

**Reprint
as at 1 August 2020**

Education Amendment Act (No 2) 1998

Public Act 1998 No 118
Date of assent 18 December 1998

Education Amendment Act (No 2) 1998: repealed, on 1 August 2020, pursuant to section 669(3)(b) of the Education and Training Act 2020 (2020 No 38).

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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.

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An Act to amend the Education Act 1989

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 (No 2) 1998, and is part of the Education Act 1989 (**the principal Act**).
- (2) Except as provided in subsection (3), this Act comes into force on the day after the date on which it receives the Royal assent.
- (3) Sections 7 and 64 come into force on a date to be appointed by the Governor-General by Order in Council.

2 Interpretation

This section substituted the definition **Enrolment scheme** in s 2(1) of the principal Act.

3 Special education

This section amended s 9(2) of the principal Act.

4 Right of reconsideration

- (1) This subsection inserted s 10(6)(ma) of the principal Act.
- (2) This subsection amended s 10(6)(n) of the principal Act.

5 New heading and sections substituted

This section substituted ss 11A to 11Q in the principal Act.

6 Consequential amendments and repeals

- (1) This subsection amended s 18A(2) of the principal Act.
- (2) This subsection amended ss 155(9) and 155(11) of the principal Act.
- (3) This section substituted s 156(7) and amended s 156(8) of the principal Act.
- (4) Sections 3(2) and 5 of the Education Amendment Act 1991 are consequentially repealed.

7 New heading and sections substituted

This section substituted ss 13 to 17, inserted ss 17A to 17D, and substituted s 18 of the principal Act.

8 Secretary may make rules

This section inserted s 18AA in the principal Act.

9 Principal may preclude student for health reasons

This section amended s 19 of the principal Act.

10 Long term exemptions from enrolment

- (1) This subsection amended s 21(2) of the principal Act.
- (2) This subsection inserted s 21(8A) in the principal Act.

11 Secretary may exempt from enrolment persons placed in residence or programme under Children, Young Persons, and Their Families Act 1989

This section inserted s 22A in the principal Act.

12 Registration and inspection of private schools

This section amended s 35A(1) of the principal Act.

13 Suspensions and expulsions of students from private schools to be notified to Secretary

This section inserted s 35AA in the principal Act.

Special Education Service

[Repealed]

The heading above section 14 was repealed, as from the effective date (being 28 February 2002) by section 86(3) Education Standards Act 2001 (2001 No 88).

14 Interpretation

[Repealed]

Sections 14 and 15 were repealed, as from the effective date (being 28 February 2002) by section 86(3) Education Standards Act 2001 (2001 No 88).

15 New sections substituted

[Repealed]

Sections 14 and 15 were repealed, as from the effective date (being 28 February 2002) by section 86(3) Education Standards Act 2001 (2001 No 88).

Early Childhood Development Unit

[Repealed]

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

16 Interpretation

[Repealed]

Sections 16 and 17 were repealed, as from 6 April 2004, by section 5(3)(c) Education (Disestablishment of Early Childhood Development Board) Amendment Act 2004 (2004 No 14).

17 New sections substituted

[Repealed]

Sections 16 and 17 were repealed, as from 6 April 2004, by section 5(3)(c) Education (Disestablishment of Early Childhood Development Board) Amendment Act 2004 (2004 No 14).

Curriculum

18 Interpretation

This section amended s 60 of the principal Act.

19 National education guidelines

- (1) This subsection inserted s 60A(aa) in the principal Act.
- (2) This subsection inserted s 60A(2) in the principal Act.
- (3) The following enactments are repealed:
 - (a) Sections 75 and 84 of the Education Act 1964:
 - (b) Section 5 of the Education Amendment Act (No 2) 1982.
- (4) The following regulations are revoked:
 - (a) The Education (Secondary Instruction) Regulations 1975 (SR 1975/72):
 - (b) The Education (Secondary Instruction) Regulations 1975, Amendment No 1 (SR 1976/33):
 - (c) The Education (Secondary Instruction) Regulations 1975, Amendment No 3 (SR 1977/147):
 - (d) The Education (Secondary Instruction) Regulations 1975, Amendment No 4 (SR 1977/211):
 - (e) The Education (Secondary Instruction) Regulations 1975, Amendment No 7 (SR 1980/118):
 - (f) The Education (Secondary Instruction) Regulations 1975, Amendment No 10 (SR 1986/169):
 - (g) The Education (Secondary Instruction) Regulations 1975, Amendment No 11 (SR 1986/376):
 - (h) The Education (Secondary Instruction) Regulations 1975, Amendment No 14 (SR 1990/168).

Assistance for Boards

20 Secretary may require Board to get specialist support

This section inserted s 64A in the principal Act.

Meaning of school day

21 Exceptions in particular cases

This section inserted ss 65D(3) to 65D(6) in the principal Act.

School property

22 Occupancy of property and buildings

- (1) This subsection substituted s 70(1) in the principal Act.
- (2) This subsection substituted s 70(5) and 70(6) in the principal Act.

School records

23 Enrolment records

This section inserted s 77A in the principal Act.

Entry and inspection of schools

24 Powers of entry and inspection

- (1) This subsection substituted s 78A(1) and 78A(2) in the principal Act.
- (2) This subsection amended s 78A(4) of the principal Act.

25 Entry where school suspected of being unregistered

This section inserted s 78B in the principal Act.

Provisions concerning Boards, Commissioners, and establishment of schools

26 Proprietors of integrated schools may vary number of trustees they appoint

This section amended s 94(2) and 94(4) of the principal Act.

27 Boards of newly established schools

This section substituted s 98(2)(a) of the principal Act.

28 When casual vacancies arise

This section amended s 104(6) of the principal Act.

29 Commissioners

- (1) This subsection inserted s 109(7A) and 109(7B) in the principal Act.
- (2) This subsection inserted s 109(9) in the principal Act.

30 Boards may combine

This section amended s 110(1) of the principal Act.

31 Each school to be represented on combined Board

- (1) This subsection amended s 116(1)(a) of the principal Act.

- (2) Section 116(2) of the principal Act is repealed.
- 32 Repeal of spent section**
Section 140 of the principal Act (which relates to the initial appointment of teachers to certain positions) is repealed.
- 33 Interpretation**
This section inserted in s 145(1) of the principal Act the definition of the term **composite school**.
- 34 Minister may establish schools**
This section inserted s 146(3) and 146(4) in the principal Act.
- 35 Normal schools, etc**
This section amended s 148(1) of the principal Act.
- 36 Contributing schools**
This section inserted s 150(6) and 150(7) in the principal Act.
- 37 Provision of education at composite schools**
This section substituted s 151 in the principal Act.
- 38 Minister may change class of school**
- (1) This subsection inserted s 153(1A) in the principal Act.
- (2) This subsection amended s 153(4) of the principal Act.
- 39 Closure of schools**
- (1) This subsection inserted s 154(2A) in the principal Act.
- (2) This subsection inserted s 154(3A) in the principal Act.
- 40 Minister may merge schools**
This section substituted s 156A in the principal Act.
- 41 Provision by one Board of tuition for students enrolled at school administered by another**
- (1) This subsection repealed s 158(4) of the principal Act.
- (2) Section 32 of the Education Amendment Act 1990 is consequentially repealed.

Fee disclosure by institutions

- 42 Tertiary institutions to give prospective students information about fees**
This section inserted s 228A in the principal Act.

43 Grants to private training establishments

This section amended s 238A(8)(a) of the principal Act.

Education and training support

44 Interpretation

This section substituted the definition of **Agency** in s 269 of the principal Act.

45 New sections substituted

- (1) This subsection substituted ss 270 to 272 of the principal Act.
- (2) This subsection amended s 253(c)(i) of the principal Act.
- (3) This subsection amended Schedule 16 of the principal Act.
- (4) Even though the term for which a member was appointed may not have expired, each appointed member holding office immediately before the commencement of this section must, if the member's office has not earlier become vacant under clause 2(2) of Schedule 16 of the principal Act, go out of office on the earlier of the following days:
 - (a) The day on which the appointment of a successor takes effect:
 - (b) The day on which the sixth member to be appointed after that commencement takes office.
- (5) Despite clause 1(1) of Schedule 16 of the principal Act, of the 6 members other than the chairperson first appointed after the commencement of this section, 4 are to be appointed for a term of 18 months only.

46 Powers of Board

This section amended s 276 of the principal Act.

47 Term of office

This section amended clause 1(1) of Schedule 16 of the principal Act.

Careers Service

48 Interpretation

This section substituted the definition of the term **service** in s 278 of the principal Act.

49 Service continued for purposes of Part 22

- (1) This subsection substituted s 279 of the principal Act.
- (2) This subsection amended Schedule 17 of the principal Act.

50 Continuation of Board

This section substituted s 281 of the principal Act.

51 Term of office

This section amended clause 1(1) of Schedule 17 of the principal Act.

Miscellaneous provisions**52 Change of names of education entities**

This section inserted s 301A in the principal Act.

53 New sections substituted

This section substituted ss 307 and 307AA in the principal Act.

54 Powers of entry and inspection of early childhood centres

(1) This subsection substituted s 318(1) and 318(2) and inserted, s 318(1A) in the principal Act.

(2) This subsection amended s 318(4) of the principal Act.

55 Centres situated on property owned by the Crown

(1) Section 319 of the principal Act is amended by repealing paragraphs (d) and (e).

(2) This subsection inserted s 319(2) and 319(3) of the principal Act.

Review of educational services**56 Interpretation**

(1) This subsection amended the definition of the term **applicable service** in s 323 of the principal Act.

(2) This subsection inserted in s 323 of the principal Act the definition **Parent**.

57 Educational services to which this Part applies

This section inserted s 324(2) of the principal Act.

58 New sections inserted

This section inserted ss 328A to 328D and headings in the principal Act.

Election irregularities**59 Validation and invalidation of elections of Boards**

This section substituted clause 9(3) and inserted clause 9(3A) of Schedule 6 of the principal Act.

Repeals, amendments, and transitional and savings provisions

60 Consequential repeals

The following enactments are consequentially repealed:

- (a) Section 130F of the Education Act 1964;
- (b) So much of the Schedule 9 of the principal Act as relates to section 130F of the Education Act 1964;
- (c) Sections 8 and 9 of the Education Amendment Act 1990;
- (d) Section 6(2)(b) of the Education Amendment Act 1991;
- (e) Section 18 of the Education Amendment Act 1993.

61 Amendment to Education Lands Act 1949

- (1) This subsection amended Section 6(1C) of the Education Lands Act 1949.
- (2) This subsection amended Section 6 of the Education Lands Act 1949 by repealing subsections (3) and (4).
- (3) This subsection amended Section 6(6) of the Education Lands Act 1949.

62 Transitional provisions relating to enrolment schemes

- (1) Despite anything in the principal Act or in the enrolment schemes concerned, every enrolment scheme in place under the principal Act when this section comes into force (**an old scheme**) continues in force and ceases to have effect on a date to be appointed by the Governor-General by Order in Council; and 1 or more orders may be made under this subsection appointing different dates for different classes of schools or different locations.
- (2) A new enrolment scheme (whether or not it is to have effect in place of an old scheme) may be prepared in accordance with Part 2 of the principal Act (as amended by this Act) at any time after this section comes into force.

63 Saving of syllabuses in force under Education Act 1964

Every statement (such as a syllabus) corresponding to a national curriculum statement under section 60A of the principal Act that was issued in the form of a notice and was, immediately before the commencement of this section, in force under the Education Act 1964 continues in force until revoked under section 60A(2) of the principal Act.

64 Transitional provision relating to suspension of students from state schools

- (1) Despite the repeal of sections 13 to 18 of the principal Act by section 7 of this Act, those sections 13 to 18 are to continue to apply (as if those sections had not been repealed) to every student of a state school who was, immediately before the date of the repeal of those sections, subject to a suspension under any of those sections 13 to 18.

- (2) Sections 13 to 18 of the principal Act continue to apply to a student to whom subsection (1) applies until the suspension is lifted or otherwise ceases to have effect under those sections.

Reprint notes

1 *General*

This is a reprint of the Education Amendment Act (No 2) 1998 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)