

## EDUCATION AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the Education Act 1914 which will continue in force until the Education Bill now before Parliament comes into force on a date to be appointed by Proclamation. The Amendment Bill is designed to bring into force on its passing some of the provisions in the Education Consolidation, and to meet existing problems. The Consolidation provides for the repeal of this Amendment Bill when the Consolidation comes into force.

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

*Clause 2:* Section 3 (1) (c) of the Education Amendment Act 1955 provides for an Appointments Committee for all positions (other than positions in Maori Schools) to which teachers may be appointed by the Director under powers for the time being delegated to him by the State Services Commission. The clause provides for such number of separate Appointments Committees for this purpose as the Minister may approve.

*Clause 3:* Section 9 (2) of the Education Amendment Act 1955 relates to the appointment of teachers in special cases (as defined by regulations) where the teacher to be appointed must satisfy a particular description or possess special qualifications. *Subclause (1)* removes the requirement that the special cases must be defined by regulations. Section 9 (4A) of the Education Amendment Act 1955 (as inserted by section 4 (2) of the Education Amendment Act 1962) makes special provision for the appointment of a husband and wife to certain positions. *Subclause (2)* enables such positions to be filled by persons who are not husband and wife at the time of application for the positions where the Appointments Committee is satisfied that they will be husband and wife at the time of taking up the appointments.

*Clause 4* relates to the appointment of teachers of a particular description or with particular qualifications, and provides that in future the description or qualifications need not be prescribed by regulations.

*Clause 5* provides that a teacher shall not be eligible to apply for a new permanent position at any time before the commencement of the school term immediately before that in which he is eligible to be appointed to the position. Cf. *clause 151* of the said Education Bill.

*Clause 6* gives the Director a discretion to extend the period for payment of overgrade salaries in the cases where he is given a like discretion under *clause 153 (2) (c)* of the said Education Bill. The provision is made retrospective to 5 December 1962.

*Clause 7* protects the salary of a teacher for up to two years in any case where a public school is established in connection with a teachers training college as a normal school, or where a secondary school or a technical school is established in place of one or more schools (being secondary or technical schools), or where one secondary school or technical school takes over the functions of any other secondary school or technical school. Cf. *clause 154 (3)* of the said Education Bill.

*Clause 8* makes provision for teachers' determinations and teachers' orders prescribing classes or grades of teachers and salary rates. Cf. *clause 167* of the said Education Bill.

*Clause 9* amends section 3 of the Education Amendment Act 1924 so as to provide that the minimum number of Education Board representatives on the governing body of a combined school shall be one instead of the present minimum of two. The clause also amends the section by omitting a spent reference to Governor-General's representatives.

*Clause 10* authorises regulations to be made providing for the making of grants, out of money appropriated by Parliament for the purpose, to the governing bodies of registered private schools. Cf. *clause 195* of the said Education Bill.

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*Hon. Mr Kinsella*

## EDUCATION AMENDMENT

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### ANALYSIS

Title	
1. Short Title	6. Payment of overgrade salaries
2. Appointments Committees	7. Protection of teachers in certain cases
3. Appointments of teachers	8. Teachers determinations
4. Right of appeal	9. Governing bodies of combined schools
5. Restriction upon time of application for appointment of teachers	10. Grants to registered private schools

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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 1964, and shall be read together with and deemed part of the Education Act 1914 (hereinafter referred to as the principal Act).
- 10 2. **Appointments Committees**—Section 3 of the Education Amendment Act 1955, is hereby amended by repealing paragraph (c) of subsection (1), and substituting the following paragraph:

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*Price 1s.*

“(c) Such other Appointments Committees as the Minister may approve for all other positions to which teachers may be appointed by the Director under powers for the time being delegated to him by the State Services Commission.”

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**3. Appointments of teachers**—(1) Section 9 of the Education Amendment Act 1955 is hereby amended by omitting from subsection (2) the words “(as defined by regulations)”.

(2) Section 9 of the Education Amendment Act 1955 is hereby further amended by adding to subsection (4A), as inserted by subsection (2) of section 4 of the Education Amendment Act 1962, the following proviso:

“Provided that the provisions of this subsection shall apply to persons who are not husband and wife at the time of application for the positions as if they were husband and wife where the Appointments Committee is satisfied that they will be husband and wife at the time of taking up the appointments; but in any case where any such persons have been recommended for appointment by the Appointments Committee and have been appointed to the positions by the appointing authority, the appointments shall lapse if, at the time of taking up the appointments, they are not husband and wife.”

**4. Right of appeal**—Section 4 of the Education Amendment Act 1948, as amended by section 12 of the Education Amendment Act 1955, is hereby further amended by omitting from the proviso to paragraph (b) of subsection (1) the words “prescribed by regulations”, and also the words “so prescribed”.

**5. Restriction upon time of application for appointment of teachers**—Section 12 of the Statutes Amendment Act 1941 (as amended by section 14 of the Education Amendment Act 1948 and section 12 of the Education Amendment Act 1963) is hereby further amended—

(a) By inserting in subsection (2), after the words “permanently appointed”, the words “and no such teacher shall be eligible to apply for a new permanent position at any time within the period before the commencement of the school term immediately before that in which he is eligible to be appointed to the position”:

(b) By omitting from subsection (3) the words "aforesaid period of two years", and substituting the words "period specified in subsection (2) of this section apply for or".

5 **6. Payment of overgrade salaries**—(1) Section 3 of the  
Education Amendment Act 1962 is hereby amended by  
inserting in paragraph (c) of subsection (2), after the words  
"the same salary and allowances", the words "but such  
10 case where he is satisfied that it has not been possible for  
the teacher to obtain in a public school, secondary school,  
technical school, combined school, technical institute, or any  
school under the control of the Department, any position the  
salary and allowances attached to which are not less than  
15 the salary and allowances then being received by him".

(2) This section shall be deemed to have come into force on  
the fifth day of December, nineteen hundred and sixty-two.

**7. Protection of teachers in certain cases**—(1) In any case  
where a public school is established in connection with a  
20 teachers training college as a normal school, every teacher  
on the staff of that public school shall, while employed in  
any other public school, 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  
25 expiration of two years from the date on which he ceased  
duty in his former position.

(2) Section 2 of the Education Amendment Act 1954 is  
hereby amended by inserting, after the words "district high  
school" where they first appear, the words "or of one or  
30 more schools (being secondary or technical schools), or in  
any case where one secondary school or technical school  
takes over the functions of any other secondary school or  
technical school which is consequentially disestablished".

**8. Teachers determinations**—(1) The Director shall from  
35 time to time, in respect of employees of the Education ser-  
vice within the meaning of the Government Service Tribunal  
Act 1964, make determinations, to be known as teachers'  
determinations, which shall prescribe classes or grades of  
teachers for the purpose of prescribing scales of salaries and  
40 allowances (other than allowances prescribed by regulations

made under this Act), and shall prescribe salary rates for such classes or grades not exceeding the amount for the time being prescribed by the Minister as the maximum amount that the Director may prescribe under this subsection. Any such prescription by the Minister shall take effect on a date to be appointed by him in that behalf, which date may be before, the same as, or after the date on which the Minister makes the prescription, and if no such date is appointed the prescription shall take effect on the date on which it is made. 5

(2) In prescribing salary rates or scales of salary rates in accordance with subsection (1) of this section, the Director shall have regard— 10

(a) To the levels of remuneration received by, and other matters affecting the remuneration of, persons doing work of comparable responsibility in employment outside the Education service: 15

Provided that the rates may be adjusted, where proper, having regard to the maintenance of proper relativity within the Education service:

(b) To the need to maintain adequate margins for skill and responsibility: 20

(c) To the need to promote the efficiency of the Education service and to provide sufficient inducement for recruitment:

(d) In cases where comparison with the level of remuneration received by persons doing work of comparable responsibility in employment outside the Education service is not possible, or where conditions other than remuneration are such as to prevent a fair comparison, to the salary rates paid in respect of other classes or grades within the Education service: 25 30

(e) To such other matters as may be agreed between the Director and the appropriate service organisation within the meaning of the Government Service Tribunal Act 1964. 35

(3) The power to prescribe the matters set out in subsections (1) and (2) of this section shall not derogate in any manner from any other powers conferred on the Director by any other enactment.

(4) Every teachers' determination shall be published in the *New Zealand Education Gazette*, and shall come into force on a date to be specified therein in that behalf, which date may be before, the same as, or after the date on which the  
5 determination is made, and if no such date is specified the determination shall come into force on the day on which it is made.

(5) At any time within two months, or such extended time as the Director-General may in any case notify in the  
10 *New Zealand Education Gazette*, after the date of the publication of any determination which contains any salary rates which do not exceed the amount for the time being prescribed as the maximum salary within the jurisdiction of the Tribunal, any such service organisation of which any member is affected  
15 by the determination may apply in writing to the Government Service Tribunal for an order, to be known as a teachers' order, varying the salary rates and allowances fixed by the determination under subsections (1) and (2) of this section.

(6) Any such service organisation of which any member  
20 is affected may apply to the Director for a review of the salaries and boarding allowances relating to any class of employees of the said Education service at any time after the expiration of twelve months from the date on which any teachers' determination or teachers' order issued by the Government Service Tribunal relating to that class of employee  
25 comes into force, and if no determination relating to that class is issued within two months after the date of the lodgment of the application, the application may be forwarded to the Government Service Tribunal by the service organisation, and  
30 in that event shall be deemed to be an application under subsection (5) of this section for an order varying the determination or order for the time being governing the salary rates and conditions of that class:

Provided that no regard shall be had to the date of the  
35 coming into force of a teachers' determination or teachers' order giving effect to a general salary or wage increase for employees in the Education service when determining the time limit for an application in terms of this subsection; but the time limit imposed by this subsection shall be applicable  
40 to any application concerned with a general salary or wage increase for employees in the Education service.

(7) Whether or not any application has been made to the Government Service Tribunal under subsection (5) or subsection (6) of this section, the Director may at any time vary  
45 or cancel any determination.

**9. Governing bodies of combined schools**—Subsection (1) of section 3 of the Education Amendment Act 1924 is hereby amended—

- (a) By omitting the words “of whom not more than three shall be appointed by the Governor-General”: 5
- (b) By omitting the word “two”, and substituting the word “one”.

**10. Grants to registered private schools**—(1) The Governor-General may from time to time, by Order in Council, make regulations providing for the making of grants, out of money appropriated by Parliament for the purpose, to the governing bodies of registered private schools. 10

(2) Without limiting the general power conferred by subsection (1) of this section, regulations may be made under this section for all or any of the following purposes: 15

- (a) Providing for the manner in which grants under this section are to be calculated:
  - (b) Prescribing conditions governing the making of grants under this section:
  - (c) Specifying the purposes for which grants made under this section may be spent: 20
  - (d) Providing for the keeping of appropriate accounts and the inspection of those accounts by officers of the Department:
  - (e) Providing for the disposal of equipment provided wholly or partly from money appropriated by Parliament in the event of the closure of the school or of the equipment being no longer required for school or teaching purposes. 25
- (3) Regulations made under this section may be so made as to apply to all registered private schools or to any registered private school or to any class or classes of those schools. 30