



ANALYSIS

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1972, No. 34

An Act to amend the Education Act 1964

[20 October 1972

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 1972, and shall be read together with and deemed part of the Education Act 1964 (hereinafter referred to as the principal Act).

2. Unauthorised expenditure of Education Boards—(1) Section 37 of the principal Act (as amended by section 7 of the Decimal Currency Act 1964) is hereby further amended by omitting the words “nor in any case to more than four hundred dollars”, and substituting the words “nor in any case

to more than such amount as may be prescribed for all or any Boards, or any class or classes of Boards, by regulations made under this Act”.

(2) The said section 37 is hereby further amended by adding, as subsection (2), the following subsection:

“(2) Notwithstanding anything in subsection (1) of this section, a Board may spend during any year in which it celebrates its centenary such further amount as may be prescribed by regulations made under this Act. The regulations may prescribe an amount more than 1 percent of such portion of the income of the Board for that year as is payable to the General Fund, and may prescribe conditions to be complied with by each Board in spending any of the prescribed amount.”

3. Committees for intermediate schools—Section 41 of the principal Act (as amended by section 6 of the Education Amendment Act 1968) is hereby further amended by inserting, after subsection (2), the following subsection:

“(2A) Notwithstanding anything in subsection (1) or subsection (2) of this section, if a new intermediate school is about to be established, the Board may with the approval of the Minister convene a committee to take office before the school opens, in such manner, and for such period including any period after the school is opened, as may be prescribed by regulations made under this Act.”

4. Unauthorised expenditure of governing bodies of secondary schools—Section 67 of the principal Act (as amended by section 7 of the Decimal Currency Act 1964) is hereby further amended by omitting the words “nor in any case to more than two hundred dollars for each school controlled by it”, and substituting the words “nor in any case to more than such amount for each school controlled by it as may be prescribed by regulations made under this Act”.

5. Technical institutes to be placed under Boards of Governors—(1) Section 69 of the principal Act (as amended by section 11 (2) of the Education Amendment Act 1967) is hereby further amended by repealing subsection (4A), and substituting the following subsection:

“(4A) If any technical institute is under the control of the Board or governing body of some other technical institute or of some secondary school, the Minister, after he has consulted the Board or governing body, may by notice published in the *Gazette* remove the technical institute from the control of that

Board or governing body and vest the sole control of the technical institute in a Board of Governors to be constituted in accordance with this section. All the property, rights, and liabilities of the original Board or governing body in respect of the technical institute shall as from the date specified in the notice vest in and 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 notice, and every such notice shall have effect according to its tenor.”

(2) The said section 69 is hereby further amended by repealing the proviso to subsection (7).

6. Establishment of teachers colleges—(1) Section 106 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) If the Minister has directed that a teachers college shall be disestablished, the land, buildings, and equipment of that college shall, without conveyance or transfer, vest in the Crown or in such public authority as the Minister may by notice published in the *Gazette* determine, and shall be utilised for such education or other public purposes as the Minister may by the same or a subsequent notice direct.”

(2) The said section 106 (as amended by section 9 of the Education Amendment Act 1971) is hereby further amended by omitting from subsection (3) the words “; but the said section 67 (as amended by section 7 of the Decimal Currency Act 1964) shall, in its application to a Teachers College Council, be read as if the words ‘two hundred dollars’ were omitted and the expression ‘\$400’ was substituted.”

7. Right of Appeal—Section 145 of the principal Act is hereby amended by inserting in subsection (2), after the words “personal report”, the words “, or, in the case of an applicant for a Division A position within the meaning of the Education (Assessment, Classification, and Appointment) Regulations 1965, longer teaching service,”.

8. Restriction upon eligibility of teachers for appointment—Section 151 of the principal Act (as substituted by section 17 of the Education Amendment Act 1968) is hereby amended by repealing the proviso to subsection (1), and substituting the following proviso:

“Provided that the Minister may from time to time by notice published in the *Gazette* provide that, subject to such conditions as may be specified in the notice, the provisions of this section shall not apply to any specified class or classes of those teachers.”

9. Teachers to take oath of allegiance—(1) Section 162 of the principal Act is hereby amended by inserting in subsection (1), after the words “technical institute”, the words “teachers college”.

(2) The said section 162 is hereby further amended by omitting from subsection (2) the words “or technical institute”, and substituting the words “, technical institute, or teachers college,”.

10. Trustees of school may agree to place it under control of Board—Section 189 of the principal Act is hereby amended by omitting the word “Governor-General”, and substituting the word “Minister”.

11. Vesting of assets of school placed under control of Board—Section 190 of the principal Act is hereby amended by omitting from subsection (1) the word “Governor-General”, in both places where it occurs, and substituting in each place the word “Minister”.

12. Annual report—(1) Section 202 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) As soon as practicable after the period of 12 months ending with the 31st day of March in each year, the Director-General shall present to the Minister a report on the progress and condition of public education in New Zealand during that period, and shall present also a general statement of accounts for the Department within the same period.”

(2) Notwithstanding any other provision whatsoever, it shall be sufficient compliance with any requirement that a report and statement of accounts be presented by the Director-General to the Minister in respect of any time within the period commencing with the 1st day of January 1971 and

ending with the 31st day of March 1972 for the Director-General to present, or to have presented, to the Minister the report and statement in respect of that time as soon as practicable after the said 31st day of March 1972.

13. Consequential repeals—The following enactments are hereby consequentially repealed—

- (a) Section 7 of the Finance Act 1956:
 - (b) Subsection (2) of section 11 of the Education Amendment Act 1967.
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This Act is administered in the Department of Education.
