



ANALYSIS

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1978, No. 79

An Act to amend the Education Act 1964

[18 October 1978]

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 1978, and shall be read together with and deemed part of the Education Act 1964 (hereinafter referred to as the principal Act).

2. Director-General may require certain children exempted from attendance to enrol at correspondence school—Section 119 (1) of the principal Act (as substituted by section 4 of the Education Amendment Act 1969) is hereby amended by omitting the words “paragraph (g) of subsection (2) of section 130”, and substituting the words “section 130c (7) or section 130F (3)”.

3. Limitations on enrolment—(1) The principal Act is hereby further amended by repealing section 129, and substituting the following sections:

“129. **Limitations on enrolment at State primary schools—** Subject to section 129B of this Act, an Education Board may, with the approval of the Minister, in order to avoid overcrowding at any State primary school that is not an integrated school, limit the attendance at that school in such manner as it determines.

“129A. **Enrolment schemes for secondary schools—** (1) Where, in the opinion of the Director-General, 2 or more secondary schools that are not integrated schools are so situated that some or all of the students residing in the locality might reasonably conveniently attend either of them, or, as the case may be, either of 2 of them, and either—

“(a) No scheme for the enrolment of students determined under this section (in this section referred to as an enrolment scheme) is for the time being in force in respect of any of those schools; or

“(b) He is satisfied that an enrolment scheme for the time being in force in respect of those schools or any of them is not adequate—

he may give notice to the appropriate Regional Superintendent of Education that an enrolment scheme or, as the case may be, a new enrolment scheme, should be determined in respect of those schools; and where he is so requested by the governing body of any such school he shall so give notice.

“(2) Upon being given notice under subsection (1) of this section, a Regional Superintendent of Education shall arrange a meeting to determine an enrolment scheme, to be held—

“(a) Where the notice was received before the 1st day of May in any year, before the 1st day of June in that year; or

“(b) Where the notice was received after the 30th day of April in any year, before the 1st day of June in the following year,—

and to be attended by representatives of the governing bodies of those schools; and shall as soon as possible inform those governing bodies of the time, date, and venue of the meeting.

“(3) Without limiting the generality of any provision of this section, it is hereby declared that every enrolment scheme—

“(a) Shall specify, in respect of each school to which the notice under subsection (1) of this section related, an area within which all students residing permanently are to be entitled to enrol at that school; and

“(b) May specify, in respect of any such school, the number of students not residing permanently within the area specified in respect of it who are to be permitted to be enrolled at that school in each year; and in that case the scheme shall also specify the criteria to be used in selecting those students.

“(4) At every meeting arranged under subsection (2) of this section:

“(a) The Regional Superintendent of Education concerned shall preside, but shall have neither a deliberative nor a casting vote:

“(b) Each school shall be represented by such members of its governing body (not exceeding 3 in number) as that governing body decides:

“(c) No enrolment scheme shall be deemed to be determined unless it receives the support of a majority of the persons present at the meeting as representatives of the schools.

“(5) Where—

“(a) The governing body of a secondary school to which an enrolment scheme determined at a meeting arranged under subsection (2) of this section relates has, within one month of the scheme’s determination, notified the Regional Superintendent of Education in writing that it disagrees with the scheme; or

“(b) No enrolment scheme is determined at such a meeting; or

“(c) No such meeting has been held before the expiration of the time within which it is required by subsection (2) of this section to be held,—

the Regional Superintendent of Education shall determine an enrolment scheme for the schools concerned, and notify the governing bodies of those schools of the details of the scheme he determines.

“(6) Where a Regional Superintendent of Education—

“(a) Has not, within one month of the date of a meeting at which—

“(i) He presided; and

“(ii) An enrolment scheme was determined—
been notified in writing by the governing body of
a school to which the scheme relates that it
disagrees with the scheme; or

“(b) Has determined an enrolment scheme pursuant to sub-
section (5) of this section—

the Minister shall forthwith be notified of the details of the
scheme.

“(7) Subject to section 129B of this Act, where the Minister
has, under subsection (6) of this section, been notified of the
details of any enrolment scheme he may—

“(a) Refuse to approve it; or

“(b) Approve it; or

“(c) Approve it as modified by him.

“(8) Subject to subsection (9) (b) of this section, an
enrolment scheme shall come into force—

“(a) Where the Minister has approved it before the 1st
day of August in any year, on the 1st day of
January of the following year; and

“(b) Where the Minister—

“(i) Has approved it after the 31st day of July
in any year; and

“(ii) Has not, before the 1st day of August in
the following year, approved any other enrolment
scheme in respect of the same schools or any of
them,—

on the 1st day of January in the year after that
following year.

“(9) An enrolment scheme shall expire—

“(a) Immediately before another enrolment scheme in
respect of the same schools or any of them comes
into force; or

“(b) Where the Minister is satisfied that it is no longer
expedient that there be an enrolment scheme in
respect of the schools to which it relates, on such
date (being not earlier than 6 months after the
date of the direction) as he directs,—

whichever is the sooner.

“(10) The governing bodies of the schools to which an
enrolment scheme relates shall, for so long as it remains in
force, enrol, and decline to enrol, students in accordance with
that scheme.

“129B. Students to have access to reasonably convenient accommodation—The Minister shall not approve—

“(a) Any limitation under section 129 of this Act; or

“(b) Any enrolment scheme under section 129A of this Act—

that has the effect of excluding a student from a State primary school or secondary school that he might otherwise reasonably conveniently attend, unless that student will still be able reasonably conveniently to attend some other such school that is not an integrated school.”

(2) Section 57 (1) of the Private Schools Conditional Integration Act 1975 is hereby consequentially repealed.

4. Appointments Committees—Section 137 (1) (a) of the principal Act is hereby amended by omitting the words “An Appointments Committee”, and substituting the words “One or more Appointments Committees”.

5. Notices to teachers with right to appeal—Section 146 of the principal Act (as substituted by section 5 of the Education Amendment Act 1977) is hereby amended by inserting, after the words “unsuccessful applicant”, the words “who has a right of appeal against the appointment”.

6. Regulations—Section 203 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) To the extent that any regulations made under this Act—

“(a) Increase the value or maximum value of any bursary, scholarship, or allowance, or the rate or maximum rate at which any bursary, scholarship, or allowance may be paid; or

“(b) Extend the class or classes of person entitled to receive any bursary, scholarship, or allowance, or entitled to be paid any bursary, scholarship, or allowance at any particular rate,—

those regulations may be expressed to come into force on a day that is before, on, or after the date on which they are made; and in that case, those regulations shall come into force, or, as the case may be, be deemed to have come into force, accordingly.”

7. Repeals—The following enactments are hereby repealed:

- (a) The Whangarei High Schools Act 1878:
- (b) The Whangarei High School Amendment Act 1959:
- (c) The Whangarei High School Amendment Act 1966.

This Act is administered in the Department of Education.
