

## EDUCATION AMENDMENT BILL

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### EXPLANATORY NOTE

*Clause 1* relates to the Short Title and commencement. *Clause 2* comes into force on a date appointed by Order in Council. The rest of the Bill comes into force immediately.

*Clause 2* relates to the Chatham Islands. Although there are no longer any Maori schools, schools in the Chatham Islands are at present administered as if they were Maori schools. This clause has the effect of including the Chatham Islands in the Canterbury Education District for the purposes of administration. Three sections of the principal Act are consequentially repealed.

This clause comes into force on a date to be appointed by Order in Council.

*Clause 3* amends section 57 of the principal Act, which relates to the control of groups of secondary schools. At present a member of a Secondary Schools Council vacates that office if he is convicted of an offence punishable by imprisonment. The clause brings this provision into line with other such provisions in the principal Act, by providing that such a person convicted of an offence punishable by imprisonment is to vacate office only if it is punishable by a term of imprisonment of 2 years or more, or if he is actually sentenced to imprisonment.

*Clause 4* relates to the provision in secondary schools of some of the forms of technical education at present provided by technical institutes. The Minister is empowered to authorise the governing body of any specified secondary school to offer courses in technical subjects to persons who are not enrolled as students at that school. Where any governing body authorised to offer such courses establishes a special committee under section 61A of the principal Act to advise it on those classes and courses, that committee shall include such a number of persons (not being persons who are members of the governing body concerned), and each with such qualifications and so appointed, as the Minister may direct. Provision is made for regulations relating to technical institutes to be made, by Order in Council, to apply to these classes and courses.

*Clause 5* relates to the rights of teachers to appeal against appointments to vacancies. At present the Act does not require applicants for Division A positions to be informed of the fact that they have been unsuccessful. The clause requires them to be given a notice in writing posted to their last known address. Section 147 (1) of the principal Act is consequentially amended to provide that every person who appeals against an appointment

to a Division A position must lodge his appeal within 10 days of the date on which the letter notifying him that his application was unsuccessful was posted to him.

*Clause 6* amends section 184 of the principal Act to provide for the inspection of teachers colleges on the same basis as the inspection of technical institutes and community colleges.

*Clause 7* inserts into the principal Act a section authorising the inspection by the Director-General of any kindergarten, play centre, or other institution offering pre-school education that is supported by the State.

*Clause 8* makes clearer the Director-General's power to expend money on research. A new section is inserted in the principal Act empowering the Director-General to spend, out of money appropriated by Parliament, such sums and for such research purposes as the Minister may approve. The Director-General is also empowered to enter into contracts with persons for the undertaking of any research.

*Clause 9* relates to the School Certificate Examination. The introduction of internal assessment has made it desirable that the Director-General's powers in relation to that examination be more explicitly specified, and a new section is inserted in the principal Act making more detailed provision in relation to that examination than has been the case hitherto. The new section does 3 things. First it expresses in general terms the Director-General's power to do whatever may be necessary for the holding of the examination. Secondly it empowers the making of regulations providing for internal assessment, and for the charging of fees in connection with examinations. Thirdly, for the avoidance of doubt, it declares all existing regulations to be as valid as if the principal Act had been amended in the manner indicated in the clause at the time they were made.

*Clause 10* authorises the making of regulations empowering school committees to grant holidays on special occasions.

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*Hon. Mr Gandar*

## EDUCATION AMENDMENT

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### ANALYSIS

Title	
1. Short Title and commencement	5. Notices to teachers with right to appeal
2. Chatham Islands Schools	6. Inspection of technical institutes, teachers colleges, and community colleges
3. Control of groups of secondary schools	7. Inspection of pre-school institutions
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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 and commencement**—(1) This Act may be cited as the Education Amendment Act 1977, and shall be read together with and deemed part of the Education Act 1964\* (hereinafter referred to as the principal Act).  
10 (2) Except as provided in section 2 (4) of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent.

2. **Chatham Islands Schools**—(1) Section 10 of the principal Act is hereby amended by inserting, after subsection (1),  
15 the following subsection:

\*Reprinted: 1975, Vol. 3, p. 1699  
Amendments: 1976, No. 42; 1976, No. 70

“(1A) The Chatham Islands are hereby declared to have become, immediately before the commencement of this subsection, part of the Education District of Canterbury.”

(2) Section 2 of the principal Act is hereby consequentially amended—

(a) By omitting from the definition of the term “district high school” the words “or a Chatham Islands School”; and

(b) By omitting from the definition of the term “State primary school” the words “a Maori school”, and substituting the words “a school established under this Act or a former Education Act as a Chatham Islands School”.

(3) Sections 103, 104, and 128 of the principal Act are hereby consequentially repealed.

(4) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

**3. Control of groups of secondary schools**—Section 57 (6A) of the principal Act (as inserted by section 8 of the Education Amendment Act 1967, and amended by section 129 (4) of the Mental Health Act 1969) is hereby further amended by repealing paragraph (g), and substituting the following paragraphs:

“(g) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or

“(h) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence”.

**4. Senior Technical Divisions**—The principal Act is hereby further amended by inserting, after section 96, the following section:

“96A. (1) The Minister may, by notice in the *Gazette*, authorise the governing body of any specified secondary school to offer classes or courses in specified technical subjects at that secondary school to persons who are not enrolled as students at that secondary school; and, subject to this section, any such governing body may so offer any such classes or courses accordingly.

“(2) Any governing body so authorised may, pursuant to section 61A of this Act, establish a special committee (in this section referred to as a management committee) to advise it on the classes and courses authorised to be offered and to exercise and perform such other powers and functions as the governing body may delegate to it.

“(3) There shall be added to every management committee such number of persons (not being members of the governing body concerned), and each with such qualifications and so appointed, as the Minister may, in a notice under subsection  
5 (1) of this Act relating to that governing body, specify; and each such person shall be deemed to be a member of that committee.

“(4) The Governor-General may from time to time, by Order in Council, make regulations declaring that any specified regulations under this Act shall apply to classes and  
10 courses in technical subjects offered pursuant to a notice under subsection (1) of this section; and in that case the regulations specified shall have effect as if—

“(a) Students enrolled in those classes and courses were  
15 students at a technical institute; and

“(b) Persons teaching those classes and courses were tutors at a technical institute; and

“(c) The governing bodies of secondary schools offering such classes or courses were (in relation to those  
20 classes and courses, the students enrolled in them, and the persons teaching them) the governing bodies of technical institutes; and

“(d) The principal of any secondary school at which such classes and courses are offered were (in relation to  
25 those classes and courses and the students enrolled in them) both the principal and the Registrar of a technical institute.”

**5. Notices to teachers with right to appeal—**(1) The principal Act is hereby further amended by repealing section 146  
30 (as substituted by section 14 of the Education Amendment Act 1976) and substituting the following section:

“146. As soon as may be practicable after making an appointment to a position, an appointing authority shall—

“(a) By notice in writing posted to his last known address  
35 in the case of an applicant for a Division A position as aforesaid; and

“(b) By registered letter requiring an acknowledgment receipt in every other case—

give notice to every unsuccessful applicant of the fact that  
40 he has been unsuccessful.

(2) Section 147 (1) of the principal Act is hereby consequentially amended by adding the words “or, in the case of a Division A position within the meaning of the Education

(Assessment, Classification, and Appointment) Regulations 1976, not later than 10 days after the date on which the letter from the appointing authority notifying him that his application has been unsuccessful was posted.”

**6. Inspection of technical institutes, teachers colleges, and community colleges—**(1) Section 184 of the principal Act (as substituted by section 32 of the Education Amendment Act (No 2) 1974) is hereby amended,—

(a) By inserting, after the expression “technical institutes”, the expression “teachers colleges,”; and

(b) By inserting, after the expression “technical institute”, the expression “teachers college,”.

(2) Section 185 (1) of the principal Act is hereby consequentially amended by inserting, after the expression “technical institute,” (as substituted by section 14 (2) of the Education Amendment Act (No. 2) 1974), the expression “teachers college”.

**7. Inspection of pre-school institutions—**The principal Act is hereby further amended by inserting, after section 184, the following section:

“184A. Any person employed by the Department or a Board who is authorised in that behalf by the Director-General may, upon giving at least 24 hours notice of his intention to do so to the person appearing to be in charge of the premises concerned, enter and inspect any kindergarten, play centre, or other institution offering pre-school education, that receives or has received any loan, grant, or subsidy, out of money appropriated by Parliament or any other assistance from the resources of the State.”

**8. Research—**The principal Act is hereby further amended by inserting, after section 192, the following section:

“192A. The Director-General may expend such sums on such educational research as the Minister may approve; and the Director-General may enter into contracts with any persons for the undertaking of any such research.”

**9. School Certificate Examination—**(1) The principal Act is hereby further amended by inserting, after section 196, the following section:

“196A. The Director-General may do all such things and enter into all such arrangements and agreements as may be necessary for the holding of the School Certificate Examination; and the School Certificate Examination shall be conducted in such manner as the Director-General thinks fit.”

(2) Section 203 of the principal Act is hereby consequentially amended by inserting, after paragraph (f), the following paragraph:

- “(fa) Providing for all or any of the following matters:
- 10           “(i) The crediting of subjects in the School Certificate Examination to pupils who have, without examination, satisfied the Director-General that they have attained a standard in the subjects justifying their being credited:
- 15           “(ii) The charging of fees in connection with the School Certificate Examination:
- “(iii) The charging of fees in connection with any other certificate issued by the Director-General.”.

20 (3) All regulations made under the principal Act before the commencement of this section shall be deemed always to have been as valid and effectual as if this section were in force at the date on which they were made.

25 **10. Regulations**—Section 203 (f) of the principal Act (as amended by section 14 (2) of the Education Amendment Act (No. 2) 1974) is hereby further amended by inserting, before the expression “controlling authority”, the expression “school committee or”.