

## New Zealand.



### ANALYSIS.

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1938, No. 14.

AN ACT to amend the Education Act, 1914.

Title.

[16th September, 1938.]

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

Short Title.

See Reprint  
of Statutes,  
Vol. II, p. 1007

Increasing  
grants to  
Education  
Boards for  
general  
purposes and  
for incidental  
expenses of  
School  
Committees.

AMDA 19  
No. 3.

1. This Act may be cited as the Education Amendment Act, 1938, and shall be read together with and deemed part of the Education Act, 1914 (hereinafter referred to as the principal Act).

2. (1) Section six of the principal Act is hereby amended by repealing subparagraph (iii) of paragraph (c) of subsection one, and substituting the following subparagraphs:—

“(iii) Of an annual grant for general purposes of one thousand pounds, increased by the sum of three shillings for each child in average attendance at any public school within the district:

“(iv) Of a sum sufficient to pay the grants to Committees for incidental expenses calculated for all the public schools in the district in accordance with regulations:”.

(2) For the purposes of the principal Act, the average attendance at any school shall be computed in manner prescribed by regulations. Without limiting the foregoing provisions of this subsection, it is hereby declared that any such regulations may provide for the computation of the average attendance at any school for any year or part of a year by reference (whether exclusively or otherwise) to the number of pupils on the roll of the school for any day in that year or in the preceding year, or to the average number of pupils on the roll of the school for the days on which the school is open during any period in that year or in the preceding year.

(3) Section thirty-six of the principal Act is hereby amended by omitting from paragraph (b) the words “the Eighth Schedule hereto”, and substituting the word “regulations”.

(4) Sections three and sixteen of the Education Amendment Act, 1919, and the First Schedule to that Act, and section thirty-five of the Finance Act, 1931 (No. 4), are hereby repealed.

(5) All payments made before the passing of this Act as grants by Boards to Committees for incidental

Repeals.

See Reprint  
of Statutes,  
Vol. II,  
pp. 1088,  
1091, 1113

expenses, and as grants to Boards for general purposes, and for the purpose of enabling the Boards to make grants to Committees for incidental expenses, are hereby validated and declared to have been lawfully made.

3. (1) Section fifty-four of the principal Act is hereby amended by repealing subsection six, as amended by paragraphs (b) and (c) of subsection one of section thirty-three of the Finance Act, 1931 (No. 2), and substituting the following subsection:—

“(6) Where it appears that the number of children to be enrolled is less than nine the Board may, with the prior approval of the Minister, either establish a public school or require the children to receive instruction from any correspondence school established by the Minister for the purpose.”

(2) Section thirty-three of the Finance Act, 1931 (No. 2), is hereby consequentially amended by repealing paragraphs (b) and (c) of subsection one.

4. Notwithstanding anything to the contrary in the principal Act, the Governor-General may from time to time, by Order in Council, make regulations—

(a) Defining country schools, and providing that, unless he has served for not less than three years in a position in a country school, a teacher belonging to any specified class of teachers shall not be eligible to apply for or to be appointed to a position in a public school (not being a country school) for which the maximum salary receivable by him would exceed a salary to be prescribed:

(b) Providing that the provisions of subsection nine of section two of the Education Amendment Act, 1932–33, shall not apply to a specified class or to specified classes of teachers during a specified period or specified periods:

(c) Providing that the provisions of subsection thirteen of section two of the Education Amendment Act, 1932–33 (which relates to positions in respect of which the grade of salary is raised), shall apply only to a specified

Repealing provisions as to contributions by parents towards salary or board of certain teachers.  
1931, No. 5

Extending power to make regulations in relation to the appointment of teachers in public schools.

1932–33, No. 49

1932–33, No. 49

1932–33, No. 49

AMD. 19  
No. 1.

class or to specified classes of positions; and (with respect to positions to which the subsection applies) providing that any teacher not retained in his position at the higher salary may be transferred to another position at a salary not lower than that which he was receiving in his former position, and prescribing the procedure to be adopted by the Board in relation to such transfers:

- (d) Providing that, subject to such conditions as may be prescribed in the regulations, the requirement of subsection five of section two of the Education Amendment Act, 1932-33 (as enacted by section eight of the Education Amendment Act, 1936), that no appointment that involves an increase of the salary of the person appointed shall be made unless the position has been advertised shall not apply with respect to the appointment of any teacher by way of transfer from any position held by him at the passing of this Act where the salary attached to that position by any regulations that may be made after the passing of this Act is less than the maximum salary and allowances receivable by him for that position under the regulations in force at the passing of this Act; and prescribing the procedure to be adopted by the Board in relation to such transfers:

1932-33, No. 49

1936, No. 44

AMD. 19  
No. 1.

- (e) Providing that the provisions of subsection two of section thirty-four of the Finance Act, 1932 (as amended by section ten of the Education Law Amendment Act, 1934-35), shall not apply to any teacher during a period or periods to be prescribed where the salary attached to any position held by him at the passing of this Act by any regulations that may be made after the passing of this Act is less than the maximum salary and allowances receivable by him for that position under the regulations in force at the passing of this Act.

1932, No. 11

1934-35, No. 46

AMD. 19  
No. 3.

5. Whereas by section one hundred and fifteen of the Public Service Superannuation Act, 1927, it is provided that if any contributor to the Teachers' Superannuation Fund is provided in respect of his office with board or lodging, or with the use of a house, or is paid an allowance in lieu thereof, the value of such benefits shall for the purpose of computing the amount of his contributions to the Fund and of his retiring-allowance be deemed to form part of his salary: And whereas by virtue of subsections five and six thereof the said section does not apply to any person who was a contributor to the Fund on the first day of October, nineteen hundred and twenty-five, unless he so elected, and paid to the Fund certain arrears of contributions with interest thereon: And whereas certain teachers who were contributors to the Fund on that date and could have elected that the said section should apply to them did not so elect: And whereas it is proposed to abolish in respect of head teachers and sole teachers in public schools the benefits referred to in the said section, and it is not equitable that as a result thereof the teachers who did not so elect should receive the same retiring-allowances as those who so elected and have accordingly paid contributions in respect of such benefits: Be it therefore enacted as follows:—

Contributions to Teachers' Superannuation Fund and retiring-allowances to be computed on reduced salaries in certain cases where contributors did not elect to contribute on house allowance. See Reprint of Statutes, Vol. VII, p. 609

Ref No s.

(1) For the purpose of computing the amount of the contributions to the Fund and of the retiring-allowance of any person who was a contributor to the Fund on the said first day of October, nineteen hundred and twenty-five, and did not elect that the said section one hundred and fifteen should apply to him, and who is employed as the head teacher or the sole teacher of a public school during any period not earlier than the first day of October, nineteen hundred and thirty-eight, his salary for that period shall be deemed to be reduced by an amount to be fixed in accordance with regulations.

(2) If any question arises as to the amount of any reduction to be made under this section, it shall be determined by the Teachers' Superannuation Board, and the decision of the Board shall be final.

Employment  
of married  
women as  
teachers.

6. (1) No Education Board shall refuse to appoint a married woman as a teacher in any school on the ground only that she is a married woman, and no married woman shall be dismissed from a position as a teacher in any school on the ground that she is a married woman.

Repeals.

See Reprint  
of Statutes,  
Vol. II, p. 1114  
1932-33, No. 49

(2) Section thirty-nine of the Finance Act, 1931 (No. 4), and subsection twelve of section two of the Education Amendment Act, 1932-33, are hereby repealed.

*Council of Adult Education.*

Council of  
Adult  
Education  
established.

7. (1) There is hereby established a Council of Adult Education (hereinafter referred to as the Council), which shall consist of—

REF. 19  
No. 3.

- (a) The Director of Education:
- (b) The Director of Broadcasting:
- (c) Two members to be appointed by the Senate of the University of New Zealand, of whom at least one shall not be a member of the Senate:
- (d) One member to be appointed by the Dominion Council of the Workers' Educational Association:
- (e) Two members to be appointed by the Minister.

(2) The appointed members of the Board shall be appointed for a term not exceeding three years, but unless they resign or otherwise vacate their offices they shall continue in office until the appointment of their successors in office. Any such member may be reappointed or may at any time resign his office by writing addressed to the Minister.

(3) The powers of the Council shall not be affected by any vacancy in the membership thereof.

(4) The Council shall from time to time elect one of its members to be the Chairman of the Council.

Meetings of  
Council.

8. (1) Meetings of the Council shall be held at such times and places as the Chairman or the Council from time to time appoints.

(2) At any meeting of the Council four members shall form a quorum.

(3) The Chairman shall preside at all meetings at which he is present. In the absence of the Chairman from any meeting the members present shall select one of their number to be the Chairman for the purposes of that meeting.

(4) At any meeting of the Council the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(5) All questions before the Council shall be decided by a majority of the valid votes recorded thereon.

(6) Subject to the provisions of the principal Act and of any regulations made under that Act, the Council shall regulate its own procedure and the procedure of any committees appointed by it in such manner as it thinks fit.

9. The Council may from time to time appoint such advisory committees as it thinks fit, and may appoint as members of any committee, or authorize any committee to co-opt as members thereof, persons who are not members of the Council.

Committees.

10. It shall be the duty of the Council—

Functions of Council.

(a) To co-ordinate the activities of the organizations concerned with adult education, and generally to promote adult education:

(b) To make recommendations to the Minister as to the amount of the annual grant to be made to the University of New Zealand for adult education out of moneys appropriated by Parliament for that purpose:

(c) To control the expenditure of all moneys granted to the University of New Zealand for adult education as aforesaid:

(d) To furnish an annual report to the Minister.

11. (1) The University of New Zealand shall expend any moneys granted to it for adult education as aforesaid in accordance with the directions of the Council, and not otherwise.

Expenditure of annual grants for adult education.

(2) The Council may direct the University of New Zealand—

(a) To expend any such moneys for any specified purpose in relation to adult education, including the payment to the University of any amounts in respect of administrative expenses, and the payment to the members of the Council, other than officers in the service of the Government, of such allowances and travelling-expenses as may be approved by the Minister:

(b) To pay any such moneys to any specified body of persons, whether incorporated or not, either generally for the purposes of adult education or for any specified purpose in relation to adult education.

(3) In directing the expenditure of any such moneys the Council may, in its discretion, impose such conditions as it thinks fit for the purpose of ensuring that the moneys are expended only for the purposes specified and to the best advantage.

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