

New Zealand.



ANALYSIS.

Title.

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Short Title. 2. Urban school districts abolished. 3. Meetings of Education Boards. 4. Restriction on expenditure of rebuilding funds. 5. Unauthorized expenditure of Education Boards, and of Secondary and Technical School Boards. 6. Special classes for crippled and backward children. 7. Registration and inspection of private schools. Consequential repeal. | <ol style="list-style-type: none"> 8. Section 71 of principal Act (relating to appointments of teachers) amended. Consequential repeal. 9. National Scholarships available for children resident in Cook Islands or Western Samoa. 10. Definition of "bequest" for purposes of subsidies. 11. Teachers to take oath of allegiance. 12. Persons in Education service to be eligible for appointment to Education Department. |
|---|--|

1921-22, No. 27.

AN ACT to amend the Education Act, 1914.

[13th January, 1922.]

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Education Amendment Act, 1921-22, and shall be read together with and deemed part of the Education Act, 1914 (hereinafter referred to as the principal Act).

Short Title.

2. (1.) All urban school districts under the principal Act are hereby abolished. The Committee of any urban school district in office at the commencement of this Act shall continue in office as if this Act had not been passed until the first annual election of School Committees to be held after the commencement of this Act.

Urban school districts abolished.

(2.) The enactments hereinafter mentioned are hereby consequentially amended as follows:—

(a.) Section two of the principal Act—By repealing the definition of "urban school district":

(b.) Section eleven of the principal Act—By omitting from paragraph (e) of subsection two the words "a representative of an urban school district, or":

(c.) Section fifteen of the principal Act—By omitting from subsection three the words "whether an urban school district or not":

- (d.) Section forty of the principal Act—
- (i.) By omitting from the second proviso to subsection two the words “other than an urban school district”:
- (ii.) By repealing subsections six, seven, and eight:
- (e.) Section forty-one of the principal Act—
- (i.) By repealing the proviso to subsection two:
- (ii.) By omitting from subsection three the words “except in the case of the members of the Committee of an urban school district, whose ordinary term of office shall be two years”:
- (f.) Section forty-seven of the principal Act—By repealing the proviso:
- (g.) Section eighty-eight of the principal Act—By omitting from subsection two the words “or the Committee of any urban school district, after consultation with the Board”:
- (h.) Section ninety of the principal Act—By omitting from subsection one the words “by the Committee of the urban school district (if any) within five miles of such school, or, if there is no such urban school district”:
- (i.) Section one hundred and ten of the principal Act—By omitting from subsection two the words “and any urban School Committee”:
- (j.) Section one hundred and thirteen of the principal Act, as set out in section thirty-one of the Education Amendment Act, 1920,—
- (i.) By omitting from the proviso to subsection two the words “and one manager shall be appointed by the Committee of the urban school district, if any, within five miles of such technical school”:
- (ii.) By omitting from paragraph (b) of subsection five the words “The Committee of the urban school district, if any, in which any such technical school is situated shall have the power to appoint one manager, or, if an urban school district has not been formed”:
- (k.) Third Schedule to the principal Act—
- (i.) By omitting from the heading to Part I the words “other than urban school districts”:
- (ii.) By repealing Parts II and III.

3. Section twenty-eight of the principal Act is hereby amended by repealing the proviso to subsection one thereof.

4. (1.) After the passing of this Act an Education Board shall not enter into any contract or engagement involving the expenditure of money out of the special fund established for the rebuilding of schools and the replacement of school class-rooms (hereinafter referred to as the rebuilding fund), save with the prior consent in writing of the Minister, nor shall any moneys be hereafter paid out of that fund unless such consent has been given, save in respect of contracts lawfully entered into by the Board before the passing of this Act for the purposes or any of the purposes for which the rebuilding fund has been established.

Meetings of
Education Boards.

Restriction on
expenditure of
rebuilding funds.

(2.) In addition to the purposes referred to in subsection six of section thirty-three of the principal Act (as set out in section nine of the Statute Law Amendment Act, 1917) in relation to the rebuilding fund, the moneys in that fund shall, as from the passing of this Act, be available for expenditure in respect of the remodelling of schools or class-rooms, additions to schools, and the building of new schools and residences :

Provided that nothing herein shall authorize the payment of any moneys into any fund otherwise than as provided by the said subsection six.

(3.) Any moneys in the rebuilding fund that are not for the time being required for the purposes of that fund may, and, if the Minister so directs, shall, be temporarily invested in such securities or in such manner as may be approved for the purpose by the Governor-General in Council.

(4.) All moneys accruing from the investment of any moneys as aforesaid shall be paid into the rebuilding fund.

5. (1.) An Education Board may, in any calendar year, expend out of its General Fund for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one per centum of such portion of its income for that year as is payable to the General Fund, nor in any case to more than fifty pounds.

Unauthorized expenditure of Education Boards, and of Secondary and Technical School Boards.

(2.) The governing body of any secondary school and the controlling authority or Board of Managers, as the case may be, of a technical school may, in any calendar year, expend out of its income received for general or incidental purposes, for purposes not authorized by any Act or law for the time being in force, any sum or sums not amounting in the whole to more than one per centum of such portion of its income for that year as is chargeable with general or incidental expenses, nor in any case to more than twenty-five pounds.

6. Section nine of the Education Amendment Act, 1920, is hereby repealed, and the following proviso substituted as the first proviso to subsection two of section fifty-six of the principal Act:—

Special classes for crippled and backward children.

“ Provided that the Minister may sanction the establishment, either in connection with a public school or as a separate school, of special classes for children, who, through physical infirmity, absence from school, or other circumstances, require special tuition. A separate school so established shall be deemed to be a public school, save that it may, on the recommendation of the Board and with the approval of the Minister, be placed under the control of any person or persons appointed by the Board for the purpose in lieu of a School Committee.”

7. (1.) For the purposes of this section—

“ Efficient ” used with reference to any private school means that the premises, staff, equipment, and curriculum of the school are suitable; that the instruction afforded therein is as efficient as in a public school of the same class; that suitable provision is made for the inculcation in the minds of the pupils of sentiments of patriotism and loyalty :

Registration and inspection of private schools.

“Managers” used in relation to a private school means and includes all persons who have the control and management of such school, whether they have a proprietary interest therein or not.

(2.) The managers of every private school established before the passing of this Act and not then registered as such shall, within six months after the passing of this Act, apply to the Director of Education for the registration of the school under this section. Such application shall be in the form provided, and shall give such information as may be required regarding the premises, staff, equipment, curriculum, and pupils of the school.

(3.) No private school shall be established after the passing of this Act unless application for registration has been made to the Director of Education, and he is satisfied that the premises, staff, equipment, and curriculum are satisfactory.

(4.) On receipt of an application for the registration of a private school the Director shall cause the school to be inspected by an Inspector. If on the report of the Inspector the Director is satisfied that the school is efficient, but in no other case, he shall cause the school to be registered as a private primary, secondary, or technical school, as the case may be.

(5.) The Director shall publish annually in the *Gazette* a list of all registered private schools.

(6.) Every private school, whether registered under this section or not, shall be inspected annually, and a copy of the Inspector's report shall be sent to the head teacher or the managers thereof.

(7.) If at any time it appears to the Director that any registered private school has ceased to be an efficient private school, within the meaning of this section, the Director shall remove the name of the school from the list of registered schools, and shall notify the head teacher and the managers accordingly.

(8.) The managers of any existing unregistered private school who fail to apply for registration of the school within six months after the passing of this Act, and the managers of any private school established after the passing of this Act without application for registration having been made as herein required, shall be jointly and severally liable on summary conviction to a fine of fifty pounds.

(9.) Every private school shall keep such registers of attendances and such other records as may be prescribed, and shall furnish such annual and other returns as may be required.

(10.) This section is in substitution for section one hundred and thirty-three of the principal Act, and that section is hereby accordingly repealed.

8. (1.) Section seventy-one of the principal Act is hereby amended as follows:—

(a.) By repealing subsection four, and substituting the following subsection:—

“ (4.) Except in the case of appointments by way of transfer made without increase of salary, the Board shall, before making an appointment to any position, invite applications for appointment to that position, by

Consequential
repeal.

Section 71 of
principal Act
(relating to
appointment of
teachers) amended.

advertisement, in such manner as the Minister may require or approve."

- (b.) By adding to subsection six as set out in section sixteen of the Education Amendment Act, 1920, the following proviso:—

"Provided also that, save in the case of the first permanent appointment of a teacher, or in any special case approved by the Director on the recommendation of the Board, no teacher shall be eligible for appointment to any vacant position before the expiry of at least one year after the date of his last permanent appointment."

(2.) Before making any appointment of a teacher under section seventy-one of the principal Act (whether by way of transfer or otherwise) the Board shall consider the fitness for the vacant position of every teacher in the employment of the Board referred to in paragraph (a) of subsection three thereof, or in section nine of the Education Amendment Act, 1919, and, if the appointment would not involve an increase of salary, shall appoint the most suitable of those teachers, unless it is of opinion that none of those teachers is suitable to fill the vacant position.

(3.) Subsection two of this section is in substitution for the first proviso to subsection three of section seventy-one of the principal Act, and that proviso is hereby repealed accordingly.

Consequential repeal.

9. (1.) Notwithstanding anything to the contrary in section one hundred and two of the principal Act, applications for Junior National Scholarships or Senior National Scholarships may be made to the Director by or on behalf of persons resident and receiving educational instruction in the Cook Islands or in Western Samoa, but eligible in other respects to be the holders of such scholarships, and scholarships may be awarded in accordance with this section.

National Scholarships available for children resident in Cook Islands or Western Samoa.

(2.) Every scholarship awarded under this section shall be awarded by the Minister, on the recommendation of the Director, and not by an Education Board.

(3.) Every scholarship awarded under this section shall be held in New Zealand.

(4.) All moneys payable in respect of scholarships awarded under this section shall be issued out of the Consolidated Fund by the Minister of Finance pursuant to section one hundred and six of the principal Act, but shall be paid by him to the Director and not to an Education Board.

10. Section one hundred and fifty-nine of the principal Act is hereby amended by adding the following subsection:—

Definition of "bequest" for purposes of subsidies.

"(3.) For the purposes of this section the term 'bequest' means and includes any property, whether real or personal, derived from the estate of a deceased person, whether or not any discretionary powers as to the disposal of that property are vested in the personal representatives of the deceased."

11. (1.) On and after the first day of April, nineteen hundred and twenty-two, no person shall be employed or shall continue to be employed, or shall act as a teacher, in any public school, secondary school, technical school, endowed school, Native school, or private school unless, in the case of a British subject, he has since the

Teachers to take oath of allegiance.

passing of this Act made and subscribed the oath of allegiance, and, in any other case, he has since the passing of this Act made and subscribed in the prescribed form an oath that he will not, directly or indirectly, use words or be concerned in any act which would be disloyal to His Majesty if such words were spoken or written, or such act was committed, by a subject of His Majesty.

(2.) Nothing herein shall be so construed as to restrict the provisions of section fifty of the Evidence Act, 1908, whereby every person is entitled as of right to make his solemn affirmation instead of taking an oath.

(3.) Nothing in section ten of the Promissory Oaths Act, 1908, shall limit the operation of this section.

(4.) 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 Supreme Court, or the Chairman of an Education Board or of the governing body or controlling authority of a secondary school or technical school or of a School Committee, and every such Justice, solicitor, and Chairman respectively shall have authority to administer and receive any such oath or affirmation.

(5.) 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 summary conviction to a fine of fifty pounds.

12. For the purpose of appointments to the staff of the Department of Education constituted by the principal Act, every person who is permanently employed in the Education service within the meaning of Part I of the Public Service Classification and Superannuation Amendment Act, 1908, shall be deemed to be a person employed in the Public Service within the meaning of section forty of the Public Service Act, 1912, whether or not he is a person so employed for the purpose of any other appointment in the Public Service or within the meaning of any other provisions of that Act.

Persons in
Education service
to be eligible for
appointment to
Education
Department.