

[AS REPORTED FROM THE EDUCATION COMMITTEE]

House of Representatives, 30 August 1961

Words struck out by the Education Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

Hon. Mr Tennent

EDUCATION AMENDMENT

ANALYSIS

Title	}	3. Suspension and expulsion of pupils
1. Short Title		4. Change in control of technical school
2. Signing of cheques by Education Boards	}	5. Boards may establish Imprest Accounts

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, as follows:

1. Short Title—This Act may be cited as the Education Amendment Act 1961, and shall be read together with and deemed part of the Education Act 1914 (hereinafter referred to as the principal Act).

2. Signing of cheques by Education Boards—Section 35 of the principal Act is hereby amended by adding the following proviso:

“Provided that it shall be lawful, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit Office prescribes, for any money to be paid

by the Board by cheque issued by means of a cheque-writing machine, and every such cheque issued by means of such a machine and bearing a facsimile of the signatures of the persons authorised pursuant to the provisions of this section to sign and countersign cheques shall be deemed to have been duly signed and countersigned in accordance with the provisions of this section.” 5

3. Suspension and expulsion of pupils—(1) The principal Act is hereby amended by repealing section 58, and substituting the following section: 10

“58. (1) It shall be lawful for the Head Teacher or Principal of any public school, Maori School, secondary school, technical school, or combined school to suspend from attendance any child who, from gross misconduct or incorrigible disobedience, may be considered an injurious or dangerous example to other pupils, or whose attendance at school is likely for any serious cause to have a detrimental effect upon that child or upon the other pupils: 15

“Provided that no such suspension of a pupil under fifteen years of age shall be for a period exceeding one week, except where extended as hereafter provided in this section. 20

“(2) Where any pupil under the age of fifteen years is suspended from attendance under subsection (1) of this section, the following provisions shall apply:

“(a) The Head Teacher or Principal shall immediately notify the parents or guardian of the pupil and the School Committee or Committee of Management (if any) of the school of the suspension and the reasons therefor, and shall forward forthwith to the Board or governing body of the school a full report of the suspension: 25 30

“(b) The Board or governing body on receiving the report may, after such inquiry as it considers necessary, either reinstate the pupil, or extend the term of suspension for such period as it deems fit: 35

“(c) The Board or governing body may depute any one or more of its members to receive reports of suspensions on its behalf; and any member or members so deputed may reinstate a pupil or extend the term of a suspension as if the member or members were the Board or governing body itself, but any action so taken shall be subject to confirmation by resolution of the Board or governing body at its next meeting: 40

- 5 “(d) In any case where the Board or governing body (or
its member or members thereof deputed to act on
its behalf) extends the term of suspension of a
pupil for any reason, other than to allow time to
complete inquiries in the matter, it shall immedi-
ately notify the appropriate Senior Inspector of
the suspension and the reasons for its extension:
- 10 “(e) Where the suspended pupil is enrolled at a Maori
school, the Senior Inspector to be notified in accord-
ance with paragraph (d) of this subsection shall be
the Senior Inspector of Maori Schools, and where
the suspended pupil is enrolled at a secondary
15 school or technical school or combined school or
in the secondary department of a district high
school, the Senior Inspector to be so notified shall
be the Senior Inspector of Post-primary Schools for
the area if he can be reached without delay, but
in every other case he shall be the Senior Inspector
of Primary Schools for the district:
- 20 “(f) The Senior Inspector shall first endeavour to have
the suspended pupil re-established in some suitable
school, which school may, subject to the agreement
of the Board or governing body, be the school from
which the pupil was suspended, or it may be some
25 other school providing education of the same kind
which the pupil can conveniently attend, or a
Correspondence School established under this Act:
- 30 “(g) The Senior Inspector, in any case where he is unable
to make suitable arrangements in accordance with
paragraph (f) of this subsection for the education
of a suspended pupil who has attained the age of
fourteen years and has completed the work of form
two, shall recommend to the Director of Education
35 that the pupil be granted a certificate of exemption
from the obligation to be enrolled as a pupil of
any school:
- 40 “(h) The Director, on receiving any such recommendation
from the Senior Inspector of Schools, shall, if he
considers that the circumstances so warrant, grant
to the pupil a certificate of exemption from the
obligation to be enrolled as a pupil of any school:

- “(i) The name of every suspended pupil shall remain on the register of the school from which he is suspended until he has been placed at some other school, or has been enrolled with a Correspondence School established under this Act, or has been granted by the Director exemption from the obligation to be enrolled as a pupil of any school. 5
- “(3) Where any pupil fifteen years of age or over is suspended from attendance under subsection (1) of this section, the following provisions shall apply: 10
- “(a) The Head Teacher or Principal shall immediately notify the parents or guardian of the pupil and the School Committee or Committee of Management (if any) of the school of the suspension and the reasons therefor, and shall forward forthwith to the Board or governing body of the school a full report of the suspension: 15
- “(b) The Board or governing body on receiving the report shall thereupon investigate the matter; and, after such consultation with Senior Inspectors and Child Welfare Officers as it considers necessary in any case, may direct that the pupil be reinstated, or it may expel the child. 20
- “(4) The Head Teacher or Principal of any public school, Maori School, secondary school, technical school, or combined school may suspend from attendance any child for want of cleanliness, or any child who may be likely to communicate any contagious disease; and in any such case the following provision shall apply: 25
- “(a) The Head Teacher or Principal shall forthwith report to the parents or guardian of the pupil and to the School Committee or Committee of Management (if any) of the school and to the Board or governing body of the school the action taken by him and the reasons therefor: 30 35
- “(b) The Board or governing body shall thereupon investigate the matter and may direct the child to be reinstated or forbid his attendance until the cause of complaint has been remedied or no longer exists:

5 “(c) Where a child has been forbidden to attend school for want of cleanliness, it shall be a defence in any proceedings under section 62 of this Act only if the parent satisfies the Court that the child was not absent from school for a longer period than was necessary in order to remove the cause for which he was so forbidden to attend school.”

(2) Section 4 of the Education Amendment Act 1926 is hereby consequentially repealed.

10 4. (*Change in*) control of technical school—(1) Section 12 of the Education Amendment Act 1924, as amended by section 12 of the Education Amendment Act 1952, is hereby further amended by inserting after subsection (2), the following subsection:

15 “(2A) Notwithstanding anything in subsection (2) of this section, at any time before the expiry of three years from the date on which any technical school is established, the Minister may, on the joint application of the controlling authority of the school and of the special committee or any
20 other committee of the school to which powers have been delegated by the controlling authority, by written notice to the controlling authority of the school, give any direction that he could have given under subsection (2) of this section.”

New

25 (2) The said section 12 of the Education Amendment Act 1924 is hereby further amended by adding the following subsections:

30 “(6) Notwithstanding anything in the principal Act, in any case where technical classes or courses of a special or advanced character are being provided in a technical school, being a school of which the sole control has been vested in a Board of Managers, to such an extent that the Minister deems it desirable to recognise those classes and courses as a separate technical school, the Minister may, on the application of the
35 Board of Managers, by notice in the *Gazette*, direct that from a date to be specified in the notice the sole control of those classes and courses as a separate technical school shall be vested in a separate Board of Managers, as for a technical school, which Board shall be constituted in accordance with
40 section 113 of the principal Act, as that section is substituted by section 31 of the Education Amendment Act 1920 and is for the time being amended or affected by any other enactment.

New

“(7) As from the date specified in any such notice published in the *Gazette*, the Board of Managers so constituted shall be deemed to be the controlling authority of the classes and courses recognised by the Minister as a separate 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 that Board of Managers.”

4A. Membership of post-primary school Boards—(1) Notwithstanding anything in the principal Act or in any other Act or in subsections (3) to (5) of this section, where immediately before the commencement of this Act it was provided by the principal Act or any other Act or any regulations or Order in Council that a Post-primary Schools Council or the Board of Governors of a secondary school or a combined school or a Board of Managers of a technical school was to include a member or members to be appointed by the Governor-General, every member so appointed who was then in office shall, unless he sooner dies or otherwise vacates his office, continue in office until the expiry of the term for which he was appointed or, if that member was appointed by the Governor-General to hold office during his pleasure, until the thirty-first day of July, nineteen hundred and sixty-two.

(2) Subject as aforesaid, and except as otherwise provided in subsections (3) to (5) of this section, every such provision relating to any such Board shall be read as if the reference to the appointment of a member or members by the Governor-General were a reference to the election of a member or members by the parents of the pupils in addition to such other members to be elected by the parents of the pupils in accordance with the Act, regulations, or Order in Council constituting the Board:

Provided that, where the constitution of a Board of Governors in control of three or more schools provides for the parents of the pupils of each of the schools to elect one or more members of the Board, or where a Board has been constituted for the control of a secondary school and no secondary school has yet been placed under its control, the reference to the appointment of a member or members by the Governor-General shall be read as if it were a reference to the appointment of a member or members by the Board itself.

New

(3) Section 90 of the principal Act is hereby amended by omitting from subsection (1) the words "Three members shall be elected by the parents of the pupils; Two members shall be appointed by the Governor-General", and substituting the words "Five members shall be elected by the parents of the pupils".

(4) Section 18 of the Education Amendment Act 1948 is hereby amended by omitting from subsection (1) the words "three or more schools", and substituting the words "three or more secondary schools".

(5) Section 7 of the Education Amendment Act 1953 is hereby amended by omitting from paragraph (a) of subsection (1) of section 4 the words "the Governor-General", and substituting the words "that Council".

5. Boards may establish Imprest Accounts—Section 8 of the Education Amendment Act 1948 is hereby amended by omitting from subsection (1) the words "Notwithstanding the provisions of section thirty-five of the principal Act, any Education Board", and substituting the words "Notwithstanding anything to the contrary in the principal Act or any other Act, any Education Board, and any Board controlling a secondary school, a technical school, or a combined school".