

1975/81



THE FREE TEXTBOOKS IN SCHOOLS REGULATIONS 1975

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 21st day of April 1975

Present:

THE RIGHT HON. W. E. ROWLING 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.

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REGULATIONS

1. Title—These regulations may be cited as the Free Textbooks in Schools Regulations 1975.

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

“Board”, in relation to a State school, means the Education Board, Board of Governors, Secondary Schools Council, or other governing body of the school; and, in relation to a private school, means all persons who have the control and management of the school, whether they have a proprietary interest or not:

“Director-General” means the Director-General of Education:

“Minister” means the Minister of Education:

“Private school” means a private primary school, or a private secondary school, registered or deemed to be registered under section 186 of the Education Act 1964:

“School” means a State school or a private school:

“State school” means a primary or secondary school established or deemed to be established under Part III of the Education Act 1964:

“Textbooks” means books used by pupils for the study of subjects included in their curriculum; and includes dictionaries, atlases, spelling lists, song books, cookery books, and such other classes of books, other than books of religious instruction, as may be approved from time to time by the Director-General.

3. Grants for the purchase of textbooks—(1) In respect of each year ending with the 31st day of January, cash grants may be paid, out of money appropriated by Parliament for the purpose, to the Boards of schools for the purchase of textbooks to be lent to pupils in those schools in accordance with the conditions set out in these regulations.

(2) Notwithstanding anything in subclause (1) of this regulation, the Director-General may, in accordance with regulation 14 of these regulations, make an assessment of the likely roll of any school and authorise the advance payment, out of money appropriated by Parliament for the purpose, of a grant before the commencement of the school year in respect of which the grant is payable.

(3) Notwithstanding anything in regulation 2 of these regulations, with the approval of the Director-General in each case, grants made under these regulations may be used for the purchase of any cinematograph film, photograph, or record, within the meaning of the Copyright Act 1962 but not including any film, photograph, or record by way of religious instruction, for loan by a Board to a pupil; and with the necessary modifications the provisions of these regulations shall apply to those materials as if they were textbooks.

4. Amount of grants—The basis of calculating the amount of any grant payable under these regulations shall be determined from time to time jointly by the Minister and the Minister of Finance by notice in the *New Zealand Education Gazette*.

5. List of recommended textbooks—The Director-General may issue each year to the controlling authority of each school a list of the textbooks he recommends for use in schools.

6. Selection of textbooks—Subject to the general supervision of the Board of each school, textbooks shall be selected and purchased by the principal of the school after consultation with an Inspector of Schools. In making his selection the principal shall have regard to any list of textbooks recommended by the Director-General and the most effective manner of implementing the curriculum.

7. Duties of Inspectors of Schools—Inspectors of Schools shall advise principals on the selection of the most suitable textbooks and on the effective expenditure of the grant, and in the reports on their inspections shall include comment on those matters.

8. Textbooks to be secular—(1) No books of religious instruction may be purchased from any grant made under these regulations.

(2) No library book may be purchased from any grant made under these regulations.

9. Property in textbooks—Subject to regulation 15 of these regulations, the property in all textbooks purchased by a Board in whole or in part from grants made under these regulations shall remain in the Board. The Board shall ensure that the name of the Board and that of the school concerned are indelibly marked on the cover or on the flyleaf or other suitable page of each book.

10. Pupils to be responsible for care of textbooks—Every pupil who has the loan of a textbook shall be responsible for its custody and good condition. If any textbook while on loan to a pupil is, because of the neglect or other default of the pupil, lost, destroyed, or so damaged as to render it unsuitable for further use, the Board to which the textbook belongs may refuse to replace it until its current value has been paid to the Board. It shall be the responsibility of the principal of the school at which the pupil attends to determine the liability of the pupil and the value of the book, but if the pupil is dissatisfied with the decision of the principal he may appeal to the Board to which the book belongs. The decision of the Board on any appeal shall be final. If the pupil does not pay the current value of the book the Board may retain sufficient money from any deposit it requires to be made by the pupil under regulation 12 of these regulations to meet that value.

11. Repair and maintenance of textbooks—Boards may expend out of grants made under these regulations sufficient money to maintain textbooks in good repair and condition. When a textbook is damaged because of the neglect or other default of the pupil the Board to which the book belongs may retain the cost of repair from any deposit it requires to be made under regulation 12 of these regulations.

12. Board may charge a deposit—(1) A Board may, as a condition of the loan of a textbook to a pupil, require that the pupil pay to the Board a deposit not exceeding \$10 for each book so lent. The deposit shall be banked and held to the credit of the pupil in a separate textbooks deposit account.

(2) Notwithstanding the return of the book, the deposit may be credited by the Board towards further deposits which may be required of the pupil during the same year or subsequent years of the pupil's education under that Board. All deposits shall be refunded in full on the final return of all books lent to the pupil during the course of his education under the Board, less any amount retained to replace any book under regulation 10, or to repair any book under regulation 11, of these regulations. Any deposit retained under this regulation shall be credited by the Board to the school account showing the receipt of grants made under these regulations.

(3) A deposit that is not collected on the return of all books lent to a pupil shall form part of the revenue of the Board, and where a valid claim is subsequently made for the deposit it shall be met from general revenue.

13. Calculation of number of pupils on roll—(1) If any grant under these regulations is to be calculated on a basis of the number of pupils attending school, the number shall be computed as follows:

- (a) In the case of primary schools, the number of pupils on the roll of the school on the 30th day of September of the year in respect of which the grant is made:
- (b) In the case of secondary schools, the number of pupils on the roll of the school on the 1st day of March of the year in respect of which the grant is made:
- (c) In the case of a newly opened school, the number of pupils on the roll of the school on the day on which the school opens.

(2) When a grant is paid before the beginning of the school year for which it is calculated, it shall be calculated on the basis of an estimate by the Director-General of what the number of pupils on the school roll will be on the relevant date specified in subclause (1) of this regulation. When the actual number of pupils on the school roll is established in accordance with subclause (1) of this regulation, any variation between the grant paid and the grant to which the school would have been entitled on the actual number of pupils shall be taken into account in calculating the grant for the next succeeding year.

14. Accounting for grants—(1) Each Board which controls a State school shall keep accounts in the manner required by the Education Act 1964 showing fully the true disposition of grants made under these regulations.

(2) Each Board which controls a private school shall—

- (a) Keep accounts in a manner approved by the Director-General showing fully the true disposition of grants made under these regulations. Accounts shall be available for inspection by any officer of the Department of Education approved for the purpose by the Director-General:
- (b) Cause the accounts of grants made under these regulations to be balanced at a date each year approved by the Director-General, and a statement of accounts to be prepared in a manner approved by the Director-General showing figures of receipts and expenditure of money granted under these regulations.

(3) Each Board shall maintain in the manner required by the Director-General an inventory of textbooks acquired wholly or partly from money granted under these regulations.

(4) The accounts mentioned in subclause (1) of this regulation shall be audited in the manner provided for by the Education Act 1964 and the regulations made under that Act.

(5) The accounts and statements mentioned in subclause (2) of this regulation shall be audited by a chartered accountant and shall in each case be accompanied by the report of the auditor. A true copy of the accounts and statements and the report of the auditor on them shall be sent by the Board to the Director-General by a date to be approved by the Director-General.

15. Disposal of textbooks—Where any textbooks have been acquired wholly or partly by money granted under these regulations, if the school is thereafter closed, or if (according to the report of an Inspector of

Schools or of an officer approved under paragraph (a) of subclause (2) of regulation 14 of these regulations) the textbooks are no longer required or are to be otherwise replaced or disposed of for school or teaching purposes, the textbooks shall be disposed of in a manner approved by the Director-General who shall take into account that the textbooks have been acquired wholly or partly by money granted under these regulations.

16. Disposal of grant money on closure of school—In the event of a school being closed any unexpended money granted in respect of the school under these regulations shall be paid into the Public Account.

17. Minister may direct grants to cease—The Minister may direct that the payment to any Board of any grant under these regulations shall cease immediately or be abated to any degree that he determines if he is satisfied that the Board has failed to comply with any provision of these regulations.

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 are made pursuant to section 203 of the Education Act 1964 (as amended by section 10 of the Education Amendment Act 1965). The principal effect of the regulations is to provide for the making of grants for the provision of free textbooks (including cinematograph films, photographs, or records) in State and private schools within the meaning of these regulations. No book of religious instruction or library book may be purchased from any grant under the regulations. The basis of calculating any grant payable under the regulations is to be determined from time to time jointly by the Minister of Education and the Minister of Finance. The property in the textbooks bought by a Board from a grant remains in the Board until the textbooks are no longer required, at which time they are to be disposed of in a manner approved by the Director-General who is to take into account that the textbooks have been acquired wholly or partly from a grant. The Minister of Education may direct the payment of a grant to any Board to cease or be abated if he is satisfied that the Board has failed to comply with any provision of the regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 April 1975.

These regulations are administered in the Department of Education.