



**THE EDUCATION (COMMITTEES OF MANAGEMENT)
REGULATIONS 1981**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 20th day of
January 1981

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

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

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Education (Committees of Management) Regulations 1981.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

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

“The Act” means the Education Act 1964:

“Board” means—

(a) In relation to a school, the Board that controls that school; and

(b) In relation to a committee, the Board that controls the school over which it has delegated powers to that committee:

“Committee” means a committee established under these regulations and, in relation to any school, means a committee to which the Board that controls that school has delegated powers in respect of that school:

“Election year” means 1980 or any year that is 3 years after an election year:

“Local authority” means a territorial authority within the meaning of the Local Government Act 1974:

“School” means a secondary school, and, in relation to a committee, means a school in respect of which the Board that controls that school has delegated powers to a committee.

PART I

ESTABLISHMENT OF COMMITTEES

3. Constitution of committees—(1) Every committee shall be constituted by the Board by notice in the *Gazette*, which shall specify its membership.

(2) Every committee shall comprise—

(a) One member appointed by the Board; and

(b) One member elected by the teachers of the school; and

(c) Five members elected by the parents of students attending the school; and

(d) Such number (being not less than 2 nor more than 4) of additional members, and of such of the following classes of member, as the Board thinks fit:

(i) Members appointed by the Board:

(ii) Members elected by the parents of students attending the school:

(iii) Members co-opted by the committee:

(iv) Members appointed by the local authority of any specified district, or jointly by the local authorities of any specified districts, in which students attending the school reside:

(v) Members appointed by the School Committee of any specified State primary school at which students attending the school have been enrolled.

4. Eligibility for membership—No person shall be eligible to be a member of a committee unless he has attained the age of 18 years and is not—

- (a) A mentally disordered person within the meaning of the Mental Health Act 1969; or
- (b) A bankrupt who has not obtained his discharge or whose discharge is for the time being suspended or subject to conditions not yet fulfilled; or
- (c) A person convicted of an offence punishable by imprisonment who has neither received a free pardon, nor served his sentence or otherwise suffered the penalty imposed on him, in respect of that offence; or
- (d) Except in the case of a member elected by the teachers of the school, a person who receives any fees, salary, or other remuneration as an employee of the Board.

5. Elected members—(1) Subject to regulation 7 of these regulations, every elected member of a committee shall be elected after the 31st day of May in an election year and before the following 24th day of July.

(2) The following provisions shall apply to the election of a member of a committee by the teachers of the school:

- (a) The Board shall fix a time and date for the election and the returning officer shall give the Principal of the school at least 3 weeks' written notice of that time and date:
- (b) As soon as is practicable after the receipt of that notice, the Principal shall give each teacher of the school notice of that time and date:
- (c) The election shall be held on the premises of the school and conducted by the returning officer:
- (d) At the election the returning officer shall call for nominations; and any teacher of the school may nominate any other such teacher:
- (e) Where only 1 teacher is nominated, he shall be deemed to be elected:
- (f) Where more than 1 teacher is nominated, the returning officer shall conduct such written ballot as he thinks fit:
- (g) Where 1 nominee receives more votes in the ballot than any other nominee, he shall be deemed to be elected:
- (h) Subject to paragraph (i) of this subclause, where 2 or more nominees each receive the highest number of votes, the returning officer shall conduct a further ballot among them:
- (i) Where in any ballot all the nominees receive the same number of votes, there shall be deemed to have been elected—
 - (i) The nominee unanimously agreed by those nominees; or
 - (ii) Failing agreement, the nominee selected by the returning officer by lot.

(3) Subject to subclause (4) of this regulation, regulation 7 of the Secondary School Boards Administration and Employment Regulations 1965, so far as it is applicable and with the necessary modifications, shall apply to the election of members by the parents of students attending a school as if a committee were the Board of Governors of a secondary school.

(4) The returning officer for the election of a member shall be an officer of the Board for the time being appointed returning officer by the Board or, where for the time being no such person is appointed, the principal administrative officer of the Board.

6. Appointed members—(1) Subject to regulation 7 of these regulations, every appointed member shall be appointed after the 31st day of May in an election year and before the following 24th day of July.

(2) A member appointed by a Board or a single local authority shall be appointed by resolution of that Board or authority.

(3) A member appointed jointly by more than 1 local authority shall be appointed by a resolution of each such authority.

(4) Every such resolution shall be notified to the Board by the principal administrative officer of the local authority concerned.

7. Extraordinary vacancies—(1) Any member of a committee may by writing under his hand to the Secretary of the Board resign his office.

(2) Where any member of a committee (other than a co-opted member) dies, resigns his office, or becomes ineligible to be a member of the committee, or is absent without leave from meetings of the committee for 3 consecutive months, he shall be deemed to have vacated his office, and every such vacancy shall be deemed to be an extraordinary vacancy.

(3) Every extraordinary vacancy shall be filled in the same manner as the member vacating office was elected or appointed.

8. Tenure of office—(1) Subject to subclause (2) of this regulation, unless he sooner vacates his office, every member of a committee shall go out of office on the 31st day of July in the triennial election year next following the date of his election or appointment, but shall be eligible for re-election or reappointment.

(2) Except in the case of a co-opted member, where, at the time a member of a committee would otherwise go out of office under subclause (1) of this regulation, the committee has not been notified of the election or appointment of his successor, he shall continue in office until the committee is so notified.

PART II

FUNCTIONS OF COMMITTEES

9. Exercise of powers of Board by committee—(1) There shall be exercised and carried out by a committee all the powers and functions of a Board relating to—

- (a) The keeping of the school buildings in good order and repair:
- (b) The cleaning of the school buildings:
- (c) The heating of the school:
- (d) The making of arrangements for the provision of an efficient sanitary service for the school:
- (e) The maintenance in good condition of the grounds, fences, and gates of the school:
- (f) The safeguarding of the physical health of the students at the school:
- (g) The promotion of habits of order and tidiness among the students at the school.

(2) Subject to the directions of the Board and the provisions of the Act and any other enactment, a committee shall have the function of expending funds provided by the Board for the purposes of the school.

(3) A committee shall have and may exercise such other powers, duties, and functions, in respect of the school, and subject to such terms and conditions, as the Board thinks fit.

10. Relationship between Principal and committee—Where there has been delegated to a committee any power, function, or duty, then in respect of that power, function, or duty—

(a) The committee shall have the same powers over and duties towards the Principal; and

(b) The Principal shall have the same duties towards the committee—

as if that committee were the Board and that power, function, or duty had been retained by the Board.

PART III

ADMINISTRATION OF COMMITTEES

11. Chairman—(1) From time to time, as the office becomes vacant, every committee shall appoint a Chairman from among its members (other than the member elected by the teachers of the school).

(2) Every Chairman shall hold office until the triennial election next following his appointment, or until he ceases to be a member of the committee, whichever is the sooner; but if the Chairman remains or again becomes a member of the committee, he shall be eligible for reappointment.

12. Secretary—(1) From time to time, as the office becomes vacant, every committee shall appoint some suitable person (whether or not he is a member of the committee) to be the Secretary of the committee.

(2) Every Secretary shall, unless he sooner resigns that office, hold office at the will of the committee.

(3) No Secretary who is a member of the committee of which he is Secretary shall be paid any remuneration or honorarium in respect of his services.

13. Meetings—The following provisions shall apply to meetings of committees:

(a) At least 3 days' notice of each meeting shall be given to all members:

(b) The first meeting of a committee after a triennial election shall be held at such time within one month of that election as the Board thinks fit:

(c) Meetings of a committee shall thereafter be held at intervals of not more than 3 months:

(d) Subject to paragraphs (a) to (c) of this regulation, meetings of a committee shall be held at such times as the committee, its Chairman, or any 5 members, decide:

(e) The Chairman of a committee shall preside at every meeting of the committee at which he is present:

- (f) Where the Chairman of a committee is not present at a meeting, there shall preside one of the members of the committee present at the meeting (other than the member elected by the teachers of the school) elected by a majority of those members:
- (g) A majority of the members of a committee for the time being holding office shall constitute a quorum:
- (h) The Chairman or other member presiding at a meeting of a committee shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote:
- (i) Every question before a committee shall be decided by a majority of the votes validly cast by members present at that meeting.

14. Minutes—(1) The Secretary of a committee shall take and enter into or affix in a book kept by him for the purpose, minutes of the proceedings of the committee.

(2) At each meeting of a committee, the minutes of the preceding meeting shall be presented for confirmation by resolution of the committee, and signed by the person presiding at that meeting; and the minutes when so signed shall for all purposes be held to be a true statement and record of the proceedings of the committee.

15. Failure of committee to meet—Where a committee for any cause fails within 3 months of any meeting to hold a further meeting, that committee shall be deemed to have been dissolved.

PART IV

RESTRICTIONS ON POWERS OF COMMITTEES

16. Indebtedness—(1) No committee shall have the power to borrow any money.

(2) No committee shall have the power to incur any debt that exceeds the available funds of the committee appropriated for the purpose of its payment.

17. Consent of Board needed in certain cases—No committee shall have the power, without the written consent of the Board,—

- (a) To lease or agree to lease any land:
- (b) To erect, or enter into any contract or agreement for the erection of, any building or other permanent structure:
- (c) To do, or enter into any contract or agreement for the doing of, any of the following things:
 - (i) Alter in level any part of the school grounds:
 - (ii) Carry out any asphaltting or concrete work:
 - (iii) Carry out any major work of a permanent nature:
 - (iv) Make any structural alteration to any part of the school buildings or grounds:
- (d) To cut down any tree or hedge.

PART V

GENERAL

18. Financial provisions of Secondary School Boards Administration and Employment Regulations 1965 to apply—Where, pursuant to section 53 of the Act, a Board has delegated the financial control of a school to a committee, those provisions of the Secondary School Boards Administration and Employment Regulations 1965 that relate to the preparation of financial returns and the maintenance of reserves and funds shall, so far as they are applicable and with the necessary modifications, apply to that committee as if it were the governing body of that school.

19. Dissolution of committees—(1) Where a school comes under the control of its own Board of Governors, any committee established in respect of it shall thereupon be deemed to have been dissolved.

(2) A Board that is the governing body of a school may at any time by resolution dissolve any committee established in respect of it.

(3) Upon the dissolution of a committee,—

(a) Its former members shall take all such steps as may be necessary to deliver up to the governing body of the school, all money, property, and records relating to the school and held by them or within their control; and

(b) In the case of a school whose governing body continues to be an Education Board, all the property and money vested in the committee shall thereupon become vested in that Board.

P. G. MILLEN,

Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations provide for the establishment of committees of management for secondary schools by Education Boards that are the controlling authorities of those schools, and prescribe the rights and duties of committees so established.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 January 1981.

These regulations are administered in the Department of Education.