

# NEW ZEALAND COUNCIL FOR EDUCATIONAL RESEARCH BILL

## EXPLANATORY MEMORANDUM

THE New Zealand Council for Educational Research was established in 1934. The Council has hitherto been almost entirely dependent on funds provided by the Carnegie Corporation of New York. The Corporation made two grants to the Council, each of \$87,500, the first in 1933 and the second in 1938. Each grant was intended to cover a period of five years; and the last of the yearly instalments of the second grant was received by the Council in 1942.

The present constitution of the organization provides for local institutes for educational research in each of the four chief cities. These institutes meet to discuss educational topics, and they advise the Council on applications for research grants. The Council itself consists of seven members, four of whom are elected by the local institutes and three of whom are co-opted. The Council has an office in Wellington and a small permanent staff. Much of its work, however, is carried out by part-time investigators, usually persons actively engaged in education, to whom grants-in-aid are made.

The Council's main function is the fostering of serious studies of education in New Zealand and the publication of reports on such work. To date over thirty reports have been published, consisting, for the most part, either of surveys of particular parts of the New Zealand education system or of accounts of educational experiments of unusual interest or importance. One investigation, a study of the problem of entrance to the university, was carried out at the request of the University of New Zealand; other investigations—for example, a study of vocational guidance and a survey of the Feilding Community Centre—were initiated at the suggestion of the Education Department.

The functions of the Council are, however, not confined to its research activities. The Council's office provides an information service for inquirers both from within New Zealand and from overseas, and the Council has sometimes taken the initiative in calling conferences on matters of national importance. In 1943, for instance, it arranged and financed an informal Dominion conference on the training of social workers. Again, the Council has acted as financial administrator of the Carnegie Museums Trust, which has sponsored a series of educational experiments in museums.

When the Council was established it was understood that if the organization justified its existence efforts would be made in due course to secure local financial support for it. Recognizing the value of the work done under the auspices of the Council, and the need for its continuance in the future, the Government appropriated £200 in the financial year 1944-45, and £3,000 in the present year, to enable the Council to carry on its activities on an undiminished scale. As the Council still has unexpended funds from its grants from the Carnegie Corporation it will not be wholly dependent on State assistance for some years.

The purpose of this Bill is to give the Council statutory recognition. The provisions of the Bill are acceptable to the Council and, for the most part, were actually suggested by it. It will be noted that it is proposed that the Council should remain under independent control, but with a modified constitution providing for an electorate composed of the persons and organizations most directly concerned with educational research.

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,*

*23rd November, 1945*

*Hon. Mr. Mason*

NEW ZEALAND COUNCIL FOR EDUCATIONAL RESEARCH

ANALYSIS

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A BILL INTITULED

AN ACT to provide for the Incorporation and Reconstitution of the New Zealand Council for Educational Research, and to define its Powers and Functions. Title.

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

1. This Act may be cited as the New Zealand Council for Educational Research Act, 1945. Short Title.

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- Interpretation. 2. In this Act, unless the context otherwise requires,—  
“ Council ” means the New Zealand Council for Educational Research constituted under this Act:  
“ Electoral College ” means the Electoral College constituted under this Act: 5  
“ Financial year ” means a year ending on the thirty-first day of March:  
“ Minister ” means the Minister of Education.

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- Incorporation of Council. 3. (1) There is hereby constituted for the purposes of this Act a body corporate under the name of the New Zealand Council for Educational Research, having perpetual succession and a common seal, and being capable of holding real and personal property and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer. 15

- See Reprint of Statutes, Vol. I, p. 774 (2) The Council shall be deemed to be the same body corporate as the New Zealand Council for Educational Research incorporated under the Religious, Charitable, and Educational Trusts Act, 1908, having been originally constituted by the Trustees of the Carnegie Corporation of New York at a meeting of the Board of Trustees held on the nineteenth day of October, nineteen hundred and thirty-three. 25

- (3) On the passing of this Act the Council shall be deemed to have ceased to be incorporated under the Religious, Charitable, and Educational Trusts Act, 1908, and the Registrar of the Supreme Court at Wellington shall amend his records accordingly. 30

- 1934, No. 17 (4) The Council is hereby declared to be a local authority for the purposes of the Local Authorities (Members' Contracts) Act, 1934.

- Constitution of Council. 4. (1) The Council shall consist of—  
(a) One member to be appointed by the Governor-General on the recommendation of the Minister: 35  
(b) Six elective members to be appointed by the Governor-General on election in the prescribed manner by the Electoral College. 40

(2) The Council itself may from time to time if and when it thinks fit appoint one additional person to be a member of the Council (hereinafter referred to as the co-opted member).

5 (3) Any person, except a person in the full-time employment of the Council, shall be eligible to be a member of the Council.

(4) The members of the Council in office on the passing of this Act shall continue to hold office until  
10 the first members appointed by the Governor-General come into office.

5. (1) Except as otherwise provided in this Act, every member of the Council except the co-opted member shall be appointed for a term of four years, commencing on the first day of October in the year of his appointment, and any member may from time to time be reappointed.

Term of office  
of members of  
Council.

(2) Notwithstanding anything to the contrary in this Act, every member of the Council except the co-opted member, unless he sooner vacates his office, shall continue to hold office until his successor comes into office.

(3) Every co-opted member shall retire on the first date after his appointment on which any other member  
25 of the Council goes out of office by reason of effluxion of time, but may be reappointed.

(4) With respect to the first elective members of the Council the following provisions shall apply:—

(a) They shall come into office on a day to be  
30 specified in the instrument by which they are appointed:

(b) Three of those members shall retire on the thirtieth day of September, nineteen hundred and forty-seven, and the other three members  
35 shall retire on the thirtieth day of September, nineteen hundred and forty-nine:

(c) The members so to retire on the thirtieth day of September, nineteen hundred and forty-seven, shall be determined by agreement of the six members or, failing agreement, shall  
40 be determined by lot.

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Extraordinary  
vacancies.

6. (1) Any member of the Council may at any time resign his office by writing addressed to the Council, and in such case, or in the case of the death or disqualification of any member of the Council, the vacancy shall as soon as practicable thereafter be filled by the appointment of a new member in the manner in which the vacating member was appointed: 5

Provided that it shall not be necessary for the Council to fill a vacancy caused by the death or resignation or disqualification of any co-opted member. 10

(2) Any person appointed to fill any vacancy under this section shall hold office only for the remainder of the term for which his predecessor was appointed.

(3) The powers of the Council shall not be affected by any vacancy in the membership thereof. 15

Chairman and  
Deputy  
Chairman.

7. (1) At the first meeting of the Council held after the first members of the Council appointed under this Act come into office, and at the first meeting of the Council held after the first day of October in the year nineteen hundred and forty-six and in each succeeding year, the Council shall appoint a Chairman and a Deputy Chairman. 20

(2) Any person appointed as the Chairman or Deputy Chairman shall hold office, while he continues to be a member of the Council, until the appointment of his successor in accordance with this section, and may be reappointed. 25

Meetings of  
Council.

8. (1) Meetings of the Council shall be held at such times and places as the Council determines.

(2) The Chairman of the Council or any four members thereof may at any time call a special meeting of the Council. 30

(3) At any meeting of the Council four members shall form a quorum.

(4) All questions before the Council shall be decided by a majority of the valid votes recorded thereon: 35

Provided that a resolution signed by all the members of the Council for the time being in New Zealand shall have the same effect as a resolution duly passed at a meeting of the Council. 40

(5) The Chairman shall preside at all meetings of the Council at which he is present.

(6) In the absence of the Chairman from any meeting of the Council, the Deputy Chairman, if present, shall preside. In the absence from any meeting of both the Chairman and the Deputy Chairman, 5 the members present shall appoint one of their number to be the Chairman of that meeting.

(7) At any meeting of the Council the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

10 *Functions and Powers of Council*

9. The functions of the Council shall be—

Functions of Council.

(a) To foster the study of, and research into, educational and other like matters in New Zealand, and to prepare and publish such reports on these matters as may in its opinion be necessary or of value to teachers or other persons:

(b) To furnish information, advice, and assistance to persons and organizations concerned with education and other similar matters.

20 10. The Council shall have the following powers:—

Powers of Council.

(a) To expend funds for any of the purposes specified in section *nine* hereof in such manner as, subject to the terms of any trust or endowment, the Council thinks fit:

25 (b) To make grants to any approved person or persons to assist him or them to make studies or investigations approved by the Council:

(c) To appoint officers and other servants and to pay them such remuneration as may be appropriate:

(d) To appoint honorary officers from among its own members:

30 (e) To appoint committees of its members and to delegate to them such functions as it may determine:

(f) To expend any moneys and generally take any action for any purpose that in its opinion is ancillary to the principal functions of the Council as defined in section *nine* hereof.

35 40 11. The Council may, in any financial year, expend out of its general fund for purposes not authorized by this or any other Act any sum or sums not amounting in the whole to more than fifty pounds.

Unauthorized expenditure.

*Electoral College*Electoral  
College.

12. (1) For the purposes of this Act there shall be an Electoral College which shall comprise all persons whose names are enrolled on an electoral roll to be compiled and kept by such officer of the Council in such form and in such manner as may be prescribed by rules made under this Act or as the Council from time to time directs. 5

(2) The following persons shall be entitled to have their names enrolled on the roll of the Electoral College, namely:— 10

- (a) Every Professor of Education of a constituent college of the University of New Zealand:
- (b) Every Principal of a State Teachers' Training College in New Zealand: 15
- (c) The persons holding office as members of the New Zealand Council for Educational Research on the passing of this Act:
- (d) Five officers of the Education Department nominated by the Director of Education: 20
- (e) Every person resident in New Zealand who is the author or one of the authors of any volume published by the New Zealand Council for Educational Research in its "Research" series or "Studies in Education" series: 25
- (f) Two persons nominated by the Senate of the University of New Zealand:
- (g) One person nominated by the Professorial Board of the Auckland University College:
- (h) One person nominated by the Professorial Board of the Victoria University College: 30
- (i) One person nominated by the Professorial Board of the Canterbury University College:
- (j) One person nominated by the Professorial Board of the University of Otago: 35
- (k) One person nominated by the Professorial Board of the Massey Agricultural College:
- (l) One person nominated by the Professorial Board of the Canterbury Agricultural College: 40
- (m) Six persons nominated by the Executive Committee of the New Zealand Educational Institute (Registered):
- (n) Three persons nominated by the Executive Committee of the New Zealand Secondary Schools Association (Incorporated): 45

- (o) Three persons nominated by the Executive Committee of the New Zealand Technical School Teachers' Association (Registered):
- 5 (p) Three persons nominated by the Auckland Institute for Educational Research:
- (q) Three persons nominated by the Wellington Institute for Educational Research:
- (r) Three persons nominated by the Canterbury Institute for Educational Research:
- 10 (s) Three persons nominated by the Otago Institute for Educational Research:
- (t) Three persons nominated by the Executive Committee of the New Zealand Education Boards' Association:
- 15 (u) Two persons nominated by the New Zealand Technical Education Association:
- (v) One person nominated by the Executive Committee of the Association of the Heads of the Registered Secondary Schools of New Zealand (Incorporated):
- 20 (w) Two persons nominated by any body that may be recognized by the Council as representing all secondary school Boards of Governors in New Zealand:
- 25 (x) Two persons nominated by any body or bodies that may be recognized by the Council as having for their main function the promotion of adult education:
- 30 (y) Two persons nominated by any body or bodies that may be recognized by the Council as representing pre-school educational services:
- (z) Two persons nominated by any body or bodies that may be recognized by the Council as having for their main function the promotion of physical welfare or education:
- 35 (aa) One person nominated by any body that may be recognized by the Council as representing the teachers employed in registered private primary schools:
- 40 (bb) One person nominated by any body or bodies that may be recognized by the Council as representing the controlling authorities of registered private schools.

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(3) The electoral roll shall be conclusive evidence that any person whose name appears thereon is a duly qualified member of the Electoral College.

(4) No person shall have more than one vote in any election by reason of the fact that he may be entitled to have his name enrolled on the electoral roll in respect of more than one qualification. 5

(5) The nominated members of the Electoral College shall be enrolled for a term of two years, but may from time to time be renominated. 10

(6) Any nominated member may at any time resign his office by writing addressed to the Council, and in any such case, or in the case of his death, the vacancy shall as soon as practicable after the resignation or death be filled by the authority that nominated the member whose office has become vacant. 15

(7) Any person nominated to fill any such vacancy shall hold office only for the remainder of the term for which his predecessor was appointed.

*Miscellaneous* 20

Contracts of Council.

**13.** (1) Any contract which if made between private persons must be by deed shall, when made by the Council, be in writing under the common seal of the Council.

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith may, when made by the Council, be in writing signed by any person acting on behalf of and under the express or implied authority of the Council. 25 30

(3) Any contract which if made between private persons may be made verbally without writing may, when made by the Council, be made verbally without writing by any person acting on behalf of and under the express or implied authority of the Council. 35

(4) The common seal of the Council shall not be affixed to any document except pursuant to a resolution of the Council, and the execution of any document so sealed shall be attested by two members of the Council.

Annual grant to Council.

**14.** For the purpose of providing funds for the exercise of the Council's functions, the Minister of Finance shall in the financial year ending on the thirty- 40

first day of March, nineteen hundred and forty-six, and in every financial year thereafter, pay to the Council, out of moneys appropriated by Parliament for the purpose, such sum as the Minister of Finance  
5 may approve.

15 **15.** For the purpose of providing funds for the exercise of the Council's functions, any local authority or public body, or, with the prior approval of the Minister, any Board controlling a public school, a  
20 secondary school, a technical school, or a combined school may in any financial year, out of its general funds, make a grant to the Council of such amount as it thinks fit.

Local authorities may contribute to Council's funds.

15 **16.** All moneys received by the Council shall be forthwith paid into an account in the Council's name at such bank as the Minister of Finance from time to time directs. No moneys shall be drawn out of the bank except by authority of the Council. All cheques  
20 on the Council's account shall be signed by the Treasurer or other officer of the Council appointed for the purpose, and countersigned either by a member of the Council authorized by the Council from time to time to countersign cheques or by another officer of the Council so authorized.

Payment of Council's moneys into bank, and mode of withdrawal.

25 **17.** The Council shall not borrow any moneys or mortgage or charge any of its property except with the precedent consent in writing of the Minister of Finance.

Restriction of Council's borrowing-powers.

30 **18.** Subject to the terms of any trust or endowment, any moneys belonging to the Council that are not immediately required for expenditure by the Council may be invested in any manner in which trustees are for the time being authorized to invest trust funds.

Investment of moneys.

35 **19.** (1) The Council shall keep full and correct accounts of all moneys received and expended by it, and the accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act, 1926, in respect of public moneys and the audit of local  
40 authorities' accounts.

Audit of Council's accounts.

(2) The Council shall, as soon as possible after the end of every financial year, cause the accounts of the Council for that financial year to be balanced and full

See Reprint of Statutes, Vol. VII, p. 10.

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and true statements and accounts of all the moneys received and expended by the Council during that year, and of the assets and liabilities of the Council at the end of that year, to be prepared and submitted to the Audit Office.

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Annual report to Minister.

20. (1) The Council shall, not later than the thirtieth day of June in every year, furnish to the Minister a report of its proceedings and operations for the preceding financial year, together with a copy of its accounts for that year certified by the Audit Office.

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(2) A copy of the report and of the accounts so certified shall be laid before Parliament.

Service under Council deemed to be Education service.

See Reprint of Statutes, Vol. VII, p. 559

21. For the purposes of the Public Service Superannuation Act, 1927, service as a permanent or temporary officer or servant of the Council shall be deemed to be Education service within the meaning of Part IV of that Act:

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Provided that, except in the case of a contributor to the Public Service Superannuation Fund or to the Teachers' Superannuation Fund who is first employed by the Council after the passing of this Act, no person who is employed by the Council either on the passing of this Act or at any time thereafter shall be entitled to become a contributor to the Teachers' Superannuation Fund except with the consent of the Teachers' Superannuation Fund Board and on such conditions as the Board, having due regard to the interests of the Fund, determines.

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Travelling-expenses of members of Council.

Serial number 1941/149

22. The members of the Council shall be paid out of the funds of the Council travelling allowances and expenses in accordance with the Travelling-allowance Regulations 1941. All allowances and expenses required under those regulations to be specified in special regulations may be prescribed by rules made under this Act and approved by the Minister of Finance.

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Rules.

23. (1) The Council may from time to time, by resolution, make rules not inconsistent with this Act for all or any of the following purposes, namely:—

(a) Regulating the proceedings of the Council and the conduct of meetings thereof:

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(b) Prescribing the method of election of members of the Council and matters incidental thereto:

- (c) Prescribing the form and manner of compiling and keeping the electoral roll of the Electoral College:
- 5 (d) Providing for the custody of the property of the Council, and the custody and use of the common seal of the Council:
- (e) Prescribing the duties of officers and other servants:
- 10 (f) Prescribing the travelling allowances and expenses to be paid to members of the Council as provided in section *twenty-two* hereof:
- (g) Providing for the establishment of local branches to be known as Institutes for the furthering of the work of the Council and prescribing such other matters as may be necessary for the efficient functioning of the Institutes:
- 15 (h) Such other purposes as may be deemed necessary or expedient for duly carrying out the work of the Council.
- 20 (2) Notice of every resolution proposed to be submitted to any meeting for the making, amendment, or revocation of any such rules as aforesaid shall be given
- 25 to every member of the Council not less than fourteen clear days before the day fixed for the meeting.