

## EDUCATION AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the Education Act 1914.

*Clause 1* relates to the Short Title to the Bill.

*Clause 2* increases the amounts of the honoraria which may be paid to the Chairmen of Education Boards. In the case of the Auckland, South Auckland, and Canterbury Boards the new maximum will be £250, whereas the present maximum is £200. In the case of the other Boards the new maximum will be £175, whereas the present maximum is £150.

*Clause 3* extends the provisions now contained in section 17 of the Statutes Amendment Act 1944 so as to authorise borrowing in accordance with those provisions from sources other than the Department of Education. The consent of the Minister of Education, given with the concurrence of the Minister of Finance, is to be necessary.

*Clause 4* authorises an Education Board that is affiliated to the Education Boards' Association to pay out of its General Fund to that Association such amounts as the Minister may approve by way of annual subscription towards expenses incurred by that Association in carrying out its purposes.

*Clause 5* repeals certain enactments relating to the school leaving age that are obscure in their application and have been treated as a dead letter since 1943. The repeals do not alter the present school leaving age or affect the practice which has been followed since 1943.

*Clause 6* provides that in any case where an appointment is to be made to a position in a Maori School or in a Chatham Islands school, and, in the opinion of the Director, it is desirable in the interests of the school that a man and his wife should be appointed to the school, the Director may require that the advertisement for the position shall indicate that the only applicants who will be considered for appointment to the position will be those who have in each case a husband or wife (as the case may be) who holds a position, or who is an applicant for some other position, in the school to which the appointment is to be made; and the Appointments Committee, in determining which applicant shall be recommended for the position, shall consider only those applicants who are eligible for consideration as aforesaid.

*Clause 7* protects teachers for a period of two years in any case where a public school is established in place of a Maori school. Compare section 2 of the Education Amendment Act 1954.

*School Committees for Maori Schools*

*Clause 8* provides for the establishment of school districts and School Committees for Maori schools.

*Clause 9* directs that the first election of Maori School Committees shall be held not later than 31 May 1958 on a date to be fixed by the Director of Education.

*Clause 10* provides that in the case of Maori schools the School Fund shall consist of—

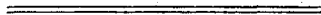
- (a) Money which the Director, out of money appropriated by Parliament for the purpose, may pay into the Fund for incidental expenses and for any special purposes:
- (b) Donations, subscriptions, and other money which may be received by the Committee for the purposes of the principal Act.

*Clause 11* requires that money paid to a Maori School Committee shall be banked.

*Clause 12* provides that where a Maori School Committee ceases to function owing to the closing of the school, any balance of the School Fund is to be paid into the Public Account.

*Clause 13* provides for the audit of the accounts of Maori School Committees.

*Clause 14* requires every Maori School Committee to forward an annual report to the Director of Education.



*Hon. Mr Algie*

## EDUCATION AMENDMENT

### ANALYSIS

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### A BILL INTITULED

#### 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,  
5 as follows:

1. **Short Title**—This Act may be cited as the Education Amendment Act 1957, and shall be read together with and deemed part of the Education Act 1914 (hereinafter referred to as the principal Act).

10 2. **Honoraria to Chairmen of Education Boards**—(1) The principal Act is hereby amended by inserting, after section twenty, the following section:

“20A. (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 and fifty pounds: 5

“(b) In the case of any other Education Board, the sum of one hundred and seventy-five pounds.

“(2) Payments under this section may be made by monthly or other instalments as the Board thinks fit.” 10

(2) Section six of the Education Amendment Act 1953 is hereby consequentially repealed.

**3. Borrowing powers of Education Boards, etc.**—(1) The principal Act is hereby amended by inserting, after section thirty-five, the following section: 15

“35A. (1) Any Board controlling a public school, a secondary school, a technical school, or a combined school may, with the prior written consent of the Minister of Education, given with the concurrence of the Minister of Finance, borrow money from the Department or any other source. 20

“(2) The Department is hereby authorised to make advances on such terms as the Minister of Finance may approve to any such Board out of money appropriated by Parliament for the purpose. 25

“(3) The power conferred by this section on any Board controlling a high school is in addition to and not in derogation of any power conferred on it by section twelve of the Education Lands Act 1949.”

(2) The following enactments are hereby consequentially repealed: 30

(a) Section seventeen of the Statutes Amendment Act 1944:

(b) Section seventeen of the Education Amendment Act 1948. 35

**4. Subscriptions to Education Boards' Association**—The principal Act is hereby amended by inserting, after section thirty-six, the following section:

“36A. An Education Board that is affiliated to the Education Boards' Association of New Zealand may pay out of its General Fund to that Association such amounts as the Minister may approve by way of annual subscription towards expenses incurred by that Association in carrying out its purposes.” 40

**5. Exemption from attendance at school**—The following enactments are hereby repealed:

- 5 (a) Paragraph (e) of subsection one of section sixty of the principal Act, as substituted by paragraph (a) of subsection two of section nine of the Education Amendment Act 1936:
- (b) Subsection two of section ten of the Education Amendment Act 1920:
- 10 (c) Paragraph (a) of subsection two of section nine of the Education Amendment Act 1936.

**6. Appointments to Maori schools and Chatham Islands schools**—Section nine of the Education Amendment Act 1955 is hereby amended by adding the following subsection:

- 15 “(4) Notwithstanding anything to the contrary in this section, in any case where an appointment is to be made to a position in a Maori school or in a Chatham Islands school, and, in the opinion of the Director, it is desirable in the interests of the school that a man and his wife should be appointed to the school, the Director may require that the advertisement
- 20 for the position shall indicate that the only applicants who will be considered for appointment to the position will be those who have in each case a husband or wife (as the case may be) who holds a position, or who is an applicant for some other position, in the school to which the appointment
- 25 is to be made; and the Appointments Committee, in determining which applicant shall be recommended for the position, shall consider only those applicants who are eligible for consideration as aforesaid.”

**7. Protection of teachers in certain cases**—(1) In any case

30 where a public school is established in place of a Maori school, the following provisions shall apply to the teachers on the staff of the former school:

- 35 (a) Every such teacher shall be offered a transfer to a position on the staff of the public school so established:
- (b) In the case of a teacher who is employed in any school so established, he shall while so employed continue to receive the same salary as he received in the former school if that salary is higher than the salary for his new position, but in no case after the
- 40 expiration of two years from the date on which he ceased duty in his former position.

*School Committees for Maori Schools*

**8. Establishment of school districts and School Committees for Maori schools**—(1) The Director may establish and define school districts for all Maori schools; and, upon this being done, School Committees shall be elected for those school districts in accordance with this Act and such of the other enactments specified in subsection two of this section as govern the election of School Committees. 5

(2) Subject to the provisions of subsection three of this section, the following enactments, so far as they are applicable, shall apply in respect of every such Maori school and school district and School Committee: 10

- (a) Sections forty to forty-nine of the principal Act, and the Third Schedule thereto:
- (b) Section seventy-two of the principal Act, as substituted by section eleven of the Education Amendment Act 1955: 15
- (c) Section four of the Education Amendment Act 1932-33:
- (d) Subsection two of section eleven of the Education Amendment Act 1955. 20

(3) All the powers and functions possessed by the Education Board, or by the Chairman or Secretary thereof, under the said enactments shall, so far as they are applicable, be possessed in the case of Maori schools by the Director of Education: 25

Provided that the Director of Education may delegate to any suitable officer of the Department of Education any of the powers and functions conferred upon him by this subsection. 30

**9. First election of School Committees for Maori schools**—Notwithstanding anything to the contrary in this Act or the principal Act, the first biennial meeting of householders in each Maori school district for the purpose of the election of the School Committee shall be held on such date, being not later than the thirty-first day of May in the year nineteen hundred and fifty-eight, as the Director may appoint by notice in the *Gazette*; and the members then elected shall come into office on such date as the Director may in like manner appoint. 35 40

**10. Funds of School Committees for Maori schools**—In the case of Maori schools, the School Fund shall consist of—

- 5 (a) Money which the Director, out of money appropriated by Parliament for the purpose, may pay into the Fund for incidental expenses and for any special purposes:
- (b) Donations, subscriptions, and all other money which may be received by the Committee of the Maori school for the purposes of the principal Act.

10 **11. Money received by Maori School Committee to be banked**—(1) All money received by or belonging to the School Committee for the school district of any Maori school shall be paid into such bank as the Committee from time to time appoints to an account to be called the [*Name of district*]  
15 Maori School Committee Account; and no money shall be drawn out of the bank except by authority of the Committee and by cheque signed by the treasurer appointed by the Committee, and by such one or more members of the Committee as the Committee may from time to time authorise to sign  
20 cheques.

(2) Notwithstanding anything in subsection one of this section, the Committee may lodge the School Fund in the Post Office Savings Bank; and no money shall be drawn out of that savings bank except by authority of the Committee  
25 contained in a written order signed by the Chairman and one other member of the Committee, such written order to be presented to the Postmaster on withdrawal of any money.

**12. Disposal of School Fund when Maori school closed**—Where the School Committee for the school district of any  
30 Maori school ceases to function owing to the closing of the school, the whole of the School Fund in the hands of the Committee after meeting its outstanding liabilities shall be paid into the Public Account.

**13. Audit of Maori School Committee's Accounts**—  
35 (1) The School Committee of a Maori school shall keep such accounts as may be required by the Director of Education, and shall cause those accounts to be balanced to the last day of February in every year, and a statement of account to be prepared, in the form required by the Director of  
40 Education, of the receipts and payments of the Committee during the twelve months immediately preceding that date.

(2) All such accounts shall be audited in such manner as the Director of Education may require.

**14. Maori School Committee to forward annual report—**

(1) Every School Committee of a Maori School shall, before the fourth Monday of April in each year, forward to the Director of Education a report of its proceedings during the period of twelve months which ended with the last day of February in that year. 5

(2) The report shall contain a full account of the receipts and payments of the Committee, audited in the manner required by the Director of Education, and also such information relative to the Maori school and to educational matters within the school district as the Director of Education may require. 10