

## EDUCATION AMENDMENT BILL

### EXPLANATORY NOTE

THIS Bill amends the Education Act 1964.

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

*Clause 2:* Section 24 (1) of the principal Act (as amended by section 7 (1) of the Decimal Currency Act 1964) provides that the annual allowance payable to the Chairman of an Education Board shall in no case exceed \$1,000. The clause increases this maximum to \$2,000.

*Clause 3:* Section 36 of the principal Act requires every Education Board to forward an annual report to the Director-General of Education. The clause provides that the report shall instead be forwarded to the Minister.

*Clause 4:* Section 72 of the principal Act provides for the establishment of normal schools, model schools, and certain related classes. The clause rewrites the section so as to provide also for the disestablishment of any such schools and classes.

*Clause 5* provides, with reference to a Maori school, that the Minister may, by notice in the *Gazette*, direct that, as from a date specified in the notice, the school shall cease to be a Maori school, and the sole control thereof shall be vested in the Education Board of the district.

*Clause 6:* Section 144 of the principal Act provides for the appointment of a Primary Teachers Appointment Appeal Board for each education district. The clause rewrites the section so as to provide for one Primary Teachers Appointment Appeal Board for the whole of New Zealand.

*Clause 7* amends section 145 of the principal Act by providing that no appeal shall lie against any appointment to a position which has become vacant because the grade of salary attached thereto has been raised, if the applicant appointed held the position immediately before it became vacant.

*Clause 8* consequentially tidies up references to a Primary Teachers Appeal Board in section 147 of the principal Act.

*Clause 9:* Section 151 of the principal Act imposes restrictions on the appointment of a teacher to a new permanent position before the expiry of a specified two-year period normally designed to cover his service in his previous permanent position. The clause rewrites the section so as to cover more explicitly the various cases that can arise.

*Clause 10* extends the power of the Minister to establish bursaries, and provides that he may establish bursaries for the purpose of enabling qualified persons to pursue courses of study at a university as a prerequisite to or as part of their training as teachers.

*Clause 11:* Section 197 (1) of the principal Act provides that any student accepted for admission to a teachers college or to a centre approved by the Minister for the training of teachers for purposes of pre-school education may be required as a condition of acceptance to sign a bond requiring the student to pay the sum specified if he makes default in the performance of any condition of the bond. The clause extends the provision so as to enable a similar bond to be required from any person awarded a bursary to enable him to pursue a course of study at a university as a prerequisite to or as part of his training as a teacher.

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*Hon. Mr Kinsella*

## EDUCATION AMENDMENT

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### ANALYSIS

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2. Annual allowances to Chairmen of Education Boards	8. Notices of appeal, jurisdiction, etc.
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4. Normal schools and model schools	10. Bursaries
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### A BILL INTITULED

#### An Act to amend the Education Act 1964

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 1968, and shall be read together with and deemed part of the Education Act 1964\* (hereinafter referred to as the principal Act).

10 **2. Annual allowances to Chairmen of Education Boards**—  
Section 24 of the principal Act (as amended by section 7  
(1) of the Decimal Currency Act 1964) is hereby further  
amended by omitting from the proviso to subsection (1)  
the words “one thousand dollars”, and substituting the words  
15 “two thousand dollars”.

\*1964, No. 135

Amendments: 1965, No. 67; 1966, No. 59; 1967, No. 136

**3. Board to forward annual report to Minister**—Section 36 of the principal Act is hereby amended by omitting from subsection (1) the word “Director-General”, and substituting the word “Minister”.

**4. Normal schools and model schools**—The principal Act is hereby amended by repealing section 72, and substituting the following section: 5

“72. With the prior approval of the Minister, an Education Board may—

“(a) Establish and maintain in connection with any teachers college established under this Act— 10

“(i) One or more State primary schools as normal schools;

“(ii) A model school or class in any State primary school to provide instruction under one teacher or a group of teachers: 15

“(b) Disestablish any normal school, model school, or class so established.”

**5. Change of control of Maori school**—The principal Act is hereby amended by inserting, after section 102, the following section: 20

“102A. Where any State primary school has been established or is deemed to have been established as a Maori school under section 101 of this Act, the Minister may, by notice in the *Gazette*, direct that, as from a date specified in the notice, the State primary school shall cease to be a Maori school, and the sole control thereof shall be vested in the Education Board of the district.” 25

**6. Primary Teachers Appointment Appeal Board**—The principal Act is hereby amended by repealing section 144 and the heading thereto, and substituting the following heading and section: 30

*“Primary Teachers Appointment Appeal Board*

“144. **Primary Teachers Appointment Appeal Board**— (1) For the purposes of this Part of this Act there shall be a Primary Teachers Appointment Appeal Board, which shall consist of— 35

“(a) One person appointed as Chairman thereof:

“(b) One person appointed on the recommendation of the Education Board’s Association of New Zealand:

5 “(c) One person appointed on the recommendation of the New Zealand Educational Institute.

“(2) The members of the Appeal Board shall be appointed by the Minister, and (except as otherwise provided in this section) shall hold office for a term of three years, and may from time to time be reappointed.

10 “(3) In the event of the incapacity of any member of the Appeal Board by reason of illness, or if from any other cause whatever any member of the Appeal Board is not available, another person may be appointed in the same manner as that member to act in the place of that member  
15 while he is incapacitated or not available.

“(4) Any member of the Appeal Board may at any time be removed from office by the Minister for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

20 “(5) If any member of the Appeal Board dies, is removed from office, or resigns, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.  
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“(6) Unless he sooner vacates his office as provided in the foregoing provisions of this section, every member of the Appeal Board shall continue in office until his successor comes into office, notwithstanding that the term for which  
30 he was appointed may have expired.

“(7) There shall be paid to members of the Appeal Board, out of money appropriated by Parliament for the purpose, remuneration by way of fees, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly, and the Appeal Board shall be a statutory Board within the meaning of that Act.  
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“(8) The Appeal Board shall hold its sittings at such times and places as the Chairman may from time to time determine and shall regulate its procedure in accordance with regulations made under this Act.”  
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**7. Right of appeal**—Section 145 of the principal Act, as amended by section 7 of the Education Amendment Act 1965, is hereby further amended by adding to subsection (2) the following additional proviso:

“Provided also that no appeal shall lie against any appointment to a position which has become vacant because the grade of salary attached thereto has been raised, if the applicant appointed held the position immediately before it became vacant.” 5

**8. Notices of appeal, jurisdiction, etc.**—Section 147 of the principal Act is hereby amended— 10

(a) By omitting from subsection (2) the words “for the district in which that school or department is situated”:

(b) By omitting from subsection (4) the words “to which any notice of appeal is forwarded”, and substituting the words “on receiving any notice of appeal”: 15

(c) By omitting from subsection (5) the word “any” where it secondly appears, and substituting the word “the”. 20

**9. Restriction upon eligibility of teachers for appointment**—The principal Act is hereby amended by repealing section 151, and substituting the following section:

“151. (1) This section applies with respect to teachers who, whether before or after the commencement of this Act, have been permanently appointed as teachers by the Director-General, or have been permanently appointed as teachers in a teachers college, or in a State primary school, or in a secondary school, or in any other position as a teacher under the control of an Education Board or the governing body of a secondary school: 25 30

“Provided that the Governor-General may from time to time, by Order in Council, make regulations providing that the provisions of this section shall not apply to a specified class or to specified classes of the said teachers during a specified period or specified periods. 35

“(2) Except as provided in subsection (4) of this section, no teacher with respect to whom this section applies shall be eligible to be appointed to a new permanent position as a teacher before the expiry of a period of two years from a date to be determined in accordance with subsection (3) of this section; and no such teacher shall be eligible 40

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.

5 “(3) The period of two years referred to in subsection (2) of this section shall commence upon a date to be determined as follows:

10 “(a) If the teacher, immediately before the date on which he commenced duty in the position to which he was last permanently appointed, was relieving in that position, the commencement date shall be the day on which the teacher commenced duty as a relieving teacher in the position:

15 “(b) If the teacher, in view of special circumstances and at the request of the appointing authority, commenced duty in the position to which he was last permanently appointed on a date later than would otherwise have been the case and, during the period of that delay, undertook duties as a relieving teacher, the commencement date shall be the day on which the teacher commenced those relieving duties:

20 “(c) If the teacher, immediately before the date on which he commenced duty in the position to which he was last permanently appointed, was provisionally appointed to that position under section 145 of this Act, and there was an appeal against the appointment, the commencement date shall be the day on which in the opinion of the appointing authority the teacher would have commenced duty in the position if there had been no appeal against the appointment:

25 “(d) Where the position to which a teacher was last permanently appointed was in the same school as that in which he was permanently employed as a teacher immediately before that appointment, the commencement date shall be the day on which the teacher commenced the period of continuous permanent employment as a teacher in the school which concluded immediately before he commenced duty in the position to which he was last permanently appointed:

30 “(e) Where a teacher, immediately before his appointment (whether by transfer or otherwise) to the position to which he was last permanently

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appointed, was the holder of a permanent teaching position from which his transfer would have been reasonable in accordance with subsection (5) of section 152 of this Act, the commencement date shall be the day on which the teacher commenced duty in that position from which his transfer could be so held to be reasonable: 5

“(f) In every other case, the commencement date shall be the day on which the teacher commenced duty in the position to which he was last permanently appointed. 10

“(4) In special circumstances a teacher with respect to whom this section applies may at any time within the period specified in subsection (2) of this section apply for or receive a new permanent appointment in accordance with the following provisions, that is to say: 15

“(a) With the approval of the Director-General in the case of a teacher appointed by the Director-General:

“(b) With the approval of the Education Board by which the teacher is employed, given with the concurrence of the Senior Inspector, in the case of a teacher in a teachers college or a State primary school other than a Maori school: 20

“(c) With the approval of the Director-General, given on the recommendation of the governing body or the controlling authority of any secondary school, in the case of a teacher employed in any such school, or, in the case of a teacher employed at a manual training centre, given on the recommendation of the authority controlling that centre.” 25 30

**10. Bursaries**—Section 193 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection: 35

“(1A) In addition to the powers conferred by subsection (1) of this section, the Minister may establish bursaries for the purpose of enabling qualified persons to pursue courses of study at a university as a prerequisite to or as part of their training as teachers.” 40

**11. Bonds for entry to teaching**—Section 197 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:



“(1) Any student accepted for admission to a teachers college or to a centre approved by the Minister for the training of teachers for purposes of pre-school education, and any person awarded a bursary to enable him to pursue  
5 a course of study at a university as a prerequisite to or as part of his training as a teacher, may be required as a condition of that acceptance or award to sign a bond in a form to be determined by the Director-General requiring the student to pay to the Crown the sum therein specified  
10 if he makes default in the performance of any condition of the bond.”