

REPEALED: See Act, 196 No.



ANALYSIS

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1959, No. 23

**An Act to amend the Education Act 1914**

[30 September 1959]

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

**1. Short Title**—This Act may be cited as the Education Amendment Act 1959, and shall be read together with and deemed part of the Education Act 1914 (hereinafter referred to as the principal Act).

**2. Procedure for payment of salaries and allowances of teachers**—(1) The principal Act is hereby amended by inserting, after section thirty-five A (as inserted by section three of the Education Amendment Act 1957), the following section:

“35B. (1) Notwithstanding anything to the contrary in the principal Act or any other Act, any Board controlling a public school, a secondary school, a technical school, or a combined school may keep at any bank or banks an account to be known as the Teachers’ Salaries Account, and the money for the time being in any such account shall be available in accordance with this section for the payment of the salaries and allowances of teachers and other persons employed by the Board in connection with the schools under its control.

“(2) All money payable out of the Public Account to any such Board to enable it to pay such salaries or allowances may, at the request of the Board, be paid into the appropriate Teachers’ Salaries Account, or, if paid by an Education Board into its Education Board Account or by any other Board into its main account for general administrative purposes, may be transferred by the Board to the appropriate Teachers’ Salaries Account.

“(3) Any money for the time being standing to the credit of any such Board in a Teachers’ Salaries Account may be withdrawn by the persons severally entitled thereto in accordance with advice furnished to the bank by the Board.

“(4) All such money shall be withdrawn only by special cheques to be provided by the Board for the purpose. Every such cheque shall be signed by the person entitled to receive the payment to which the cheque relates, and, if the Board so requires, shall be countersigned by the head teacher or principal of the school or other person authorised by the Board to countersign the cheques. Any money in a Teachers’ Salaries Account that is not duly withdrawn in accordance with this subsection may be at any time transferred by an Education Board to its Education Board Account or by any other Board to its main account for general administrative purposes.

“(5) For the purposes of this section the term ‘school’ includes a teachers training college, and the term ‘teacher’ includes a person undergoing a course of training at or in connection with a teachers training college.

“(6) Any arrangement heretofore made by any such Board for the payment of the salaries and allowances of teachers and other persons employed by the Board in connection with any school or schools under its control, and all payments made pursuant to any such arrangement, shall be deemed to have been made with lawful authority if the arrangement could have been lawfully made under this section if it had then been in force.”

(2) Section eleven of the Statutes Amendment Act 1941 is hereby consequentially repealed.

**3. Onus of proof on parents**—The principal Act is hereby amended by repealing section sixty-seven, and substituting the following section:

“67. On the hearing of any information or complaint under section sixty-one or section sixty-two of this Act, the onus shall be on the parent or guardian of any child of showing that the child was enrolled at or is enrolled at, or (as the case may be)

has attended or is attending a school in accordance with the requirements of this Act, or that the child is exempt under this Act from enrolment or attendance at school.”

**4. Protection of teachers in certain cases**—In any case where an intermediate school is established in place of an intermediate department attached to a secondary school, a technical school, a combined school, or a district high school, the following provisions shall apply to the teachers on the staff of the former intermediate department:

- (a) Every such teacher shall be offered a transfer to a position on the staff of the intermediate school so established:
- (b) In the case of a teacher who is employed in any school so established, he shall while so employed continue to receive the same salary as he received in the former intermediate department if that salary is higher than the salary for his new position, but in no case after the expiration of two years from the date on which he ceased duty in his former position.

**5. Unauthorised expenditure of secondary and technical school Boards**—(1) Subsection two of section five of the Education Amendment Act 1921–22, as amended by section forty-nine of the Finance Act 1929, is hereby further amended by omitting the words “twenty-five pounds or to more than ten pounds for each school controlled by it, whichever amount is the greater”, and substituting the words “fifty pounds for each school controlled by it”.

(2) Section forty-nine of the Finance Act 1929 is hereby consequentially repealed.

**6. Fees payable to members of Central Advisory Committee**—Section seven of the Education Amendment Act 1955 is hereby amended by inserting, after the words “Central Advisory Committee”, the words “remuneration by way of fees, and to members of that Committee”.

**7. Appointment of teachers**—Subsection eleven of section eight of the Education Amendment Act 1955 is hereby amended by omitting the word “Director” where it first appears, and substituting the word “Board”.

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