

EDUCATION REFORM BILL

EXPLANATORY NOTE

Clause 1 relates to the Bill's Short Title and commencement.

PART I

AMENDMENTS TO EDUCATION ACT 1989

Part I of this Bill makes miscellaneous amendments to the Education Act 1989 ("the principal Act").

Clause 2 provides that *Part I* is to be read with the Education Act 1989.

Clause 3 brings into line various definitions of the terms "Minister", "Ministry", and "Secretary" used in the principal Act.

Clause 4 replaces sections 4 and 4A of the principal Act (which relate to the attendance of foreign students at state schools) with 5 new sections.

Section 4 provides that foreign students may not enrol at a state school or in special education without the consent of the Board or other management administering the school or service, and may not be enrolled if they would deprive a domestic student of a place; but once enrolled have the same rights (subject to the payment of fees) as other students.

Section 4A allows the Minister to exempt particular classes of foreign student from the restrictions imposed by *section 4*.

Together, *sections 4 and 4A* are to the same effect as the present *section 4*, with the addition of a provision (*section 4 (7)*) requiring principals to give the Secretary of Education notice of the enrolment of foreign students.

Section 4B is to the same effect as subsections (2) to (9) of the present *section 4A*, except that the references in that section to guidelines given by the Secretary of Education have been replaced by references to the fees prescribed by the Minister under *section 4D*, and Boards are now required to charge a foreign student at least the higher of the fees prescribed by the Minister and the Board's estimate of the costs incurred in giving the student tuition.

Section 4C empowers the Minister to exempt foreign students from the payment of fees, and is to the same effect as the present *section 4A (1)*.

Section 4D empowers the Minister of Education to set fees to be paid by Boards to the Crown in respect of the use of taxpayer funded resources in the provision of tuition for foreign students. Boards are required to pay the appropriate fee within 28 days after a foreign student is enrolled.

Clause 5 corrects a minor drafting error in section 11B of the principal Act.

Clause 6 raises the school leaving age from 15 to 16 with effect from 1 January 1993.

Clause 7 inserts 2 new sections into the principal Act.

Section 25A empowers the principals of state schools (but not integrated schools) to release students under 18 from tuition in any class or subject if a parent asks, on religious or cultural grounds, for the student to be released. The parent must give at least 24 hours notice that the student is to be released; and the principal must be satisfied that the student will be adequately supervised while released. The principal must take reasonable steps to discover the student's own views; and if all other requirements have been met, the student must be released unless the principal is satisfied (in the light of the student's age, maturity, and abilities, and any views the student has expressed) that release is inappropriate.

Section 25B gives the principal of a state school the power to release students from attendance at the school in order to receive tuition (acceptable to the principal) outside the school. The section incorporates an existing power for the principal to let a student leave early on any day if satisfied that there is good reason for the student to do so; and section 25 (4) of the principal Act (which at present gives the principal that power) is consequentially repealed.

Clause 8 repeals a provision of the principal Act requiring the Department of Social Welfare to be informed if an attendance officer or member of the Police finds a person under 15 who appears not to have a good reason for not being at school.

Clause 9 inserts into the principal Act a new *section 35B*, which authorises the making of grants to the managers of registered private schools. The managers are required to prepare an income and expenditure account, have it audited, and give the Secretary of Education copies of the account and audit report.

Clause 10 replaces the existing power of the Minister of Education to prescribe "national curriculum objectives" and "national education guidelines" with a power to prescribe "national education goals", "national curriculum statements", and "national administration guidelines". National education goals are to be statements of desirable achievements for the school system. National curriculum statements correspond to existing national curriculum objectives. National administration guidelines correspond to existing national education guidelines.

Clause 11 replaces section 65C of the principal Act (which gives the Minister power to prescribe the terms to be observed by state schools) with a new section that allows the Minister to delegate to the Secretary of Education the exercise of that power in relation to individual schools.

Clause 12 re-enacts, in greater detail but without any alteration in effect, section 67 of the principal Act, which relates to borrowing by school Boards.

Clause 13 replaces section 94 of the principal Act (which prescribes the constitution of boards of trustees) with 3 new sections.

The new sections now allow the number of parent representatives to range from 3 to 7 (at present it is 6 for combined Boards, and 5 for other Boards), and allow any number of co-opted trustees so long as there are more elected trustees than appointed and co-opted trustees. At present the maximum number of co-opted trustees ranges from 2 to 5 depending on whether a Board administers 1 school or several, and on whether or not it is the Board of an integrated school.

New *section 94A* allows Boards a limited power to alter their own constitutions. As well as being able to set the number of parent representatives, Boards of schools that have students above form III will be able to decide whether or not to have a student representative.

These alterations will be able to be made by resolution of the Board at a meeting of the Board open to all parents and caregivers of students. The Board is required to give parents and caregivers reasonable notice of the time, day, and place of the meeting, the nature of the alteration proposed to be made, and the fact that they have a right to attend.

If a Board reduces the number of parent representatives, no parent representative will go out of office; but no casual vacancy will be filled until the number of parent representatives has dropped below the new number set. But if the number of parent representatives is reduced, the number of co-opted members must be reduced (by Board decision or by lot) so that the number of co-opted and appointed trustees is lower than the new number of elected trustees set.

Where a Board decides to increase the number of parent representatives or have a student representative, any resulting vacancy may be filled as if it is a casual vacancy, but not by appointment.

Clause 14 amends section 96 of the principal Act (which provides that parent representatives on Boards are to be parents and immediate caregivers of students, and adult students, elected from among themselves) so that in future parents, immediate caregivers, and adult students may elect any eligible person to be their representative.

Clause 15 adds 3 new items to those to which regard must be had when trustees are appointed or co-opted (at present the ethnic and socio-economic diversity of the student body of the school, and gender equity). The new items are the character of the school, the character of the community it serves, and the desirability of having trustees with management experience and expertise.

Clauses 16 to 18 come into force on 1 January 1993 (that is to say the year after the next scheduled triennial elections).

Clause 16 amends section 100 of the principal Act (which relates to the annual meetings of Boards) so as to alter the time of the year at which meetings must be held. At present meetings must be held after 31 May and not later than the first Tuesday in August. Meetings must now be held on a day in April decided by the Board or, if the Board makes no decision, on the first Tuesday in May.

Clause 17 amends section 101 of the principal Act (which relates to the triennial election of trustees) so as to alter the time when elections for parent representatives are held. At present elections must be held after 31 May and before the annual meeting. Elections must now be held between 1 February and the first Tuesday in May.

Clause 18 amends section 102 of the principal Act (which relates to the term of office of trustees) so as to alter the day on which elected parent representatives take office. At present they take office on the day of the annual meeting. They will now take office on the second Tuesday in May.

Clause 19 amends section 103 of the principal Act (which relates to eligibility to be a trustee).

Subclause (1) amends section 103 (1) (e) (ii) which at present makes non-citizens who are obliged to leave New Zealand within a specified time ineligible. The amendment allows such people to be trustees if they have a permit to stay in New Zealand for 12 months or longer.

Subclause (2) makes people who are members of a Board's staff ineligible to become parent representatives. They will still be able to vote in elections for parent representatives. Board staff who are at present parent representatives will not be forced out of office, but in future a parent representative who becomes a member of the Board staff will cease to be a trustee.

Clause 20 amends section 105 of the principal Act (which relates to the filling of casual vacancies) to take account of the restrictions on the filling of such vacancies by appointment imposed by new *sections 94A (8) and 94B (1)* of the principal Act. In addition a minor mechanical flaw in subsection (4A) is rectified.

Clause 21 corrects a minor drafting error in section 147 of the principal Act.

Clause 22 inserts into the principal Act 2 new sections allowing schools to merge. Except where the schools are already administered by a single Board, the merger will dissolve all but one of the Boards concerned and leave the merged school to be administered (until the next scheduled triennial election) by the remaining Board.

The merger will be effected by the Minister by notice in the *Gazette*. Before publishing the notice the Minister must be satisfied there has been adequate consultation with parents and caregivers; that each Board, and most parents and caregivers of each school, support the proposed merger; and that the creation of a single school is appropriate in all the circumstances.

A merger will not take effect for at least a full term.

Mergers will not be able to be reversed, except by the closure of the merged school and the establishment of 2 or more schools in its place.

Clause 23 amends section 157 of the principal Act so as to require the Minister to consult Boards of state schools where rolls might be affected by a merger, before effecting it.

Clause 24 replaces section 227 of the principal Act (which relates to the fixing of fees for domestic students at tertiary institutions) with a redrafted section that transfers the power to fix fees from the Minister to the Council of each institution. Councils are given the power to accept the payment of fees by instalment, and are required to inform enrolling students of their rights (if any) to refunds of fees.

Clause 25 amends section 228 of the principal Act (which relates to the payment of fees by foreign students at tertiary institutions) so as to make clear that the minimum fee an institution must charge will be based on its marginal general and administrative costs and (except where a course is for foreign students only) the marginal costs of each course. In addition, Councils are given a limited power to cross-subsidise foreign students by applying revenue other than the fees they pay to the costs of their tuition. The other revenue must either be revenue other than funds from the Crown under section 199 of the principal Act or be from special supplementary grants under that section that are expressly available for the purpose. Enrolling foreign students must also be told of any rights they have to refunds of fees.

Clause 26 amends section 236 of the principal Act so as to add a further matter in respect of which the Qualifications Authority must be satisfied before registering a private training establishment. The Authority must now be satisfied that the establishment has or will have acceptable financial management practices and performance.

Clause 27 inserts into the principal Act a new *section 236A* imposing certain requirements on private training establishments. These requirements relate to the information made available to prospective students, the right of students to

withdraw during the first 7 days of their course, and the right of students who withdraw during that period to receive a refund of a proportion of the fees paid.

At present, section 236 requires the Qualifications Authority not to register an establishment unless satisfied that these things will be done, and section 237 gives the Qualifications Authority a right to cancel the registration of an establishment if satisfied that these things have not been done; but neither section obliges an establishment to do these things or gives students any rights.

In addition the new section makes clear that the 7 days allowed for withdrawal and refund runs from the commencement of the course not the enrolment of the student; and requires establishments to hold sufficient funds available out of fees paid to meet any refunds that may be required. During the 7 days, amounts held available will remain the property of the people who paid them.

Clause 28 requires private training establishments to notify an immigration officer if a student withdraws from a course, unless satisfied that the student is a domestic student.

Clause 29 amends sections 258 and 259 of the principal Act so as to allow the Qualifications Authority to accredit certain Government training establishments (for example the Police College) and approve their courses.

Clause 30 inserts into the principal Act a new *section 238A*, empowering the Minister of Education to make grants to private training establishments.

Clause 31 amends section 308 of the principal Act so that hospital play groups for children are no longer excluded from the definition of the term "early childhood centre".

Clause 32 corrects some minor verbal inconsistencies in section 316 of the principal Act.

Clause 33 inserts into the principal Act a new *Part XXVII* relating to the recognition and funding of other bodies providing educational or developmental services or facilities.

Section 320 is an interpretation provision.

Section 321 empowers the Minister of Education to make grants to such bodies.

Section 322 imposes certain accounting and audit duties on bodies receiving grants.

Clause 34 makes some additional amendments consequential on the enactment of the Education Amendment Act 1990.

Clause 35 revokes a number of regulations that are now spent or unnecessary.

PART II

AMENDMENTS TO QUEEN ELIZABETH II TECHNICIANS' STUDY AWARD ACT 1970

Clause 36 provides that *Part II* is to be read with the Queen Elizabeth II Technicians' Study Award Act 1970 ("the principal Act").

Clause 37 replaces section 5 of the principal Act (which relates to the composition of the Selection Committee) with a new section. At present the committee is expressed to comprise the Chairperson of the Vocational Training Council, the Secretary of Education, the Secretary of Labour, the Director-General of Agriculture and Fisheries, the Chairperson of the University Grants Committee, and the Chairperson of the Technicians Certification Authority of New Zealand. In future, it will comprise the Chairperson of the Association of Polytechnics of New Zealand, the Director-General of Agriculture and Fisheries, the Chairperson of the Vice-Chancellors Committee, and the chief executive officer of the New Zealand Qualifications Authority.

PART III

AMENDMENTS TO CHILDREN'S HEALTH CAMPS ACT 1972

Clause 38 provides that *Part III* is to be read with the Children's Health Camps Act 1972.

Clause 39 defines the School Trustees Association.

Clause 40 replaces the Secretary of Education as a member of the Children's Health Camps Board with a person appointed by the Secretary. The Secretary does not have to appoint an employee of the Ministry of Education.

Clause 41 replaces the member of every health camp's Camp Committee appointed jointly by local education boards with 2 members appointed by the School Trustees Association.

PART IV

AMENDMENTS TO NEW ZEALAND COUNCIL FOR EDUCATIONAL RESEARCH ACT 1972

Clause 42 provides that *Part IV* is to be read with the New Zealand Council for Educational Research Act 1972 ("the principal Act").

Clause 43 amends section 21 of the principal Act so as to provide that the people entitled to be enrolled on the roll of the electoral college will be specified by Order in Council. At present they are specified in the Act. The Minister of Education is required not to recommend the making of an order unless satisfied that the resulting electoral college will be broadly representative of groups and bodies concerned with education and educational research, and include distinguished New Zealand educators.

PART V

AMENDMENT TO PRIVATE SCHOOLS CONDITIONAL INTEGRATION ACT 1975

Clause 44 provides that *Part V* is to be read with the Private Schools Conditional Integration Act 1975 ("the principal Act").

Clause 45 repeals a provision of the principal Act requiring the Minister of Education, in approving loans to the Proprietors of any integrated school, to "have regard to the need to make such loans available on such terms as will permit the Proprietors to meet approved capital commitments".

PART VI

AMENDMENTS TO EDUCATION LANDS ACT 1949

Clause 46 provides that *Part VI* is to be read with the Education Lands Act 1949 ("the principal Act").

Clause 47 replaces the definition in section 2 of the principal Act of the term "Minister" and inserts definitions of the terms "Ministry" and "Secretary".

Clause 48 inserts into the principal Act a new *section 5A* empowering the Minister of Education to declare Crown land held for educational purposes to be no longer needed for educational purposes. Such a declaration will not in itself enable the disposal of the land. If desired, disposal will have to be achieved by the statutory methods applicable to all Crown land.

Clause 49 amends section 6 of the principal Act, which relates to the leasing of school sites.

At present, only school sites that are vested in the Boards of Trustees of secondary schools can (with the consent of the Minister of Education) be leased under the section. The amendments have the effect that the Minister can lease part of a school site that is Crown land.

Whether the lease is entered into by the Board or the Minister, the Minister must be satisfied that the lease is in the public interest, and either brings little or

no educational disadvantage or brings educational benefits that outweigh any educational disadvantages.

At present the income from leases must go to the Crown. Boards will now be able (with the Minister's agreement) to keep all or part of the income. (It should be noted that Boards are exempted from the payment of income tax.)

Clause 50 replaces section 6E of the principal Act (which requires any income from licences or permits granted by Boards in respect of the use of school sites to go to the Crown) with a section enabling a Board, with the Minister's agreement, to keep all or part of the income.

EDUCATION REFORM

ANALYSIS

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A BILL INTITULED

An Act to amend certain enactments relating to education

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Education Reform Act 1991. 5

(2) Except as provided in sections 6 (3), 16 (2), 17 (2), 18 (2), and 35 of this Act, this Act shall come into force on the 1st day of January 1992.

PART I

AMENDMENTS TO EDUCATION ACT 1989

2. Part to be read with Education Act 1989—This Part of this Act and the Schedules to this Act shall be read together with and deemed part of the Education Act 1989* (hereafter in this Part of this Act referred to as the principal Act). 15

3. Definitions of “Minister”, “Ministry”, and “Secretary”—(1) Section 2 (1) of the principal Act is hereby amended by repealing the definitions of the terms “Minister” and “Ministry”, and substituting, respectively, the following definitions: 20

“ ‘Minister’ means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible

*1989, No. 80

Amendments: 1989, No. 156; 1990, No. 60; 1990, No. 118; 1990, No. 134; 1991, No. 43; 1991, No. 90

for the administration of this Part, and Parts II, III, and XI, of this Act:

5 “ ‘Ministry’ means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Part, and Parts II, III, and XI, of this Act”.

(2) Sections 36, 42, and 120 of the principal Act are hereby consequentially amended by repealing the definition of the term “Minister”, and substituting in each case the following definition:

10 “ ‘Minister’ means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Part of this Act:”.

15 (3) Section 60 of the principal Act is hereby consequentially amended by inserting, in their appropriate alphabetical order, the following definitions:

20 “ ‘Minister’ means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Part of this Act:

25 “ ‘Ministry’ means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Part of this Act:

“ ‘Secretary’ means the chief executive of the Ministry:”.

(4) Section 92 (1) of the principal Act is hereby consequentially amended by repealing the definitions of the terms “Minister” and “Secretary”, and inserting, in their appropriate alphabetical order, the following definitions:

30 “ ‘Minister’ means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Part of this Act:

35 “ ‘Ministry’ means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Part of this Act:

“ ‘Secretary’ means the chief executive of the Ministry.”

40 (5) Sections 145 (1), 159 (1), and 308 (1) of the principal Act (as inserted, respectively, by section 14 of the Education Amendment Act 1989 and sections 35 and 49 of the Education Amendment Act 1990) are hereby consequentially amended by repealing the definitions of the terms “Minister” and

“Ministry”, and substituting, in each case, the following definitions:

“ ‘Minister’ means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Part of this Act: 5

“ ‘Ministry’ means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Part of this Act.”. 10

(6) Section 302 of the principal Act (as inserted by section 48 of the Education Amendment Act 1990) is hereby consequentially amended by inserting, in their appropriate alphabetical order, the following definitions:

“ ‘Minister’ means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Part of this Act: 15

“ ‘Ministry’ means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Part of this Act: 20

“ ‘Secretary’ means the chief executive of the Ministry”.

4. Foreign students—(1) The principal Act is hereby amended by repealing section 4 (as amended by section 4 of the Education Amendment Act 1989 and section 5 (2) of the Education Amendment Act (No. 2) 1991) and section 4A (as inserted by section 5 of the Education Amendment Act 1989), and substituting the following sections: 25

“4. Enrolment of foreign students—(1) Subject to section 4A (3) of this Act, a foreign student— 30

“(a) Shall not be enrolled at a state school without the Board’s consent; and

“(b) Shall not be enrolled in special education without the consent of the person or body administering the institution or service concerned; but 35

“(2) Subject to section 4b of this Act and to subsections (3) and (4) of this section, once enrolled at a state school or in special education a foreign student has the same rights to remain enrolled, and to tuition, at the school as a domestic student. 40

“(3) Except as provided in subsection (5) or subsection (6) of this section, no foreign student who is not an exempt student shall be enrolled at a state school if the student’s enrolment has the

effect that a domestic or exempt student who is entitled to enrol there and has applied for enrolment is not able to be enrolled.

5 “(4) Except as provided in **subsection (5)** or **subsection (6)** of this section, no foreign student who is not an exempt student shall be enrolled in any subject, course, or programme at a state school if the student’s enrolment has the effect that a domestic or exempt student who is entitled to enrol in the subject or course and has applied for enrolment in it is not able to be
10 enrolled in it.

“(5) Any assisted student may be enrolled at a state school, or in a subject, course, or programme at a state school, by agreement between the Board and the chief executive of the Ministry of External Relations and Trade.

15 “(6) Notwithstanding that domestic and exempt students may not be able to be enrolled, a foreign student who is not an exempt student may be enrolled at a state school, or in any subject, course, or programme at a state school, if the enrolment is in a vacant place—

20 “(a) That the Board established for foreign students; and
“(b) Whose continued availability is dependent on the fees payable by foreign students enrolled in it.

“(7) As soon as is practicable after a foreign student is enrolled at a state school, the principal shall give the Secretary
25 written notice of—

“(a) The student’s name, age, and nationality; and
“(b) The day on which the student began (or will begin) to receive tuition at the school.

30 “(8) Notwithstanding anything in this section or **section 4B** of this Act, with the consent of the principal, a foreign student may, during a period of not more than 28 consecutive days (or any longer period the Secretary approves for any particular student), receive tuition at or from a state school—

35 “(a) Without the consent of the Board; and
“(b) Without paying the amount required by **section 4B** of this section;—

but in that case the student shall not be counted for the purpose of calculating or ascertaining the school’s entitlement to teachers or funding.”

40 “4A. **Certain foreign students may enrol at state schools as of right**—(1) The Minister may from time to time, by notice in the *Gazette*, declare foreign students of a specified kind or description to be entitled to enrol at state schools.

“(2) A notice may be unconditional, or subject to conditions specified in it.

“(3) Subject to—

“(a) The conditions (if any) specified in the notice; and

“(b) **Section 4B** of this Act,—

a foreign student of a kind or description for the time being specified in a notice under **subsection (1)** of this section has the same rights to enrolment and tuition at state schools as a domestic student.

“**4B. Fees for foreign students**—(1) Subject to **section 4 (8)** of this Act, no foreign student shall receive tuition in any subject, course, or programme at a state school unless there have been paid to the Board an amount fixed by the Board that is not less than the sum of the following amounts:

“(a) The Board’s best estimate of the cost to the Board (including the appropriate proportion of the Board’s administrative and other general costs) of providing tuition in the subject, course, or programme for 1 student:

“(b) An amount that is in the Board’s opinion an appropriate reflection of the use made by 1 student receiving tuition in the subject, course, or programme of the Board’s capital facilities:

“(c) The amount (if any) prescribed under **section 4D** of this Act for a student receiving tuition at a state school in the subject, course, or programme:

“(d) All other fees (if any) prescribed by the Board.

“(2) Nothing in **subsection (1)** of this section prevents a Board’s accepting by instalments any amount required by that subsection to be paid; but subject to **section 4 (8)** of this Act, no foreign student shall at any time continue to receive tuition in any subject, course, or programme at a state school unless the sum of the following amounts is less than the sum of the instalments paid up to that time:

“(a) The Board’s best estimate of the cost to the Board (including the appropriate proportion of the Board’s administrative and other general costs and the appropriate proportion of any initial or start-up costs of the subject, course, or programme) of providing tuition in the subject, course, or programme for 1 student up to that time:

“(b) An amount that is in the Board’s opinion an appropriate reflection of the use made by 1 student receiving

tuition in the subject, course, or programme of the Board's capital facilities:

5 “(c) The appropriate proportion of the amount (if any) prescribed under **section 4D** of this Act for a student receiving tuition at a state school in the subject, course, or programme:

 “(d) All other fees (if any) prescribed by the Board.

10 “(3) Where a foreign student has after the 31st day of December 1989 received tuition in a subject, course, or programme at a state school without paying the full amount required by **subsection (1)** of this section in respect of the subject, course, or programme, the Board may, in any Court of competent jurisdiction, recover the underpayment from the student (or, as the case requires, a parent of the student), as a debt due to the Board.

15 “(4) In any year, the amount of any grant for a Board in respect of a school it administers may be reduced from what it would otherwise have been by any amount by which (in the Secretary's opinion), by virtue of the fact that the full amount required by **subsection (1)** of this section in respect of a subject, course, or programme at the school in which a foreign student was enrolled has not been paid to the Board, the student's education has been subsidised by money appropriated by Parliament.

20 “(5) No grant shall be reduced under **subsection (4)** of this section unless the Secretary has given the Board concerned written notice of the circumstances taken into account when the proposed reduction was decided on.

30 “(6) Where a Board disputes that a grant should be reduced under **subsection (4)** of this section, or disputes the amount by which it should so be reduced, the following provisions shall apply:

35 “(a) The Board may, within 28 days of getting notice from the Secretary under **subsection (5)** of this section, by written notice to the Secretary giving the name and address of a proposed arbitrator, require the dispute to be settled by arbitration:

40 “(b) If, within 14 days of getting the Board's notice, the Secretary has agreed an arbitrator with the Board, the agreed arbitrator shall settle the dispute:

45 “(c) If, within 14 days of getting the Board's notice, the Secretary has not agreed an arbitrator with the Board, an arbitrator appointed jointly by the Secretary and the arbitrator originally proposed by the Board shall settle the dispute:

“(d) The arbitrator’s decision is final.

“(7) Where at any time a foreign student withdraws from a subject, course, or programme at a state school, the Board may refund to the person who paid (in respect of the student’s enrolment in the subject, course, or programme) the amount of the fees referred to in **subsection (1)** of this section (or the sum of any instalments paid in respect of those fees) any amount it thinks appropriate not exceeding the extent (if any) by which the amount paid exceeds the sum of the following amounts: 5

“(a) The Board’s best estimate of the cost to the Board (including the appropriate proportion of the Board’s administrative and other general costs and the appropriate proportion of any initial or start-up costs of the subject, course, or programme) of providing tuition in the subject, course, or programme for 1 student up to that time: 10 15

“(b) An amount that is in the Board’s opinion an appropriate reflection of the use made by 1 student receiving tuition in the subject, course, or programme of the Board’s capital facilities: 20

“(c) The appropriate proportion of the amount (if any) prescribed under **section 4b** of this Act for a student receiving tuition at a state school in the subject, course, or programme: 20

“(d) All other fees (if any) prescribed by the Board. 25

“4c. **Minister may exempt certain foreign students from payment of fees**—The Minister may, by notice in the *Gazette*, exempt foreign students of a particular kind or description from the payment of all or a specified proportion or amount of the amount required by **section 4b** of this Act to be paid; and that section shall have effect accordingly. 30

“4d. **Boards to reimburse the Crown for expenditure in respect of foreign students**—(1) The Minister may from time to time, by notice in the *Gazette*, set annual fees to be paid by Boards in respect of foreign students enrolled at state schools. 35

“(2) Fees may be set in respect of all or any of the following:

“(a) All state schools, state schools of a specified kind or description, or specified state schools.

“(b) All foreign students, or foreign students of a specified kind or description: 40

“(c) All subjects, courses, and programmes; subjects, courses, and programmes of a specified kind or description; or specified subjects, courses, or programmes.

“(3) Within 28 days of the enrolment of a foreign student at a state school, the Board shall pay to the Secretary the appropriate fee (if any) prescribed under **subsection (1)** of this section.”

5 (2) The principal Act is hereby consequentially amended by omitting from paragraph (b) of the definition in section 2 (1) (as inserted by section 3 (1) of the Education Amendment Act 1989) and of the definition in section 60 (as inserted by section 5 (3) of the Education Amendment Act 1989) of the term
10 “exempt student” the expression “4A (1)”, and substituting the expression “4c”.

(3) The following enactments are hereby consequentially repealed:

15 (a) Sections 4 (1), 5 (1), and 5 (2) of the Education Amendment Act 1989:

(b) Section 5 (2) of the Education Amendment Act (No. 2) 1991.

20 **5. Amendment of enrolment schemes**—Section 11B (5) (b) of the principal Act (as inserted by section 3 (1) of the Education Amendment Act 1991) is hereby amended by omitting the words “it is put in place”, and substituting the words “notice of its nature and effect is published”.

25 **6. New Zealand citizens and residents between 6 and 16 to go to school**—(1) Section 20 (1) of the principal Act is hereby amended by omitting the expression “15th”, and substituting the expression “16th”.

30 (2) The principal Act is hereby consequentially amended by omitting from sections 16, 17, 18, 28 (2) (b), 30, and 31 (4) the expression “15”, wherever it occurs, and substituting in each case the expression “16”.

(3) Sections 20 (1) and 30 of the principal Act (as amended, respectively, by **subsections (1) and (2)** of this section) shall apply to every person who—

35 (a) Turned 15 in 1992; and
(b) On or after turning 15, and before the commencement of this section, ceased to be enrolled at a state school; and

(c) Has not since that commencement again enrolled at a state school,—
40 as if that person has turned 16.

(4) **Subsections (1) and (2)** of this section shall come into force on the 1st day of January 1993.

7. New sections inserted—(1) The principal Act is hereby amended by inserting, after section 25, the following sections:

“25A. Release from tuition on religious or cultural grounds—(1) A parent of a student under 18 enrolled at a state school that is not an integrated school may, at least 24 hours before the start of tuition in any class or subject at the school, ask the principal in writing to release the student from the tuition. 5

“(2) Unless satisfied that—

“(a) The parent has asked because of sincerely held religious or cultural views; and 10

“(b) The student will be adequately supervised (whether within or outside the school) during the tuition,—
the principal shall not release the student.

“(3) Before releasing the student, the principal shall take all reasonable steps to ascertain the student’s views on being released from the tuition. 15

“(4) Subject to subsection (2) of this section, the principal shall release the student from the tuition and (if the student is to be supervised outside the school) let the student leave the school during the tuition unless satisfied, in the light of— 20

“(a) The student’s age, maturity, and ability to formulate and express views; and

“(b) Any views the student has expressed,—
that it is inappropriate to do so. 25

“(5) Nothing in this section limits or affects section 79 of the Education Act 1964.

“25B. Release from school—The principal of a state school—

“(a) May, if satisfied that— 30

“(i) A student will receive outside the school tuition acceptable to the principal; and

“(ii) Releasing the student would not result in a contravention of section 25 (2) of this Act,—

release the student from attendance at the school, for a period or periods agreed with a parent of the student, to receive the tuition (and, where appropriate, travel between the school and the place where the tuition is to be given); 35

“(b) May, if satisfied that— 40

“(i) A student has, on any day on which the school was open for instruction, been present at the school for 4 hours or more; and

“(ii) There are good reasons for the student to leave before the school closes on that day,—
let the student leave early on that day.”

5 (2) Section 25 (4) of the principal Act is hereby consequentially repealed.

8. Ensuring attendance of students—Section 31 (5) (b) of the principal Act is hereby repealed.

9. Grants for private schools—(1) The principal Act is hereby amended by inserting, after section 35B (as inserted by
10 section 12 of the Education Amendment Act 1990), the following section:

“35c. (1) Grants may be made to the managers (within the meaning of section 35A (1) of this Act) of a registered school that is not a state school, out of public money appropriated by
15 Parliament for the purpose.

“(2) Each grant shall be of an amount determined by the Minister.

“(3) A grant may be made unconditionally, or subject to conditions determined by the Minister.

20 “(4) The managers of a school to whom a grant is made subject to conditions shall take all reasonable steps to ensure that the conditions are complied with.

“(5) Where a grant has been made to the managers of a school, the managers shall ensure that—

25 “(a) There are kept (in respect of the year in which the grant was made and the year after), in a manner approved by the Minister, records showing fully and correctly all the managers’ financial transactions, assets, liabilities, and funds; and

30 “(b) The accounts are available for inspection at all reasonable times by any employee of the Ministry approved by the Secretary for the purpose.

“(6) As soon as is practicable after the end of each financial year during which a school’s managers are required by
35 **subsection (5)** of this section to keep records, they shall—

“(a) Have an income and expenditure account, showing their financial transactions for the year, prepared; and

“(b) Have the account audited by a chartered accountant; and

40 “(c) Give the Secretary copies of the account and the audit report on it.

“(7) For the purposes of this section, the financial year of a school’s managers ends—

“(a) Where the Minister has specified a day for the purpose, with that day; and

“(b) With the 30th day of June in every other case.”

(2) Section 203 (1) (bb) of the Education Act 1964 is hereby consequentially repealed. 5

(3) The following regulations are hereby consequentially revoked:

(a) The Private School Grants Regulations 1973:

(b) The Private School Grants Regulations 1973, Amendment No. 1. 10

10. National education guidelines—(1) The principal Act is hereby amended by inserting, after section 60, the following section:

“60A. The Minister may from time to time, by notice in the *Gazette*, publish all or any of the following: 15

“(a) National education goals (that is to say statements of desirable achievements by the school system, or by an element of the school system):

“(b) National curriculum statements (that is to say statements of desirable standards of learning, in terms both of areas of knowledge and ability and of levels of attainment in those areas, for students of ages or age groups specified in the notice): 20

“(c) National administration guidelines (that is to say statements of desirable codes or principles of conduct or administration for specified kinds or descriptions of person or body).” 25

(2) Section 60 of the principal Act is hereby consequentially amended by revoking the definitions of the terms “national curriculum objective” and “national education guideline”, and substituting the following definition: 30

“‘National education guidelines’ means all the national education goals, national curriculum statements, and national administration guidelines, for the time being in force under **section 60A** of this Act:” 35

(3) Section 61 of the principal Act is hereby consequentially amended by repealing subsection (2) (as amended by section 6 (2) (c) of the Education Amendment Act 1991), and substituting the following subsection:

“(2) Every charter and proposed charter shall be deemed to contain the aim of achieving, meeting, and following (as the case may be) the national education guidelines.” 40

(4) Section 61 of the principal Act is hereby further consequentially amended by repealing subsection (12) and substituting the following subsection:

5 “(12) For so long as a school has no charter in fact, it shall be deemed to have a charter containing—

“(a) The aim of achieving, meeting, and following (as the case may be) the national education guidelines; and

“(b) The aims set out in section 63 of this Act.”

10 (5) All national education guidelines under section 60 of the principal Act that were in force immediately before the commencement of this Act shall continue in force as if they are national administration guidelines; but may be amended or revoked accordingly.

15 (6) Section 6 (2) (c) of the Education Amendment Act 1991 is hereby consequentially repealed.

11. Minister to act by means of instructions—The principal Act is hereby amended by repealing section 65G (as inserted by section 17 (1) of the Education Amendment Act 1990), and substituting the following section:

20 “65G. (1) Except as provided in **subsection (2)** of this section, the powers of the Minister under sections 65A to 65F of this Act shall be exercised only by written instruction signed by the Minister.

25 “(2) The Minister may delegate to the Secretary the Minister’s powers under section 65D (2) of this Act; but if the Minister does so—

“(a) The Secretary shall exercise the powers in respect of individual schools only; and

30 “(b) The delegation shall not limit or affect the exercise of the powers by the Minister.”

12. Borrowing—(1) The principal Act is hereby amended by repealing section 67 (as amended by section 18 of the Education Amendment Act 1990 and section 4 of the Education Amendment Act (No. 2) 1991), and substituting the following sections:

“**67. Ministerial consent needed for certain borrowing**—(1) Except as provided in **section 67A (3)** of this Act, no Board shall borrow any money except—

“(a) With the written consent of the Minister; and

40 “(b) Subject to any conditions specified in the consent.

“(2) The Minister shall not consent to any borrowing by a Board (other than borrowing from the Board’s bankers by way

of overdraft) without the concurrence of the Minister of Finance.

“(3) Subject to **subsection (2)** of this section, the Minister may, out of public money appropriated by Parliament for the purpose, make advances to any Board. 5

“(4) Where the Crown pays any part (or all) of the salary of a teacher employed by the Board of a correspondence school on the basis that the Board will pay to the Crown the amount the Crown pays, the Crown’s payment of the amount is not borrowing by the Board for the purposes of **subsection (1)** of this section. 10

“**67A. Borrowing without Ministerial consent**—(1) For the purposes of this section, the Minister may from time to time, after consultation with the Minister of Finance, by notice in the *Gazette* specify— 15

“(a) An annual cost; or

“(b) A means of calculating or ascertaining an annual cost.

“(2) A notice may be expressed to apply to all Boards, Boards of a specified kind or description, or a specified Board or Boards. 20

“(3) A Board may in any year, without the Minister’s consent, borrow any amount denominated in New Zealand dollars it thinks fit from any source it thinks fit, if the effect of borrowing the amount would be that the total annual cost to the Board of repaying all outstanding borrowings (including both principal and interest repayments) would not be greater than the annual cost, or (as the case may be) the annual cost calculated or ascertained by a means, specified in a notice under **subsection (1)** of this section then applying to the Board. 25

“**67B. Borrowing procedures**—At any meeting of a Board at which any decision to borrow money is made, the following provisions apply: 30

“(a) Any trustee may, before the decision is made, require a division to be taken on the decision; and in that case, the person presiding at the meeting shall— 35

“(i) Make and keep a record of the votes of the trustees voting on the decision; and

“(ii) Cause the Secretary or other proper officer to enter the record in the minutes:

“(b) If the decision is made without division, every trustee present at the time it is made is deemed to have assented to it.” 40

(2) The following enactments are hereby consequentially repealed:

(a) Section 18 of the Education Amendment Act 1990:

(b) Section 4 of the Education Amendment Act (No. 2) 1991.

5 **13. Constitutions of boards of trustees**—The principal Act is hereby amended by repealing section 94, and substituting the following sections:

 “**94. Constitution of Boards of state schools**—(1) Subject to sections 94A, 94B, and 95 (1) of this Act, the Board of a state school shall comprise—

10 “(a) No more than 7 and no fewer than 3 parent representatives; and

 “(b) One principal, being—

 “(i) The principal of the school, in the case of a lone Board; and

15 “(ii) A principal of one of the schools the Board administers, elected by the principals of the schools, in the case of a combined Board; and

 “(c) Except where the principal is the only member of the school staff, one staff representative; and

20 “(d) A number of co-opted trustees determined by the Board; and

 “(e) In the case of a Board that administers one or more integrated schools, 4 trustees appointed by the proprietors of the school or schools; and

25 “(f) In the case of a Board that administers a school where students are enrolled full-time in classes above form III, one student representative.

 “(2) Notwithstanding subsection (1) of this section, but subject to section 95 (1) of this Act, except to the extent that a Board has decided otherwise, it shall have—

30 “(a) 6 parent representatives, in the case of a Board that administers more than 2 schools; and

 “(b) 5 parent representatives, in every other case.

35 “**94A. Boards may alter their own constitutions**—(1) A Board may from time to time, in accordance with this section, decide—

 “(a) To increase to no more than 7 the number of trustees who are parent representatives;

 “(b) To decrease to no fewer than 3 the number of trustees who are parent representatives;

40 “(c) Not to have a student representative;

 “(d) In the case only of a Board that administers a school where students are enrolled full-time in classes above form III, to have a student representative.

“(2) Every decision under **subsection (1)** of this section shall be made by the Board by resolution passed at a meeting of the Board open to all parents of students enrolled at the school or schools administered by the Board.

“(3) Before making a decision under **subsection (1)** of this section, a Board shall take reasonable steps to ensure that the parents of students enrolled at the school or schools administered by the Board have reasonable notice of— 5

“(a) The time, day, and place of the meeting of the Board at which the decision is to be made; and 10

“(b) The nature of the decision; and

“(c) The fact that they have a right to attend the meeting.

“(4) Where a Board decides to decrease the number of trustees who are parent representatives,—

“(a) No parent representative shall go out of office; but 15

“(b) No casual vacancy for a parent representative shall be filled unless the occurrence of the vacancy has reduced the number of parent representatives on the Board to fewer than the decreased number decided by the Board. 20

“(5) Where—

“(a) A Board decides—

“(i) To decrease the number of members of the Board who are parent representatives; or

“(ii) Not to have a student representative; and 25

“(b) The number of co-opted and appointed trustees is no longer less than the decreased number of elected trustees,—

the Board shall, within 28 days of making the decision, by resolution, either— 30

“(c) Select enough co-opted members to leave office to reduce the number of co-opted members so that the number of co-opted and appointed trustees is again less than the decreased number of elected trustees; or 35

“(d) Determine that the selection is to be by lot, and cause it to take place.

“(6) Co-opted members of a Board selected under **subsection (5)** of this section to leave office shall be deemed to have resigned on selection. 40

“(7) When a Board that has student representatives decides not to have a student representative, the student representative then holding office shall be deemed to have resigned.

“(8) Every vacancy on a Board caused by a decision to have a member who is a student representative or to increase the 45

number of members who are parent representatives shall be filled by election under section 105 of this Act as if it is a casual vacancy; but is not capable of being filled by appointment.

5 “(9) A Board that makes a decision under **subsection (1)** of this section shall ensure that, as soon as is practicable after making it, the Secretary is given written notice of the nature of the decision and the day on which it was made.

10 “**94B. Limitations on co-optation and appointment of trustees**—(1) No Board shall appoint a trustee to a casual vacancy if the effect of the appointment is that the Board does not have more elected members than appointed and co-opted members.

15 “(2) No Board shall co-opt a trustee if the effect of the co-optation is that the Board does not have more elected members than appointed and co-opted members.”

14. Parent representatives—Section 96 of the principal Act is hereby amended—

20 (a) By inserting in subsections (1), (2), and (3), before the words “people who are” in each case, the words “elected by”; and

(b) Omitting from each of those subsections the words “elected from among themselves”.

25 **15. Criteria for selecting co-opted and appointed trustees**—Section 99 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) It is desirable, so far as is reasonably practicable,—

“(a) That every Board should reflect—

30 “(i) The ethnic and socio-economic diversity of the student body of the school or institution; and

“(ii) The fact that approximately half the population of New Zealand is male and half female; and

35 “(iii) The character of the school or schools, or institution, it administers; and

“(iv) The character of the community (whether geographical or otherwise) served by the school or schools, or institution, it administers; and

40 “(b) That every Board should have available from within its membership expertise and experience in management.”

16. Annual meetings—(1) The principal Act is hereby amended by repealing section 100, and substituting the following section:

“100. Every Board shall in every year meet—

“(a) On a day during April fixed by the Board before the 1st day of April; or 5

“(b) Where before the 1st day of April the Board fails or refuses to fix a day during April for the meeting; on the first Tuesday in May.”

(2) This section shall come into force on the 1st day of January 1993. 10

17. Elections of trustees—(1) Section 101 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Elections under subsection (3) of this section shall be held— 15

“(a) On a day (during the period commencing on the 1st day of February and ending with the day 7 days before the day on which the Board is required by section 100 of this Act to meet) fixed by the Board before the 1st day of February; or 20

“(b) Where before the 1st day of February the Board has failed or refused to fix a day during that period, on the day 7 days before the day on which the Board is required by section 100 of this Act to meet.” 25

(2) This section shall come into force on the 1st day of January 1993.

18. Term of office—(1) Section 102 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection: 30

“(1) Trustees elected under section 101 of this Act (other than trustees elected under section 101 (2) of this Act) take office on the second Tuesday in May.”

(2) This section shall come into force on the 1st day of January 1993. 35

19. Certain persons ineligible to be trustees—(1) Section 103 (1) (e) (ii) of the principal Act is hereby amended by adding the words “(being a time that, when specified, was less than 12 months)”.

(2) Section 103 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection: 40

“(2A) A member of the Board staff is not eligible to be elected a parent representative, or appointed to fill a casual vacancy for a parent representative.”

5 (3) Section 101 (6) of the principal Act is hereby consequentially amended by repealing subsection (6).

(4) No parent representative who, immediately before the commencement of this section, was a member of the Board staff shall go out of office by virtue of **section 103 (2A)** of the principal Act (as inserted by **subsection (2)** of this section).

10 **20. Filling of casual vacancies**—(1) Section 105 of the principal Act is hereby amended by omitting from subsections (4) (as substituted by section 23 (1) of the Education Amendment Act 1990) and (8) the word “A”, and substituting in each case the words “Subject to **sections 94A (8) and 94B (1)** of
15 this Act, a”.

(2) The said section 105 is hereby further amended by repealing subsection (4A) (b) (as substituted by section 23 (1) of the Education Amendment Act 1990), and substituting the following paragraph:

20 “(b) Subject to paragraph (a) of this subsection, the vacancy shall be filled by election; but—

“(i) The references in subsections (6) and (7) of this section to 70 and 28 days shall be read as references to 140 and 98 days; and

25 “(ii) The reference in subsection (6) to the tenth Tuesday after the occurrence of the vacancy shall be read as a reference to the twentieth Tuesday after its occurrence.”

30 **21. Names of state schools**—Section 147 (5) of the principal Act is hereby amended by omitting the words “name is”, and substituting the words “proposed new or amended name is”.

35 **22. Merger of schools**—The principal Act is hereby amended by inserting, after section 156 (as added by section 14 of the Education Amendment Act 1989), the following sections:

“156A. **Minister may merge schools**—(1) Subject to **sections 156B** and 157 of this Act, the Minister may merge 1 or more state schools (each of which is, in this section, referred to as a merging school) with another state school (in this section referred to as the continuing school), if satisfied that—

40 “(a) Each Board of a school concerned has made reasonable efforts to consult the parents of students (other than

- adult students) enrolled full-time at the school about the proposed merger; and
- “(b) The consultation that has in fact taken place has been adequate in all the circumstances; and
- “(c) In the case of each school, most parents favour the proposed merger; and 5
- “(d) Each Board of a school concerned has joined in making a written application to the Minister to merge the schools; and
- “(e) The creation of a single school by the proposed merger is appropriate in the circumstances. 10
- “(2) The merger shall be effected by notice in the *Gazette*, and shall take effect on a day (no earlier than the end of the term after the term during which the notice is published) specified in the notice. 15
- “(3) A notice under subsection (1) of this section—
- “(a) In every case, on the day specified in the notice, makes each merging school part of the continuing school; and
- “(b) Where the continuing school and each merging school are not already administered by a single Board,— 20
- “(i) Dissolves the Board of each merging school; and—
- “(ii) Vests in the Board of the continuing school all rights, assets, liabilities, and debts of each merging school; and 25
- “(c) Where the schools concerned are not all primary schools or all secondary schools, makes the continuing school a composite school; and
- “(d) Where a merging school was a normal or model school, makes the continuing school a normal or model school for the teachers college concerned; and 30
- “(e) Where the continuing school was a contributing school of a merging school, causes the continuing school to cease to be a contributing school; and 35
- “(f) Where any of the schools concerned was a contributing school of some other school, causes the continuing school to be a contributing school of the other school; and
- “(g) Where some other school was a contributing school of a merging school, makes the other school a contributing school of the continuing school; and 40
- “(h) Where some other school was a contributing school of an intermediate department of a merging school, makes the other school a contributing school of that 45

department in its new status as a department of the continuing school.

“(4) A notice under **subsection (1)** of this section does not affect—

- 5 “(a) The name of the continuing school; or
 “(b) The status as a model school or class, or intermediate department, of any school, class, or department within a merging school; or
 10 “(c) Any limitation under section 151 of this Act in force in respect of the continuing school.
- “156B. Restrictions on mergers in certain cases—**No kura kaupapa maori or designated character school shall merge or be merged with any other school unless, before the merger, each of the schools involved in the merger—
- 15 “(a) Has the same aims, purposes, and objectives (being the aims, purposes, and objectives that constitute the way in which the character of each school is different from the character of ordinary state schools); and
 20 “(b) Where any of those schools is a kura kaupapa maori, has the aim of using te reo maori as the principal language of instruction.”

25 **23. Consequential amendments—**Section 157 (3) of the principal Act (as added by section 14 of the Education Amendment Act 1989) is hereby consequentially amended by repealing paragraph (f), and substituting the following paragraphs:

- “(f) Close a school under section 154 of this Act; or
 30 “(g) Merge any school or schools with another under **section 156A** of this Act,—”.

24. Fees for domestic students—The principal Act is hereby amended by repealing section 227 (as inserted by section 38 of the Education Amendment Act 1990), and substituting the following section:

- 35 “227. (1) The Council of an institution may fix, or specify a means by which there may be calculated or ascertained, a tuition fee for any course of study or training at the institution.
 “(2) No domestic student shall be or continue to be enrolled in a course of study or training at an institution unless there
 40 have been paid to the Council in respect of the student—

- “(a) The tuition fee (if any) fixed, or calculated or ascertained in accordance with a means specified, under **subsection (1)** of this section; and
- “(b) All other fees (if any) prescribed by the Council. 5
- “(3) Nothing in **subsection (2)** of this section prevents a Council’s accepting by instalments any fee required by that subsection to be paid.
- “(4) The Council of an institution shall take all reasonable steps to ensure that when a student enrolls at the institution (whether for the first time or for a subsequent time) the student is given written notice of the circumstances (if any) in which the student is or may be entitled to a refund of all or any part of fees under this section paid or to be paid to the Council. 10
- “(5) The power of a Council to refund to a student all or any part of any fees paid to it under this section is not limited or affected by— 15
- “(a) Any failure to comply with **subsection (4)** of this section; or
- “(b) The fact that the circumstances fall outside those notified under that subsection; or
- “(c) The fact that the refund is larger than a notice under that subsection provides for.” 20

25. Fees for foreign students—(1) Section 228 of the principal Act (as substituted by section 38 of the Education Amendment Act 1990) is hereby amended by repealing subsection (2), and substituting the following subsections: 25

- “(2) No foreign student shall be or continue to be enrolled in any course of study or training at an institution unless there have been paid to the Council in respect of the student—
- “(a) An amount fixed by the Council that is not less than the Council’s best estimate of— 30
- “(i) The cost to the institution (including the institution’s marginal administrative and other general costs, and the appropriate portion of any initial or start-up costs of the course) of providing tuition in the course for 1 student, in the case of a course in which no domestic student is enrolled; and 35
- “(ii) The marginal cost to the institution (including the institution’s marginal administrative and other general costs, and any marginal initial or start-up costs of the course) of providing tuition in the course for 1 student in addition to the domestic students receiving tuition in the course, in every other case; 40
- and

- 5 “(b) An amount fixed by the Council that is not less than an amount that in the Council’s opinion is an appropriate reflection of the use by 1 student receiving tuition in the course of the capital facilities (if any) whose provision at the institution is necessary by virtue only of the institution’s provision of tuition to foreign students in addition to domestic students; and
- 10 “(c) All other fees (if any) prescribed by the Council.
- 10 “(2A) Notwithstanding **subsection (2)** of this section, a Council may accept from a foreign student in respect of any course of study or training at an institution an amount that is less than the sum of the amounts referred to in that subsection by an amount that is no greater than the sum of—
- 15 “(a) Any amounts by which the Council has decided to subsidise the student in respect of the course; and
- “(b) The appropriate proportion of any amounts by which the Council has decided to subsidise the student in respect of courses of a kind or description that include the course; and
- 20 “(c) The appropriate proportion of any amounts by which the Council has decided to subsidise students of a kind or description that include the student in respect of the course; and
- 25 “(d) The appropriate proportion of any amounts by which the Council has decided to subsidise students of a kind or description that include the student in respect of courses of a kind or description that include the course,—
- 30 out of the general revenue of the Council (not being funds provided under section 199 of this Act) or out of any special supplementary grant under that section that may be used for the purpose.
- 35 “(2B) Nothing in **subsection (2)** of this section prevents a Council’s accepting by instalments any fee required by that subsection to be paid.”
- (2) Subsection (3) of the said section 228 is hereby consequentially amended by omitting the words “amount required by subsection (2) (a)”, and substituting the words
- 40 “amounts required by **paragraphs (a) and (b) of subsection (2)**”.
- (3) The said section 228 is hereby further amended by adding the following subsections:
- “ (9) The Council of an institution shall take all reasonable steps to ensure that when a student enrolls at the institution
- 45 (whether for the first time or for a subsequent time) the student

is given written notice of the circumstances (if any) in which the student is or may be entitled to a refund of all or any part of fees under this section paid or to be paid to the Council.

“(10) The power of a Council to refund to a student all or any part of any fees paid to it under this section is not limited or affected by— 5

“(a) Any failure to comply with **subsection (4)** of this section; or

“(b) The fact that the circumstances fall outside those notified under that subsection; or

“(c) The fact that the refund is larger than a notice under that subsection provides for.” 10

26. Grant or refusal of application—(1) Section 236 of the principal Act (as inserted by section 40 of the Education Amendment Act 1990) is hereby amended by inserting in subsection (1), after paragraph (b), the following paragraph: 15

“(ba) The establishment—

“(i) In the case of an establishment that is already operational, has acceptable financial management practices and performance; and

“(ii) In the case of an establishment that is not already operational, is likely to have acceptable financial management practices and performance; and” 20

(2) The said section 236 is hereby further amended by omitting from subsection (1)(d)(ii) the words “day of enrolment”, and substituting the words “first day of the course for which the attendance of students at the establishment is required”. 25

27. Information, withdrawals, and refunds—The principal Act is hereby amended by inserting, after section 236 (as inserted by section 40 of the Education Amendment Act 1990), the following section: 30

“236A. (1) Every private training establishment shall—

“(a) Ensure that all printed and other information made available to prospective students gives full details of— 35

“(i) The total fees for each course of study or training, including fees for class or lecture materials, books, special clothing, safety equipment, tools, and any other items that are or may be provided to students enrolled for that course; and 40

“(ii) The class or lecture materials, books, special clothing, safety equipment, tools, and other items

that are or may be required by the establishment to be bought or provided by students enrolled for each course of study or training; and

5 “(b) Provide every prospective student with a written statement of the total course costs and other financial commitments associated with each course of study or training before accepting that student’s enrolment; and

10 “(c) Allow every student enrolled for a course of study or training to withdraw from it at any time within 7 days after the first day of the course for which attendance of students at the establishment is required; and

15 “(d) Refund to every student who so withdraws, without deduction, so much of any payment, or of the sum of any payments, made by the student to the establishment in respect of that course, and, if withdrawal from that course also constitutes withdrawal from the establishment as a whole, in
20 respect of enrolment at the establishment, as exceeds \$500 or 10 percent of the amount of that payment or of the sum of those payments, whichever is the lesser.

25 “(2) Where, before the 7th day after the first day of the course for which attendance of students at the establishment is required, a student has made any payment or payments (whether described as fees or otherwise howsoever) to the establishment in respect of the students enrolment or participation in the course,—

30 “(a) The establishment shall ensure that until that day there is available for refund to the student out of that payment or those payments an amount equal to so much of that payment or the sum of those payments as exceeds the lower of the following
35 amounts:

“(i) 10 percent of that amount or the sum of those amounts:

“(ii) \$500:

40 “(b) The establishment shall ensure that until that day every amount required by **paragraph (a)** of this subsection to be available for refund is kept in a bank account used only for the purpose of holding amounts required to be available for refund:

45 “(c) Before that day, the establishment shall not withdraw the amount from the account except for the

purpose of refund to the student under **subsection (1) (d)** of this section:

“(d) Until withdrawn from the account in accordance with **paragraph (c)** of this subsection, every amount kept in an account pursuant to **paragraph (b)** of this subsection is hereby declared to continue to be the property of the person who paid it to the establishment.” 5

“(3) The said section 236 is hereby consequentially amended by repealing subsection (1) (c), and substituting the following paragraph: 10

“(c) The establishment complies, or is capable of complying and likely to comply, with **section 236A** of this Act; and”.

28. Establishment to notify immigration officer if student withdraws from course—The principal Act is hereby amended by inserting, after section **236A** (as inserted by section 27 of this Act) the following section: 15

“236B. (1) A private training establishment shall ensure that, within 7 days of the withdrawal of any student from a course of study or training at the establishment, an immigration officer (within the meaning of paragraph (a) of the definition of that term in section 2 (1) of the Immigration Act 1987) is given written notice of the name of the student and the course, and the day on which the student withdrew. 20

“(2) **Subsection (1)** of this section does not apply to a student if the establishment (or governing body) is satisfied on reasonable grounds that the student is a domestic student.” 25

29. Government training establishments—(1) Section 258 of the principal Act (as inserted by section 42 of the Education Amendment Act 1990) is hereby amended by inserting in subsections (1) and (8) after the word “institution” wherever it occurs, the words “, government training establishment.” 30

(2) Section 259 of the principal Act (as inserted as aforesaid) is hereby amended by inserting in subsections (2), (3), and (5) after the word “institution” wherever it occurs, the words “government training establishment.” 35

(3) Section 159 (1) of the principal Act is hereby consequentially amended by inserting, after the definition of the term “functions”, the following definition: 40

“‘Government training establishment’ means a Crown agency (within the meaning of the Public Finance Act 1989) or Department (within the meaning of the State

Sector Act 1988) for the time being approved by the Minister for the purposes of this definition.”.

5 **30. Grants to private training establishments**—The principal Act is hereby amended by inserting after section 238 (as inserted by section 40 of the Education Amendment Act 1990), the following section:

“238A. (1) The Minister may from time to time—

“(a) Recognise any private training establishment for the purposes of this section:

10 “(b) Withdraw the recognition under **paragraph (a)** of this subsection of any private training establishment.

“ (2) The governing body of a private training establishment for the time being recognised under **subsection (1)** of this section may be paid grants out of public money appropriated by Parliament for the purpose.

15 “(3) The amount of every grant and the conditions subject to which it will be paid shall be determined by the Minister.

20 “(4) Before a grant is paid, the Minister may give the governing body written notice that the grant, or a part or parts of the grants (specified as a particular sum or as a proportion of the total grant), is not to be used except for purposes specified in the notice.

25 “(5) A governing body that has been given notice under **subsection (4)** of this section shall ensure that no part of the grant to which the notice relates is used for purposes other than those specified for it in the notice.

“ (6) Subject to **subsection (5)** of this section, a governing body to which a grant is paid may apply the grant as it sees fit.

30 “(7) During the financial year during which a grant was paid to a governing body under this section, and during the next financial year, the Secretary may by written notice to the governing body require it to give to the Secretary in writing any financial report, or statistical or other information, relating to the establishment the governing body administers specified in the notice, within a time specified in the notice; and the governing body shall take all reasonable steps to comply with the notice.”

40 **31. Interpretation**—(1) Section 308 of the principal Act (as inserted by section 49 of the Education Amendment Act 1990) is hereby amended by inserting, after subsection (3), the following subsection:

“ (3A) Premises that are—

“(a) Within premises under the control of the Department of Health, an area health board, or a hospital board; and

“(b) Used (exclusively, mainly, or regularly) for the education or care of 3 or more children under 6,— 5
are early childhood centres.”

(2) The said section 308 is hereby consequentially amended—

(a) By omitting from the definition in subsection (1) of the term “early childhood centre” the expression “subsection (2)”, and substituting the expression “subsections (2) to (4)”; and 10

(b) By omitting from subsection (2) the expression “(3) and (4)”, and substituting the expression “(3) to (4)”.

32. Early childhood centres to be licensed—Section 15
316 (2) of the principal Act is hereby amended, as from its commencement, by omitting the word “education”, wherever it occurs, and substituting in each case the words “early childhood”.

33. Recognition and funding of other services—The 20
principal Act is hereby amended by inserting, after Part XXVI (as inserted by section 49 of the Education Amendment Act 1990), the following Part:

“PART XXVII

“RECOGNITION AND FUNDING OF OTHER SERVICES 25

“320. **Interpretation**—In this Part of this Act, unless the context otherwise requires,—

“ ‘Financial year’, in relation to any body, means a year of ending—

“(a) Where the Minister has specified a day for the purpose, with that day; and 30

“(b) With the 30th day of June in every other case:

“ ‘Minister’ means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Part of this Act: 35

“ ‘Ministry’ means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Part of this Act: 40

“ ‘Secretary’ means the chief executive of the Ministry”.

“321. **Grants to other education services**—(1) The Minister may from time to time—

5 “(a) Recognise for the purposes of this section any body corporate that provides any educational or developmental service or facility:

“(b) Withdraw the recognition under **paragraph (a)** of this subsection of any body.

10 “(2) A body for the time being recognised under **subsection (1)** of this section may be paid grants out of public money appropriated by Parliament for the purpose.

“(3) The amount of every grant and the conditions subject to which it will be paid shall be determined by the Minister.

15 “(4) Before a grant is paid, the Minister may give the body written notice that the grant, or a part or parts of the grants (specified as a particular sum or as a proportion of the total grant), is not to be used except for purposes specified in the notice.

20 “(5) A body that has been given notice under **subsection (4)** of this section shall ensure that no part of the grant to which the notice relates is used for purposes other than those specified for it in the notice.

“(6) Subject to **subsection (5)** of this section, a body to which a grant is paid may apply the grant as it sees fit.

25 “(7) During the financial year during which a grant was paid to a body under this section, and during the next financial year, the Secretary may by written notice to the body require it to give to the Secretary in writing any financial report, or statistical or other information, relating to the body specified in the notice, within a time specified in the notice; and the body
30 shall take all reasonable steps to comply with the notice.

“322. **Recognised bodies to keep accounts**—(1) Every body that, in any financial year, receives a grant under **section 321** of this Act shall during that year and the year after keep full and correct records of all its financial transactions, assets,
35 liabilities, and funds.

“(2) As soon as is practicable after the end of each financial year during which a body is required by **section 321** of this Act to keep records, it shall—

40 “(a) Have an income and expenditure account, showing their financial transactions for the year, prepared; and

“(b) Have the account audited by a chartered accountant; and

“(c) Give the Secretary copies of the account and the audit report on it.”

34. Amendments consequential on earlier legislation—The enactments specified in the **First Schedule** to this Act are hereby amended—

- (a) In the case of the amendment to the Second Schedule to the Local Government (Official Information and Meetings) Act 1987, as from the commencement of the Local Government (Official Information and Meetings) Amendment Act 1991; and 5
 - (b) In the case of the amendment to the Sixth Schedule to the Education Amendment Act 1990, as from the commencement of section 50 (5) of that Act; and 10
 - (c) In the case of the amendment to the Seventh Schedule to the Education Amendment Act 1990, as from the commencement of the day on which that Act received the Royal assent,— 15
- in the manner indicated in that schedule.

35. Revocations—(1) The regulations specified in the **Second Schedule** to this Act are hereby revoked.

(2) Every scholarship awarded under the United World Colleges Scholarship Regulations 1980 shall continue in force as if **subsection (1)** of this section had not been enacted; but where the Secretary has received from the college at which the holder of such a scholarship is enrolled an unfavourable report concerning the attendance, conduct, diligence, or progress of the holder, the Secretary may reduce the tenure of the scholarship to 1 year, or terminate it. 20 25

(3) Section 315A of the principal Act (as inserted by section 2 (1) of the Education Amendment Act (No. 2) 1990) is hereby consequentially amended by omitting the words “within the meaning of the Kindergarten Regulations 1959”. 30

(4) The following enactments are hereby consequentially repealed:

- (a) Section 17 of the Education Amendment Act (No. 2) 1982;
- (b) Section 8 (3) of the State Sector Amendment Act 1989;
- (c) Subsections (8) to (10) of section 23 of the Education Amendment Act 1989; 35
- (d) Section 2 (2) of the Education Amendment Act (No. 2) 1990.

PART II

AMENDMENTS TO QUEEN ELIZABETH II TECHNICIANS STUDY AWARD ACT 1970 40

36. Part to be read with Queen Elizabeth II Technicians Study Award Act 1970—This Part of this Act

shall be read together with and deemed part of the Queen Elizabeth II Technicians Study Award Act 1970* (hereafter in this Part of this Act referred to as the principal Act).

*R.S. Vol. 21, p. 753
Amendment: 1988, No. 209

5 **37. Selection committee**—The principal Act is hereby amended by replacing section 5, and substituting the following section:

“(5) (1) For the purposes of this Act, there is hereby established a Selection Committee, comprising—

10 “(a) The Chairperson of the body that, on the commencement of the Queen Elizabeth II Technician’s Study Award Amendment Act 1991, was known as the Association of Polytechnics of New Zealand; and

15 “(b) The chief executive of the Ministry of Agriculture and Fisheries, or a representative; and

“ (c) The Chairperson of the body that, on the commencement aforesaid, was known as the Vice-Chancellor Committee, or a representative; and

20 “(d) The chief executive officer of the New Zealand Qualifications Authority, or a representative.

“ (2) The members of the Selection Committee shall from time to time appoint one of their number (not being a representative) to be Chairman.

PART III

25 AMENDMENTS TO CHILDREN’S HEALTH CAMPS ACT 1972

30 **38. Part to be read with Children’s Health Camps Act 1972**—This Part of this Act shall be read together with and deemed part of the Children’s Health Camps Act 1972* (hereafter in this Part of this Act referred to as the principal Act).

*R. S. Vol. 24, p. 97

39. Interpretation—Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “imprest account”, the following definition:

35 “ ‘The School Trustees Association’ means the society, incorporated under the Incorporated Societies Act 1908, that, immediately before the commencement of Part III of the Education and Training Reform Act 1991, was known by that name:”.

40. Membership of Board—Section 4 (1) of the principal Act is hereby amended by repealing paragraph (g), and substituting the following paragraph:

“(g) A person (whether or not an employee of the Ministry of Education) appointed by the chief executive of that Ministry:” 5

41. Membership of camp committees—(1) Section 17 (1) of the principal Act is hereby amended by repealing paragraphs (c) and (e) and for paragraph (c) substituting the following paragraph: 10

“(c) Two persons appointed by the School Trustees Association:”

(2) Section 17 of the principal Act is hereby consequentially amended—

(a) By omitting from subsection (2) the words “or paragraph (c)” and “or the Education Boards, as the case may be.”; and 15

(b) By omitting from subsection (3) the words “or Education Boards” in both places where they occur.

(3) The Area Health Boards Act 1983 is hereby consequentially amended by repealing so much of the Schedule as relates to the principal Act. 20

PART IV

AMENDMENTS TO NEW ZEALAND COUNCIL FOR EDUCATIONAL RESEARCH ACT 1972 25

42. Part to be read with New Zealand Council for Educational Research Act 1972—This Part of this Act shall be read together with and deemed part of the New Zealand Council for Educational Research Act 1972* (hereafter in this Part of this Act referred to as the principal Act). 30

*R.S. Vol. 23, p. 755

43. Electoral college—(1) The principal Act is hereby amended by replacing subsection (2) (as amended by section 50 (1) of the Education Amendment Act 1990), and substituting the following subsections:

“(2) The people entitled to have their names enrolled on the roll of the electoral college shall from time to time be prescribed by Order in Council; which may prescribe all or any of the following: 35

“(a) Particular people:

“(b) The holders of particular offices: 40

“(c) People nominated by particular bodies or by the holders of particular offices.

“(2A) No order shall be made under subsection (2) of this section except on the recommendation of the Minister; and the Minister shall not recommend the making of such an order unless satisfied that an electoral college constituted in accordance with the order—

“(a) Will be broadly representative of groups and bodies concerned with the conduct of education in New Zealand and the outcomes of educational research; and

“(b) Will include distinguished New Zealand Educators.”

(2) The Education Amendment Act 1990 is hereby consequentially amended by replacing so much of the Second Schedule as relates to section 21 of the principal Act.

PART V

AMENDMENTS TO PRIVATE SCHOOLS CONDITIONAL INTEGRATION ACT 1975

44. Part to be read with Private Schools Conditional Integration Act 1975—This Part of this Act shall be read together with and deemed part of the Private Schools Conditional Integration Act 1975* (hereafter in this Part of this Act referred to as the principal Act).

*R.S. Vol. 26, p. 747

45. Assistance to Proprietors—Section 42 of the principal Act is hereby amended by repealing subsection (2).

PART VI

AMENDMENTS TO EDUCATION LANDS ACT 1949

46. Part to be read with Education Lands Act 1949—This Part of this Act shall be read together with and deemed part of the Education Lands Act 1949* (hereafter in this Part of this Act referred to as the principal Act).

*R.S. Vol. 6, p. 237

47. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Minister”, and inserting, in their appropriate alphabetical order, the following definitions:

“ ‘Minister’ means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:

“ ‘Ministry’ means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:

“ ‘Secretary’ means the chief executive of the Ministry:”.

48. Minister may declare land to be no longer needed for educational purposes—The principal Act is hereby amended by inserting, after section 5, the following section: 5

“5A. (1) The Minister may from time to time, by notice in the *Gazette*, declare any Crown land to be no longer needed for educational purposes. 10

“(2) Where, immediately before the publication of a notice under **subsection (1)** of this section, any Crown land to which the notice relates was held—

“(a) For education or educational purposes; or

“(b) For, or for the purpose or purposes of, a school or other educational institution (whether or not any particular school or institution); or 15

“(c) For any purpose related to or connected with a school or other educational institution (whether or not any particular school or institution); or 20

“(d) For any similar purpose,—
on the publication of the notice the land shall cease to be so held.

“(3) Nothing in **subsection (2)** of this section limits or affects any provision of— 25

“(a) The Land Act 1948; or

“(b) The Treaty of Waitangi Act 1975; or

“(c) The Public Works Act 1981.

49. Leasing of certain school sites and other lands—
(1) Section 6 of the principal Act is hereby amended by repealing subsections (1) (as amended by section 142 (2) of the Education Act 1989) and (2), and substituting the following subsections: 30

“(1) Subject to **subsection (1A)** of this section, any Board in which a school site is vested may let— 35

“(a) The whole site, if it is not used for the purposes of a school; or

“(b) Any part of the site that is not needed for the purposes of the school using the site, in any other case.

“(1A) The Board shall not let any site or part of a site under **subsection (1)** of this section except— 40

“(a) With the earlier written consent of the Secretary; and

“(b) Upon and subject to terms and conditions specified in the consent.

5 “(1B) The Secretary shall not consent to the letting of any site or part of a site under **subsection (1)** of this section unless satisfied on reasonable grounds that its use (under a lease containing the terms and conditions specified) for the purposes for which it is to be let—

“(a) Is in the public interest; and

10 “(b) Either—

“(i) Will bring no significant educational disadvantage (or no educational disadvantage at all) to any school concerned, and will bring benefits to a school or schools concerned or to its or their community; or

15 “(ii) Will bring the school or schools concerned educational benefits that outweigh any educational disadvantages.

20 “(1C) Subject to **subsection (1D)** of this section, where any school site is Crown land, the Minister may let any part of it that is not needed for the purposes of the school using it.

“(1D) The Minister shall not let any part of a site under **subsection (1C)** of this section unless satisfied on reasonable grounds that its use (under a lease containing the terms and conditions specified) for the purposes for which it is to be let—

25 “(a) Is in the public interest; and

“(b) Either—

“(i) Will bring no significant educational disadvantage (or no educational disadvantage at all) to any school concerned, and will bring benefits to a school or schools concerned or to its or their community; or

30 “(ii) Will bring the school or schools concerned educational benefits that outweigh any educational disadvantages.

35 “(1E) The Secretary may from time to time (whether before or after the execution of the lease) agree in writing with the Board of any school concerned that the Board should receive all or a specified part or proportion of the rent paid under a lease under this section; and in that case the Board shall receive rent accordingly.”

40 (2) The said section 6 is hereby consequentially amended by repealing subsection (5), and substituting the following subsection:

45 “(5) Subject to **subsection (1E)** of this section, all money received by way of rent under any lease under this section of a

school site or part of a school site shall, as soon as conveniently may be, be paid into the Ministry's Departmental Bank Account.

(3) Subsection (6) of the said section 6 (as added by section 3 of the Education Lands Amendment Act 1956) is hereby amended— 5

(a) By omitting the words "the Board of a high school or an Education Board", and substituting the words "any Board"; and

(b) By omitting the words "or of the Board", and "or the Board, as the case may be". 10

(4) Subsection (7) of the said section 6 (as added as aforesaid) is hereby amended—

(a) By omitting the words "or of the Board, as the case may be"; and 15

(b) By repealing the proviso.

50. Disposal of revenue received for licences—The principal Act is hereby amended by repealing section 6E (as inserted by section 4 of the Education Lands Amendment Act 1975), and substituting the following section: 20

"6E. (1) The Secretary may from time to time (whether before or after the giving of the licence or permit) agree in writing with the Board concerned that the Board should receive all or a specified part or proportion of the payments made under a licence or permit under this Act; and in that case the Board shall receive payment accordingly. 25

"(2) Subject to subsection (1) of this section, all payments received under any licence or permit shall, as soon as conveniently may be, be paid into the Ministry's Departmental Bank Account." 30

SCHEDULES

FIRST SCHEDULE

Section 34

CONSEQUENTIAL AMENDMENTS

Enactment	Amendment
1983, No. 46—The Civil Defence Act 1983	<p>By repealing paragraphs (a) and (b) of the definition in section 2 of the term “organisation”, (as amended by section 15 of the Broadcasting Amendment Act (No. 2) 1988 and section 142 (2) of the Education Act 1989), and substituting the following paragraphs:</p> <p>“(a) Any Board of Trustees constituted under Part IX of the Education Act 1989;</p> <p>“(b) The governing body of any institution within the meaning of section 159 of the Education Act 1989.”.</p>
1990, No. 60—The Education Amendment Act 1990	<p>By omitting from the item in the Sixth Schedule relating to the Education Amendment Act (No. 2) 1987 the word “Second”.</p> <p>By omitting from the item in the Seventh Schedule relating to regulation 16 (1) (a) of the Education (Secondary Instruction) Regulations 1975 the expression “(iii)”, and substituting the expression “(ii)”.</p>
1987, No. 174—The Local Government (Official Information and Meetings) Act 1987	<p>By omitting from Part I of the Second Schedule (as substituted by section 7 (1) of the Local Government (Official Information and Meetings) Amendment Act 1991) the expressions “Education Boards” and “Secondary Schools Councils”.</p>

Section 35

SECOND SCHEDULE
REGULATIONS REVOKED

Title	<i>Gazette</i> Reference or Statutory Regulations Serial Number
Regulations Relating to Exchange of New Zealand Teachers with Teachers from Another Part of the British Empire	<i>Gazette</i> 1934, Vol. III, p. 3534
The Education (Salaries and Staffing) Regulations 1957	1957/119
The Kindergarten Regulations 1959	1959/200
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 1	1960/112
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 2	1961/54
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 4	1965/161
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 5	1966/46
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 6	1967/25
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 8	1968/22
The Technical Institutes Regulations 1968	1968/108
The Education (Teachers' House Occupancy) Regulations 1968	1968/137
The Technical Institutes Regulations 1968, Amendment No. 1	1971/192
The Technical Institutes Regulations 1968, Amendment No. 2	1972/29
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 11	1972/175
The Private School Grants Regulations 1973	1973/32
The Technical Institutes Regulations 1968, Amendment No. 3	1975/67
The Free Textbooks in Schools Regulations 1975	1975/81
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 14	1976/304
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 15	1977/149
The Free Textbooks in Schools Regulations 1975, Amendment No. 1	1977/228
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 16	1977/332
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 18	1979/284
The United World Colleges Scholarship Regulations 1982	1980/102

SECOND SCHEDULE—continued
REGULATIONS REVOKED—*continued*

Title	<i>Gazette</i> Reference or Statutory Regulations Serial Number
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 19 ..	1981/10
The Technical Institutes Regulations 1968, Amendment No. 5 ..	1981/131
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 20 ..	1981/159
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 21 ..	1981/271
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 22 ..	1982/5
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 23 ..	1984/27
The United World Colleges Scholarship Regulations 1980, Amendment No. 1	1984/154
The Technical Institutes Regulations 1968, Amendment No. 6 ..	1984/99
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 24 ..	1984/283
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 25 ..	1985/227
The Private School Grants Regulations 1973, Amendment No. 1 ..	1986/86
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 26 ..	1986/156
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 27 ..	1986/269
The Technical Institutes Regulations 1968, Amendment No. 7 ..	1986/305
The United World Colleges Scholarship Regulations 1980, Amendment No. 3	1987/71
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 28 ..	1987/174
The Technical Institutes Regulations 1968, Amendment No. 8 ..	1987/344
The Education (Salaries and Staffing) Regulations 1957, Amendment No. 29 ..	1988/260
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