

Serial Number, **1951/128**

**THE TEACHERS' LEAVE OF ABSENCE REGULATIONS 1951**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 30th day of  
May, 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Education Act, 1914, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Teachers' Leave of Absence Regulations 1951.

2. (1) In these regulations, unless the context otherwise requires,—  
“Board” means an Education Board, a Secondary School Board, a Technical School Board, a Combined School Board, or a free kindergarten association :

“Service” means full time employment as a teacher under a Board or under a University college or agricultural college, or full time employment in any branch of the Government service or as a teacher in a school in Fiji, Cook Islands, Tonga, or Western Samoa ; and includes service as a member of the Forces as defined in the Education (Salaries and Staffing) Regulations 1948\* :

“Teacher” means a teacher, instructor, or lecturer ; and includes a teacher in training and a kindergarten trainee ; but does not include a teacher to whom these regulations do not apply by reason of subclause (2) of this regulation.

(2) Nothing in these regulations shall apply to any teacher who is for the time being employed in the Public Service under the provisions of the Public Service Act, 1912 :

Provided that the Public Service Commission may, by notice in the *Gazette*, direct that these regulations shall apply to any such teacher or class of teachers to such extent as is specified in the notice.

GENERAL PROVISIONS AS TO LEAVE OF ABSENCE

3. (1) Except as provided in subclause (2) of this regulation, a Board may, on application made on any grounds acceptable to the Board, grant leave of absence to a teacher in its employ for a period not exceeding one year or in special circumstances, with the prior approval of the Director of Education, for a period in excess of one year.

(2) A Board shall not grant leave of absence to a training college student, a probationary assistant, or other teacher trainee or a kindergarten trainee for a period in excess of three months without the prior approval of the Director of Education.

\* Statutory Regulations 1948, Serial number 1948/194, page 573.

(3) No salary shall be paid to a teacher who is granted leave of absence under the provisions of this regulation.

4. A Board may grant such leave with full salary as may be necessary to enable a teacher to attend as a member at a meeting of the University Senate, the University Entrance Board, the Government Superannuation Board, a Teachers' Grading Appeal Board, a Primary Teachers' Appeal Board, or as a member of a conference called by the Minister of Education or the Director of Education, or as a candidate to sit for an examination approved for this purpose by the Director of Education.

5. Notwithstanding the provisions of regulation 3 hereof, the following provisions shall apply:—

- (a) A Board may grant leave of absence to a teacher for educational purposes, or for the purpose of visiting schools or educational institutions or for the purpose of representing New Zealand in sport or games on such terms as to payment of salary as are approved by the Minister of Education:
- (b) In special circumstances approved by the Director an application for leave of absence may be granted by a Board for a period not exceeding seven days on such terms as to payment of salary as are approved by the Director of Education:
- (c) A Board may grant leave of absence with full salary to a married woman from her position as a teacher for a period of six weeks before confinement. In addition, payment of salary for the period of six weeks after the date of confinement may be made by the Board if the teacher resumes service within six months after the date of confinement and serves continuously for at least six weeks thereafter.

6. The foregoing provisions of these regulations shall not apply to relieving teachers or supernumerary teachers unless the Director of Education approves of their application to those teachers.

7. The period during which any teacher is on leave of absence shall be computed in such manner as the Director of Education shall determine.

8. Subject to the provisions of these regulations, a Board may make by-laws prescribing the procedure to be followed by applicants for leave of absence and for such other purposes as it may deem necessary for the effectual administration of these regulations.

9. Every Board shall keep such records of the leave of absence granted to teachers under these regulations as may be required by the Director of Education from time to time.

#### SPECIAL PROVISIONS AS TO LEAVE OF ABSENCE ON ACCOUNT OF SICKNESS OR INJURY

10. (1) Where a teacher is granted leave of absence on account of sickness or injury in accordance with the following provisions of these regulations he shall be entitled to full salary for a period or periods not exceeding a total period determined according to the scale set out in the First Schedule to these regulations.

(2) In exceptional circumstances the Director of Education may, on an application being made by a Board on behalf of a teacher, grant leave of absence on account of sickness or injury with salary in excess of the scale set out in the said Schedule.

(3) A Board may grant a teacher who contracts tuberculosis sick leave with full salary for a period of up to six months in addition to any period of leave of absence on account of sickness or injury to which the teacher is entitled with full salary in accordance with the scale set out in the First Schedule hereto if the teacher enters, or is placed on a waiting list for entry to, a recognized institution.

(4) Leave of absence on account of sickness or injury shall not be granted with full salary if the necessity for the leave has arisen through the misconduct of the teacher or through his employment in an occupation other than teaching.

(5) A Board may grant leave of absence on account of sickness or injury to a teacher for a period in excess of three days on an application made in that behalf by the teacher and accompanied by a certificate from a duly qualified medical practitioner stating the nature of the illness or injury and the probable period before the teacher is fit to resume duty.

(6) Notwithstanding the provisions of subclause (5) of this regulation, if a teacher cannot obtain a certificate from a duly qualified medical practitioner a Board may grant leave of absence on account of sickness or injury for a period not exceeding fourteen days if the teacher produces evidence satisfactory to the Board in support of the application.

(7) Leave of absence in excess of fourteen days shall not be granted under this regulation to a teacher in a relieving or supernumerary position except with the approval of the Director of Education.

(8) A Board may at any time during a teacher's absence on account of sickness or injury require the teacher to undergo examination by a medical practitioner and to forward such medical certificates to the Board as it deems necessary.

(9) A Board may delegate to the head teacher in the case of a public school or to the principal in the case of any other school authority to grant leave of absence on account of sickness or injury for a period not exceeding three school days. The head teacher or principal shall immediately report to the Board any leave so granted.

11. In computing for the purposes of the First Schedule hereto the number of days leave of absence taken by any teacher on account of sickness or injury, all leave of absence granted on account of sickness or injury for a period or periods not in excess of two years in the aggregate shall, with the approval of the Director of Education, be disregarded if—

- (a) The sickness can be traced directly to the conditions or circumstances under which the teacher is working ; or
- (b) The injury was suffered by the teacher in the discharge of his duties through no fault of his own ; or
- (c) In the opinion of the Director of Education, the absence was due to war injury or to war service ; or
- (d) The absence was due to the teacher contracting a disease which, in the opinion of the Director of Education was for the time being epidemic, or by reason of the teacher being in contact with a person suffering from such a disease and being required to undergo a period of isolation in accordance with a decision made under regulations administered by the Health Department.

12. A teacher who has been granted leave of absence on account of sickness or injury for more than three months shall not be permitted to resume in his position unless a medical practitioner approved by the Board certifies that he is fit to resume.

13. (1) Leave of absence on account of sickness or injury granted under these regulations during school vacations, statutory holidays, and other holidays approved by the Director shall be disregarded in computing the number of days of sick leave for the purposes of the First Schedule hereto.

(2) Leave of absence on account of sickness or injury taken during a period of service in Fiji, Cook Islands, Tonga, and Western Samoa shall not be reckoned as part of the aggregate leave on account of sickness or injury to which the teacher is entitled under the First Schedule hereto.

14. The total period of leave of absence with full salary to which a teacher is entitled under these regulations on account of sickness or injury shall be computed for the total period of his service :

Provided that after a break in service of two years or more any teacher who resumes teaching in a relieving position shall be entitled to reckon service only from the date of such resumption for the purposes of the First Schedule to these regulations.

15. (1) The regulations specified in the Second Schedule hereto are hereby revoked.

(2) Where leave has been granted under the regulations specified in the Second Schedule hereto on or after the 1st day of February, 1951, and the leave could have been granted under these regulations, it shall be deemed to have been granted under these regulations.

## SCHEDULES

### FIRST SCHEDULE

Total Length of Service.	Total Sick Leave With Full Salary.
Up to 3 months .. .. .	7 days.
From 3 months up to 6 months .. .. .	14 days.
From 6 months up to 9 months .. .. .	31 days.
From 9 months up to 5 years .. .. .	46 days.
From 5 years up to 10 years .. .. .	92 days.
From 10 years up to 20 years .. .. .	154 days.
From 20 years up to 30 years .. .. .	229 days.
From 30 years .. .. .	306 days.

SECOND SCHEDULE  
REGULATIONS REVOKED

1. Regulations made by Order in Council published in the *Gazette* on the 18th day of December, 1924, at page 2957.
2. Part II of the regulations made by Order in Council published in the *Gazette* of the 5th November, 1925, at page 3129.
3. Part II of the Schedule to the regulations made by Order in Council published in the *Gazette* of the 25th March, 1926, at page 714.
4. Part III of the regulations made by Order in Council published in the *Gazette* of the 14th April, 1927, at page 945.
5. Part X of the regulations made by Order in Council published in the *Gazette* of the 15th December, 1927, at page 3671.
6. The Teachers Leave of Absence Regulations, 1924, Amendment No. 5 (Serial number 1938/65).
7. The Teachers' Leave of Absence Regulations, 1924, Amendment No. 6 (Serial number 1938/151).

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

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EXPLANATORY NOTE

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

These regulations consolidate and amend the existing regulations relating to leave of absence for teachers. The only material amendments are as follows :—

- (a) The regulations apply to teachers in free kindergartens :
- (b) All sick leave is to be granted with full salary for a period determined according to the length of service, and no sick leave is to be granted on reduced salary :
- (c) Maternity leave may be granted with full salary :
- (d) In addition to any other sick leave to which the teacher is entitled, leave for a period up to six months may be granted with full salary to a teacher who contracts tuberculosis.

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 31st day of May, 1951.

These regulations are administered in the Department of Education.