



## ANALYSIS

- Title
1. Short Title
  2. Travelling allowances and expenses
  3. Regulations
  4. Recognition of institutions providing pre-school education
  5. Work exploration schemes
  6. New Part VA inserted

- PART VA  
SHORT-TERM APPOINTMENTS AT  
TECHNICAL INSTITUTES, COM-  
MUNITY COLLEGES, AND  
TEACHERS COLLEGES
- 165B. Governing bodies may  
make short-term appoint-  
ments
7. New Part VB inserted

- PART VB  
EMPLOYEES OF EDUCATION  
AUTHORITIES
- 165C. Education Authorities  
may appoint staff
- 165D. Regulations relating to  
appointment of staff by  
Education Authorities

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1981, No. 124

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

[23 October 1981]

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 1981, and shall be read together with and deemed part of the Education Act 1964 (hereinafter referred to as the principal Act).

**2. Travelling allowances and expenses**—Section 67N of the principal Act (as inserted by section 9 (1) of the Education Amendment Act (No. 2) 1974) is hereby amended by adding, as subsection (2), the following subsection:

“(2) A Board or Council may pay to members of any interview panel or selection committee established by regulations made under section 67s (1) (f) of this Act, in respect of attendance at meetings of that panel or committee, remuneration by way of fees or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951; and that Act shall apply accordingly as if that panel or committee were a statutory Board within the meaning of that Act.”

**3. Regulations**—Section 67s of the principal Act (as inserted by section 9 (1) of the Education Amendment Act (No. 2) 1974) is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Without limiting the generality of paragraph (f) of subsection (1) of this section, it is hereby declared that regulations made under that paragraph may:

“(a) Provide for the establishment of interview panels to interview applicants for admission to teachers colleges:

“(b) Provide for the establishment of selection committees to select students for admission to teachers colleges:

“(c) Prescribe the manner in which members of such panels and committees are to be appointed and hold office:

“(d) Prescribe the manner in which such panels and committees are to conduct their proceedings.”

**4. Recognition of institutions providing pre-school education**—The principal Act is hereby amended by inserting, after section 70A, the following section:

“70B. (1) The Minister may, by notice in the *Gazette*, declare any institution providing pre-school education, or any body controlling any such institution, whether incorporated or not, to be a recognised pre-school organisation; and may similarly declare any recognised pre-school organisation so declared to cease to be a recognised pre-school organisation.

“(2) There may from time to time be paid to any recognised pre-school organisation so declared, out of money appropriated by Parliament for the purpose and subject to such conditions (if any) as the Minister imposes, such sum or sums towards the payment of staff salaries and other expenses incurred by it in the conduct of its activities as the Minister, with the concurrence of the Minister of Finance, approves.”

**5. Work exploration schemes**—The principal Act is hereby amended by inserting, after section 117, the following section:

“117A. (1) In this section, unless the context otherwise requires,—

“ ‘Award’ means an award within the meaning of the Factories and Commercial Premises Act 1981:

“ ‘Occupier’, in relation to any place, means the occupier of that place within the meaning of the Factories and Commercial Premises Act 1981:

“ ‘Workplace’ means any place where there is carried on for pecuniary gain any profession, trade, manufacture, occupation, or work; and includes any place where, whether for pecuniary gain or not, there is carried on any operation of a department of State, local authority, public body, society, or other body of persons of any kind, whether incorporated or not.

“(2) No principal or teacher at a State primary school or a secondary school shall allow any person enrolled at that school to go to any workplace, nor shall the occupier of any workplace allow any such person to remain in or about that workplace, for the purpose of acquiring work experience, otherwise than in accordance with conditions for the time being prescribed by the Minister in that behalf by notice in the *Gazette*.

“(3) Subject to subsections (4) and (5) of this section, every person enrolled at a State primary school or secondary school or any registered private school who remains in or about a workplace for the purpose of acquiring work experience, whether or not he remains there in accordance with conditions prescribed as aforesaid, shall be deemed to be employed in or about that workplace; and every enactment and award shall, to the extent that it relates to the safety, health, or welfare, of persons employed in or about workplaces of that kind, apply to that person accordingly.

“(4) Nothing in subsection (3) of this section shall—

“(a) Entitle any person to any payment of any kind:

“(b) Require any person to join or belong to any union:

“(c) Entitle any person to enter or remain in any workplace:

“(d) Require any person to pay any levy, fee, or charge, of any kind whatsoever.

“(5) Subsection (3) of this section shall not apply to any person who remains in or about a workplace that is an under-

taking within the meaning of the Factories and Commercial Premises Act 1981 on or after the commencement of that Act.”

**6. New Part VA inserted**—The principal Act is hereby amended by inserting, after Part V, the following Part:

“PART VA

“SHORT-TERM APPOINTMENTS AT TECHNICAL INSTITUTES,  
COMMUNITY COLLEGES, AND TEACHERS COLLEGES

“**165B. Governing bodies may make short-term appointments**—(1) At the time of advertising any position for a teacher, tutor, or lecturer, the governing body of a technical institute, community college, or teachers college, or (in relation to any position in a senior technical division) the governing body of a secondary school, may specify that that position may be filled by the making of a short-term appointment.

“(2) Notwithstanding anything in this Act to the contrary,—

“(a) Where a governing body offers any person appointment to a position in respect of which it has been specified that that position may be filled by the making of a short-term appointment (hereafter in this section referred to as a short-term position), it shall specify whether or not it intends that appointment to be a short-term appointment, and if so, shall specify the length of the term concerned; and

“(b) If that person declines that appointment he shall in all respects be treated as if he had never applied for it.

“(3) Notwithstanding anything in this Act to the contrary, where any person accepts appointment to a short-term position in respect of which the governing body concerned has specified that it intends that appointment to be a short-term appointment, and has specified the length of the term concerned, the following provisions shall apply:

“(a) That person may at any time give the governing body concerned not less than one month’s notice in writing of his intention to relinquish his engagement, and, unless he sooner withdraws that notice,

he shall be entitled to relinquish, and shall be deemed to have relinquished, his engagement upon the expiration of that notice:

“(b) Unless he sooner relinquishes his engagement in accordance with paragraph (a) of this subsection, that person shall be deemed to have relinquished his engagement upon the expiration of the term for which he was appointed, and he shall neither have any right of appeal in respect of his having so lost his engagement nor be entitled thereby to any special preference in respect of any position in the Education Service for which he may subsequently apply.

“(4) Subject to subsection (3) of this section, this Act shall apply to every person appointed to a short-term position as if that position had not been a short-term position.”

**7. New Part VB inserted—**(1) The principal Act is hereby amended by inserting, after Part VA (as inserted by section 6 of this Act), the following Part:

## “PART VB

### “EMPLOYEES OF EDUCATION AUTHORITIES

“165C. **Education Authorities may appoint staff**—Subject to any regulations made under section 165D of this Act, every Education Authority may from time to time appoint and remove such officers and servants (other than teachers) as it thinks necessary.

“165D. **Regulations relating to appointment of staff by Education Authorities**—(1) The Governor-General may from time to time, by Order in Council, make regulations—

“(a) Prescribing, in respect of persons (other than teachers) employed by Education Authorities or by Education Authorities of any specified class, conditions of employment to the extent that the conditions of employment of those persons or of any of those persons are not for the time being fixed by—

“(i) Any award of the Arbitration Court; or

“(ii) Any agreement registered under the Industrial Relations Act 1973; or

- “(iii) Any order made pursuant to section 13 of the Apprentices Act 1948; or
- “(iv) Any order or determination made under the State Services Conditions of Employment Act 1977:
- “(b) Relating to the conduct of persons (other than teachers) employed by Education Authorities, and the prevention or control of activities that are or may be detrimental to the proper performance by those persons of their official duties:
- “(c) Prescribing offences in respect of the contravention of or non-compliance with any regulation made under paragraph (b) of this subsection:
- “(d) Prescribing the manner in which any such offence alleged to have been committed is to be dealt with; and the manner in which a person alleged to have committed such an offence is to be held to have committed or not committed that offence:
- “(e) Prescribing, in respect of any such offence that is, in the opinion of the Education Authority concerned, an offence of a minor nature, either or both of the following penalties:
  - “(i) The caution or reprimand of the offender:
  - “(ii) The payment of a fine:
- “(f) Prescribing, in respect of any such offence that is not, in the opinion of the Education Authority concerned, an offence of a minor nature, all or any of the following penalties:
  - “(i) The caution or reprimand of the offender:
  - “(ii) The reduction of the offender’s salary by a specified amount or proportion (not exceeding a prescribed amount or proportion) for a specified period (not exceeding a prescribed period):
  - “(iii) The transfer of the offender to a position the grade, salary, or maximum salary relating to which is equal to or lower than that of the position he held at the time of the offence:
  - “(iv) The dismissal of the offender from the service of the Education Authority concerned:
- “(g) Providing for investigations where persons are charged with such offences and, in respect of persons so charged, providing for their suspension from duties or transfer to other duties during those investigations and pending the determination of the charges,

and providing for appeals against any findings reached or penalties imposed in respect of those charges.

“(2) Without limiting the generality of subsection (1) of this section, regulations made under that subsection may, in respect of all Education Authorities or any specified class or classes of Education Authority,—

“(a) Provide for the establishment of a committee (in this subsection referred to as a Grading Committee):

“(b) Prescribe the manner in which the members of the Grading Committee are to be appointed and hold office:

“(c) Prescribe the manner in which the Grading Committee is to conduct its proceedings:

“(d) Prescribe the manner in which the Grading Committee may establish subcommittees (either with or without members who are not members of the Grading Committee) and delegate to any such subcommittee or member thereof, or to any Board or any member of the Grading Committee, any of its powers and functions, and the matters that may so be delegated:

“(e) Provide for the payment to all, or any class of, the members of the Grading Committee or of any subcommittee established by it, out of money appropriated by Parliament for the purpose, of remuneration by way of fees, salary, or allowances, and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951 as if they were members of a statutory Board:

“(f) Provide for the making of recommendations to the Minister on any matter authorised to be prescribed by those regulations:

“(g) Provide for the inspection by the Grading Committee of the offices of Education Authorities, or the class or classes of Education Authority concerned:

“(h) Provide for the prescription by the Grading Committee of the grading of persons employed by, and positions in the employment of, Education Authorities, or the class or classes of Education Authority concerned:

“(i) Provide for the promulgation of matters prescribed by the Grading Committee or subcommittee of the Grading Committee or member of the Grading Committee.

“(3) Without limiting the generality of subsection (1) of this section, regulations made under that subsection may, in respect of all Education Authorities or any specified class or classes of Education Authority,—

- “(a) Provide for establishment of a committee (in this subsection referred to as the Appeal Authority):
- “(b) Prescribe the manner in which members of the Appeal Authority are to be appointed and hold office:
- “(c) Confer on employees of Education Authorities, or the class or classes of Education Authority concerned, rights on appeal to the Appeal Authority against being held to have committed an offence arising out of contravention of or non-compliance with any regulation made under subsection (1) (b) of this section; against any penalty imposed in respect of any such offence; against dismissal; against the regrading of any such employee or any position held by any such employee; and against the appointment of some person other than the appellant to a position in the employment of an Education Authority for which the appellant applied:
- “(d) Prescribe the manner in which the Appeal Authority is to hear and dispose of appeals made to it:
- “(e) Provide for the payment to all, or any class of, the members of the Appeal Authority, out of money appropriated by Parliament for the purpose, of remuneration by way of fees, salary, or allowances, and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951 as if they were members of a statutory Board.”

(2) Section 2 of the principal Act is hereby consequentially amended by inserting, after the definition of the term “district high school”, the following definition:

“‘Education Authority’ means a body that is an Education Board, the governing body of a secondary school, technical institute, or community college, a Secondary Schools Council, a teachers college council, or a body declared to be an Education Authority by the Governor-General by Order in Council.”.

(3) The following enactments are hereby consequentially repealed:

- (a) Sections 22 and 60A of the principal Act:
- (b) Subsections (1) (b) and (2) to (4) of section 67s of the principal Act:

(c) Sections 3, 8, and 10 of the Education Amendment Act 1976:

(d) So much of the Second Schedule to the State Services Conditions of Employment Act 1977 as relates to the principal Act.

(4) The repeal by subsection (3) of this section of section 3 (3) of the Education Amendment Act 1976 shall not affect the validity of the Education Boards Employment Regulations 1958 or of anything done under those regulations.

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This Act is administered in the Department of Education.

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