managers. 5

“(4) As from the date specified in any such notice given by the Minister which vests the control of the school in a Board of Governors all the provisions of the principal Act relating to Boards of Governors of secondary schools shall apply to the Board of Governors of the school, and the school shall for all purposes be deemed to be a secondary school, and shall be controlled accordingly. 10 15

“(5) All the property, rights, and liabilities of the original controlling authority in respect of the 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 or Board of Governors, as the case may be, save so far as the property, rights, and liabilities may be expressly limited or excepted in the notice published or given by the Minister, and every such notice shall have effect according to its tenor.” 20 25

Control of
Christchurch
Technical
School.

13. (1) As from the commencement of this section, the Christchurch Technical School shall be under the immediate control of a Board of Managers which shall be constituted, and the members whereof shall be appointed or elected, in accordance with the principal Act. 30

(2) The Christchurch Post-primary Schools Board shall pay all money which, at the commencement of this section, it holds for the Christchurch Technical School to the Board of Managers of that school. 35

1948, No. 68

(3) Section nineteen of the Education Amendment Act 1948 is hereby amended—

(a) By repealing paragraph (e) of subsection nine;

(b) By omitting from subsection ten the words “and the Christchurch Technical School”. 40

(4) This section shall come into force on the first day of *February*, nineteen hundred and *fifty-three*.

Enrolment of Children Under School Age

14. Section two of the Education Amendment Act 1936 is hereby amended by adding to subsection two the following proviso:—

Enrolment of children suffering from cerebral palsy. 1936, No. 44

5 “ Provided that, with the approval of the Director, a child suffering from cerebral palsy who has not attained school age may be enrolled at a separate school or at a special class established in accordance with the first proviso to subsection two of section fifty-six of the
10 principal Act.”

SCHEDULE

Schedule

FOURTH SCHEDULE TO THE EDUCATION ACT 1914

Section 2 (2)

“ FOURTH SCHEDULE

“ BOUNDARIES OF EDUCATION DISTRICTS OF AUCKLAND AND SOUTH AUCKLAND

“ *Education District of Auckland*

“ ALL that area in New Zealand, being the Counties of Bay of Islands, Eden, Franklin, Great Barrier Island, Hobson, Hokianga, Manukau, Mangonui, Otamatea, Rodney, Whangarei, Whangaroa, Waitemata, and those portions of the Raglan and Waikato Counties described as follows:—

“ All that area in the Raglan and Waikato Counties, bounded by a line commencing at a point on the west coast, being the south-western corner of Block I, Coast Survey District, and running northerly and easterly generally along the boundaries of the aforesaid counties as described in *Gazette* number 17 of the 23rd day of March 1950 at page 306, and *Gazette* number 62 of the 27th day of October 1949 at page 2500, to the eastern boundary of Block VI, Maramarua Survey District; thence southerly generally along the aforesaid eastern boundary, the southern boundary of Block VI aforesaid, to and across the Waikato River and up its left bank, to and along the eastern boundary of Block XIII, Maramarua Survey District, and the eastern boundary of Block I, Rangiriri Survey District, to the south-eastern corner of the last-mentioned block; thence westerly along the south boundary of the aforesaid Block I, the southern boundaries of Blocks IV, III, II, and I, Awaroa Survey District, and the southern boundary of Block I, Coast Survey District, to the point of commencement.

“ Also all that area in the Waikato County, bounded by a line commencing at the point of intersection of the northern boundary of the aforesaid county with the northern boundary of Block VII, Maramarua Survey District, and running easterly and southerly generally along the aforesaid county boundary as described in *Gazette* number 62 of the 27th day of October 1949, page 2500, to the north-eastern corner of Block VI, Piako Survey District; thence westerly generally along the northern boundary of Block VI aforesaid and the northern boundary of Block V of the aforesaid Piako Survey District, to and along the northern boundaries of Blocks VIII and VII, Maramarua Survey District, to the point of commencement.

“ Also all cities, boroughs, and town districts in any of those areas, and the Islands of Herald and Waiheke.

“ *Education District of South Auckland*

“ All that area in New Zealand, being the Counties of Coromandel, Hauraki Plains, Kawhia, Matamata, Ohinemuri, Otorohanga, Opotiki, Piako, Rotorua, Thames, Taumarunui, Tauranga, Taupo, Waipa, Waitomo, Whakatane, and the Counties of Raglan and Waikato, excepting thereout those portions included in the Education District of Auckland and described in that portion of this Schedule relating thereto (including all cities, boroughs, and town districts therein, and the Island of Motiti).”