

New Zealand.



ANALYSIS.

Title.

1. Short Title.

2. Appointment of teachers in public schools. Consequential repeals.

3. Establishment and control of intermediate schools and intermediate departments of existing schools. Repeal.

4. Teachers may be summarily dismissed for gross misconduct, or may be suspended for neglect of duty or other offences. Consequential repeal.

5. Authorizing payment of travelling-expenses to Managers of technical schools.

6. Authority for establishment and disestablishment of teachers' training colleges.

7. Authority to make advances to training-college students for purposes of their training.

8. Enrolment and attendance of children at public schools. Repeal.

9. Provision for compulsory enrolment in special classes of subnormal children.

10. Control of admissions to schools other than public schools.

11. Provision for fixing school holidays. Repeal.

Special Provisions as to Wellington College and Girls' High School.

12. Mayor of Wellington may decline membership of Board of Governors of Wellington College and Girls' High School.

1932-33, No. 49.

AN ACT to amend the Education Act, 1914.

Title.

[10th March, 1933.]

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, 1932-33, and shall be read together with and deemed part of the Education Act, 1914 (hereinafter referred to as the principal Act).

Short Title.

Appointment of
teachers in
public schools.

2. (1) An Education Board shall, in accordance with this section but not otherwise, appoint such teachers as may in accordance with regulations be required for the schools under its control; but no person shall be eligible for appointment who does not hold such teacher's certificate and such other certificates of fitness as are required by regulations:

Provided that in cases where a certificated teacher cannot be obtained for any position the person having otherwise the best qualifications may be temporarily appointed until a certificated teacher can be obtained.

(2) The appointment of a teacher may be made by the transfer of a teacher from one position to another position (whether in the same or in a different school), or otherwise.

(3) The transfer of a teacher may be made in any of the following cases, namely:—

(a) In any case where a teacher is receiving a salary higher than that of the grade of salary pertaining to the position occupied by him, or where a teacher through no fault of his own has lost or is about to lose his position or has suffered or is about to suffer a reduction in salary:

(b) In any case where the efficient conduct of any school appears in the opinion of the Board to require such transfer:

(c) In any other case where a teacher has signified to the Board his desire for transfer.

(4) The Director shall from time to time send to every Board the names and qualifications of all teachers in any district who by virtue of the provisions of paragraph (a) or paragraph (b) of the last preceding subsection are available for transfer.

(5) 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 advertisement, in such manner as the Minister may require or approve.

(6) Before making any such appointment the Board shall consult with the Senior Inspector and shall take into account the fitness for the vacant position of all those teachers who by virtue of the provisions of paragraph (a)

or paragraph (b) of subsection three of this section are available for transfer, and whose names have been forwarded to the Board by the Director pursuant to the provisions of subsection four hereof or who have signified to the Board their desire for transfer, and if the appointment does 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:

Provided that no appointment of an assistant teacher to the position of head teacher in the same school shall be made by way of transfer without advertisement in accordance with the provisions of subsection five hereof.

(7) In any case where applications for a position have been invited and the position has not been filled by the transfer of a teacher in accordance with the provisions of the last preceding subsection, the Board shall select for appointment the applicant who is highest on the graded list of teachers unless in the opinion of the Board and the Senior Inspector some other applicant is more suitable for the position under consideration.

(8) In any special case (to be defined by regulations) where in the opinion of the Board and the Senior Inspector a teacher of a particular description or with special qualifications is required for a position, the Board shall select the applicant highest on the graded list of teachers who in the opinion of the Senior Inspector satisfies the description or who possesses the special qualifications, unless in the opinion of the Board and the Senior Inspector some other applicant is more suitable for the position under consideration. If applications are invited for any such position a statement of the special requirements shall be included in the advertisement calling for applications.

(9) Except in special circumstances, and with the approval of the Director given on the recommendation of the Board and the Senior Inspector, no person who has been permanently appointed as a teacher to any position shall, before the thirty-first day of December in the year immediately following the year in which he was so appointed, be eligible to apply for or to be appointed to another position.

(10) If in any case where applications have been invited it appears to the Board and the Senior Inspector

that two or more applicants possess as nearly as may be equal claims to appointment, then, but in no other case, the Board may select not more than three of such applicants for consideration by the Committee.

(11) Notwithstanding anything in the foregoing provisions of this section, the Board in making an appointment by transfer or otherwise may, on the recommendation of the Senior Inspector, give preference to the teacher who appears best fitted for the position among those applicants who have served for not less than two years in remote districts or in schools with an average attendance of less than one hundred and twenty.

(12) Except in the case of a married female teacher who has completed her course of training at a teachers' training college but has not completed the term of service required by regulations, the Board may refuse to appoint any female married teacher.

(13) If at any time the grade of salary attached to the position of any teacher in a school is raised, the teacher occupying that position shall not be entitled to claim an increase of salary in respect of his position unless the Board and the Senior Inspector, having regard to the interests of the school and the claims of other teachers, decide that he shall be retained in such position. The Board shall, not later than the first day of December in the year preceding the year in which the alteration in grade takes effect, notify the teacher whether he is to be retained in the position or is to be transferred, and if the teacher is not to be retained in the position the Board shall notify the Director and shall take the first opportunity of transferring the teacher to another position.

(14) If the Board and the Senior Inspector fail to agree as to the retention of a teacher in his position pursuant to the last preceding subsection, the matter shall be referred to the Minister, whose decision shall be final.

(15) The power of transfer conferred on a Board by subsection thirteen of this section shall be regarded as being exercised in accordance with the provisions of paragraph (b) of subsection three hereof.

(16) Every person who is the holder of a license to teach issued prior to the first day of January, nineteen hundred and twenty-seven, shall, subject to any other provisions in that behalf, be eligible for appointment as a teacher under this section so long as his license remains

in force. Every such license may be renewed in terms of and shall otherwise remain subject to the provisions of the regulations under which it was issued, which for the purposes of such licenses shall continue in force notwithstanding the repeal of the provisions relating to the issue of licenses to teach.

(17) Where a teacher has been an applicant for a position pursuant to this section and has afterwards refused the position when offered to him, he shall not, unless he satisfies the Director that there was a sufficient and proper reason for such refusal, be eligible for appointment to another position as a teacher in the service of any Board for a period of twelve months from the date of his refusal, or such shorter period as the Director may determine.

(18) This section is in substitution for section seventy-one of the principal Act and the amendments thereof, and the following enactments are hereby Consequential repeals. consequentially repealed, namely:—

(a) Section seventy-one of the principal Act:

(b) Section nine of the Education Amendment Act, 1919:

(c) Sections sixteen and thirty-nine of the Education Amendment Act, 1920:

(d) Section eight of the Education Amendment Act, 1921-22:

(e) Section twenty-one of the Education Amendment Act, 1924:

(f) Sections five and six of the Education Amendment Act, 1926:

(g) Section thirty-four of the Finance Act, 1931 (No. 2).

3. (1) In this section—

“Contributing school” means a public school or a Native school from which the pupils of the senior division have been removed to an intermediate school or to the intermediate department of a school: Establishment and control of intermediate schools and intermediate departments of existing schools.

“Governing body” means an Education Board, or a Technical School Board, or a Secondary School Board, or the Board of Governors of a secondary school, or any other body which is placed in charge of an intermediate school or the intermediate department of a school:

“Intermediate school” means a public school to which are admitted from one or more public or Native schools pupils who belong to the senior division :

“Intermediate department” means a department or division attached to a secondary school, a technical school, a combined school, or a district high school to which are admitted from one or more public or Native schools the pupils who belong to the senior division :

“Senior division” in relation to a public school or Native school includes such classes or forms therein as may from time to time be prescribed by regulations.

(2) Having due regard to the educational requirements of pupils resident in any locality or in any education district, and after consultation with the governing body or bodies affected, the Minister may in such locality or district either establish an intermediate school or create an intermediate department of an existing secondary school, technical school, combined school, or district high school, and with the like regard may disestablish any such intermediate school or intermediate department.

(3) At the discretion of the Minister, an intermediate school may be placed under the control of an Education Board or, notwithstanding anything to the contrary in Part V of the principal Act, may be placed under the control of the governing body of a secondary school, or of a technical school, or of a combined school.

(4) The Minister shall, after consultation with the Education Board, select the schools which are to be contributing schools in relation to any intermediate school or intermediate department, and shall thereafter direct the Board to limit the instruction given in such contributing schools to that prescribed for classes not higher than Standard IV or not higher than Form I, as he may determine.

(5) The Governor-General may by Order in Council make regulations providing for—

(a) The number and grades of teachers to be employed in intermediate schools and intermediate departments, and the manner in which such teachers shall be selected for appointment :

(b) The conditions of the employment of such teachers :

(c) The expenditure of such moneys as may from time to time be appropriated by Parliament for the establishment, maintenance, and management of intermediate schools and intermediate departments:

(d) The general control and management of intermediate schools and intermediate departments, including the admission of pupils, their attendance, and their courses of study.

(6) The Kowhai Junior High School (being a junior high school established under section nine of the Education Amendment Act, 1924) shall hereafter be deemed to be an intermediate school within the meaning of this section, and all other junior high schools so established and in existence at the commencement of this Act shall be deemed to be intermediate departments of the schools to which they are respectively attached.

(7) Clause one of the Second Schedule to the principal Act (relating to the election of members of Education Boards by School Committees) is hereby amended by adding thereto the words "(including the Committees having authority in respect of intermediate schools)".

(8) This section is in substitution for section nine of the Education Amendment Act, 1924, and that section is hereby accordingly repealed.

4. (1) Nothing in the principal Act or in any regulations thereunder shall preclude or prevent an Education Board, or the governing body of a technical school, a secondary school, a combined school, or an intermediate school, from suspending any teacher who has been guilty of neglect of duty, or of wilful disobedience to any lawful command given in relation to his duties, or shall prevent such Board or governing body from peremptorily dismissing any teacher for immoral conduct or gross misbehaviour, or, in the case of a teacher employed in a public school, shall prevent a School Committee from suspending such teacher for immoral conduct or gross misbehaviour. Except with the consent of the Minister, no teacher who has been suspended under the foregoing provisions of this section shall be entitled to receive any salary for any period of suspension, and, except with the like consent, no teacher who has been dismissed as aforesaid shall be entitled to receive any salary for any period subsequent to his dismissal.

Repeal.
Teachers may be summarily dismissed for gross misconduct, or may be suspended for neglect of duty or other offences.

(2) Notice of every suspension or dismissal under this section, with a full report of the circumstances, shall be forthwith given to the Minister by the Education Board or the governing body having control of the school in which such teacher was employed at the date of his suspension or dismissal.

(3) Where after due inquiry any Education Board or the governing body of any school as aforesaid is satisfied that a teacher charged with any offence not involving immoral conduct or gross misbehaviour is guilty of such offence, it may, with the consent of the Minister, impose a fine not exceeding five pounds, and may deduct the amount of such fine from any salary thereafter payable to such teacher.

(4) Every teacher who is dismissed or suspended pursuant to this section may appeal from such dismissal or suspension in accordance with the provisions of Part XI of the principal Act.

(5) Subsection two of section eighty-two of the principal Act is hereby repealed.

5. The Board of Managers of any technical school may reimburse to every member the expenses reasonably incurred and actually paid by him in going to and returning from any meeting of the Board, or of any Committee thereof of which he is a member, or in making any official visit when appointed by the Board to make such visit, or in attending (as a representative appointed by the Board) any conference summoned or approved by the Minister :

Provided that no payment under the authority of this section shall be made to any such member who has been already paid, or is entitled to be paid, any sum in respect of the same travelling-expenses by any other person or body corporate.

6. (1) For the purpose of ensuring the better education and training of teachers the Minister may establish teachers' training colleges at such centres as he may from time to time determine, and, having due regard to the maintenance of the standard of such education and training, may disestablish any training college whether established before or after the commencement of this Act.

(2) Where the Minister has directed that a training college shall be disestablished, the land, buildings, and

Consequential
repeal.

Authorizing
payment of
travelling-
expenses to
Managers of
technical
schools.

Authority for
establishment
and
disestablishment
of teachers'
training
colleges.

equipment of such college shall, without conveyance or transfer, vest in the Crown or in such other public authority as the Governor-General may, by Order in Council, determine, and shall be utilized for such educational or other public purposes as the Governor-General by the same or a subsequent Order in Council may direct.

7. Section fifteen of the Education Amendment Act, 1919, is hereby amended by adding to subsection one thereof the following paragraph:—

“(g) Authorizing the making of advances in assistance of training-college students during their period of training, and prescribing the conditions as to repayment and any other conditions subject to which such advances may be made.”

Authority to make advances to training-college students for purposes of their training.

8. (1) After the commencement of this Act no child under the age of six years shall be enrolled in or allowed to attend any public school or Native school, and no child over school age shall, without the special leave of the Committee, be allowed to attend any public school other than a district high school:

Enrolment and attendance of children at public schools.

Provided that a child may be enrolled in any public school or Native school at any time within the first four weeks of the school term in which he attains the age of six years, and while so enrolled may be allowed to attend such school.

(2) Section thirty-three of the Finance Act, 1932, is hereby amended by repealing subsections one and two thereof.

Repeal.

9. (1) The parent of any child of school age who, after special examination by a school medical officer appointed for the purpose, is deemed by the Director to require special tuition may be required to enrol such child in any special class established under section fifty-six of the principal Act, unless, in the opinion of the Board, such child is unable conveniently to attend such special class.

Provision for compulsory enrolment in special classes of subnormal children.

(2) If the parent of any such child fails to enrol that child in a special class as aforesaid if and when required by the Director so to do, he shall be liable to the penalty prescribed by section sixty-one of the principal Act as for failure to enrol such child on the register of a public school.

Control of admissions to schools other than public schools.

10. Where the accommodation available at any secondary school, technical school, or combined school is not sufficient for all the children qualified for free places and applying for admission thereto, the Minister may, by notice in writing, direct the governing body of the school to restrict the admission of pupils to the school in manner set out in the notice:

Provided that no direction shall be given under this section which would exclude any child qualified for a free place from admission as a pupil unless there is adequate and reasonably convenient accommodation for such child available at another secondary school, technical school, or combined school.

Provision for fixing school holidays.

11. (1) Notwithstanding anything to the contrary in the principal Act or in any other Act, the Governor-General by Order in Council may make such regulations as he thinks necessary or expedient for fixing the terms and holidays to be observed in public schools, secondary schools, technical schools, combined schools, and teachers' training colleges, and for defining the public holidays and other occasions on which any such school or training college may be closed, and the conditions under which the controlling authority of any such school or training college may grant holidays on special occasions.

Repeal.

(2) Subsection eight of section forty-nine of the principal Act is hereby repealed.

Special Provisions as to Wellington College and Girls' High School.

Mayor of Wellington may decline membership of Board of Governors of Wellington College and Girls' High School.

12. Section two of the Wellington College and Girls' High School Act, 1887, is hereby amended by adding thereto the following proviso:—

“Provided that the Mayor of Wellington may at any time by notice in writing to the Town Clerk retire from membership of the governing body, and the Wellington City Council may at any time thereafter by resolution appoint one of their number to be a Governor, to hold office until the expiry of the then current term of office of the Mayor.”