

**Reprint  
as at 1 August 2020**



## **Education Act 1964**

Public Act      1964 No 135  
Date of assent      4 December 1964  
Commencement      see section 1(2)

Education Act 1964: repealed, on 1 August 2020, by section 669(3)(a) of the Education and Training Act 2020 (2020 No 38).

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**This Act is administered by the Ministry of Education.**

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*Enrolment and attendance*

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## **An Act to consolidate and amend certain enactments of the Parliament of New Zealand relating to the education of the people of New Zealand**

Title: amended, on 1 January 1987, pursuant to section 29(2) of the Constitution Act 1986 (1986 No 114).

### **1 Short Title and commencement**

- (1) This Act may be cited as the Education Act 1964.
- (2) This Act shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Proclamation.

Section 1(2): this Act brought into force, on 15 October 1965, by clause 2 of the Education Act Commencement Order 1965 (SR 1965/174).

### **2 Interpretation**

- (1) In this Act, unless the context otherwise requires,—

**board** means a board of trustees constituted under Part 9 of the Education Act 1989

**Chief Review Officer** means the chief executive of the Education Review Office

**community college** means an educational institution established under Part 3 to provide continuing education and related advisory and guidance services, and other educational services designed to meet the particular circumstances of the local community

**composite school** means a State school that provides primary education and secondary education

**continuing education** means education, including vocational education, provided for persons who are no longer required to attend school under the provisions of this Act, and who are not, unless otherwise expressly provided for by this Act, enrolled as pupils in any secondary school or department; but does not include education at a university or university college of agriculture or teachers college

**contributing school** means a State primary school that is for the time being established under this Act without provision for classes for pupils of forms 1 and 2 or either of those forms

**correspondence school or correspondence classes** means any school or institution, or any classes, established by the Minister to provide instruction by correspondence

**Department** means the Ministry of Education

**Director-General** means the chief executive of the Ministry of Education

**Disciplinary Board** means the Teachers' Disciplinary Board established by section 158A

**disciplinary offence** means a disciplinary offence specified in section 158(1)

**domestic student**, at any time, means a person who is then—

- (a) a New Zealand citizen; or
- (b) the holder of a residence class visa granted under the Immigration Act 2009; or
- (c) a person of a class or description of persons required by the Minister, by notice in the *Gazette*, to be treated as if they are not foreign students

**education authority** means a body that is an education board, the governing body of a secondary school, technical institute, or community college, a secondary schools council, a teachers college council, or a body declared to be an education authority by the Governor-General by Order in Council

**education centre** means an education centre established under section 107A(1)

**education centre council** means an education centre council constituted under section 107B(2)

**employing authority**, in relation to any teacher, means the education board, board of governors, or other body or person, that controls the kindergarten, school, institute, or college, in which the teacher is employed

**foreign student**, at any time, means a person who is not then a domestic student

**former Education Act** means the Education Act 1914 and its amendments, or any Act thereby repealed, or any Act or Ordinance repealed by any such last-mentioned Act or by any former Education Act

**intermediate department** means a department or division, attached to a secondary school or a district high school, to which are admitted, from 1 or more State primary schools, pupils who belong to the senior division

**intermediate school** means a State primary school to which are admitted, from 1 or more other State primary schools, pupils who belong to the senior division

**kindergarten** means a school or institution providing pre-school education and recognised as a kindergarten in accordance with regulations made under this Act

**kindergarten teacher** means any person engaged in teaching in a kindergarten

**kindergarten trainee** means any person attending a kindergarten training centre for the purpose of being trained as a kindergarten teacher

**Minister** means the Minister of Education

**parent**, in relation to any child, includes the child's guardian, and the householder in whose family the child resides

**playcentre** means a school or institution providing pre-school education and recognised as a playcentre in accordance with regulations made under this Act

**pre-school education** means education for children under the age of 5 years

**prescribed** means prescribed by this Act or by regulations made under this Act

**primary education** means education for pupils in a primary or intermediate school or department

**primary school** means a school providing a 6-year course, or an 8-year course, for pupils entering the school between the ages of 5 and 7 years; and includes such a school which in special circumstances approved by the Director-General also provides continuing education

**property** means real and personal property of every description

**public conveyance** includes any transport approved by the Director-General, whether by railway, bus, ferry, or other means of conveyance, available to children for the purpose of attending school

**public notice** means a notice published in some newspaper circulating in the district, and **publicly notified** means notified by means of a public notice

**registered school** means a school established under Part 3, or a school registered in accordance with section 186

**review officer** means an employee of the Education Review Office, and includes the Chief Review Officer

**salary order** means any decision fixing any salary or salaries in the education service

**school age**, in relation to any child, means any age between the age of 5 years and the age of 15 years or any earlier age at which the child ceases to be required to have his name enrolled on the register of a school in accordance with Part 4; or, in the case of any child who is deemed by the Director-General (after special examination by a medical officer or other officer appointed for the purpose) to require special tuition, between such ages as the Director-General may from time to time determine, but in no case shall any person who has attained the age of 21 years be deemed to be of school age

**school year** means the period of 12 months ending with 27 January in any year

**secondary education** means full-time education for pupils in a secondary school or department or in a secondary private school registered under section 35A of the Education Act 1989

**secondary school or department** means a school or department established, or deemed to have been established, as a secondary school under Part 3, and providing full-time and part-time courses beyond the primary school course, and also, in circumstances approved by the Director-General, continuing education and related guidance services

**secondary teacher** means a teacher classified in accordance with regulations made under this Act as a secondary teacher

**senior division**, in relation to a State primary school, includes such classes or forms therein as may from time to time be prescribed by regulations

**Senior Inspector** or **District Senior Inspector** means an Inspector of Schools appointed under section 7 to discharge the duties of the Senior Inspector of Primary Schools for an education district; and where appropriate, includes an Inspector of Schools so appointed to discharge the duties of the Senior Inspector of Secondary Schools for an area specified by the Director-General

**special education** means education for children who, because of physical or mental handicap or of some educational difficulty, require educational treatment beyond that normally obtained in an ordinary class in a school providing primary, secondary, or continuing education

**State primary school** means any school providing primary education established under Part 3 by an education board; and includes any intermediate school or district high school subject to the control and management of an education board; and also includes a school established under this Act or a former Education Act as a Chatham Islands School

**teacher** means a schoolmaster or schoolmistress, or an assistant schoolmaster or assistant schoolmistress, engaged in teaching or eligible for appointment to a teaching position in any State primary school or correspondence school, or in a teachers college, or in a secondary school, or technical institute or community college, or in an intermediate department, or engaged or eligible to be engaged as a teacher of a special subject (including manual training), or in any specialist training service; and, in sections 157 to 161B, includes a kindergarten teacher, but does not include a probationary assistant, a junior assistant in a Maori school, or a student at a teachers college

**teacher appointed by the Director-General** means a teacher placed under the control of the Director-General by an Order in Council made under section 164

**technical institute** means an educational institution established, or deemed to have been established, as a technical institute under Part 3, and providing continuing education and related advisory and guidance services; and includes any correspondence school so far as it is deemed to be a technical institute within the meaning of that Part

**working day** means a working day within the meaning of the Public Works Act 1981.



- (1A) Except as provided in subsection (1), in this Act, unless the context otherwise requires, words and expressions defined in the Private Schools Conditional Integration Act 1975 shall have the meanings so defined.
- (2) Unless the context otherwise requires, every reference in any other enactment or document existing at the commencement of this Act to—
- (a) the Director of Education shall be read as a reference to the Director-General of Education:
  - (b) a public school shall be read as a reference to a State primary school subject to the control and management of an education board:
  - (c) a technical school, technical high school, or combined school shall be read as a reference to a secondary school:
  - (d) a teachers training college shall be read as a reference to a teachers college.

Compare: 1914 No 56 s 2; 1919 No 29 s 2; 1936 No 44 s 2; 1955 No 87 s 2; 1963 No 27 s 2

Section 2(1) **appointments committee**: repealed, on 1 October 1989, by section 142(1) of the Education Act 1989 (1989 No 80).

Section 2(1) **board**: inserted, on 1 October 1989, by section 142(1) of the Education Act 1989 (1989 No 80).

Section 2(1) **board** or **education board**: repealed, on 1 October 1989, by section 142(1) of the Education Act 1989 (1989 No 80).

Section 2(1) **bylaws**: repealed, on 1 October 1989, by section 142(1) of the Education Act 1989 (1989 No 80).

Section 2(1) **Central Advisory Committee**: repealed, on 1 October 1989, by section 142(1) of the Education Act 1989 (1989 No 80).

Section 2(1) **Chief Review Officer**: inserted, on 1 January 1990, by section 19(1) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **committee** or **school committee**: repealed, on 18 May 1989, by section 24(1) of the School Trustees Act 1989 (1989 No 3).

Section 2(1) **community college**: inserted, on 8 November 1974, by section 2(1) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 2(1) **composite school**: inserted, on 1 November 1976, by section 2(1) of the Education Amendment Act 1976 (1976 No 42).

Section 2(1) **continuation education**: repealed, on 8 November 1974, by section 2(1) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 2(1) **continuing education**: inserted, on 8 November 1974, by section 2(1) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 2(1) **correspondence school** or **correspondence classes**: inserted, on 14 May 2019, by section 17 of the Education Amendment Act 2019 (2019 No 18).

Section 2(1) **correspondence school** or **correspondence classes**: repealed, on 19 May 2017, by section 161(1) of the Education (Update) Amendment Act 2017 (2017 No 20).

Section 2(1) **Department**: substituted, on 1 October 1989, by section 142(1) of the Education Act 1989 (1989 No 80).

Section 2(1) **Director-General**: substituted, on 1 October 1989, by section 142(1) of the Education Act 1989 (1989 No 80).

Section 2(1) **Disciplinary Board**: inserted, on 20 July 1987, by section 26(1) of the Education Amendment Act (No 2) 1987 (1987 No 177).

Section 2(1) **disciplinary offence**: inserted, on 20 July 1987, by section 26(1) of the Education Amendment Act (No 2) 1987 (1987 No 177).

Section 2(1) **district** or **education district**: repealed, on 1 October 1989, by section 142(1) of the Education Act 1989 (1989 No 80).

Section 2(1) **district high school**: repealed, on 1 October 1989, by section 142(1) of the Education Act 1989 (1989 No 80).

Section 2(1) **domestic student**: substituted, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 2(1) **education authority**: inserted, on 23 October 1981, by section 7(2) of the Education Amendment Act 1981 (1981 No 124).

Section 2(1) **education centre**: inserted, on 20 July 1987, by section 9(2) of the Education Amendment Act (No 2) 1987 (1987 No 177).

Section 2(1) **education centre council**: inserted, on 20 July 1987, by section 9(2) of the Education Amendment Act (No 2) 1987 (1987 No 177).

Section 2(1) **employing authority**: inserted, on 20 July 1987, by section 26(1) of the Education Amendment Act (No 2) 1987 (1987 No 177).

Section 2(1) **foreign student**: substituted, on 23 July 1990, by section 19(1) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **further education**: repealed, on 8 November 1974, by section 2(2) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 2(1) **householder**: repealed, on 18 May 1989, by section 24(1) of the School Trustees Act 1989 (1989 No 3).

Section 2(1) **Maori**: repealed, on 1 October 1989, by section 142(1) of the Education Act 1989 (1989 No 80).

Section 2(1) **Maori school**: repealed, on 1 October 1989, by section 142(1) of the Education Act 1989 (1989 No 80).

Section 2(1) **playcentre**: inserted, on 8 November 1974, by section 2(3) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 2(1) **primary school**: substituted, on 8 November 1974, by section 2(4) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 2(1) **private primary school**: repealed, on 21 December 2010, by section 35(2) of the Education Amendment Act (No 3) 2010 (2010 No 134).

Section 2(1) **private school**: repealed, on 21 December 2010, by section 35(2) of the Education Amendment Act (No 3) 2010 (2010 No 134).

Section 2(1) **private secondary school**: repealed, on 21 December 2010, by section 35(2) of the Education Amendment Act (No 3) 2010 (2010 No 134).

Section 2(1) **review officer**: inserted, on 1 January 1990, by section 19(1) of the Education Amendment Act 1989 (1989 No 156).

Section 2(1) **salary order**: substituted, on 1 April 1988, by section 81(1) of the State Sector Act 1988 (1988 No 20).

Section 2(1) **school district**: repealed, on 1 October 1989, by section 142(1) of the Education Act 1989 (1989 No 80).

Section 2(1) **school year**: amended, on 6 December 1983, by section 2(1) of the Education Amendment Act 1983 (1983 No 57).

Section 2(1) **secondary education**: amended, on 21 December 2010, by section 35(3) of the Education Amendment Act (No 3) 2010 (2010 No 134).

Section 2(1) **secondary education**: amended, on 24 November 1967, by section 2 of the Education Amendment Act 1967 (1967 No 136).

Section 2(1) **secondary school or department**: substituted, on 8 November 1974, by section 2(5) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 2(1) **special education**: amended, on 8 November 1974, by section 2(6) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 2(1) **State primary school**: amended, on 3 September 1979, by section 2(2)(b) of the Education Amendment Act 1977 (1977 No 91).

Section 2(1) **teacher**: amended, on 20 July 1987, by section 26(2) of the Education Amendment Act (No 2) 1987 (1987 No 177).

Section 2(1) **teacher**: amended, on 8 November 1974, by section 2(7) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 2(1) **teacher appointed by the Director-General**: substituted, on 1 April 1988, by section 81(2) of the State Sector Act 1988 (1988 No 20).

Section 2(1) **Teachers Register**: repealed, on 20 July 1987, by section 26(1) of the Education Amendment Act (No 2) 1987 (1987 No 177).

Section 2(1) **technical education**: repealed, on 8 November 1974, by section 2(8) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 2(1) **technical institute**: substituted, on 8 November 1974, by section 2(9) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 2(1) **working day**: added, on 20 July 1987, by section 26(1) of the Education Amendment Act (No 2) 1987 (1987 No 177).

Section 2(1A): inserted, on 16 August 1976, by section 83(1) of the Private Schools Conditional Integration Act 1975 (1975 No 129).

## Part 1

### Central administration

*[Repealed]*

Part 1: repealed, on 17 May 2006, by section 61(3)(a) of the Education Amendment Act 2006 (2006 No 19).

### *Department of Education*

*[Repealed]*

Heading: repealed, on 17 May 2006, by section 61(3)(a) of the Education Amendment Act 2006 (2006 No 19).

### 3 Department of Education

*[Repealed]*

Section 3: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

### 4 Minister of Education

*[Repealed]*

Section 4: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**4A Advisory and technical committees***[Repealed]*

Section 4A: repealed, on 17 May 2006, by section 61(3)(a) of the Education Amendment Act 2006 (2006 No 19).

**5 Delegation of Minister's powers***[Repealed]*

Section 5: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**6 Director-General of Education***[Repealed]*

Section 6: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**7 Appointment of other officers***[Repealed]*

Section 7: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**8 Delegation of Director-General's powers***[Repealed]*

Section 8: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**8A Director-General may appoint advisory and technical committees***[Repealed]*

Section 8A: repealed, on 17 May 2006, by section 61(3)(a) of the Education Amendment Act 2006 (2006 No 19).

**9 Expenses of administration be appropriated by Parliament***[Repealed]*

Section 9: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**9A Payment of fees by private foreign students in certain cases***[Repealed]*

Section 9A: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

## **Part 2**

### **Local administration**

*[Repealed]*

Part 2: repealed, on 17 May 2006, by section 61(3)(a) of the Education Amendment Act 2006 (2006 No 19).

#### *Education districts*

*[Repealed]*

Heading: repealed, on 1 October 1989, pursuant to section 142(3) of the Education Act 1989 (1989 No 80).

#### **10 Education districts**

*[Repealed]*

Section 10: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

#### **11 Education Districts Boundaries Commissioner**

*[Repealed]*

Section 11: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

#### **12 Constitution of new education districts**

*[Repealed]*

Section 12: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

#### **13 Alteration of boundaries of education districts**

*[Repealed]*

Section 13: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

#### **14 Division of districts into wards**

*[Repealed]*

Section 14: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

#### *Education boards*

*[Repealed]*

Heading: repealed, on 1 October 1989, pursuant to section 142(3) of the Education Act 1989 (1989 No 80).

#### **15 Constitution of education boards**

*[Repealed]*

Section 15: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

#### **16 Appointment of Commission to act as education board of new district**

*[Repealed]*

Section 16: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**17 Qualification of members of board***[Repealed]*

Section 17: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**18 Disqualification of members of boards***[Repealed]*

Section 18: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**19 Extraordinary vacancies on boards***[Repealed]*

Section 19: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**20 Acts of board not to be questioned for informality, etc***[Repealed]*

Section 20: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**21 Boards incorporated***[Repealed]*

Section 21: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**22 Board employees***[Repealed]*

Section 22: repealed, on 23 October 1981, by section 7(3)(a) of the Education Amendment Act 1981 (1981 No 124).

**23 Meetings of boards***[Repealed]*

Section 23: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**24 Annual allowances to chairmen of education boards***[Repealed]*

Section 24: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989. (1989 No 80).

**25 Refund of members' travelling expenses***[Repealed]*

Section 25: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**26 General powers and duties of board***[Repealed]*

Section 26: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**27 Borrowing powers of education boards**

*[Repealed]*

Section 27: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**28 Board may insure members and pay subscriptions to Education Boards' Association**

*[Repealed]*

Section 28: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**29 Board may establish special committees**

*[Repealed]*

Section 29: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

*Accounts of boards*

*[Repealed]*

Heading: repealed, on 1 October 1989, pursuant to section 142(3) of the Education Act 1989 (1989 No 80).

**30 Board fund**

*[Repealed]*

Section 30: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**31 Education Board Account**

*[Repealed]*

Section 31: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**32 Board may establish imprest accounts**

*[Repealed]*

Section 32: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**33 Procedure for payment by education boards of salaries and allowances to teachers**

*[Repealed]*

Section 33: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**34 Disposal of funds of board**

*[Repealed]*

Section 34: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**35 Accounts to be kept**

*[Repealed]*

Section 35: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**36 Board to forward annual report to Minister***[Repealed]*

Section 36: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**37 Unauthorised expenditure of education boards***[Repealed]*

Section 37: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

*School committees**[Repealed]*

Heading: repealed, on 1 October 1989, pursuant to section 142(3) of the Education Act 1989 (1989 No 80).

**38 School districts***[Repealed]*

Section 38: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**39 School committees***[Repealed]*

Section 39: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**40 School committees of normal schools***[Repealed]*

Section 40: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**41 Committees for intermediate schools***[Repealed]*

Section 41: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**42 Qualification of members of school committees***[Repealed]*

Section 42: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**43 Meetings of committees***[Repealed]*

Section 43: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).



**44 Committee failing to meet to cease to exist**

*[Repealed]*

Section 44: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**45 Appearance in legal proceedings**

*[Repealed]*

Section 45: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**46 Committee to have management of schools, etc**

*[Repealed]*

Section 46: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**47 School fund and property**

*[Repealed]*

Section 47: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**48 Audit of committee's accounts**

*[Repealed]*

Section 48: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**49 Committee to forward annual report to board**

*[Repealed]*

Section 49: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**49A Board of studies**

*[Repealed]*

Section 49A: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

*Governing bodies of secondary schools*

*[Repealed]*

Heading: repealed, on 1 October 1989, pursuant to section 142(3) of the Education Act 1989 (1989 No 80).

**50 Governing bodies of certain secondary schools**

*[Repealed]*

Section 50: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**51 Governing bodies of other secondary schools**

*[Repealed]*

Section 51: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**51A Teachers' representatives on boards of governors**

*[Repealed]*

Section 51A: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**51B Representatives of proprietors of integrated schools on controlling authorities**

*[Repealed]*

Section 51B: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**51C Qualification of members of secondary school board**

*[Repealed]*

Section 51C: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**52 Appointment and election of members**

*[Repealed]*

Section 52: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**53 Certain secondary schools not placed under separate boards of governors**

*[Repealed]*

Section 53: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**54 Change in control of secondary schools to provide separate boards of governors**

*[Repealed]*

Section 54: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**55 Vesting of assets on change in control**

*[Repealed]*

Section 55: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**56 Governing bodies of secondary schools incorporated**

*[Repealed]*

Section 56: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**57 Control of groups of secondary schools**

*[Repealed]*

Section 57: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**57A Minister may require secondary schools council to undertake control of secondary school**

*[Repealed]*

Section 57A: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**58 Control and management of district high schools**

*[Repealed]*

Section 58: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**59 Control of secondary schools**

*[Repealed]*

Section 59: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**60 Insurance of members of governing body and refund of members' travelling expenses**

*[Repealed]*

Section 60: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**60A Remuneration and conditions of employment of staff of governing body**

*[Repealed]*

Section 60A: repealed, on 23 October 1981, by section 7(3)(a) of the Education Amendment Act 1981 (1981 No 124).

**61 General powers of governing bodies of secondary schools**

*[Repealed]*

Section 61: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**61A Governing bodies of secondary schools may appoint special committees**

*[Repealed]*

Section 61A: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**62 General borrowing powers of governing bodies of secondary schools***[Repealed]*

Section 62: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**63 Accounts and audit***[Repealed]*

Section 63: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**64 Annual reports as to secondary schools***[Repealed]*

Section 64: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**65 Grants to governing bodies of secondary schools***[Repealed]*

Section 65: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**66 General expenses***[Repealed]*

Section 66: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**67 Unauthorised expenditure of governing bodies of secondary schools***[Repealed]*

Section 67: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

*Teachers college councils**[Repealed]*

Heading: repealed, on 1 January 1991, pursuant to section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67A Interpretation of term council***[Repealed]*

Section 67A: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67B Teachers colleges to be controlled by councils***[Repealed]*

Section 67B: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67C Councils to be bodies corporate***[Repealed]*

Section 67C: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67D Transfer of control of teachers college from one council to another**

*[Repealed]*

Section 67D: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67E Membership of teachers college councils**

*[Repealed]*

Section 67E: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67F Incapacity for appointment**

*[Repealed]*

Section 67F: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67G Extraordinary vacancies on councils**

*[Repealed]*

Section 67G: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67H Terms of office of members**

*[Repealed]*

Section 67H: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67I Power of councils unaffected**

*[Repealed]*

Section 67I: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67J General powers of teachers college councils**

*[Repealed]*

Section 67J: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67K Certain councils may establish committees of members including representatives**

*[Repealed]*

Section 67K: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67L Councils may establish special committees**

*[Repealed]*

Section 67L: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67M General borrowing powers of councils**

*[Repealed]*

Section 67M: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67N Travelling allowances and expenses**

*[Repealed]*

Section 67N: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67O Keeping and auditing accounts**

*[Repealed]*

Section 67O: repealed, 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67P Grants to councils of teachers colleges**

*[Repealed]*

Section 67P: repealed, on 1 January 1990, by section 21(7)(b) of the Education Amendment Act 1989 (1989 No 156).

**67Q Unauthorised expenditure of councils**

*[Repealed]*

Section 67Q: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67R Fees payable to associations of students**

*[Repealed]*

Section 67R: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67S Regulations**

*[Repealed]*

Section 67S: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**67SA Fees for domestic teachers college students**

*[Repealed]*

Section 67SA: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

**67T Appeals against selection in certain cases**

*[Repealed]*

Section 67T: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

*Governing bodies of technical institutes*

*[Repealed]*

Heading: repealed, on 17 May 2006, by section 61(3)(a) of the Education Amendment Act 2006 (2006 No 19).

**68 Governing bodies of certain technical institutes**

*[Repealed]*

Section 68: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69 Technical institutes and community colleges to be placed under boards of governors**

*[Repealed]*

Section 69: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69AA Sections to apply to technical institutes and community colleges**

*[Repealed]*

Section 69AA: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69AB Insurance of members of governing body of specialist institution and refund of members' travelling expenses**

*[Repealed]*

Section 69AB: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69AC General powers of governing bodies of specialist institutions**

*[Repealed]*

Section 69AC: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69AD Governing bodies of specialist institutions may appoint special committees**

*[Repealed]*

Section 69AD: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69AE Accounts and audit**

*[Repealed]*

Section 69AE: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69AF Annual reports as to specialist institutions**

*[Repealed]*

Section 69AF: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69AG Grants to governing bodies of specialist institutions**

*[Repealed]*

Section 69AG: repealed, on 1 January 1990, by section 21(7)(b) of the Education Amendment Act 1989 (1989 No 156).

**69AH General expenses of specialist institutions**

*[Repealed]*

Section 69AH: repealed, on 1 January 1990, by section 21(7)(b) of the Education Amendment Act 1989 (1989 No 156).

**69AI Unauthorised expenditure of governing bodies of specialist institutions**

*[Repealed]*

Section 69AI: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69AJ Specialist institutions may provide closed courses**

*[Repealed]*

Section 69AJ: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69AK Specialist institutions may provide courses in other premises**

*[Repealed]*

Section 69AK: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69AL Specialist institutions may award diplomas**

*[Repealed]*

Section 69AL: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69A Fees payable to associations of students**

*[Repealed]*

Section 69A: repealed, on 1 January 1991, by section 2(2)(a) of the Education Amendment Act (No 2) 1990 (1990 No 118).

**69B Accounting, payment, and other administrative services**

*[Repealed]*

Section 69B: repealed, on 17 May 2006, by section 61(3)(a) of the Education Amendment Act 2006 (2006 No 19).



## **Part 3**

### **Establishment of schools**

#### *Pre-school education*

#### *[Repealed]*

Heading: repealed, on 17 May 2006, pursuant to section 61(3)(b) of the Education Amendment Act 2006 (2006 No 19).

#### **70 Provision of pre-school education**

#### *[Repealed]*

Section 70: repealed, on 17 May 2006, by section 61(3)(b) of the Education Amendment Act 2006 (2006 No 19).

#### **70A Loans for pre-school education**

#### *[Repealed]*

Section 70A: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

#### **70B Recognition of institutions providing pre-school education**

#### *[Repealed]*

Section 70B: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

#### **70C Family day care organisations**

#### *[Repealed]*

Section 70C: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

#### **70D Child care premises, etc**

#### *[Repealed]*

Section 70D: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

#### **70E Right of entry to child care premises**

#### *[Repealed]*

Section 70E: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

#### *Primary education*

#### **71 Schools for primary education**

#### *[Repealed]*

Section 71: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

**72 Normal schools and model schools**

*[Repealed]*

Section 72: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

**73 Intermediate schools and departments**

*[Repealed]*

Section 73: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

**74 Selection of contributing schools**

*[Repealed]*

Section 74: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

**75 Organisation and conduct of State primary schools and intermediate departments of secondary schools**

*[Repealed]*

Section 75: repealed, on 19 December 1998, by section 19(3)(a) of the Education Amendment Act (No 2) 1998 (1998 No 118).

**76 Regulations**

*[Repealed]*

Section 76: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**77 Teaching in State primary schools must be secular**

Teaching in every State primary school must, while the school is open, be entirely of a secular character.

Section 77: replaced, on 29 October 2016, by section 109(1) of the Education Legislation Act 2016 (2016 No 72).

**78 Religious instruction and observances in State primary schools**

Notwithstanding anything to the contrary in section 77 or in section 65B of the Education Act 1989, if the school's board for the school district in which the school is situated, after consultation with the principal, so determines, any class or classes at the school, or the school as a whole, may be closed at any time or times of the school day for any period or periods exceeding in the aggregate neither 60 minutes in any week nor 20 hours in any school year, for any class, for the purposes of religious instruction given by voluntary instructors approved by the school's board and of religious observances conducted in a manner approved by the school's board or for either of those purposes; and the school buildings may be used for those purposes or for either of them.

Compare: 1962 No 129 s 2

Section 78: amended, on 29 October 2016, by section 109(1) of the Education Legislation Act 2016 (2016 No 72).

Section 78: amended, on 18 May 1989, pursuant to section 22(3)(b) of the School Trustees Act 1989 (1989 No 3).

Section 78: amended, on 6 December 1983, by section 11(a) of the Education Amendment Act 1983 (1983 No 57).

Section 78: amended, on 6 December 1983, by section 11(b) of the Education Amendment Act 1983 (1983 No 57).

Section 78: amended, on 1 November 1976, by section 11 of the Education Amendment Act 1976 (1976 No 42).

## **78A**

Notwithstanding anything in sections 77 and 78, in any case where the Minister is satisfied that the majority of the parents of pupils attending a school wish their children to receive religious instruction additional to that specified in the said section 78 and he is satisfied that such additional religious instruction will not be to the detriment of the normal curriculum of the school, he shall generally or in any special case, after consultation with the school's board, authorise the additional religious instruction up to such an amount and subject to such conditions as he thinks fit.

Section 78A: inserted, on 16 August 1976, by section 83(8) of the Private Schools Conditional Integration Act 1975 (1975 No 129).

Section 78A: amended, on 18 May 1989, pursuant to section 22(3)(b) of the School Trustees Act 1989 (1989 No 3).

## **79 Attendance at religious instruction or observances not compulsory**

- (1) No pupil enrolled at a State primary school shall be required to attend or take part in any such instruction or observances if any parent or guardian of the pupil does not wish the pupil to take part therein and makes his or her wishes known in writing to the principal of the school.
- (2) Any parent or guardian who has given such an indication of wishes may at any time withdraw it.

Compare: 1962 No 129 s 3

## **80 Teachers may be freed from duties to take part in religious instruction or observances**

Any teacher at a State primary school shall, if the school's board for the school district in which the school is situated so approves, at his request be freed from school duties for up to 30 minutes a week to allow him to take part in his own school in religious instruction and religious observances or either, but no person shall directly or indirectly bring any pressure to bear on a teacher to induce the teacher to take any such part, and the position of any teacher and his opportunities for appointments and for promotion shall not be adversely affected

because he does not take part in religious instruction and religious observances or either.

Compare: 1962 No 129 s 4

Section 80: amended, on 18 May 1989, pursuant to section 22(3)(b) of the School Trustees Act 1989 (1989 No 3).

### **81 Schools other than public schools not affected**

Nothing in this Act shall affect religious instruction or religious observances in schools other than State primary schools.

Compare: 1962 No 129 s 5

#### *Secondary education*

##### *[Repealed]*

Heading: repealed, on 19 December 1998, pursuant to section 19(3)(a) of the Education Amendment Act (No 2) 1998 (1998 No 118).

### **82 Saving of schools already established**

##### *[Repealed]*

Section 82: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

### **83 Secondary schools**

##### *[Repealed]*

Section 83: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

### **84 Courses of study in secondary schools**

##### *[Repealed]*

Section 84: repealed, on 19 December 1998, by section 19(3)(a) of the Education Amendment Act (No 2) 1998 (1998 No 118).

### **85 Free education in secondary schools**

##### *[Repealed]*

Section 85: repealed, on 23 July 1990, pursuant to section 50(5) of the Education Amendment Act 1990 (1990 No 60).

#### *Composite schools*

### **86 Composite schools**

##### *[Repealed]*

Section 86: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

**87 Regulations relating to composite schools**

- (1) Without limiting the generality of any provision of this Act, where any provisions of this Act empower the making of regulations relating to both State primary schools and secondary schools, or to State primary schools or secondary schools only, or to the staff or students of both State primary schools and secondary schools or to the staff or students of State primary schools or secondary schools only, any regulations made under those provisions may be limited in their application to composite schools or composite schools of any specified class or classes or, as the case may be, to staff or students of composite schools or composite schools of any specified class or classes.
- (2) Subject to any regulations to which subsection (1) applies, this Act shall apply to every composite school as if—
  - (a) every reference in this Act to a State primary school were a reference to those classes and courses in that composite school providing primary education; and
  - (b) every reference in this Act to a secondary school were a reference to those classes and courses in the composite school providing secondary education.

Section 87: substituted, on 20 July 1987, by section 8(1) of the Education Amendment Act (No 2) 1987 (1987 No 177).

**88 Certain provisions to apply to composite schools**

*[Repealed]*

Section 88: repealed, on 20 July 1987, by section 8(1) of the Education Amendment Act (No 2) 1987 (1987 No 177).

*Further education—technical and continuation*

**89 Saving of technical institutes already established**

Every school established as a technical institute under any former Education Act and existing at the commencement of this Act shall be deemed to have been established as a technical institute under this Act.

**90 Establishment and disestablishment of technical institutes and community colleges**

*[Repealed]*

Section 90: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**90A Technical institutes may be declared to be community colleges**

*[Repealed]*

Section 90A: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**90B Revesting land**

*[Repealed]*

Section 90B: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**90C Correspondence school may be declared technical institute**

*[Repealed]*

Section 90C: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**90D Functions of technical institutes and community colleges**

*[Repealed]*

Section 90D: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**91 Recognition of classes or courses in continuing education**

- (1) The Director-General may recognise classes or courses in continuing education in secondary schools, in secondary departments of district high schools, in technical institutes, and in community colleges, in such manner and subject to compliance with such conditions as may be prescribed.
- (2) Where a controlling authority proposes to provide a class or course in continuing education providing instruction not previously provided by that authority, it shall consult the Director-General before making any arrangements for the establishment of the class or course.

Section 91: substituted, on 8 November 1974, by section 15 of the Education Amendment Act (No 2) 1974 (1974 No 136).

**92 Revocation of recognition of classes or courses**

- (1) The Director-General may revoke the recognition granted to any class or course in continuing education if he considers that more economical or effective or appropriate provision for the instruction being given in the class or course is being, or will shortly be, otherwise provided, or if he is dissatisfied with the manner in which the class or course is being conducted or is of the opinion that the needs in response to which the class was provided no longer exist or have diminished to an extent no longer warranting the continuance of the class:

provided that, where the Director-General intends to revoke recognition of any class or course in continuing education on any grounds other than his dissatisfaction with the manner in which the class or course is being conducted, he shall, if the controlling authority of the class or course so requires, give 6 months' notice of his intention to cancel the recognition.

- (2) Notwithstanding anything to the contrary in this section, the Governor-General may, by Order in Council, make regulations prescribing the conditions under

which the recognition of classes or courses in continuing education may be revoked.

Compare: 1914 No 56 s 112

Section 92(1): amended, on 8 November 1974, by section 14(2) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 92(1) proviso: amended, on 8 November 1974, by section 14(2) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 92(2): amended, on 8 November 1974, by section 14(2) of the Education Amendment Act (No 2) 1974 (1974 No 136).

### **93 Free continuing education**

*[Repealed]*

Section 93: repealed, on 1 January 1990, by section 18(1) of the Education Amendment Act 1989 (1989 No 156).

### **94 Fees for continuing education for domestic students**

*[Repealed]*

Section 94: repealed, on 1 January 1991, by section 50(4) of the Education Amendment Act 1990 (1990 No 60).

### **95 Report on continuing education**

Within 4 months after the date of the close of the instruction in any year, the controlling authority shall forward to the Director-General such details of the work and attendance, and of the receipts and expenditure, of classes in continuing education under its control as are prescribed by such regulations as may be made by the Governor-General from time to time by Order in Council under this Act, or (if no such details are so prescribed) as the Minister may determine.

Section 95: substituted, on 8 November 1974, by section 18 of the Education Amendment Act (No 2) 1974 (1974 No 136).

### **96 Correspondence schools and classes for continuing education**

Having regard to the provision of continuing education, the Minister may establish any school or classes to provide instruction by correspondence for that purpose; and any school or class so established shall be controlled in such manner, and shall charge such fees for the instruction provided, as the Minister may determine.

Section 96: inserted, on 14 May 2019, by section 18 of the Education Amendment Act 2019 (2019 No 18).

### **96 Correspondence schools and classes for continuing education**

*[Repealed]*

Section 96: repealed, on 19 May 2017, by section 161(1) of the Education (Update) Amendment Act 2017 (2017 No 20).

**96A Senior Technical Divisions**

*[Repealed]*

Section 96A: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**97 Administration of continuing education**

*[Repealed]*

Section 97: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**97A Continuing education organisations**

- (1) The Minister may, by notice in the *Gazette*, declare any continuing education organisation that is a body corporate to be a recognised continuing education organisation, and may similarly declare any recognised continuing education organisation so declared to cease to be a recognised continuing education organisation.
- (2) There may from time to time be paid to any recognised continuing education organisation so declared, out of money appropriated by Parliament for the purpose and subject to such conditions (if any) as the Minister may impose, such sum or sums towards the payment of staff salaries and other expenses incurred by it in the conduct of its activities as the Minister may, with the concurrence of the Minister of Finance, approve.

Section 97A: inserted, on 1 November 1976, by section 13 of the Education Amendment Act 1976 (1976 No 42).

*Special education***98 Special schools and classes**

- (1) Having regard to the provision of special education in any locality or localities, the Minister may—
  - (a) establish any special school:
  - (b) establish, or authorise the establishment of, any special class, clinic, or service, either as a separate unit or in connection with any State primary school, secondary school, technical institute, community college or integrated school, or in connection with any public institution approved for the purpose by him:
  - (c) *[Repealed]*

provided that any special school established under paragraph (a) may be placed under the control of the education board of the district and shall, where so placed, be deemed to be a State primary school, save that it may, on the recommendation of the education board and with the approval of the Minister, be placed under the control of any person or persons appointed by the education board for the purpose instead of a school's board.



- (2) The Minister may likewise disestablish any special school, class, clinic, or service established under subsection (1), if he is dissatisfied with the manner in which the school, class, clinic, or service is being conducted, or if he considers that sufficient provision is made by another similarly established special school, class, clinic, or service, or by any other school or class in or reasonably near to the same locality:

provided that in the last-mentioned case he shall, if the controlling authority of the school, class, clinic, or service so requires, give 3 months' notice of his intention to disestablish the same.

Compare: 1914 No 56 s 56; 1921–22 No 27 s 6

Section 98(1)(b): amended, on 16 August 1976, by section 83(9) of the Private Schools Conditional Integration Act 1975 (1975 No 129).

Section 98(1)(b): amended, on 8 November 1974, by section 14(2) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 98(1)(c): repealed, on 19 May 2017, by section 161(1) of the Education (Update) Amendment Act 2017 (2017 No 20).

Section 98(1) proviso: amended, on 18 May 1989, pursuant to section 22(3)(b) of the School Trustees Act 1989 (1989 No 3).

## **99 Other special classes or services providing special education**

*[Repealed]*

Section 99: repealed, on 17 May 2006, by section 61(3)(b) of the Education Amendment Act 2006 (2006 No 19).

## **100 Administration of special education**

*[Repealed]*

Section 100: repealed, on 17 May 2006, by section 61(3)(b) of the Education Amendment Act 2006 (2006 No 19).

### *Maori schools*

*[Repealed]*

Heading: repealed, on 1 January 1990, pursuant to section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

## **101 Maori schools**

*[Repealed]*

Section 101: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

## **102 Control of Maori schools**

*[Repealed]*

Section 102: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

**102A Change of control of Maori school**

*[Repealed]*

Section 102A: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

*Chatham Islands schools*

*[Repealed]*

Heading: repealed, on 3 September 1979, pursuant to section 2(3) of the Education Amendment Act 1977 (1977 No 91).

**103 Chatham Islands schools**

*[Repealed]*

Section 103: repealed, on 3 September 1979, by section 2(3) of the Education Amendment Act 1977 (1977 No 91).

**104 Management and control of Chatham Islands schools**

*[Repealed]*

Section 104: repealed, on 3 September 1979, by section 2(3) of the Education Amendment Act 1977 (1977 No 91).

*Correspondence schools*

*[Repealed]*

Heading: repealed, on 1 January 1990, pursuant to section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

**105 Correspondence schools and classes**

*[Repealed]*

Section 105: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

*School camps*

*[Repealed]*

Heading: repealed, on 1 January 1990, pursuant to section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

**105A School classes may be held at school camps**

*[Repealed]*

Section 105A: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

**105B Regulations relating to school camps**

*[Repealed]*

Section 105B: repealed, on 1 January 1990, by section 15(5)(a) of the Education Amendment Act 1989 (1989 No 156).

*Health education*

*[Repealed]*

Heading: repealed, on 25 October 2001, pursuant to section 13(2) of the Education Standards Act 2001 (2001 No 88).

**105C Parents to be consulted on treatment of health syllabus**

*[Repealed]*

Section 105C: repealed, on 25 October 2001, by section 13(2) of the Education Standards Act 2001 (2001 No 88).

**105D Parents and guardians may require students to be excluded from health education classes**

*[Repealed]*

Section 105D: repealed, on 25 October 2001, by section 11(2) of the Education Standards Act 2001 (2001 No 88).

*Teachers colleges*

*[Repealed]*

Heading: repealed, on 23 July 1990, pursuant to section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**106 Establishment of teachers colleges**

*[Repealed]*

Section 106: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

*Schools controlled by Director-General*

*[Repealed]*

Heading: repealed, on 17 May 2006, pursuant to section 61(3)(b) of the Education Amendment Act 2006 (2006 No 19).

**106A Schools controlled by Director-General**

*[Repealed]*

Section 106A: repealed, on 17 May 2006, by section 61(3)(b) of the Education Amendment Act 2006 (2006 No 19).

**106B Regulations for schools under control of Director-General**

*[Repealed]*

Section 106B: repealed, on 17 May 2006, by section 61(3)(b) of the Education Amendment Act 2006 (2006 No 19).

**107 Regulations**

*[Repealed]*

Section 107: repealed, on 8 November 1974, by section 9(4) of the Education Amendment Act (No 2) 1974 (1974 No 136).

*Education centres**[Repealed]*

Heading: repealed, on 1 October 1989, pursuant to section 142(3) of the Education Act 1989 (1989 No 80).

**107A Establishment of education centres***[Repealed]*

Section 107A: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**107B Centres to have controlling authorities***[Repealed]*

Section 107B: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**107C General powers of education centre councils***[Repealed]*

Section 107C: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**Part 4****Enrolment and attendance of pupils***[Repealed]*

Part 4: repealed, on 23 July 1990, pursuant to section 50(5) of the Education Amendment Act 1990 (1990 No 60).

*Enrolment and attendance**[Repealed]*

Heading: repealed, on 23 July 1990, pursuant to section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**108 Children enrolled at State primary schools to be of school age***[Repealed]*

Section 108: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**109 Every child between 6 and 15 years of age to be enrolled***[Repealed]*

Section 109: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**110 Enrolment with correspondence school**

*[Repealed]*

Section 110: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**111 Certificate of exemption from enrolment**

*[Repealed]*

Section 111: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**112 Exemption from enrolment by Director-General**

*[Repealed]*

Section 112: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**113 Ascertainment of suitability of education of certain children**

*[Repealed]*

Section 113: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**114 Compulsory enrolment in special school, etc, of certain children**

*[Repealed]*

Section 114: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**115 Director-General may in certain circumstances direct that a child be sent to special school, etc**

*[Repealed]*

Section 115: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**116 Penalty for failure to enrol child**

*[Repealed]*

Section 116: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**117 Every child required to be enrolled must attend school**

*[Repealed]*

Section 117: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**117A Work exploration schemes**

*[Repealed]*

Section 117A: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**118 Certificate of exemption from attendance**

*[Repealed]*

Section 118: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**119 Director-General may require certain children exempted from attendance to enrol at correspondence school**

*[Repealed]*

Section 119: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**120 Penalty for irregular attendance at school**

*[Repealed]*

Section 120: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**121 Employment of children of school age**

*[Repealed]*

Section 121: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**122 Parents not to permit employment of children of school age**

*[Repealed]*

Section 122: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**123 Appointment of attendance officers**

*[Repealed]*

Section 123: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**124 Hearing of proceedings**

*[Repealed]*

Section 124: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**125 Evidence of school roll, etc**

*[Repealed]*

Section 125: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**126 Onus of proof on parents**

*[Repealed]*

Section 126: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**127 Fines to be paid into school or board funds**

*[Repealed]*

Section 127: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**128 Maori and Chatham Islands schools**

*[Repealed]*

Section 128: repealed, on 3 September 1979, by section 2(3) of the Education Amendment Act 1977 (1977 No 91).

**129 Limitations on enrolment at State primary schools**

*[Repealed]*

Section 129: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**129A Enrolment schemes for secondary schools**

*[Repealed]*

Section 129A: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**129B Students to have access to reasonably convenient accommodation**

*[Repealed]*

Section 129B: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**129C Terms and holidays**

*[Repealed]*

Section 129C: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**Part 4A**

**Suspension and expulsion of pupils**

*[Repealed]*

Part 4A: repealed, on 19 December 1998, pursuant to section 60(a) of the Education Amendment Act (No 2) 1998 (1998 No 118).

**130 Suspension of pupils**

*[Repealed]*

Section 130: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**130A Notification of suspension**

*[Repealed]*

Section 130A: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**130B Suspension for specified period**

*[Repealed]*

Section 130B: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**130C Suspension of pupil under 15 for unspecified period**

*[Repealed]*

Section 130C: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**130D Suspension of pupil over 15 for unspecified period**

*[Repealed]*

Section 130D: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**130DA Attendance at other schools of suspended or expelled pupils**

*[Repealed]*

Section 130DA: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**130E Delegation of powers of boards and governing bodies**

*[Repealed]*

Section 130E: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**130F Suspension or expulsion of pupils from private schools**

*[Repealed]*

Section 130F: repealed, on 19 December 1998, by section 60(a) of the Education Amendment Act (No 2) 1998 (1998 No 118).

**Part 5****Appointment and employment of teachers***Registration of teachers*

*[Repealed]*

Heading: repealed, on 1 October 1989, pursuant to section 142(3) of the Education Act 1989 (1989 No 80).

**131 Teachers to be registered**

*[Repealed]*

Section 131: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).



**132 Teachers Register**

*[Repealed]*

Section 132: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**133 Publication of Register**

*[Repealed]*

Section 133: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**134 Removal of certain names from Register**

*[Repealed]*

Section 134: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**135 Cancellation of registration for misconduct**

*[Repealed]*

Section 135: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**136 Notification of removal of name from Register**

*[Repealed]*

Section 136: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

*Constitution of committees for primary appointments*

*[Repealed]*

Heading: repealed, on 1 October 1989, pursuant to section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**137 Appointments committees**

*[Repealed]*

Section 137: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**138 Central Advisory Committee**

*[Repealed]*

Section 138: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**139 Extraordinary vacancies on committees**

*[Repealed]*

Section 139: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**140 Deputies of members**

*[Repealed]*

Section 140: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**141 Members' travelling expenses**

*[Repealed]*

Section 141: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

*Appointment of primary teachers*

*[Repealed]*

Heading: repealed, on 1 October 1989, pursuant to section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**142 Appointments to positions**

*[Repealed]*

Section 142: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**142A Retraining of teachers**

*[Repealed]*

Section 142A: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**143 School committees to be notified of proposed appointments**

*[Repealed]*

Section 143: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

*Primary Teachers Appointment Appeal Board*

*[Repealed]*

Heading: repealed, on 1 October 1989, pursuant to section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**144 Primary Teachers Appointment Appeal Board**

*[Repealed]*

Section 144: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**145 Provisional appointments**

*[Repealed]*

Section 145: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**145A Rights of appeal**

*[Repealed]*

Section 145A: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**146 Notices to teachers with right to appeal**

*[Repealed]*

Section 146: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**147 Notices of appeal, jurisdiction, etc**

*[Repealed]*

Section 147: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

*Appointment of secondary teachers and teachers in technical institutes*

*[Repealed]*

Heading: repealed, on 23 July 1990, pursuant to section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**148 Governing body may appoint teachers or lecturers**

*[Repealed]*

Section 148: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

*Appointment and employment of teachers: General*

**149 Teachers for special purposes**

*[Repealed]*

Section 149: repealed, on 17 May 2006, by section 61(3)(b) of the Education Amendment Act 2006 (2006 No 19).

**150 Married women as teachers**

*[Repealed]*

Section 150: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**151 Restriction upon eligibility of teachers for appointment**

*[Repealed]*

Section 151: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**152 Proposed transfers of secondary teachers and teachers at composite schools**

*[Repealed]*

Section 152: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**152A Proposed transfer of primary teachers**

*[Repealed]*

Section 152A: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**153 Payment of overgrade salaries, etc**

*[Repealed]*

Section 153: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**154 Protection of teachers in certain cases**

*[Repealed]*

Section 154: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**155 Duration of appointment of teacher**

*[Repealed]*

Section 155: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**156 Interpretation**

*[Repealed]*

Section 156: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**157 Disciplinary action where teacher charged with serious offence**

*[Repealed]*

Section 157: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**158 Disciplinary offences**

*[Repealed]*

Section 158: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**159 Steps to be taken where offence alleged**

*[Repealed]*

Section 159: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

## **160 Notice of imposition of penalty**

*[Repealed]*

Section 160: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

## **161 Appeals**

*[Repealed]*

Section 161: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

## **161A Procedure for alleged offences by certain teachers**

*[Repealed]*

Section 161A: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

## **162 Teachers to take oath of allegiance**

- (1) No person shall be employed or shall continue to be employed, or shall act as a teacher, in any State primary school, secondary school, technical institute, community college, teachers college, endowed school, or private school or in any teaching position under the control of the Ministry of Education or under an education board unless, in the case of a New Zealand citizen, he has made and subscribed an oath or affirmation of allegiance, and, in any other case, he has made and subscribed such an oath or affirmation or has made and subscribed in the prescribed form an oath or affirmation that he will not, directly or indirectly, use words or be concerned in any act which would be disloyal to Her Majesty if those words were spoken or written, or that act was committed, by a New Zealand citizen.
- (2) Any oath or affirmation required to be made under this section may be made and subscribed before a Justice of the Peace, or a solicitor of the High Court, or the chairman of an education board or of the governing body or controlling authority of a secondary school, technical institute, community college, or teachers college, or of a school's board, and every such Justice, solicitor, and chairman shall have authority to administer and receive any such oath or affirmation.
- (3) If any person is employed or continues to be employed, or acts, in a private school in contravention of this section, the managers of that private school commit an offence, and shall be jointly and severally liable on conviction to a fine not exceeding 50 pounds.

Compare: 1921–22 No 27 s 11

Section 162(1): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Section 162(1): amended, on 8 November 1974, by section 14(2) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 162(1): amended, on 20 October 1972, by section 9(1) of the Education Amendment Act 1972 (1972 No 34).

Section 162(2): amended, on 18 May 1989, pursuant to section 22(3)(b) of the School Trustees Act 1989 (1989 No 3).

Section 162(2): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 162(2): amended, on 8 November 1974, by section 14(2) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 162(2): amended, on 20 October 1972, by section 9(2) of the Education Amendment Act 1972 (1972 No 34).

Section 162(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### **163 Teachers not to engage in other employment in certain circumstances**

*[Repealed]*

Section 163: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

### **164 Control of officers of Public Service engaged as teachers**

*[Repealed]*

Section 164: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

### **164A Teachers determinations**

*[Repealed]*

Section 164A: repealed, on 22 October 1969, by section 57(2)(a) of the State Services Remuneration and Conditions of Employment Act 1969 (1969 No 64).

### **164B Amending determinations**

*[Repealed]*

Section 164B: repealed, on 22 October 1969, by section 57(2)(a) of the State Services Remuneration and Conditions of Employment Act 1969 (1969 No 64).

### **164C Consolidating determinations**

*[Repealed]*

Section 164C: repealed, on 22 October 1969, by section 57(2)(a) of the State Services Remuneration and Conditions of Employment Act 1969 (1969 No 64).

### **164D Conciliation**

*[Repealed]*

Section 164D: repealed, on 22 October 1969, by section 57(2)(a) of the State Services Remuneration and Conditions of Employment Act 1969 (1969 No 64).

### **164E Extent of application of Industrial Conciliation and Arbitration Act 1954**

*[Repealed]*

Section 164E: repealed, on 1 April 1988, by section 81(4) of the State Sector Act 1988 (1988 No 20).

**165 Salaries and conditions of employment of teachers**

*[Repealed]*

Section 165: repealed, on 17 May 2006, by section 61(3)(b) of the Education Amendment Act 2006 (2006 No 19).

**165AA Appeals against selection in certain cases**

*[Repealed]*

Section 165AA: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

**165A Accounting and payment services for teachers' salaries**

*[Repealed]*

Section 165A: repealed, on 17 May 2006, by section 61(3)(b) of the Education Amendment Act 2006 (2006 No 19).

**Part 5A**

**Short-term appointments at technical institutes, community colleges,  
and teachers colleges**

*[Repealed]*

Part 5A: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**165B Governing bodies may make short-term appointments**

*[Repealed]*

Section 165B: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**Part 5B**

**Employees of education authorities**

*[Repealed]*

Part 5B: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**165C Education authorities may appoint staff**

*[Repealed]*

Section 165C: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**165D Regulations relating to appointment of staff by education authorities**

*[Repealed]*

Section 165D: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

## **Part 6**

### **Teachers incorporation and Court of Appeal**

*[Repealed]*

Part 6: repealed, on 19 December 1989, pursuant to section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

#### **166 Interpretation**

*[Repealed]*

Section 166: repealed, on 20 July 1987, by section 27(a) of the Education Amendment Act (No 2) 1987 (1987 No 177).

#### *Incorporation of societies of teachers*

*[Repealed]*

Heading: repealed, on 1 October 1989, pursuant to section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

#### **167 Applications for registration of societies**

*[Repealed]*

Section 167: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

#### **168 Registration and incorporation**

*[Repealed]*

Section 168: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

#### **169 Powers of incorporated societies**

*[Repealed]*

Section 169: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

#### **170 Rules of society**

*[Repealed]*

Section 170: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

#### **171 Effect of resignation of member**

*[Repealed]*

Section 171: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

#### **172 Returns by society**

*[Repealed]*

Section 172: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).



**173 Restrictions on registration**

*[Repealed]*

Section 173: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

*Appeals by teachers*

*[Repealed]*

Heading: repealed, on 19 December 1989, pursuant to section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**174 Court of Appeal**

*[Repealed]*

Section 174: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**175 Rights of appeal**

*[Repealed]*

Section 175: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**176 Appearance of parties**

*[Repealed]*

Section 176: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**177 When teachers deemed to be dismissed**

*[Repealed]*

Section 177: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**178 Decision of court**

*[Repealed]*

Section 178: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**179 Effect of decision in favour of appellant**

*[Repealed]*

Section 179: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**180 Costs**

*[Repealed]*

Section 180: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**181 Effect of non-attendance of members of court**

*[Repealed]*

Section 181: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**182 Procedure on appeals**

*[Repealed]*

Section 182: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

**Part 7  
Inspection of schools**

*[Repealed]*

Part 7: repealed, on 17 May 2006, by section 61(3)(c) of the Education Amendment Act 2006 (2006 No 19).

**183 Inspection of schools**

*[Repealed]*

Section 183: repealed, on 1 January 1990, by section 12(2)(b) of the Education Amendment Act 1989 (1989 No 156).

**184 Inspection of technical institutes, teachers colleges, and community colleges**

*[Repealed]*

Section 184: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**184A Inspection of pre-school institutions**

*[Repealed]*

Section 184A: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**185 Schools to be open for inspection**

*[Repealed]*

Section 185: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**185A Inspection by the Director-General of school accounts**

*[Repealed]*

Section 185A: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

## **186 Registration and inspection of private schools**

*[Repealed]*

Section 186: repealed, on 1 January 1990, by section 9(3)(a) of the Education Amendment Act 1989 (1989 No 156).

## **186A Registration and inspection of courses of study at private colleges**

*[Repealed]*

Section 186A: repealed, on 17 May 2006, by section 61(3)(c) of the Education Amendment Act 2006 (2006 No 19).

# **Part 8**

## **General provisions**

## **187 Exemptions from taxation**

- (1) Every education board and secondary schools council, and every governing body of a secondary school, teachers college, technical institute, or community college, being a school, college, or institute established or deemed to have been established under Part 3, and every education centre council, shall be deemed to be the agent of the Crown in respect of its property and the exercise of its functions, and shall be entitled accordingly to all the privileges which the Crown enjoys in respect of exemption from taxation and the payment of fees or charges, and from other obligations.
- (2) Nothing in subsection (1) exempts an education board, a secondary schools council, the governing body of a secondary school, teachers college, technical institute, or community college, or an education centre council, from—
  - (a) the payment of goods and services tax under the Goods and Services Tax Act 1985; or
  - (b) any obligation imposed by that Act.

Compare: 1934 No 31 s 29

Section 187(1): amended, on 20 July 1987, by section 26(3) of the Education Amendment Act (No 2) 1987 (1987 No 177).

Section 187(1): amended (with effect on 15 October 1965), on 6 December 1983, by section 17(1) of the Education Amendment Act 1983 (1983 No 57).

Section 187(1): amended, on 8 November 1974, by section 14(2) of the Education Amendment Act (No 2) 1974 (1974 No 136).

Section 187(1): amended, on 9 December 1971, by section 14 of the Education Amendment Act 1971 (1971 No 145).

Section 187(2): added, on, 11 March 1989, by section 18(2) of the School Trustees Act 1989 (1989 No 3).

## **188 Exemptions from rating**

*[Repealed]*

Section 188: repealed, on 1 April 1968, by section 177(1) of the Rating Act 1967 (1967 No 123).

**189 Trustees of school may agree to place it under control of board**

*[Repealed]*

Section 189: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**190 Vesting of assets of school placed under control of board**

*[Repealed]*

Section 190: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**191 Controlling authority of a school or other educational institution may receive property for foundation of scholarships**

*[Repealed]*

Section 191: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**192 Assistance to registered private schools**

*[Repealed]*

Section 192: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**192A Research**

*[Repealed]*

Section 192A: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**193 Bursaries, scholarships, etc**

*[Repealed]*

Section 193: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**193AA Tertiary Assistance Grants Appeal Authority**

*[Repealed]*

Section 193AA: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**193AB Procedure to be prescribed**

*[Repealed]*

Section 193AB: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**193A Guidance and counselling of pupils**

*[Repealed]*

Section 193A: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**193B Forbidding attendance of pupil on grounds of want of cleanliness or suspicion of communicable disease**

*[Repealed]*

Section 193B: repealed, on 1 October 1989, by section 142(3) of the Education Act 1989 (1989 No 80).

**194 Temporary or permanent closing of schools and institutions in cases of emergency**

*[Repealed]*

Section 194: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**195 Wilful disturbance of school**

*[Repealed]*

Section 195: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**196 Certificates as to education**

*[Repealed]*

Section 196: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**196A School certificate examination**

*[Repealed]*

Section 196A: repealed, on 23 July 1990, by section 50(5) of the Education Amendment Act 1990 (1990 No 60).

**197 Bonds for entry to teaching**

*[Repealed]*

Section 197: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**198 Right of head teachers and principals to attend meetings of school committees and school governing bodies**

*[Repealed]*

Section 198: repealed, on 18 May 1989, by section 24(6)(a) of the School Trustees Act 1989 (1989 No 3).

**199 Occupation of teacher's house**

*[Repealed]*

Section 199: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**200 Teacher refusing to give up a teacher's house on demand***[Repealed]*

Section 200: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**201 Establishment of community centres***[Repealed]*

Section 201: repealed, on 20 July 1987, by section 9(3)(a) of the Education Amendment Act (No 2) 1987 (1987 No 177).

**201A Interpretation of sections 201B to 201D***[Repealed]*

Section 201A: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**201B Transport assistance provided by Director-General***[Repealed]*

Section 201B: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**201C Delegation by Director-General of his powers and functions in relation to school transport assistance***[Repealed]*

Section 201C: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**201D Regulations for school transport assistance***[Repealed]*

Section 201D: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**201E Giving notice***[Repealed]*

Section 201E: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**202 Annual report***[Repealed]*

Section 202: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**203 Regulations***[Repealed]*

Section 203: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**203A Building Act 1991**

*[Repealed]*

Section 203A: repealed (with effect on 1 July 1992), on 15 September 1993, pursuant to section 22(1) of the Building Amendment Act 1993 (1993 No 99).

**204 Repeals and amendment**

*[Repealed]*

Section 204: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

**Schedule**  
**Enactments repealed**

*[Repealed]*

s 204

Schedule: repealed, on 17 May 2006, by section 61(3)(d) of the Education Amendment Act 2006 (2006 No 19).

## Education Amendment Act (No 2) 1987

Public Act	1987 No 177
Date of assent	20 July 1987
Commencement	see section 1

### 1 Short Title and commencement

- (1) This Act may be cited as the Education Amendment Act (No 2) 1987, and shall be read together with and deemed part of the Education Act 1964 (hereinafter referred to as “the principal Act”).
- (2) Sections 2, 14, 15, and 21 shall come into force on a date specified by the Governor-General by Order in Council; and a different date may be specified for each section.
- (3) Subject to subsection (2) and to sections 11(3) and 12 (2), this Act shall come into force on the day on which it receives the Governor-General’s assent.

### 8 Regulations relating to composite schools

- (1) The principal Act is hereby amended by repealing section 87 and section 88 (as amended by section 2(3) of the Education Amendment Act 1976), and substituting the following section:

#### 87 Regulations relating to composite schools

- (1) Without limiting the generality of any provision of this Act, where any provisions of this Act empower the making of regulations relating to both State primary schools and secondary schools, or to State primary schools or secondary schools only, or to the staff or students of both State primary schools and secondary schools or to the staff or students of State primary schools or secondary schools only, any regulations made under those provisions may be limited in their application to composite schools or composite schools of any specified class or classes or, as the case may be, to staff or students of composite schools or composite schools of any specified class or classes.
- (2) Subject to any regulations to which subsection (1) applies, this Act shall apply to every composite school as if—
  - (a) every reference in this Act to a State primary school were a reference to those classes and courses in that composite school providing primary education; and
  - (b) every reference in this Act to a secondary school were a reference to those classes and courses in the composite school providing secondary education.
- (2) Every regulation made under the principal Act before the commencement of this Act is hereby declared to be and to have been, as from its commencement, as valid and effectual as if this section had been in force when it was made.



**31 Validation**

Every notice in the *Gazette* constituting the board of governors of an integrated secondary school that became an integrated secondary school before the commencement of this Act is hereby deemed to have been published on the day before the school became an integrated secondary school.

## Education Amendment Act 1989

Public Act	1989 No 156
Date of assent	20 December 1989
Commencement	see section 1(2)

### 1 Short Title and commencement

- (1) This Act may be cited as the Education Amendment Act 1989.
- (2) This Act shall come into force on 1 January 1990.

## Part 2

### Amendments to Education Act 1964

#### 16 Part to be read with Education Act 1964

This Part shall be read together with and deemed part of the Education Act 1964 (in this Part referred to as the **principal Act**).

#### 23 Bulk funding of early childhood educational institutions

- (1) The Minister may from time to time—
  - (a) recognise for the purposes of funding out of money appropriated by Parliament institutions providing educational and developmental facilities and services for the benefit of children who have not yet enrolled at a State primary school:
  - (b) withdraw the recognition under paragraph (a) of any institution.
- (2) The governing body of an institution for the time being recognised under subsection (1) may be paid grants out of money appropriated by Parliament for the purpose.
- (3) The amount of every grant paid under subsection (2) shall be determined by the Minister.
- (4) Before a grant is paid under subsection (2), the Minister may give the governing body concerned written notice that the grant, or a part or parts of the grant (specified as a particular sum or as a proportion of the total grant), is not to be used except for purposes specified in the notice.
- (5) A governing body that has been given notice under subsection (4) shall ensure that no part of the grant to which the notice relates is used for purposes other than those specified for it in the notice.
- (6) Subject to subsection (5), a governing body to which a grant is paid under subsection (2) shall apply the grant in doing whatever it thinks will best achieve the purposes the institution or institutions concerned were established for.
- (7) Every institution that was, immediately before the commencement of this Part, recognised pursuant to regulations made under section 70(1)(b) of the principal

Act shall be deemed on that commencement to have been recognised under paragraph (a) of subsection (1); and paragraph (b) of that subsection shall apply accordingly.

(8) *[Repealed]*

(9) *[Repealed]*

(10) *[Repealed]*

Section 23(8): repealed, on 1 January 1992, by section 35(3)(c) of the Education Amendment Act (No 4) 1991 (1991 No 136).

Section 23(9): repealed, on 1 January 1992, by section 35(3)(c) of the Education Amendment Act (No 4) 1991 (1991 No 136).

Section 23(10): repealed, on 1 January 1992, by section 35(3)(c) of the Education Amendment Act (No 4) 1991 (1991 No 136).

## Education Amendment Act 1990

Public Act	1990 No 60
Date of assent	23 July 1990
Commencement	see section 1

### 1 Short Title and commencement

- (1) This Act may be cited as the Education Amendment Act 1990, and shall be read together with and deemed part of the Education Act 1989 (hereinafter referred to as “the principal Act”).
- (2) Section 50(2), and Schedule 3, shall come into force on 1 October 1990.
- (3) Section 50(3), and Schedule 4, shall come into force on 1 November 1990.
- (4) Section 37 (except in so far as it inserts sections 168 to 172 into the principal Act), sections 38, 39, 50(4), and 51(4), and Schedule 5, shall come into force on 1 January 1991.
- (5) Section 51(5) shall come into force on 1 February 1991.
- (6) The remaining provisions of this Act shall come into force on the day on which this Act receives the Royal assent.

### Part 1

#### Miscellaneous amendments to principal Act

### 2 Interpretation

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Every reference in any enactment passed before the commencement of Part 1 of the Education Amendment Act 1990 to an education authority within the meaning of section 2(1) of the Education Act 1964 shall be read as a reference to a body that is a Board, or the governing body of a college of education, a polytechnic, or a wananga, established under this Act.
- (3) *Amendment(s) incorporated in the Act(s).*

## Reprints notes

### 1 *General*

This is a reprint of the Education Act 1964 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### 2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### 3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### 4 *Amendments incorporated in this reprint*

Education and Training Act 2020 (2020 No 38): section 669(3)(a)

Education Amendment Act 2019 (2019 No 18): Part 2 subpart 1

Education (Update) Amendment Act 2017 (2017 No 20): section 161(1)

Education Legislation Act 2016 (2016 No 72): section 109(1)

Criminal Procedure Act 2011 (2011 No 81): section 413

Education Amendment Act (No 3) 2010 (2010 No 134): section 35

Immigration Act 2009 (2009 No 51): section 406(1)

Education Amendment Act 2006 (2006 No 19): section 61(3)

Education Standards Act 2001 (2001 No 88): sections 11(2); 13(2)

Education Amendment Act (No 2) 1998 (1998 No 118): sections 19(3)(a), 60(a)

Building Amendment Act 1993 (1993 No 99): section 22(1)

Education Amendment Act (No 4) 1991 (1991 No 136): section 35(3)(c)

Education Amendment Act (No 2) 1990 (1990 No 118): section 2(2)(a)

Education Amendment Act 1990 (1990 No 60): section 50(4), (5)

Education Amendment Act 1989 (1989 No 156): sections 9(3)(a), 12(2)(b), 15(5)(a), 18(1), 19(1), 21(7)

State Sector Amendment Act (No 2) 1989 (1989 No 136): section 32(1)

Education Act 1989 (1989 No 80): sections 142(1), (3), 144(2)

State Sector Amendment Act 1989 (1989 No 67): section 8(1)

School Trustees Act 1989 (1989 No 3): sections 18(2), 22(3)(b), 24(1), (6)(a)

State Sector Act 1988 (1988 No 20): section 81(1), (2), (4)

Education Amendment Act (No 2) 1987 (1987 No 177)

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Constitution Act 1986 (1986 No 114): section 29(2)  
Education Amendment Act 1983 (1983 No 57)  
Education Amendment Act 1981 (1981 No 124)  
Judicature Amendment Act 1979 (1979 No 124): section 12  
Education Amendment Act 1977 (1977 No 91)  
Education Amendment Act 1976 (1976 No 42)  
Private Schools Conditional Integration Act 1975 (1975 No 129): section 83(1), (8), (9)  
Education Amendment Act (No 2) 1974 (1974 No 136)  
Education Amendment Act 1972 (1972 No 34)  
Education Amendment Act 1971 (1971 No 145)  
State Services Remuneration and Conditions of Employment Act 1969 (1969 No 64): section 57(2)(a)  
Education Amendment Act 1967 (1967 No 136)  
Rating Act 1967 (1967 No 123): section 177(1)  
Education Act Commencement Order 1965 (SR 1965/174)