



ANALYSIS

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1962, No. 54

An Act to amend the Education Act 1914

[5 December 1962]

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 1962, and shall be read together with and deemed part of the Education Act 1914 (hereinafter referred to as the principal Act).

2. Education Districts Boundaries Commissioner—(1) The principal Act, as amended by sections 3 to 5 of the Education Amendment Act 1952, is hereby further amended by inserting, after section 13c, the following section:

“13d. (1) For the purpose of advising and making recommendations on all matters pertaining to the constitution of education districts and the alteration of the boundaries of existing education districts, the Minister may appoint an Education Districts Boundaries Commissioner.

“(2) Every such Commissioner shall hold office for a term of three years, but may from time to time be reappointed.

“(3) Any such appointment or reappointment may be made to take effect on a date specified by the Minister, which date may be the date on which the Minister makes the appointment or any earlier or later date. If no date is so specified in respect of any such appointment or reappointment, it shall take effect immediately on the termination of the term of office of the Commissioner who is then in office, or if no Commissioner is then in office on the date on which the Minister makes the appointment.

“(4) The functions of every such Commissioner shall be—

“(a) To investigate the various factors that make for education districts of desirable size and, in the light of such criteria as he may establish, to recommend to the Minister such alterations of boundaries of education districts and such new education districts as he considers necessary:

“(b) To investigate, report, and make recommendations, as the Minister may from time to time require, on any proposal for the alteration of the boundaries of education districts or for the constitution of a new education district or on any matter relevant thereto:

“Provided that the Commissioner shall, before making any recommendation to the Minister for the alteration of the boundaries of an education district or for the constitution of a new education district, consult with the Education Board for every district whose boundaries will be affected.

“(5) There shall be paid out of money appropriated by Parliament for the purpose to the Education Districts Boundaries Commissioner remuneration by way of fees or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the Commissioner were a member of a statutory Board within the meaning of that Act.

“(6) There shall be appointed in accordance with the Public Service Act 1912 such officers and servants as may be necessary for the Education Districts Boundaries Commissioner to exercise and perform his functions efficiently.”

(2) Section 13B of the principal Act, as inserted by section 4 of the Education Amendment Act 1952, is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Minister may, on the recommendation of the Education Districts Boundaries Commissioner, by notice published in the *Gazette*, constitute part of the district or

districts of one or more Education Boards as a new education district.”

(3) Section 15 of the Statutes Amendment Act 1944 is hereby amended by inserting in subsection (1), after the word “Minister”, the words “made on the advice of the Education Districts Boundaries Commissioner”.

3. Payment of overgrade salaries, etc.—(1) If at any time on or after the first day of February, nineteen hundred and sixty-two, any school has been or is reduced in grade or altered in status, every teacher who remains in the position therein which he held at the time of that reduction or alteration (being a position the salary and allowances for which have been reduced in consequence of that reduction or alteration) shall continue, for a period to be determined in accordance with subsection (2) of this section or for a period of two years after the date of the reduction in grade or alteration in status of the school, whichever period is the greater, to receive the same salary and allowances as if no such reduction in grade or alteration in status had taken place; and after the termination of the relevant period until new conditions arise he shall receive as his salary and allowances the maximum salary and allowances prescribed for his position according to the grade to which the school has been reduced or according to its altered status:

Provided that, in the case of a teacher to whom paragraph (c) of subsection (2) of this section applies, the period for which the teacher shall continue to receive the same salary and allowances as aforesaid shall be determined in accordance with that paragraph.

(2) The period first-mentioned in subsection (1) of this section shall be as follows:

- (a) Where at the time of the reduction in grade or alteration in status of the school the teacher, being a contributor to the Government Superannuation Fund, is within four years of the date on which (if he remains a contributor to that Fund) he will be entitled to retire on superannuation, he shall continue to receive the same salary and allowances up to that date:
- (b) Where at the time of the reduction in grade or alteration in status of the school the teacher, not being a contributor to the Government Superannuation Fund,—

- (i) Has been employed in the Government service within the meaning of the Superannuation Act 1956 continuously from a date before the first day of

January, nineteen hundred and forty-six, and is within four years of the date on which (if he remains a teacher) he will complete a period or periods of such Government service (including any period of training or as an assistant on probation) totalling forty years or will sooner attain the age of sixty-five years, he shall continue to receive the same salary and allowances up to that date:

(ii) Has not been employed in the said Government service continuously from a date before the first day of January, nineteen hundred and forty-six, and will (if he remains a teacher) complete a period or periods of such Government service (including any period of training or as an assistant on probation) totalling forty years on or before the date on which he will attain the age of sixty years, and is within four years of that date, he shall continue to receive the same salary and allowances up to that date:

(iii) Has not been employed in the said Government service continuously from a date before the first day of January, nineteen hundred and forty-six, and will (if he remains a teacher) complete a period or periods of such Government service (including any period of training or as an assistant on probation), totalling forty years at some time after attaining the age of sixty years but before attaining the age of sixty-five years, and is within four years of the date on which (if he remains a teacher) he will complete forty years of such Government service, he shall continue to receive the same salary and allowances up to that date:

(iv) Has not been employed in the said Government service continuously from a date before the first day of January, nineteen hundred and forty-six, and will not have completed a period or periods of such Government service (including any period of training or as an assistant on probation) totalling forty years before the date on which he will attain the age of sixty-five years, and is within four years of that date, he shall continue to receive the same salary and allowances up to that date:

(c) In every other case, the teacher shall continue for a period of two years after the date of the reduction in grade or alteration in status of the school to receive the same salary and allowances:

Provided that if at any time any such teacher is offered and declines to accept, in a public school, secondary school, technical high school, or any school under the control of the Department, any position the salary and allowances attached to which are not less than the salary and allowances then being received by him, he shall continue to receive the last-mentioned salary and allowances for not more than three months after the date on which the offer is made to him.

(3) Notwithstanding anything in the foregoing provisions of this section, while any person continues to hold the position of Head Teacher or Principal in any school, not more than one reduction in the rate of salary and allowances payable to him shall be made by reason of any reduction or reductions in the grade of that school, whether any such reduction occurred before or after the commencement of this section.

(4) Section 34 of the Finance Act 1932 and section 23 of the Finance Act (No. 4) 1940 are hereby repealed.

(5) In so far as any teacher has been affected by a reduction in grade or alteration in status of a school at any time before the said first day of February, nineteen hundred and sixty-two, section 34 of the Finance Act 1932 shall continue in force notwithstanding its repeal, and subsections (1) and (2) of this section shall have no application.

(6) Nothing in this section shall have any application to any teacher employed for a specific limited term of office pursuant to a contract made out of New Zealand.

4. Appointments of teachers—(1) Section 9 of the Education Amendment Act 1955 is hereby amended by inserting in paragraph (b) of subsection (1), after the words “such data as may be secured from interviews with selected applicants”, the words “and (in any case where the Appointments Committee has been asked by the appointing authority to reconsider its recommendation) the grounds on which the appointing authority did not concur in the previous recommendation”.

(2) Section 9 of the Education Amendment Act 1955 is hereby further amended by inserting, after subsection (4), the following subsection:

“(4A) Notwithstanding anything to the contrary in this section, where the prescribed staffing of a public school provides for a Head Teacher and one assistant teacher and appointments are to be made to both positions, the Board may, with the approval of the Director given on the recommendation of the Central Advisory Committee, require that

the advertisement for the position of Head Teacher shall indicate that the only applicants who will be considered for appointment to the position will be those who have in each case a husband or wife (as the case may be) who is an applicant for the position of assistant teacher in the school; and the Appointments Committee, in determining which applicant shall be recommended for the position of Head Teacher, shall consider only those applicants who are eligible for consideration as aforesaid; and, on recommending one of those applicants for the position of Head Teacher, shall then proceed to recommend the husband or wife (as the case may be) of that applicant for the remaining position of assistant teacher in the school."

5. Advice to School Committees of proposed appointments—Section 72 of the principal Act, as substituted by subsection (1) of section 11 of the Education Amendment Act 1955, is hereby further amended by repealing subsection (2), and substituting the following subsection:

"(2) The Board shall send to the Chairman of the Committee notice of the name and academic qualifications of the teacher recommended by the Appointments Committee and of the date on which the teacher is to be appointed and shall invite the School Committee to make comments if it so wishes; but, except where the Board, the Chairman of the Committee, and the teacher recommended for appointment agree that the appointment shall be made on an earlier date, no appointment shall be made before the expiry of ten days from the date on which the said notice would in the ordinary course of post reach the Chairman of the Committee."

6. Travelling expenses of members of committee of technical school—(1) An Education Board may pay to any member of a special committee or any other committee of a technical school to which powers have been delegated by the Board in accordance with subsection (2) of section 10 of the Education Amendment Act 1924 travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

(2) Any such committee to which powers have been so delegated is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(3) Any such payment to a member of a special committee or any other committee of a technical school to which powers

have been so delegated shall be paid out of money appropriated by Parliament and held, in accordance with regulations made under the principal Act, for the general purposes of the technical school.

7. Bonds for entry to teaching—Section 8 of the Education Amendment Act 1961 is hereby amended by inserting in subsection (1), after the words “teachers training college”, the words “or to a centre approved by the Minister for the training of kindergarten teachers”.

This Act is administered in the Department of Education.
