

EDUCATION AMENDMENT BILL

EXPLANATORY NOTE

Clauses 2 to 5 of this Bill make provision for Education Boards to be constituted as from their next election on a new basis under which each Board will consist of representatives of the wards or combined groups of wards into which the district is to be divided. To enable the change to be made, all members of Education Boards (other than South Auckland) will go out of office in August 1954. In South Auckland the first Board will be elected in accordance with the new scheme, and will be governed by section 9 of the Education Amendment Act 1952. The sections are made retrospective to 1 September 1953 so that the preliminary steps in connection with the first election in the South Auckland District (e.g., the division of the district into wards, advertising, and nominations) can be validly completed in time for the first election in the district, which is being held on 21 October 1953.

Clause 2 requires the Board of each district from time to time, when it thinks fit or when so directed by the Minister, to divide its district into wards. The number of wards in each district is to vary according to the number of public schools (including intermediate schools) in the district, the normal number being between eight and fourteen. To suit local circumstances the number of wards for any district may be increased above or reduced below the normal number for the district by not more than two if the Board so wishes and the Minister approves. In dividing its district into wards the Board is to ensure that the members to represent the wards have as nearly as possible equal responsibilities having regard to the number and the grades of the schools in the district and the geographical grouping of the schools, and is also to ensure that no ward is to have more than four times as many schools as any other ward in the district. Wards may be combined into groups for purposes of group representation.

Clause 3 provides for the reconstitution of Education Boards which are elected after the commencement of the clause. All such Education Boards are to consist of a member for each ward, and a number of members for each combined group equal to the number of wards in the group. The representative for each ward, and the representatives for each group, are to be elected by the School Committees within the ward or group. Where a district is redivided into wards after the new scheme has started, the existing members of the Board are to continue in office, and the Board is to determine which group or combined group of wards they are to represent. Where vacancies on the Board occur in consequence of an increase in the number of wards on a redivision, the vacancies are to be filled in the same way as other extraordinary vacancies; but they are not to be filled without the Minister's consent if the redivision is made within six months before the next ordinary election. If the number

of wards in a district is reduced on a redivision, the members who cease to represent any ward or group are to continue in office until the members elected at the next ordinary election come into office and they are then to go out of office. They are to go out of office earlier in a case where the redivision is consequential on the formation of a new district if they are appointed or elected to the Commission or Board of the new district.

Clause 4 provides that ordinary elections of Board members are to take place on the third Wednesday in July in the year 1954 and in every second year thereafter. Members elected at any such election are to take office on the second Wednesday in August after their election. Members of the Board are to have a four year term of office and half the members are to retire every two years as at present.

Clause 5 provides for miscellaneous amendments consequential on the aforesaid changes.

Section 5 of the Education Amendment Act 1936, as amended in 1948, provides that the Minister may authorize any Education Board to pay its Chairman an honorarium not exceeding in any year the sum of £200, and stipulates that the total amount which may be paid in any year under the authority of the section is not to exceed £1,000. *Clause 6* increases the latter amount to £1,400.

Clause 7 contains general provisions under which any group of three or more post-primary schools, to be specified by Order in Council, may be controlled in the same manner as the Christchurch post-primary schools to which section 19 of the Education Amendment Act 1948 applies. The clause follows that section with only such verbal alterations as are necessary to make it of general application.

Clause 8 repeals the special Christchurch provisions and brings the schools to which they apply under the general clause.

Subsection (2) of section 2 of the Statute Law Amendment Act 1930 provides that a normal school shall not be subject to the control of the School Committee of the school district in which the school is situated. *Clause 9* revokes this provision and substitutes a provision that it shall not be necessary for the Education Board concerned to consult the School Committee of the school district in which any such school is situated in connection with any appointment, transfer, or dismissal of a teacher of the school. The clause also provides that the Board is to fix the date of the first election of the School Committee of any normal school which has no School Committee at the present time.

Hon. Mr Algie

EDUCATION AMENDMENT

ANALYSIS

Title.	
1. Short Title and commencement.	<i>Control of Groups of Post-primary Schools</i>
<i>Education Districts and Education Boards</i>	7. Control of groups of post-primary schools.
2. Division of districts into wards.	8. Christchurch Post-primary Schools Board.
3. Constitution of Education Boards.	
4. Election and term of office of members of Board.	<i>Normal Schools</i>
5. Consequential amendments.	9. School Committees of districts of normal schools.
6. Honoraria to Chairmen of Education Boards.	Schedule.

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
5 the same, as follows:

1. (1) This Act may be cited as the Education Amendment Act 1953, and shall be read together with
and deemed part of the Education Act 1914 (hereinafter referred to as the principal Act). Short Title and commencement.
- 10 (2) Sections *two* to *five* of this Act shall be deemed to have come into force on the first day of September, nineteen hundred and fifty-three.

Education Districts and Education Boards

Division
of districts
into wards.

2. The principal Act is hereby amended by repealing section fourteen, and substituting the following section:

“ 14. (1) The Board of each district shall from time to time, when it thinks fit or when so directed by the Minister, cause the district to be divided into wards as hereafter provided in this section. 5

“(2) The number of wards into which each district shall be so divided shall be as follows:

“(a) In a district in which there are more than two hundred and fifty public schools (including intermediate schools) on the determining date immediately preceding the division, there shall be fourteen wards or such other number of wards (being not less than twelve or more than sixteen) as the Board from time to time, with the approval of the Minister, may determine: 10 15

“(b) In a district in which there are more than two hundred and not more than two hundred and fifty such schools on the determining date immediately preceding the division, there shall be twelve wards or such other number of wards (being not less than ten or more than fourteen) as the Board from time to time, with the approval of the Minister, may determine: 20 25

“(c) In a district in which there are more than one hundred and fifty and not more than two hundred such schools on the determining date immediately preceding the division, there shall be ten wards or such other number of wards (being not less than eight or more than twelve) as the Board from time to time, with the approval of the Minister, may determine: 30 35

“(d) In a district in which there are not more than one hundred and fifty such schools on the determining date immediately preceding the division, there shall be eight wards or such other number of wards (being not less than six or more than ten) as the Board from time to time, with the approval of the Minister, may determine. 40

“(3) For the purposes of subsection *two* of this section,—

5 “(a) In any education district except a newly constituted district for which the first election of Board members has not been held, the first day of February in every year in which an ordinary election of Board members is held shall be a determining date:

10 “(b) In any such newly constituted district the first day of February in each year shall be a determining date.

“(4) In dividing its district into wards the Board shall ensure that the members to represent the wards have as nearly as possible equal responsibilities having 15 regard to the number and the grades of the public schools (including intermediate schools), and the geographical grouping of the schools, within the district, and shall also ensure that no ward has more than four times as many schools as any other ward in the district.

20 “(5) The Board may from time to time—

“(a) Combine into a group of wards any two or more wards which form one continuous area:

“(b) Re-establish any ward included in a combined group of wards as a separate ward.

25 “(6) The Board shall assign a name to each ward, and may assign a name to any combined group of wards.

30 “(7) Where part 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 its district into wards.”

3. (1) The principal Act is hereby amended by repealing section fifteen, and substituting the following section: Constitution
of Education
Boards.

35 “15. (1) There shall be an Education Board for each education district.

“(2) Every Education Board which is elected after the commencement of this section shall consist of—

40 “(a) One member to represent each ward which does not form part of a combined group of wards; and

“(b) A number of members to represent each combined group of wards equal to the number of wards in that group.

“(3) Except as hereafter provided in this section, the member or members to represent any ward or combined group of wards on any Education Board elected after the commencement of this section shall be elected by the members of the Committees of the public schools (including intermediate schools) within the ward or combined group of wards in the manner prescribed in the Second Schedule to this Act. 5

“(4) Where any redivision of a district into wards is made after the first election of members of the Board for the district which is held after the commencement of this section (whether or not the redivision is consequential on the inclusion of part of the district in a new district)— 10

“(a) The members of the Board shall continue in office until their terms expire or are determined as hereinafter provided: 15

“(b) The Board shall forthwith determine which of the reconstituted wards or combined groups of wards (if any) each member of the Board is to represent: 20

“(c) If the number of wards in the district is increased on the redivision, the vacancies on the Board which arise in consequence shall be deemed to be extraordinary vacancies and shall be filled accordingly: 25

“Provided that they shall not be filled without the consent of the Minister if the redivision of the district is made less than six months before the date of the next ordinary election of Board members for the district: 30

“(d) If the number of wards in the district is reduced on the redivision, the members of the Board who cease to represent any ward or combined group of wards shall nevertheless continue to be members of the Board until the date on which members elected at the first ordinary election of members of the Board which is held thereafter come into office, and they shall then go out of office: 35 40

“ Provided that if the place of any such member of the Board becomes vacant the vacancy shall not be filled :

5 “ Provided also that, where the redivision is consequential on the inclusion of part of the district in a new district, any member to whom this paragraph applies shall go out of office forthwith on being appointed or
10 elected as a member of the Commission or Board of the new district.

“ (5) Where two or more wards are combined to form a group of wards after the first election of members of the Board for the district which is held after the commencement of this section, the members who
15 represent those wards shall thereafter represent the combined group of wards.

“ (6) Where any ward which has been included in a combined group of wards is re-established as a separate ward after the first election of members of the Board
20 which is held after the commencement of this section, the Board shall forthwith determine which of the members who represent the combined group of wards is to represent the separate ward.”

(2) Notwithstanding anything to the contrary in this
25 section, every Education Board which is in existence at the commencement of this section shall continue, until the second Wednesday in August, nineteen hundred and fifty-four, to be constituted as if this Act had not been passed.

30 **4.** (1) The principal Act is hereby amended by repealing section sixteen, and substituting the following section :

Election and term of office of members of Board.
1952, No. 39

35 “ 16. (1) Except as provided in section seventeen of this Act, as set out in section nine of the Education Amendment Act 1952,—

40 “ (a) On the third Wednesday in July in the year nineteen hundred and fifty-four and in every second year thereafter, an election of members of every Education Board shall be held, and the members so elected shall take office on the second Wednesday in August after their election :

“(b) On the second Wednesday in August in the year nineteen hundred and fifty-six and in every second year thereafter, half of the members on each Education Board, and all the members who do not represent any ward or combined group of wards in the district, shall retire, but shall be eligible for re-election to represent any ward or combined group of wards in respect of which a vacancy exists: 5
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“Provided that every member who represents any ward or combined group of wards shall continue in office until his successor comes into office.

“(2) The members to retire following any election shall be those who have served longest on the Board without re-election: 15

“Provided that, as between members who have served for the same period without re-election, those to retire may be determined by a unanimous decision of the members present at a meeting of the Board, and (if not so determined) those to retire shall be determined by lot by the Secretary of the Board at a meeting of the Board not later than two months before the election at which vacancies are to be filled.” 20
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(2) Every member of any Education Board which is in existence at the commencement of this Act shall go out of office on the second Wednesday in August in the year nineteen hundred and fifty-four.

Consequential amendments.

5. The enactments specified in the Schedule to this Act are hereby amended in the manner specified in that Schedule. 30

Honoraria to Chairmen of Education Boards.
1936, No. 44
1948, No. 68

6. (1) Section five of the Education Amendment Act 1936, as amended by section thirteen of the Education Amendment Act 1948, is hereby further amended by omitting from subsection one the words “one thousand pounds”, and substituting the words “one thousand four hundred pounds”. 35

(2) Paragraph (b) of section thirteen of the Education Amendment Act 1948 is hereby repealed. 40

Control of Groups of Post-primary Schools

7. (1) Notwithstanding anything in the principal Act or any other Act, the Governor-General may from time to time, by Order in Council, establish for the purposes of this section, as from a date to be specified in the Order in Council, a Board of Governors to control any group of three or more post-primary schools to be specified in the Order.

Control of groups of post-primary schools.

(2) Every such Board of Governors shall be known by such name as may be specified in the Order.

(3) Every such Board of Governors shall be a body corporate with power to hold land, and to sue and be sued, and to do and suffer all such acts and things as bodies corporate may do and suffer.

(4) Every such Board of Governors shall consist of—

(a) Two members appointed by the Governor-General, of whom one shall be a woman:

(b) One member appointed by the Board of Managers of each of the schools under the control of the Board of Governors.

(5) Every member of any such Board of Governors shall be appointed for a term of three years, but may from time to time be reappointed.

(6) The functions of every such Board of Governors shall be—

(a) To take such steps as it thinks fit to ascertain the requirements of the district surrounding the schools which it controls in respect of post-primary education; to make recommendations to the Minister regarding the co-ordination of post-primary education and the building of new post-primary schools in that district, and the making of additions to the schools which it controls:

(b) To establish, maintain, and control a central office and a staff to perform the clerical and accounting work for the Boards of Managers of the schools which it controls:

(c) To hold all real and personal property used for the purposes of each of the schools which it controls and all moneys appropriated from time to time by Parliament for the purposes of each of those schools, and, subject to the provisions

of this section, to apply all property and moneys from time to time so held by it for each of the schools in such manner as the Board of Managers of the school may direct:

- (d) To establish, build, maintain, repair, rebuild, 5
reinstate, conduct, manage, and control, as it
thinks fit, out of moneys appropriated by
Parliament for the purpose, any schoolhouse,
teacher's residence, house for any member of
the staff, hostel for students, or any other 10
building required for any purpose in connection
with any school which it controls.

(7) For the purposes of section one hundred of the principal Act every such Board of Governors shall be the governing body of each of the schools which it 15
controls.

(8) All salaries and wages payable to the staff of the office of any such Board of Governors, and all expenses properly incurred by that Board in establishing 20
and maintaining its office, shall be paid out of the moneys
from time to time appropriated by Parliament for the
incidental expenses of those schools rateably in pro-
portion to the amounts so appropriated to each school.

(9) The Minister may from time to time, by notice 25
in the *Gazette*, place any other school under the control
of any Board of Governors established under this section.

(10) There shall be a Board of Managers for each school which is for the time being under the control of any such Board of Governors. Subject to the provisions of this section, every such Board of Managers shall be 30
constituted in the manner in which the Board or govern-
ing body or managers of the school would be constituted
if this section did not apply to the school:

Provided that the Governor-General may from time to time, by Order in Council, make regulations 35
constituting or providing for the constitution, election,
or appointment of the Board of Managers of any such
school.

(11) The Board of Managers of each school which is placed under the control of any such Board of 40
Governors shall control and be the governing body of
the school except in respect of matters which come
within the functions of the Board of Governors in
accordance with this section.

(12) Subject to the provisions of this section, every school to which this section applies (other than a technical school) shall be controlled in accordance with a scheme approved by the Minister under section ninety-
5 two of the principal Act, and until such a scheme has been so approved it shall be controlled in such manner as the Minister may approve.

(13) Subject to the provisions of this section, all the provisions of the principal Act relating to secondary
10 schools shall apply to every secondary school which is placed under the control of any such Board of Governors, and all the provisions of the principal Act relating to technical schools shall apply to every technical school which is placed under the control of any such Board of
15 Governors.

(14) Upon any school coming under the control of a Board of Governors established under this section—

(a) All real and personal property which is then
20 vested or thereafter vests, for any purpose in connection with the school, in any Board, governing body, or managers which had control of the school at any time before it came under the control of the Board of Governors shall vest without conveyance or assignment
25 in the Board of Governors for like purposes, and the District Land Registrar for the land registration district in which the land is situated shall, on written application by the Board of Governors, make such entries in the
30 register and generally do all such things as may be necessary to give full effect to the provisions of this paragraph:

(b) Any property or income which, under any gift,
35 devise, bequest, or trust, is to be transferred or paid, for any purpose in connection with the school, to any Board, governing body, or managers which had control of the school at any time before it came under the control of the Board of Governors shall be transferred
40 or paid to the Board of Governors for a like purpose; and where under any gift, devise, bequest, or trust any executor, trustee, or other person is required or empowered to transfer or pay property or income to any such Board,

governing body, or managers for any such purpose, that requirement or power shall be deemed a requirement or power to pay or transfer the property or income to the Board of Governors for a like purpose. 5

Christchurch
Post-primary
Schools Board.
1948, No. 68
1952, No. 39

8. (1) Section nineteen of the Education Amendment Act 1948, and subsection three of section thirteen of the Education Amendment Act 1952, are hereby repealed.

(2) The Christchurch Post-primary Schools Board shall be deemed to have been established with that name by Order in Council under section *seven* of this Act to control the Christchurch Boys' High School, the Christchurch Girls' High School, the Avonside Girls' High School, the Christchurch West High School, and the Papanui Technical School. 10 15

Statutory
Regulations,
Serial number
1949/9

(3) The Christchurch Post-primary Schools Board of Managers Regulations 1949 shall be deemed to have been made under subsection *ten* of section *seven* of this Act.

(4) The repeal of subsection fourteen of section nineteen of the Education Amendment Act 1948 shall not affect the trusts created by that section or the power of the Minister to determine the land to which those trusts relate. 20

Normal Schools

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School
Committees of
districts of
normal schools.
See Reprint
of Statutes,
Vol. II, p. 1159

9. (1) Section two of the Statute Law Amendment Act 1917 is hereby amended by repealing subsection two, and substituting the following subsection:

“(2) Notwithstanding anything in the Education Act 1914, it shall not be necessary for an Education Board to consult the School Committee of the school district in which a normal or practising school is situated in connection with any appointment, transfer, or dismissal of a teacher of the school.” 30

(2) Where at the date of the commencement of this section there is no School Committee for the school district in which a normal or practising school is situated, the first election after that date of a School Committee of that district shall be held on a date to be fixed by the Board, and subsequent elections shall be held in accordance with the provisions of the principal Act. 35 40

SCHEDULE

Section 5

CONSEQUENTIAL AMENDMENTS

Title of Act	Nature of Amendment
1914, No. 56— The Education Act 1914 .. (Reprint of Statutes, Vol. II, p. 1007)	<p>By repealing the definitions of the terms "rural area" and "urban area" in section 2.</p> <p>By omitting from section 18 the words "the rural area or in any urban area, as the case may be", and substituting the words "any ward or combined group of wards".</p> <p>By omitting from clause 1 of the Second Schedule the words "of the rural area or for each urban area", and substituting the words "or combined group of wards"; also by omitting from that clause the words "or urban area", and substituting the words "or combined group of wards".</p> <p>By omitting from clause 13 of the Second Schedule the words "of the rural area and in each urban area", and substituting the words "or combined group of wards"; also by omitting from that clause the words "of the rural area and for the several urban areas respectively", and substituting the words "and combined groups of wards".</p> <p>By omitting from clause 16 of the Second Schedule the words "of the rural area and for each urban area", and substituting the words "and for each combined group of wards".</p>
1919, No. 29— The Education Amendment Act 1919 (Reprint of Statutes, Vol. II, p. 1088)	By repealing paragraph (c) of section 2.
1920, No. 64— The Education Amendment Act 1920 (Reprint of Statutes, Vol. II, p. 1092)	By repealing section 2.
1921-22, No. 27— The Education Amendment Act 1921-22 (Reprint of Statutes, Vol. II, p. 1097)	By repealing paragraph (c) of subsection (2) of section 2.
1934-35, No. 46— The Education Law Amendment Act 1934-35	By repealing section 3.
1951, No. 81— The Statutes Amendment Act 1951	By repealing section 8.
1952, No. 39— The Education Amendment Act 1952	By repealing sections 6 and 8.