



## ANALYSIS

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1967, No. 136

**An Act to amend the Education Act 1964**

[24 November 1967]

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 1967, and shall be read together with and deemed part of the Education Act 1964 (hereinafter referred to as the principal Act).

**2. Interpretation**—Section 2 of the principal Act is hereby amended by adding to the definition of the term “secondary education” the words “or in a private secondary school”.

**3. Alteration of boundaries of education districts**—Section 13 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Governor-General, on the advice of the Minister given after consideration of the recommendations (if any) of the Education Districts Boundaries Commissioner and after the Minister has consulted with the Boards concerned, may, by Order in Council,—

“(a) Alter the boundaries of any two contiguous education districts by the exclusion of any defined area from one such district and its inclusion in the other district:

“(b) Redefine the boundaries of all or any of the education districts.”

**4. Regulations**—Section 22 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The Governor-General may from time to time, by Order in Council, make regulations—

“(a) Prescribing, in respect of persons employed by any Education Board whose conditions of employment are not fixed by any award or industrial agreement or apprenticeship order, the conditions of employment, the conditions on which leave of absence may be granted, and the scales of salaries, the rates of overtime, and the travelling, meal, and other allowances and expenses payable:

“(b) Relating to the conduct of persons employed by Education Boards, and the prevention or control of activities which are or may be detrimental to the performance by those persons of their official duties:

“(c) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under paragraph (b) of this subsection:

“(d) Prescribing, in respect of any such offences which, in the opinion of the Education Board concerned, are of a minor nature, the following penalties, namely—

“(i) The caution or reprimand of an offender;

“(ii) The deduction from an offender’s salary of a sum not exceeding ten dollars:

“(e) Prescribing in respect of all other such offences the following penalties, namely—

“(i) The caution or reprimand of an offender;

- “(ii) The reduction of an offender’s salary for a specified period;
  - “(iii) The transfer of an offender to some other position for which the grade of salary is equivalent to or lower than that of his former position;
  - “(iv) The dismissal of the offender from the service of the Education Board concerned:
- “(f) Providing for the investigation to be made where persons are charged with any such offence, for the suspension from duties or the transfer to other duties of persons so charged pending the investigation and determination of the charges, and for appeals by persons so charged against any findings reached or penalties imposed on the determination of the charges.”

**5. General powers and duties of Board**—Section 26 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Without restricting the provisions of subsection (1) of this section, in any case where the controlling authority for the time being of any school or educational institution or educational service is responsible for the provision of any proposed building work or ground work or for the removal or maintenance or improvement of any building, and the cost involved will be met wholly or partly out of money appropriated by Parliament for the purpose, any Education Board may, at the request of that controlling authority, do all or any of the following:

- “(a) Prepare plans for the provision of the proposed building work or ground work, or for the removal or maintenance or improvement of the building;
- “(b) Let and supervise contracts for the provision of the proposed building work or ground work, or for the removal or maintenance or improvement of the building;
- “(c) Where the controlling authority is unable to make reasonable local arrangements for the doing of the proposed building work or ground work or for the removal or maintenance or improvement of the building, undertake, on behalf of the controlling authority, the doing of the proposed building work or ground work or the removal or maintenance or improvement of the building.”

**6. Liability for illegal borrowing by Education Boards—**Section 27 of the principal Act is hereby amended by adding the following subsection:

“(5) The provisions of section 122 of the Local Authorities Loans Act 1956 (except paragraphs (b) to (d) of subsection (1) ) and of sections 123 and 124 of that Act (so far as they relate to illegal borrowing) shall, with the necessary modifications, apply to the borrowing of money by any Education Board as if—

“(a) The references in those sections to a local authority were references to an Education Board; and

“(b) The references to that Act in subsection (1) of section 122 and in subsection (1) of section 124 were references to the Education Act 1964.”

**7. Qualification of members of School Committees—**Section 42 of the principal Act, as amended by section 4 of the Education Amendment Act 1965, is hereby further amended by omitting from paragraph (a) of subsection (3) the words “in a school district”.

**8. Extraordinary vacancies on Secondary Schools Councils—**Section 57 of the principal Act is hereby amended by inserting, after subsection (6), the following subsections:

“(6A) Notwithstanding anything in subsection (6) of this section, the office of any member of any such Council shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy, if the member—

“(a) Dies; or

“(b) Resigns his office by writing under his hand delivered to the Council or the secretary thereof; or

“(c) Receives any salary from the Council, or accepts or holds any office or employment from or under the Council to which any salary, fee, or emolument is attached; or

“(d) Is absent without leave from three consecutive meetings of the Council; or

“(e) Becomes a mentally defective person within the meaning of the Mental Health Act 1911; or

“(f) Is adjudged a bankrupt; or

“(g) Is convicted of an offence punishable by imprisonment.

“(6B) Every extraordinary vacancy on a Council shall be filled as soon as practicable thereafter by the appointment of a member in the manner in which the vacating member

was appointed, and the member then appointed shall retain office so long as the vacating member would have retained office if no such vacancy had occurred.”

**9. Liability for illegal borrowing by governing bodies of secondary schools**—Section 62 of the principal Act is hereby amended by adding the following subsection:

“(4) The provisions of section 122 of the Local Authorities Loans Act 1956 (except paragraphs (b) to (d) of subsection (1) ) and of sections 123 and 124 of that Act (so far as they relate to illegal borrowing) shall, with the necessary modifications, apply to the borrowing of money by the governing body of any secondary school as if—

“(a) The references in those sections to a local authority were references to the governing body of a secondary school; and

“(b) The references to that Act in subsection (1) of section 122 and in subsection (1) of section 124 were references to the Education Act 1964.

**10. Grants to governing bodies of secondary schools**—(1) Section 65 of the principal Act is hereby amended by repealing paragraph (b) of subsection (1), and substituting the following paragraph:

“(b) The payment of an allowance for general expenses.”

(2) Section 65 of the principal Act is hereby further amended by adding to subsection (2) the following paragraph:

“(f) Grants for special expenses of secondary schools on such basis as may be approved by the Minister of Finance.”

**11. Control of technical institutes**—(1) Section 69 of the principal Act is hereby amended by inserting in subsection (1), after the word “unless”, the words “for the time being”.

(2) Section 69 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

“(4A) Where the Governor-General, by Order in Council, provides for the constitution of a Board of Governors to control a technical institute which was theretofore required to be controlled by the Board or governing body of some other technical institute or of some secondary school, all the property, rights, and liabilities of the original governing body in respect of the technical institute are, as from the date specified in the Order in Council, hereby vested in and shall

become the property, rights, and liabilities of the Board of Governors, save so far as the property, rights, and liabilities may be expressly limited or excepted in the Order in Council, and every such Order in Council shall have effect according to its tenor.”.

**12. Classes or courses in further education**—Section 91 of the principal Act is hereby amended by adding the following subsection:

“(3) Except in special circumstances approved by the Director-General and on such conditions, if any, as the Director-General may specify, the controlling authority of a technical institute shall not enrol or retain as students of that institute persons who are receiving full-time secondary education.”

**13. Reinstatement of teacher where charge held not to be proved**—Section 159 of the principal Act is hereby amended by adding the following subsection:

“(11) Where a teacher has been suspended or transferred pending the hearing and determination of a charge made under this section and the charge, after inquiry or investigation, is held not to be proved, the teacher shall be reinstated in his position and shall receive his full salary in respect of the period for which he did not receive that salary; but, subject to any decision of the Teachers Court of Appeal, a teacher shall in no other case receive any salary or payment in respect of any period of suspension imposed under this section unless the Board otherwise directs.”

**14. Amending determinations**—Section 164B of the principal Act, as inserted by section 8 of the Education Amendment Act 1965, is hereby amended by omitting from paragraph (c) of subsection (1) and also from paragraph (d) of that subsection the words “is conveyed to the Tribunal by the Minister and”.

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This Act is administered in the Department of Education.

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