

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 19 November 1953

Hon. Mr Algie

EDUCATION AMENDMENT

ANALYSIS

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A BILL INTITULED

AN ACT to amend the Education Act 1914.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of

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: 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 elected as a member of the Commission or Board of the new district.

10 "(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 represent those wards shall thereafter represent the combined group of wards.

15 "(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 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."

20 "(2) Notwithstanding anything to the contrary in this 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.

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

30 " 16. (1) Except as provided in section seventeen of this Act, as set out in section nine of the Education Amendment Act 1952,—

35 "(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:

40 "(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
45 or combined group of wards in the district,

Election and term of office of members of Board.

1952, No. 39

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:

“Provided that every member who represents any ward or combined group of wards shall continue in office until his successor comes into office. 5

“(2) The members to retire following any election shall be those who have served longest on the Board without re-election: 10

“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.” 15

(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. 20

Consequential amendments.

5. The enactments specified in the Schedule to this Act are hereby amended in the manner specified in that Schedule. 25

Honoraria to Chairmen of Education Boards.

6. (1) Any Education Board may pay to its Chairman such sum by way of remuneration for his services as the Board thinks fit, not exceeding in any year—

(a) In the case of the Auckland Education Board, the South Auckland Education Board, or the Canterbury Education Board, the sum of two hundred pounds: 30

(b) In the case of any other Education Board, the sum of one hundred and fifty pounds. 35

(2) Payments under this section may be made by monthly or other instalments as the Board thinks fit.

Repeals.

1936, No. 44
1948, No. 68

(3) This section is in substitution for section five of the Education Amendment Act 1936; and that section and section thirteen of the Education Amendment Act 1948 are 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 made on the recommendation of the Minister after application to him by the governing bodies of three or more post-primary schools, establish for the purposes of this section, as from a date to be specified in the Order in Council, a Post-primary Schools Council in respect of those schools.
- (2) Every such Council shall be known by such name as may be specified in the Order.
- (3) Every such Council 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 Council shall consist of—
- (a) Two members appointed by the Governor-General:
- (b) One member appointed by the Board of Governors of each of the schools under the Council.
- (5) The Council itself may from time to time, if and when it thinks fit, appoint, for such period not exceeding three years as it may specify when making the appointment, one or two additional persons to be members of the Council (hereinafter referred to as co-opted members).
- (6) Every member of any such Council (other than a co-opted member) shall be appointed for a term of three years, but may from time to time be reappointed.
- (7) The functions of every such Council shall be—
- (a) To take such steps as it thinks fit to ascertain the requirements of the district surrounding the schools under the Council 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 under the Council:
- (b) To establish, maintain, and control a central office and a staff to perform the clerical and accounting work for the Boards of Governors of the schools under the Council:

Control of
groups of
post-primary
schools.

(c) To hold all real and personal property used for the purposes of each of the schools under the Council 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 Governors of the school may direct: 5

Provided that money raised by local effort for any school shall not be held by the Council under this paragraph unless the Board of Governors of the school so directs: 10

(d) To establish, build, maintain, repair, rebuild, 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 building required for any purpose in connection with any school under the Council. 15 20

(8) For the purposes of section one hundred of the principal Act every such Council shall be the governing body of each of the schools under the Council.

(9) All salaries and wages payable to the staff of the office of any such Council, and all expenses properly incurred by that Council in establishing 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 proportion to the amounts so appropriated to each school. 25 30

(10) At the request of the governing body of the school concerned the Minister may from time to time, by notice in the *Gazette*, place any other school under any Post-primary Schools Council established under this section. 35

(11) Notwithstanding anything in the principal Act, there shall be a Board of Governors for each school which is for the time being under any such Council. Subject to the provisions of this section, every such Board of Governors shall be constituted in the manner in which 40

the Board or governing body or managers of the school would be constituted if this section did not apply to the school:

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

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

15 (13) 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-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.

20 (14) Subject to the provisions of this section, all the provisions of the principal Act relating to secondary schools shall apply to every secondary school which is placed under any such Council, and all the provisions of the principal Act relating to technical schools shall apply to every technical school which is placed under any such Council.

(15) Upon any school coming under a Post-primary Schools Council established under this section—

30 (a) All real and personal property (other than money raised by local effort) which is then 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
35 any time before it came under the Council shall vest without conveyance or assignment in the Council for like purposes, and the District Land Registrar for the land registration district in which the land is situated shall,
40 on written application by the Council make such entries in the 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, 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 Council shall be transferred or paid to the Council 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 Council for a like purpose. 5 10 15

(16) For the purposes of subsection *one* and of subsection *ten* of this section, in the case of a technical school the Board of Managers or the committee of management of the school shall be deemed to be the governing body of the school. 20

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) A Post-primary Schools Council to be known as the Christchurch Post-primary Schools Council shall be deemed to have been established by Order in Council under section *seven* of this Act in respect of 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. 25 30

(3) The Christchurch Post-primary Schools Council is hereby declared to be the same body corporate as the one which immediately before the commencement of this section was known as the Christchurch Post-primary Schools Board. Every reference in any enactment or document to that Board or to a member of that Board shall be read as a reference to the Christchurch Post-primary Schools Council or to a member of that Council, as the case may be. 35 40

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

(4) The Board of Managers which existed in respect of each of the schools specified in subsection *two* of this section immediately before the commencement of this section shall be deemed to have been constituted as the
5 Board of Governors of the school under section *seven* of this Act. Every reference in any enactment or document to that Board of Managers or to any member or manager belonging to that Board of Managers shall be read as a reference to the said Board of Governors
10 of the school or to a member of that Board of Governors, as the case may be.

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

Statutory
Regulations,
Serial number
1949/9

(6) 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
20 trusts relate.

Normal Schools

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

School
Committees of
districts of
normal schools.

25 “(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
30 teacher of the school.”

See Reprint
of Statutes,
Vol. II, p. 1159

(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
35 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.

SCHEDULE
CONSEQUENTIAL AMENDMENTS

Section 5

Title of Act	Nature of Amendment
1914, No. 56— The Education Act 1914 .. (Reprint of Statutes, Vol. II, p. 1007)	By repealing the definitions of the terms "rural area" and "urban area" in section 2. 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". 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". 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". 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".
1919, No. 29— The Education Amendment Act 1919 (Reprint of Statutes, Vol. II, p. 1038)	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.