

Hon. Mr. Bowen.

Education Reserves.

ANALYSIS.

<p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Repeal of Acts and Ordinances. 4. Apportionment of education reserves for purposes of primary and secondary education. 5. Arbitrators appointed to apportion reserves. 6. Provision if Chairman of Board refuses to act. 7. Power to appoint umpire. 8. Award to be final. 9. Not to affect special endowments. 10. Reserves for primary and secondary education to vest in School Commissioners. 11. Appointment of such Commissioners. 12. Qualification of Commissioners. 	<ol style="list-style-type: none"> 13. Commissioners to keep accounts and pay money into bank, &c. 14. Power to lease lands. 15. Governor may reserve waste lands for school sites. 16. School sites to vest in Boards. 17. Boards may set apart lands for school sites. 18. Boards may, with consent of Minister, sell or exchange sites. 19. Governor may reserve waste lands for endowment of primary and secondary education. 20. Percentage of lands in North Island to be set apart as an endowment for primary education. 21. Application of revenues by School Commissioners. Proviso. <p>Schedule.</p>
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A BILL INTITULED

AN ACT to make provision for the apportionment of Education Reserves for the purposes of Primary and Secondary Education, and for setting apart Education Reserves, and for the control and management thereof. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act shall be “The Education Reserves Act, 1877.” Short Title.

2. In the construction of this Act the following words and expressions, if not inconsistent with the context, shall have the meanings hereby assigned to them respectively, that is to say:— Interpretation.

“Minister” means the Minister for the time being appointed under “The Education Act, 1877.”

“Board” means an Education Board constituted under the last-mentioned Act.

“The said Act” means “The Education Act, 1877.”

“Primary education” means the course of instruction in a public school prescribed by or under the said Act.

“Secondary education” means any system of *purely secular* education carried on at superior schools, where the usual branches of a liberal education, comprising the English language and literature, Latin and Greek classics, French, and other modern languages, mathematics, physics, and other branches of science, are taught.

“Education reserves” mean and include reserves made for educational purposes of a public character, and whether made provisionally or permanently, and also reserves made for the endowment of educational institutions of a like character.

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“Gazetted” means published in the *New Zealand Gazette*.

Repeal of Acts and Ordinances.

3. The several Acts and Ordinances or parts thereof the Short Titles of which are set forth in the Schedule hereto are hereby repealed to the extent in the said Schedule mentioned respectively, and all other Acts or Ordinances which are inconsistent with or repugnant to this Act, but such repeal shall not affect any lease, contract, agreement, or security of any kind granted, entered into, or held in respect of any lands mentioned in or affected by any such Act or Ordinance.

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Apportionment of education reserves for purposes of primary and secondary education.

4. One-fourth part of all education reserves which have been heretofore made in and for any province or provincial district, and vested in any Education Board or other body, and of all other such reserves heretofore made in and for any province or provincial district, but which have not been granted to or vested in the Superintendent of any province under “The Public Reserves Act, 1854,” or otherwise granted to or vested in any such Board or other body, shall be set apart specially as an endowment for secondary education within the provincial district for which such reserves and lands were originally made and set apart, and the remainder of such reserves and lands shall be set apart specially as an endowment for primary education within such district.

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Arbitrators appointed to apportion reserves.

5. The Chairman of the Education Board of each education district constituted under “The Education Boards Act, 1876,” and the Commissioner of Crown Lands for the provincial district within which such education district or the greater portion of it is comprised, shall be arbitrators jointly with full power and authority to equitably apportion such reserves in the proportions aforesaid.

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Provision if Chairman of Board refuses to act.

6. If the Chairman of any such Board shall refuse or neglect to act as an arbitrator, the Board shall appoint another of its members or some other suitable person to be such arbitrator; and if the arbitrators appointed hereunder for any district shall not be able to agree, the Judge of the Supreme Court within whose judicial district the whole or the greater part of such district is shall appoint an umpire.

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Power to appoint umpire.

7. Every such award shall be made on or before the *thirty-first day of March* next, or at such later period as the Governor may determine, and the Governor shall cause an abstract of the division and apportionment made by any such award to be gazetted.

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Award to be final.

8. Every award made in respect of any one or more of the matters submitted to such arbitrators or the umpire under this Act shall be final and conclusive, and the Minister may award to the several arbitrators and umpires (if any) appointed hereunder such reasonable remuneration for their services as such Board may recommend, and the amount of such remuneration shall be a charge upon the revenues derivable from the education reserves in respect of which the services have been rendered, and shall be paid thereout.

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Not to affect special endowments.

9. Nothing in this Act contained shall affect any lands granted to or vested in any Education Board, body corporate, or trustees by any Act of the General Assembly, or by any provincial Ordinance or Act now in force, for any special educational purpose, or for or on behalf of any particular school or schools, or reserved or set apart in a similar way for any of the purposes aforesaid.

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Reserves for primary and secondary education to vest in School Commissioners.

10. The reserves to be apportioned hereunder shall vest in the School Commissioners to be appointed in each provincial district respectively, as hereinafter provided, subject to any leases or contracts theretofore lawfully entered into relating to the same.

Appointment of such Commissioners.

11. For every provincial district there shall be ~~four~~ *five* School Commissioners, who shall be appointed in the following manner:—

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(1.) ~~Two~~ Three of such Commissioners shall be appointed by the Governor: and

(2.) Two by the Board; but in the Provincial Districts of Wellington, Canterbury, and Otago, each Board in such district shall appoint one Commissioner.

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Such Commissioners, with their successors in office, shall be and become a body corporate by the name of "The School Commissioners for the [naming it] Provincial District," for the purposes of this Act, and subject hereto, shall hold office for a period of three years from their appointment.

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12. Any person may be appointed a Commissioner who under the said Act would be eligible to be a member of an Education Board for the district in respect of which he is appointed, and any person who would be ineligible to be or continue such member shall also be ineligible to be or continue a Commissioner.

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If any Commissioner shall die or resign his office or become ineligible as aforesaid, the Governor or the Board may appoint another person in his stead as the case may require.

A notification of all such appointments and of any other appointments of such Commissioners shall be gazetted from time to time.

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13. The Commissioners shall keep full and true accounts of all moneys received by them by virtue of this Act, and the same shall be paid into such bank in the colony as they may think fit.

The Governor may from time to time make regulations for the inspection and audit of the accounts of the Commissioners, and may require from each, reports as to administration of this Act, as he thinks fit.

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14. The School Commissioners and every Board may let for any period not exceeding twenty-one years any lands vested in them or it respectively under this Act, subject nevertheless to the trusts and conditions contained in any instrument by which such lands have been vested in such Commissioners or in such Board, at such rents and on such terms and conditions as may be thought fit.

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Every such letting shall be by public auction or public tender, of which at least one month's public notice shall be given.

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Where any such lands within a town or city are fit for building purposes, the School Commissioners or the Board may let the same, or such part thereof as may be thought fit, for a period not exceeding forty-two years; but no such lease shall contain any covenant or provision for a renewal or extension of the said term of forty-two years.

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15. The Governor may from time to time reserve any waste lands of the Crown, or any lands taken under "The New Zealand Settlements Act, 1863," or any Act amending the same or construed therewith, for school sites.

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Such lands shall be granted to the Board of the education district in which they are situate in trust for the purpose for which they have been reserved, and all lands hereafter reserved as sites for schools under any Waste Lands Act, or other Act for the time being in force in any district authorizing the making of such reserves, shall be granted to the Board of such district in trust for the purpose for which they have been reserved.

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16. All lands heretofore reserved as sites for schools in and for any education district, and vested in the Education Board of such district or other person or body, shall immediately upon the first constitution of the Board under the said Act, for the education district in which such lands are situated, be vested in such last-mentioned Board, subject to any leases or contracts theretofore lawfully entered into relating to the same.

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Qualification of Commissioners.

Commissioners to keep accounts and pay money into bank, &c.

Power to lease lands.

Governor may reserve waste lands for school sites.

School sites to vest in Boards.

Boards may set apart lands for school sites.

17. Every Board may from time to time appropriate or set apart any of the education reserves or lands vested in it hereunder, or any portion or portions thereof, as a site or sites for public schools.

Boards may, with consent of Minister, sell or exchange sites.

18. With the consent of the Minister in each case, the Board may sell or exchange school sites where it may appear advantageous to do so; but in case of a sale the money received shall, as soon as conveniently may be, be invested in the purchase of another suitable site for a school, or may be invested in the purchase of freehold land to be held by the Board for educational purposes.

Clause 19 struck out.

The School Commissioners may, with consent of the Governor in Council, subject to such conditions as the Governor in Council may prescribe, sell any portion of any lands vested in such Commissioners by way of endowment, and invest the price or proceeds thereof in the purchase of other lands, to be held as an endowment for educational purposes under this Act, or in real or Government securities as endowments for such purpose.

Governor may reserve waste lands for endowment of primary and secondary education.

19. The Governor may from time to time reserve any waste lands of the Crown, or any lands taken under "The New Zealand Settlements Act, 1863," or any Act amending the same or construed therewith, as endowments for primary and for secondary education within the provincial district in which such lands are.

Such land shall be granted to the School Commissioners for the provincial district in which such lands are situated, in trust for the purpose for which reserved.

Percentage of lands in North Island to be set apart as an endowment for primary education.

20. In order to provide an endowment for primary education in the North Island, at least five per centum of the waste lands in each district therein open for sale shall be reserved and set apart as an endowment for the maintenance of primary education within the education district in which such land is situated.

All such lands shall be granted to the School Commissioners for the provincial district in which such lands are situated, and shall be by them held under and subject to the powers in this Act contained with respect to other endowments vested in such School Commissioners.

Application of revenues by School Commissioners.

21. All revenues derived by the School Commissioners from the reserves vested in them shall, after the deduction therefrom of the expenses of the management and administration thereof, be disposed of as follows:—

- (1.) The revenues derived from reserves set apart for primary education shall be handed over to the *Education Board or Boards* of the ~~education~~ provincial district in proportion to the population in each ~~such~~ education district as determined from time to time by the census taken under any Act for the time being in force, regulating the making or taking of such census.
- (2.) The revenues derived from reserves set apart for secondary education shall be appropriated by the Commissioners for the exclusive advancement of secondary education in the *several educational districts wholly or partially included in the provincial districts* in proportion to the population in each such *education* district, as *or part of a district, to be ascertained and determined* in the manner before provided.

Addition to clause.

Proviso.

Provided always that no school shall be entitled to any grant unless it be a public school under the Education Act passed or to be passed in the present Session of Parliament, or a school established or governed under any Act of the Assembly.

SCHEDULE.

LIST OF ACTS AND ORDINANCES REPEALED.

Acts of the General Assembly.

- 1871, No. 22.—The Wellington Education Reserves Act, 1871. (Sections five, six, and seven.)
- 1873, No. 46.—The Taranaki Education Reserves Act Amendment Act, 1873.
- 1875, No. 53.—The Wellington Education Reserves Act, 1875. (Sections three and four.)

Acts of the Province of Auckland.

- Sess. XXVI., No. 13.—The Education Reserves Management Act, 1871.
- Sess. XXVII., No. 3.—The Education Reserves Management Act 1871 Amendment Act, 1871.

Ordinances of the Province of Taranaki.

- Sess. X., No. 6.—The Public Reserves Trust Ordinance, 1831. (So much thereof as has not already been repealed.)
- Sess. XXIV., No. 10.—The Patea Educational Reserves Trust Ordinance, 1875.

Acts of the Province of Hawke's Bay.

- Sess. III., No. 1, 1861.—An Act to enable the Superintendent to Manage and Administer certain Reserves by granting Leases thereof.
- Sess. VIII., No. 12, 1864.—An Act to enable the Superintendent to Manage and Administer certain Reserves by granting Leases thereof, and for other Purposes. (So much thereof as relates to education reserves.)
- Sess. XI., No. 6.—The Public Reserves Administration Act, 1836. (So much thereof as relates to education reserves.)
- Sess. XXI., No. 1.—The Educational Reserves Act, 1874.
- Sess. XXII., No. 9.—The Educational Reserves Act, 1875.

Acts of the Province of Marlborough.

- Sess. XVI., No. 10.—The Public Reserves Management Act, 1867. (So much thereof as relates to education reserves.)

Ordinances of the Province of Canterbury.

- Sess. XXVIII., No. 10.—The Educational Reserves Leasing Ordinance, 1868.
- Sess. XXXII., No. 1.—The Wairewa and Sefton Township Reserves Ordinance, 1869. (Section three thereof.)
- Sess. XXXIII., No. 3.—The Educational Reserves Leasing Ordinance, 1870.
- Sess. XXXIV., No. 6.—The Educational Reserves Leasing Ordinance (No. 2), 1870.
- ~~Sess. XXXV., No. 6.—The Reserve No. 738 Ordinance, 1871.~~
- Sess. XXXV., No. 8.—The Educational Reserves Leasing Ordinance, 1871.
- Sess. XXXVII., No. 12.—The Educational Reserves Leasing Ordinance, 1872.
- Sess. XXXIX., No. 6.—The Educational Reserves Leasing Ordinance, 1873.
- Sess. XLII., No. 9.—The Reserves No. 1,207 and 1,208 Ordinance, 1875.
- Sess. XLIII., No. 11.—The Reserve No. 62 Ordinance, 1875. (Section two thereof.)
- Sess. XLIII., No. 12.—The Educational Reserves Leasing Ordinance, 1875.

Ordinances of the Province of Otago.

- Sess. XIX., No. 185.—The Education Reserves Management and Leasing Ordinance, 1864.
- Sess. XXI., No. 230.—The Education Reserves Management and Leasing Ordinance, 1865.
- Sess. XXV., No. 291.—The Education Reserves Management and Leasing Ordinance, 1869.
- Sess. XXVI., No. 298.—The Education Reserves Management and Leasing Ordinance (No. 2), 1869.
- Sess. XXIX., No. 360.—The Education Reserves Management and Leasing Ordinance, 1871.
- Sess. XXXII., No. 419.—The Education Reserves Management and Leasing Ordinance, 1873.
- Sess. XXXIII., No. 449.—The Education Reserves Management and Leasing Ordinance, 1874.
- Sess. XXXIV., No. 509.—The Education Reserves Management and Leasing Ordinance, 1875.

Ordinances of the Province of Southland.

- Sess. III., No. 21.—The Educational Endowments Ordinance, 1862.
- Sess. V., No. 42.—The Educational Endowments (Rural) Ordinance, 1863.
- Sess. V., No. 45.—The Collegiate Endowments Ordinance, 1865.