

**Version
as at 1 August 2020**

Education Amendment Act 1990

Public Act 1990 No 60
Date of assent 23 July 1990

Education Amendment Act 1990: repealed, on 1 August 2020, pursuant to section 669(3)(b) of the Education and Training Act 2020 (2020 No 38).

Contents

	Page
Title	3
1 Short Title and commencement	4
Part 1	
Miscellaneous amendments to principal act	
2 Interpretation	4
3 Restrictions on enrolment at primary school	5
4	5
5	5
6	5
7	5
8 Students under 15 suspended for unspecified period <i>[Repealed]</i>	5
9 Director-General of Social Welfare may recommend that student should attend particular school <i>[Repealed]</i>	5
10	6
11	6
12	6

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint. See the notes at the end of this reprint for further details.

This Act is administered by the Ministry of Education.

13	Powers of the Special Education Service Board and Early Childhood Development Unit Board	6
14		6
15		6
16		6
17	Terms, holidays, and closure of schools	6
18		6
19	Powers of entry and inspection	6
20		6
21		7
22		7
23		7
24		7
25		7
26		7
27		7
28		7
29		7
30		7
31		7
32	Provision by one Board of tuition for students enrolled at school administered by another <i>[Repealed]</i>	7
33		7
34		7
Part 2		
Provisions relating to tertiary education and training		
35		7
36		7
37		7
38		7
39		7
40		7
41		7
42		7
43	<i>[Repealed]</i>	8
44		8
45	<i>[Repealed]</i>	8
46		8
47		8
Part 3		
Student allowances, and early childhood education and home-based care		
48		8

49		8
	Part 4	
	Repeals, amendments, and revocations	
50	Consequential amendments and repeals	8
51		8
	Schedule 1	8
	New Schedules to the principal Act	
	Schedule 2	9
	Amendments coming into force immediately	
	Schedule 3	9
	Consequential amendments coming into force on 1 October 1990	
	Schedule 4	9
	Consequential amendments coming into force on 1 November 1990	
	Schedule 5	9
	Consequential amendments coming into force on 1 January 1991	
	Schedule 6	9
	Enactments repealed	
	Schedule 7	9
	Consequential amendments of regulations	
	Schedule 8	9
	Regulations revoked	

An Act to reform further the administration of education and, in particular, to reform tertiary education and training with a view to—

- (a) Giving tertiary institutions as much independence and freedom to make academic, operational, and management decisions as is consistent with the nature of the services they provide, the efficient use of national resources, the national interest and the demands of accountability; and**
- (b) Establishing a consistent approach to the recognition of qualifications in academic and vocational areas; and**
- (c) Encouraging greater participation in tertiary education and training, in particular by removing barriers to access for those groups of persons who have previously been under-represented; and**
- (d) Contributing to a dynamic and satisfying society by promoting excellence in tertiary education, training, and research**

BE IT ENACTED by the Parliament of New Zealand as follows:**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) of, and Schedule 3 to, this Act shall come into force on the 1st day of October 1990.
- (3) Section 50(3) of, and Schedule 4 to, this Act shall come into force on the 1st day of November 1990.
- (4) Section 37 of this Act (except in so far as it inserts sections 168 to 172 into the principal Act), sections 38, 39, 50(4), and 51(4) of this Act, and Schedule 5 to this Act, shall come into force on the 1st day of January 1991.
- (5) Section 51(5) of this Act shall come into force on the 1st day of 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)
- (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) Section 19(1) of the Education Amendment Act 1989 is hereby consequentially amended by repealing the definitions of the terms **domestic student** and **foreign student**, and substituting the following definitions:

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

- (a) A New Zealand citizen; or
- (b) The holder of a residence permit under the Immigration Act 1987; or
- (c) By virtue of paragraph (a) or paragraph (b) or paragraph (f) of section 112(1) of that Act, exempt from the requirement to hold a permit granted under that Act; or
- (d) Exempted under section 12 of that Act from the requirement to hold a permit granted under that Act; or

- (e) 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:

Foreign student, at any time, means a person who is not then a domestic student:.

3 Restrictions on enrolment at primary school

- (1) This subsection inserted section 5(4) and (5) of the principal Act.
- (2) The schools concerned are—
- (a) In the former Auckland Education Board district, Ahipara Primary School, Grey Lynn Primary School, Leigh Primary School, Onewhero Area School, Otangarei Primary School, Te Tii Primary School, Totara North Primary School, and Waima Primary School; and
 - (b) In the former Hamilton Education Board district, Bethlehem School, Kawhia School, Matakana Island School, Murupara School, Huiarau School, Waimiha District School, Matapuna School, Knighton Normal School, and Ruatoki School; and
 - (c) In the former Hawke's Bay Education Board district, Bridge Pa School, Omahu School, Pakipaki School, Manutahi Primary School, and Riverslea School; and
 - (d) In the former Wanganui Education Board district, Raetihi School, Maxwell School, and Marton Junction School; and
 - (e) In the former Wellington Education Board district, Mount Cook School; and
 - (f) In the former Canterbury Education Board district, Tuahiwi School, Te One School, and Owenga School.

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8 Students under 15 suspended for unspecified period

[Repealed]

Sections 8 and 9 were repealed, as from 19 December 1998, by section 60(c) Education Amendment Act (No 2) 1998 (1998 No 118).

9 Director-General of Social Welfare may recommend that student should attend particular school

[Repealed]

Sections 8 and 9 were repealed, as from 19 December 1998, by section 60(c) Education Amendment Act (No 2) 1998 (1998 No 118).

10**11****12****13 Powers of the Special Education Service Board and Early Childhood Development Unit Board**

Subsection (1) was repealed, as from the effective date (being 28 February 2002), by section 86(3) Education Standards Act 2001 (2001 No 88).

Subsection (2) was repealed, as from 6 April 2004, by section 5(3)(a) Education (Disestablishment of Early Childhood Development Board) Amendment Act 2004 (2004 No 14).

14**15****16****17 Terms, holidays, and closure of schools**

- (1) This subsection inserted sections 65A to 65G of the principal Act.
- (2) Sections 65A to 65G of the principal Act (as inserted by subsection (1) of this section) shall have effect in respect of the year 1991 as if—
 - (a) The number of half days on which schools must be open in that year; and
 - (b) The means for ascertaining the terms schools must observe during that year; and
 - (c) The days during that year (in addition to those specified in section 65C(1) of the principal Act) on which Boards may close the schools they administer,—

specified in the Education (Terms and Holidays) Regulations 1984 (in the form in which those regulations were in force immediately before the day on which this Act received the Royal assent) had (respectively) been prescribed by the Minister in respect of that year under sections 65A(1), 65B(1), and 65C(3) of the principal Act.

18**19 Powers of entry and inspection**

- (1)
- (2) Section 12(1) of the Education Amendment Act 1989 is hereby consequentially repealed.

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32 **Provision by one Board of tuition for students enrolled at school
administered by another**

[Repealed]

Section 32 was repealed, as from 19 December 1998, by section 41(2) Education Amendment Act (No 2) 1998 (1998 No 118).

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Part 2

Provisions relating to tertiary education and training

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43*[Repealed]*

Section 43 was repealed, as from 1 January 2003, by section 59 Education (Tertiary Reform) Amendment Act 2002 (2002 No 50).

44**45***[Repealed]*

Section 45 was repealed, as from 1 January 2003, by section 59 Education (Tertiary Reform) Amendment Act 2002 (2002 No 50).

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Part 3

Student allowances, and early childhood education and home-based care

48**49**

Part 4

Repeals, amendments, and revocations

50 **Consequential amendments and repeals**

(1)

(2)

(3)

(4)

(5)

(6) The repeal by subsection (5) by this section of section 9(3) of the Education Amendment Act 1977 does not affect the validity of anything validated by it.

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Schedule 1

New Schedules to the principal Act

Section 47

Schedule 2

Amendments coming into force immediately

Section 47

Schedule 2 was amended, as from 1 January 2003, by section 59 Education (Tertiary Reform) Amendment Act 2002 (2002 No 50) by omitting the item that inserts paragraph (cb) into the Government Superannuation Act 1975.

Schedule 2 was amended, as from 1 January 2003, by section 59 Education (Tertiary Reform) Amendment Act 2002 (2002 No 50) by omitting the item that inserts the Education Training and Support Agency into Part 2 of the Ombudsmen Act 1975.

Schedule 2 was amended, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48) by repealing so much as relates to the Psychologists Act 1981. *See* sections 178 to 227 of that Act as to the transitional provisions.

Schedule 2 **Law Practitioners Act 1982**: repealed, on 1 August 2008, by section 349 of the Lawyers and Conveyancers Act 2006 (2006 No 1).

Schedule 3

Consequential amendments coming into force on 1 October 1990

Section 50(2)

Schedule 4

Consequential amendments coming into force on 1 November 1990

Section 50(3)

Schedule 5

Consequential amendments coming into force on 1 January 1991

Section 50(4)

Schedule 6

Enactments repealed

Section 50(5)

Schedule 7

Consequential amendments of regulations

Section 51(1)

Schedule 8

Regulations revoked

Section 51(1)

Reprint notes**1 *General***

This is a reprint of the Education Amendment Act 1990 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this reprint*

This reprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this reprint*

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

Lawyers and Conveyancers Act 2006 (2006 No 1): section 349