



**THE EDUCATION BOARDS ADMINISTRATION
REGULATIONS 1965**

H. E. BARROWCLOUGH, Administrator of the Government
ORDER IN COUNCIL

At the Government House at Wellington this 18th day of August 1965

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to the Education Act 1964, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Education Boards Administration Regulations 1965.

(2) These regulations shall come into force on the date to be appointed for the commencement of the Education Act 1964 by the Governor-General by Proclamation.

(3) These regulations are divided into Parts, as follows:

Part I —Preliminary.

Part II —Division of education districts into wards.

Part III—Election of members of Education Boards.

Part IV—Conduct of Board business.

Part V —Accounts of Boards.

PART I—PRELIMINARY

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Education Act 1964:

“Board” means the Education Board of any education district constituted under the Act:

“District” means an education district constituted under the Act.

PART II—DIVISION OF EDUCATION DISTRICTS INTO WARDS

3. The Board of each district shall from time to time, when it thinks fit or when so directed by the Minister, cause the district to be divided into wards as hereafter provided in these regulations.

4. The number of wards into which each district shall be so divided shall be as follows:

- (a) In a district in which there are more than 250 State primary schools (including intermediate schools) that are under the control of the Board on the determining date immediately preceding the division, there shall be 14 wards or such other number of wards (being not less than 12 nor more than 16) as the Board from time to time, with the approval of the Minister, may determine:
- (b) In a district in which there are more than 200 and not more than 250 such schools on the determining date immediately preceding the division, there shall be 12 wards or such other number of wards (being not less than 10 nor more than 14) as the Board from time to time, with the approval of the Minister, may determine:
- (c) In a district in which there are more than 150 and not more than 200 such schools on the determining date immediately preceding the division, there shall be 10 wards or such other number of wards (being not less than eight nor more than 12) as the Board from time to time, with the approval of the Minister, may determine:
- (d) In a district in which there are not more than 150 such schools on the determining date immediately preceding the division, there shall be eight wards or such other number of wards (being not less than six nor more than 10) as the Board from time to time, with the approval of the Minister, may determine.

5. For the purposes of regulation 4 of these regulations,—

- (a) In any education district except a newly constituted district for which the first election of Board members has not been held, the first day of February in every year in which an ordinary election of Board members is held shall be the determining date:
- (b) In the case of newly constituted districts the first day of February in each year shall be the determining date.

6. In dividing its district into wards the Board shall ensure that the members to represent the wards have as nearly as possible equal responsibilities, having regard to the number and the grades of the State primary schools (including intermediate schools) under the control of the Board, and the geographical grouping of the schools within the district, and shall also ensure that no ward has more than four times as many schools as any other ward in the district.

7. (1) The Board may from time to time—

- (a) Combine into a group of wards any two or more wards which form one continuous area:
 - (b) Re-establish any ward included in a combined group of wards as a separate ward.
- (2) The Board shall assign a name to each ward, and may assign a name to any combined group of wards.

8. Where part of any education district has been included in a new education district, the Board of the original district shall (as soon as practicable after the date of the constitution of the new district) make a fresh division of its district into wards.

PART III—ELECTION OF MEMBERS OF EDUCATION BOARDS

9. (1) Except as provided in regulation 10 of these regulations,—

- (a) On the third Wednesday in July of the year 1966 and in every second year thereafter, an election of members of every Board shall be held to fill the vacancies in wards and combined groups of wards arising from the retirement of members in that year in accordance with paragraph (b) of this subclause, and the members so elected shall take office on the second Wednesday in August after their election:
- (b) On the second Wednesday in August in the year 1966 and in every second year thereafter, half of the members on each Board, and all the members who do not represent any ward or combined group of wards in the district shall retire, but shall be eligible for re-election to represent any ward or combined group of wards in respect of which a vacancy exists:

Provided that every member who represents any ward or combined group of wards shall continue in office until his successor comes into office.

(2) The members to retire following any election shall be those who have served longest on the Board without re-election:

Provided that, as between members who have served for the same period without re-election, those to retire may be determined by a unanimous decision of the members present at a meeting of the Board, and (if not so determined) those to retire shall be determined by lot by the Chief Executive Officer of the Board at a meeting of the Board not later than two months before the date of the election at which vacancies are to be filled.

10. Where a new education district is constituted,—

- (a) The first election of members of the Board of the district shall be held on such date, being not later than one year after the date of the constitution of the new district, as the Minister may appoint by notice in the *Gazette*; and the members then elected shall come into office on such date, being not later than one year after the date of the constitution of the new district, as the Minister may in like manner appoint:
- (b) Subsequent elections of members of the Board shall be held as provided in regulation 9 of these regulations:

Provided that no subsequent election of members of the Board shall be held within one year after the date of the first election of members of the Board.

11. In the case of every extraordinary vacancy, the election shall be held on a date to be fixed by the Board, being not later than the fiftieth day after the date on which the vacancy occurs.

12. (1) Where any redivision of a district into wards is made after the first election of members of the Board for the district which is held after the commencement of these regulations (whether or not the re-division is consequential on the inclusion of part of the district in a new district)—

- (a) The members of the Board shall continue in office until their terms expire or are determined as hereafter provided in this regulation:

(b) The Board shall forthwith determine which of the reconstituted wards or combined groups of wards (if any) each member of the Board is to represent:

(c) If the number of wards in the district is increased on the redivision, the vacancies on the Board which arise in consequence shall be deemed to be extraordinary vacancies and shall be filled accordingly:

Provided that they shall not be filled without the consent of the Minister if the redivision of the district is made less than six months before the date of the next ordinary election of Board members for the district:

(d) If the number of wards in the district is reduced on the redivision, the members of the Board who cease to represent any ward or combined group of wards shall nevertheless continue to be members of the Board until the date on which members elected at the first ordinary election of members of the Board which is held thereafter come into office, and they shall then go out of office:

Provided that if the place of any such member of the Board becomes vacant the vacancy shall not be filled:

Provided also that, where the redivision is consequential on the inclusion of part of the district in a new district, any member to whom this paragraph applies shall go out of office forthwith on being appointed or elected as a member of the Commission or Board of the new district.

(2) Where two or more wards are combined to form a group of wards after the first election of members of the Board for the district which is held after the commencement of these regulations, the members who represent those wards shall thereafter represent the combined group of wards.

(3) Where any ward which has been included in a combined group of wards is re-established as a separate ward after the first election of members of the Board which is held after the commencement of these regulations, the Board shall forthwith determine which of the members who represent the combined group of wards is to represent the separate ward.

Manner of Election of Members

13. Except as otherwise provided in regulation 12 of these regulations, the member or members to represent any ward or combined group of wards on any Board shall be elected, in accordance with the provisions of these regulations, by—

(a) The members of the Committees, and the Commissioners (if any) appointed under the Act, of the State primary schools (including intermediate schools) that are under the control of the Board and are within the ward or combined group of wards; and

(b) The members of the special Committees appointed under section 53 of the Act of the secondary schools that are under the control of the Board and are within the ward or combined group of wards.

14. Every person so entitled to vote in respect of the election of the member or members to represent any ward or combined group of wards shall, in respect of each capacity in which he is entitled to vote, have as many votes as there are vacancies to be filled, but he shall not give more than one vote to any one candidate in respect of each such capacity.

15. For the purpose of every election of a member or members of a Board, the Chief Executive Officer of the Board shall be the Returning Officer.

16. The Chairman or Secretary of every School Committee within an education district shall, on being requested to do so, furnish the Returning Officer for that district with a list of the members of the Committee. The Returning Officer shall, from the lists so supplied together with the names of the Commissioners (if any) appointed under the Act for school districts within the education district and of members of special Committees appointed under section 53 of the Act for secondary schools under the control of the Board, compile a roll of electors (hereinafter referred to as a voting list) for each ward which does not form part of a combined group of wards, and for each combined group of wards, within the education district. Every such voting list shall at all reasonable times be open for inspection by any person concerned.

17. The Returning Officer shall from time to time add to the lists the names of all persons who become entitled to be enrolled thereon, and shall remove therefrom the names of all persons who cease to be so entitled:

Provided that the validity of any election shall not be questioned on the ground that a name wrongly appears in a list or has been omitted therefrom.

18. The voting lists shall be closed at five o'clock on the afternoon of the day on which nominations close, and shall remain closed until the election is completed.

19. Any person entitled to vote in the election may, by notice addressed to the Returning Officer and posted or delivered so as to reach the Returning Officer not less than seven days before the date on which the lists are so closed, object to any voting list on some specified ground, and the Returning Officer shall forthwith after the receipt of any such objection inquire into and dispose of the objection.

20. (1) Not later than 38 days before the date of the election the Returning Officer shall, by advertisement in a newspaper circulating in the district, notify the number of vacancies, the date on which nominations will close, and the date on which the election will be held.

(2) Nominations shall close at five o'clock on the afternoon of the twenty-first day before the date of the election.

(3) No person shall be eligible as a candidate for election unless he is nominated in writing by at least two electors, and the nomination paper, bearing the candidate's consent in writing, is received by the Returning Officer before the nominations are closed.

21. (1) If the number of duly nominated candidates is less than or equal to the number of persons to be elected, the Returning Officer shall declare that those candidates have been duly elected.

(2) If the number of duly nominated candidates exceeds the number of persons to be elected, then not later than the fourteenth day before the date of the election the Returning Officer shall, by advertisement in a newspaper circulating in the district, notify—

- (a) The number of members to be elected;
- (b) The full name of every duly nominated candidate; and
- (c) The day on which the elections will be held, and the hour at which the poll will be closed.

22. In every case in which a ballot is necessary the Returning Officer shall, immediately after the nominations are closed, have printed a sufficient number of voting papers in the form set out in the Schedule hereto. The whole number of voting papers for an election of members of any Education Board shall be numbered consecutively, commencing at number one, irrespective of the several wards or combined groups of wards within the education district.

23. (1) The Returning Officer shall, as soon as practicable, forward to the Chairman of each School Committee and of each special Committee (being a special Committee appointed under section 53 of the Act for the control of a secondary school) in the ward or in the combined group of wards (as the case may be) for which the ballot is to be taken one voting paper for each member of the Committee, together with an envelope addressed to the Returning Officer at the office of the Board and having marked thereon the words "Voting Paper".

(2) The Chairman of the Committee shall thereupon post or deliver a voting paper to each member of the Committee, and shall record or cause to be recorded in the Committee's minute book, and produce at the first meeting of the Committee thereafter, a list of the members, showing the number of the voting papers sent to each. This list shall be regarded as confidential, and shall not be made use of for any purpose whatever other than for the purposes of an official inquiry into any irregularities connected with the election.

(3) Where Commissioners have been appointed under the Act for any school district in the ward or in the combined group of wards (as the case may be) for which the ballot is to be taken, the Returning Officer shall also forward such a voting paper and envelope to every such Commissioner.

24. For the purpose of recording his vote at an election under these regulations, the voter shall draw a line through the name of every candidate for whom he does not intend to vote. He shall then enclose his voting paper in the envelope supplied, and shall post or deliver it to the Returning Officer.

25. The voting paper, if delivered to the Returning Officer, shall be delivered at the office of the Board before the day of the election, or not later than five o'clock in the afternoon on the day of the election, and, if posted to him, shall be posted to him not later than that day.

26. The poll shall close at five o'clock in the afternoon of the day of the election; but all voting papers shall be included and counted which are received in ordinary course of post before the close of the sixth day after the day of the election and are enclosed in envelopes bearing the postmark of a day not later than the day of the election.

27. A voting paper shall be informal in any of the following cases:

- (a) If it is not in conformity with these regulations:
- (b) If the candidates whose names are left uncanceled exceed the total number for which the elector has the right to vote in the capacity in which he is voting:
- (c) If the name of the elector is signed or otherwise marked thereon:
- (d) If the elector votes more than once at the same election in respect of any capacity in which he is entitled to vote:
- (e) If, being delivered to the Returning Officer, it is not delivered before the close of the poll:
- (f) If, being posted to the Returning Officer, it does not reach him before the close of the sixth day after the day of the election, or if the envelope containing it does not bear the postmark of the day of the election or of a previous day.

28. (1) Each candidate may, by writing under his hand, appoint one scrutineer to be present at the examination of the voting papers for the ward or combined group of wards for which he is a candidate for election.

(2) Nomination papers and voting papers for the purpose of the election shall be in conformity with the requirements of these regulations.

29. On the seventh day after the day of the election the Returning Officer shall open and examine all the voting papers duly delivered to him, or received by him through the post as aforesaid, and, after rejecting all informal voting papers, shall ascertain the candidates (not exceeding the total number to be elected) who have received the greatest number of votes in each ward or combined group of wards, and shall, by notice exhibited in the office of the Board, declare those candidates to be elected as members of the Board for the several wards and combined groups of wards.

30. (1) The Returning Officer shall, immediately after counting the votes, seal up all voting papers, and transmit the whole to the Clerk of the nearest Magistrate's Court, who shall keep the same for six months thereafter, and shall not open or permit to be opened any such packet except on the order of some Court of competent jurisdiction, and shall at the end of six months effectually destroy the same.

(2) Every person who, save on the order of any such Court or as provided by subclause (1) of this regulation, opens any such packet or destroys any of the contents thereof commits an offence and is liable on summary conviction to a fine not exceeding £5.

31. If by reason of an equality of votes given for two or more candidates the election is not complete, the Returning Officer shall complete the election by lot in such manner as the Board directs.

32. Forthwith after the completion of the election the Returning Officer shall notify in the *Gazette* and also by advertisement in a newspaper published in the district, the names of the persons elected for each ward and for each combined group of wards, the number of valid votes recorded for each candidate, the total number of valid votes recorded, and the total number of votes rejected as informal.

33. (1) At every election the Returning Officer and every scrutineer shall, before entering on their respective duties, make and sign a declaration in the following form:

I, A.B., Returning Officer for the election of members of the Education Board (*or* scrutineer for C.D., a candidate for the present election of members of the Education Board), do solemnly declare that I will, to the best of my skill and judgment, faithfully and impartially perform the duties of my said office, and will not, directly or indirectly, disclose any fact coming to my knowledge at that election the disclosure of which is declared by these regulations, to be an offence.

A.B.,
Returning Officer (*or* Scrutineer).

Declared and signed before me at this day of 19.....

E.F.,
Justice of the Peace; *or* Solicitor.

(2) Every Returning Officer or scrutineer who makes known the state of the poll, or gives or pretends to give any information by which the state of the poll may be known, before the final declaration thereof by the Returning Officer, or who makes known for which candidate any voter has voted commits an offence and is liable on summary conviction to a fine not exceeding £5.

34. If any dispute or question arises with respect to the regularity of the election of any member of an Education Board, it shall be determined by a Magistrate in the manner provided by sections 66 to 77 of the Local Elections and Polls Act 1953, and the provisions of those sections, and also the provisions of sections 99 and 100 of the said Act, shall with the necessary modifications apply in respect of every such election.

PART IV—CONDUCT OF BOARD BUSINESS

35. The powers given to Boards by the Act shall be exercised at meetings convened in accordance with the Act, at which meetings three members shall be a quorum.

36. (1) Every Board shall at its first meeting after the first and every ordinary election of members, or as soon thereafter as conveniently may be, elect one of its number to be Chairman, and may, if it so wishes, elect one of its number to be Deputy Chairman.

(2) At every meeting of the Board at which the Chairman is to be elected the Chief Executive Officer of the Board shall preside for the purposes of the election of the Chairman, but shall not vote, and in the event of an equality of voting he shall determine the election by lot.

(3) Every question before any meeting of the Board shall be determined by a majority of the votes of the members present and voting thereon.

(4) The Chairman shall have a deliberative vote, and, in case the votes are equal, shall also have a casting vote.

(5) No resolution or decision come to at any meeting of a Board shall be revoked or altered at any subsequent meeting of the Board within 12 months from the date of the passing thereof, unless notice of the intention to propose the revocation or alteration has been given at a

previous meeting of the Board, and has been made known by the circular convening the meeting, addressed to each member of the Board at his usual or last known place of address.

(6) If the Chairman is absent from any meeting or there is no Chairman, the Deputy Chairman (if any) shall preside, and if he also is absent or there is no Deputy Chairman, the members present shall elect one of their number to preside in his stead at the meeting, and the Deputy Chairman or presiding member shall have the same power at the meeting as the Chairman.

(7) If the Chairman from any cause ceases to be a member of the Board or resigns the office of Chairman, the Board shall, as soon thereafter as conveniently may be, elect another member of the Board to be Chairman in his stead.

37. Minutes of the proceedings of every Board shall be regularly entered in a book to be kept for that purpose, and at every meeting of the Board the minutes of the preceding meeting shall be presented for confirmation by resolution of the Board, and signed by the Chairman of the meeting at which they are confirmed; and the minutes when so signed shall for all purposes be held to be a true statement and record of the proceedings of the Board.

PART V—ACCOUNTS OF BOARDS

38. (1) There shall be a special fund for each purpose for which grants or other moneys are received by the Board.

(2) The Board may, as it thinks fit, transfer any amount from the General Fund into any special fund, but may not transfer any amount from any special fund to any other special fund or to the General Fund.

(3) Out of any credit balance for the time being in any fund, the Board may establish one or more reserve funds for the replacement cost of assets. The money credited to any such reserve fund shall be deposited in a separate bank account or otherwise specially invested.

Teachers' Salaries Account

39. (1) The money for the time being in any Teachers' Salaries Account kept by a Board shall be available in accordance with this regulation for the payment of the salaries and allowances of teachers and other persons employed by the Board in connection with the schools under its control.

(2) All money payable out of the Public Account to any Board to enable it to pay such salaries or allowances may, at the request of the Board, be paid into the appropriate Teachers' Salaries Account, or, if paid into its Education Board Account, may be transferred by the Board to the appropriate Teachers' Salaries Account.

(3) Any money for the time being standing to the credit of any Board in a Teachers' Salaries Account may be withdrawn by the persons severally entitled thereto in accordance with advice furnished to the bank by the Board.

(4) All such money shall be withdrawn only by special cheques to be provided by the Board for the purpose. Every such cheque shall be signed by the person entitled to receive the payment to which the

cheque relates, and, if the Board so requires, shall be countersigned by the Head Teacher or Principal of the School or other person authorised by the Board to countersign the cheques. Any money in a Teachers' Salaries Account that is not duly withdrawn in accordance with this subsection may be at any time transferred by a Board to its Education Board Account.

(5) For the purposes of this regulation the term "school" includes a teachers college, and the term "teacher" includes a person undergoing a course of training at or in connection with a teachers college.

40. The Education Board Elections Regulations 1954* are hereby revoked.

SCHEDULE

FORM OF VOTING PAPER

Consecutive No.

Voting Paper for Use at Election to be held on the Day of 19..... of Member(s) of the Education Board of the District of for the Ward (or the Combined Group of Wards)

Candidates

[Set out in alphabetical order of surnames the full name of every duly nominated candidate.]

Directions

The number of candidates to be elected is [*Specify the number*].

The voter must draw a line through the name of every candidate for whom he does not intend to vote, and the number of candidates whose names are left uncanceled must not exceed the total number of candidates to be elected.

The voting paper must be posted or delivered to the Returning Officer in a closed envelope, bearing on the outside the word "Voting paper".

The voting paper, if delivered to the Returning Officer, shall be delivered at the office of the Board before the day of the election, or not later than five o'clock in the afternoon on the day of the election; and, if posted to him, shall be posted to him not later than the day of the election.

T. J. SHERRARD,
Clerk of the Executive Council.

*S.R. 1954/80

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations relate to the division of education districts into wards, the election of members of Education Boards, the conduct of Education Board business, and the accounts of Education Boards. They are to come into force when the Education Act 1964 comes into force.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 August 1965.

These regulations are administered in the Department of Education.