



**THE EDUCATION (COMMITTEES OF MANAGEMENT)
REGULATIONS 1981, AMENDMENT NO. 2**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 9th day of April 1984

Present:

THE RIGHT HON. SIR ROBERT 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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Education (Committees of Management) Regulations 1981, Amendment No. 2, and shall be read together with and deemed part of the Education (Committees of Management) Regulations 1981* (hereinafter referred to as the principal regulations).

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

2. Constitution of committees—(1) Regulation 3 (1) of the principal regulations is hereby amended by adding the words “and, except where a committee is being reconstituted, shall also specify either the day on which or the days between which elected and appointed members are to be elected and appointed”.

(2) Regulation 3 (2) (d) (v) of the principal regulations is hereby amended by adding the words “, or appointed jointly by the Committees of 2 or more such schools”.

3. Creation of wards—The principal regulations are hereby amended by inserting, after regulation 3, the following regulation:

“3A. The Minister may, if the Board and committee concerned agree, require the members of a committee elected by the parents of students attending the school to be elected in respect of wards; and in that case, the following provisions shall apply:

“(a) The Board shall ensure that no such parent residing within the Education District concerned is disenfranchised as a result of the creation of the wards concerned:

“(b) Subject to paragraph (a) of this regulation, the Board may create such number of wards, of such sizes and shapes, and defined in such way, as it thinks fit:

“(c) The Board shall specify in respect of each ward created the number of members of that committee to be elected by parents residing within that ward:

“(d) In creating wards under paragraph (b) of this regulation and specifying numbers under paragraph (c) of this regulation, the Board shall, so far as is reasonably practicable, maintain similar proportions of parents in each ward:

“(e) The provisions of these regulations relating to the election of parent representatives to Committees shall, so far as they are applicable and with any necessary modifications, apply to the election of parent representatives from each ward.”

4. Elected members—(1) Regulation 5 (1) of the principal regulations is hereby amended by adding the words “(or, in the case of a newly constituted committee, on the day or between the days specified in the notice constituting it)”.

(2) Regulation 5 (2) (a) of the principal regulations is hereby amended by inserting, after the word “election”, the words “, and appoint a returning officer (who shall not be a teacher employed at the school);”.

(3) Regulation 5 (2) of the principal regulations is hereby amended by revoking paragraphs (f) to (i), and substituting the following paragraph:

“(f) Where more than 1 teacher is nominated, there shall be conducted by the returning officer such ballots, and in such manner, as the Board, with the approval of the Minister, determines.”

(4) Regulation 5 (3) of the principal regulations is hereby amended by omitting the words “regulation 7”, and substituting the words “regulations 7 and 7A”.

(5) Regulation 5 (4) of the principal regulations is hereby amended by inserting, after the word “member”, the words “by the parents of students attending the school”.

5. Appointed members—Regulation 6 (1) of the principal regulations is hereby amended by adding the words “(or, in the case of a newly constituted committee, on the day or between the days specified in the notice constituting it)”.

6. Extraordinary vacancies—Regulation 7 of the principal regulations is hereby amended by revoking subclause (3), and substituting the following subclauses:

“(2A) On the occurrence of an extraordinary vacancy for a parents’ representative, the Board may by resolution determine that that vacancy should be filled—

“(a) By election in the required manner; or

“(b) Subject to subclause (2C) of this regulation, by the appointment by the Board of a person qualified to be so elected.

“(2B) Where the Board determines to fill a vacancy under subclause (2A) (b) of this regulation it shall, within 14 days after so determining, cause notice of that vacancy and its determination to be published in a newspaper circulating in the locality of the school concerned, and shall not fill that vacancy by appointment until after one month from the date of the publication of the advertisement, or if within that month more than 10 percent of the parents of pupils entitled to vote in an election to fill that vacancy have requested that a poll of electors be held.

“(2C) The Board shall not fill by appointment more than one casual vacancy for a parents’ representative at any time, nor more than 3 such vacancies in any one term of office of the committee.

“(3) Every extraordinary vacancy caused by the vacation of office of a member who is not a parents’ representative shall be filled by the election or appointment of a new member in the manner in which the vacating member was elected or appointed.”

7. Failure to elect or appoint—The principal regulations are hereby amended by inserting, after regulation 7, the following regulation:

“7A. If any member is not duly elected or, as the case requires, appointed on the day, or between the days, required by these regulations, the Secretary of the Board shall so inform the Minister who may—

“(a) Fill the vacancy concerned by appointing any person eligible to be elected or appointed to it; or

“(b) In the case of a vacancy required to be filled by appointment, extend the time within which an appointment may be made, and inform the body charged with making the appointment of the extension; and in that case,—

“(i) If that body makes an appointment within that extended time, that appointment shall have effect accordingly; and

“(ii) If it does not, the Minister may fill the vacancy under paragraph (a) of this subclause.”

8. Secretary—Regulation 12 (3) of the principal regulations is hereby amended by adding the words “; and if the Principal is appointed Secretary he shall not receive any additional remuneration by virtue of that appointment”.

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 make miscellaneous amendments to the Education (Committees of Management) Regulations 1981, which relate to the committees established in respect of secondary schools controlled by Education Boards.

The principal amendments allow parent representatives to be elected by a ward system, provide for the establishment of committees at times other than those specified for the regular triennial elections, and provide for the filling of certain extraordinary vacancies on committees.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 12 April 1984.

These regulations are administered in the Department of Education.