New Zealand.

ANALYSIS.

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1934–35, No. 46.

Title.

AN ACT to amend certain Enactments relating to Education and Educational Authorities.

[*5th April, 1935.*

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Education Law Amendment Act, 1934–35.

Interpretation.

2. In this Act the expression "the principal Act" means the Education Act, 1914.

Section 14 of principal Act amended.

3. (1) Section fourteen of the principal Act is hereby amended by omitting from subsection three the words "and not later than the first day of March in each year shall publicly notify the names of the several wards, and the schools situate in each ward".

(2) The failure of any Board heretofore to comply with any of the requirements of the said subsection three shall not affect or be deemed to have affected the validity of the election of any member of any Education Board.

Rep. 19 No. 8.

4. The Board may in any year expend out of the special fund kept by it pursuant to subsection six of section thirty-three of the principal Act, for, *inter alia*, the maintenance and repair of schools and of teachers' residences, such amounts as may be required for the maintenance of or improvements to school-grounds, not exceeding in the aggregate in any year an amount equal to five per centum of the total amount available for expenditure out of that fund during that year.

Empowering Education Boards to expend moneys for maintenance or improvement of school-grounds.

See Reprint of Statutes, Vol. II, p. 1021

5. Section two of the Education Amendment Act, 1932–33, is hereby amended as from the passing of that Act, by adding thereto the following subsections:—

Amending references in principal Act consequential on section 2 of Amendment Act, 1932–33.

Ibid., p. 1041

"(19) Section seventy-two of the principal Act is hereby consequentially amended by omitting from paragraph (*a*) of subsection two thereof the words 'selected for appointment under subsection six or subsection seven of the last preceding section', and substituting the words 'duly selected for appointment'.

Ibid., p. 1043

"(20) The references in paragraph (*b*) and paragraph (*c*) of subsection two of section seventy-two of the principal Act to subsection seven of section seventy-one thereof shall hereafter be read as references to subsection ten of this section; and the reference in subsection five of section seventy-three of the principal Act to paragraph (*a*) of subsection three of section seventy-one thereof shall hereafter be read as a reference to paragraph (*a*) of subsection three of this section."

6. The Second Schedule to the principal Act is hereby amended by omitting from clause nine and also from paragraph (*e*) of clause ten thereof the word "fourteenth", and in each case substituting the word "sixth".

Second Schedule to principal Act amended.

7. (1) If any dispute or question arises with respect to the regularity of the election of any member of an Education Board it shall be determined by a Magistrate in the manner provided by sections fifty-eight to sixty-seven of the Local Elections and Polls Act, 1925, and the provisions of those sections, and also the provisions of sections seventy and seventy-one of the said Act, shall

Application to elections of Education Boards of provisions of Local Elections and Polls Act.

Ibid., Vol. V. p. 466

with the necessary modifications apply in respect of every such election.

(2) The foregoing provisions of this section are in substitution for clause eighteen of the Second Schedule to the principal Act, and that clause is hereby accordingly repealed.

As to management and control of intermediate schools and public schools having an intermediate department attached thereto.

8. (1) The power conferred on the Governor-General by subsection five of section three of the Education Amendment Act, 1932–33, to make regulations for the general control and management of intermediate schools and intermediate departments shall include, and be deemed at all relevant times heretofore to have included, the power by any such regulations to constitute or to provide for the constitution of a special committee for any intermediate school or for any public school to which an intermediate department is attached, and to apply to such special committee any of the provisions of the principal Act relating to School Committees. If any public school for which a special committee is constituted as aforesaid is the only school within the school district it shall not be necessary, at any time while the special committee is in office for that public school, to elect a School Committee for the district pursuant to the provisions of section forty-one of the principal Act.

(2) Every such special committee whether constituted before or after the passing of this Act shall for the purposes of section fifteen of the principal Act be deemed to be, and at all relevant times heretofore to have been, a Committee of a school district.

Conditional authority for governing bodies of secondary schools, &c., to terminate employment of married women as teachers.

Cf. 1931, No. 44, s. 39 (Reprint of Statutes, Vol. II, p. 1114)

See Reprint of Statutes, Vol. II, p. 1074

9. (1) Without limiting the general authority of the governing body of any technical school, secondary school, combined school, or intermediate school to determine the engagement of any teacher employed in such school any such governing body, on giving three months' notice of its intention so to do, may, in accordance with this section, terminate the engagement of any married woman employed as a teacher in its service.

(2) On any appeal under section one hundred and forty-nine of the principal Act by a teacher who has received notice under this section of the termination of her engagement, the Teachers' Court of Appeal shall, in addition to any other considerations, take into consideration the financial position and responsibilities of the appellant and the appellant's husband, and may grant

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her appeal if, in the circumstances, it is of opinion that the termination of her engagement would constitute a cause of undue hardship.

10. (1) Section thirty-four of the Finance Act, 1932, is hereby amended by omitting from subsection two thereof the words "one year", and substituting the words "two years".

Section 34 of Finance Act, 1932, amended.

REFER 19 No. s.

(2) The amendment effected by the last preceding subsection shall not apply with respect to any teacher in whose salary and allowances a reduction in accordance with section thirty-four of the Finance Act, 1932, has actually been effected before the passing of this Act, but shall apply with respect to every other teacher to whom the aforesaid section thirty-four applies, whether the reduction in the grade or the alteration of the status of the school in which he is employed has been made before the passing of this Act or is made after the passing of this Act.

Provisions affecting Timaru High School Board.

11. (1) After the passing of this Act the Timaru High School Board shall, subject to the provisions of subsection eight hereof, consist of ten members of whom—

Altering constitution of Timaru High School Board.

(*a*) One shall be appointed by the Governor-General to hold office during his pleasure:

(*b*) One shall be appointed by the Council of each of the counties of Geraldine, Levels, Mackenzie, and Waimate:

(*c*) Two shall be appointed by the Timaru Borough Council:

(*d*) One shall be appointed by the Education Board of the District of Canterbury:

(*e*) Two shall be elected by the parents of pupils attending the Timaru High School.

(2) The first appointment of members by the said County Councils and by the Timaru Borough Council respectively shall be made at the first meeting of each such Council held after the triennial election of Councillors to be held in the month of May, nineteen hundred and thirty-five, and thereafter at the first such meeting after every succeeding triennial election fresh appointments shall be made. Every person appointed under this subsection shall, unless his office is sooner vacated, continue in office until his successor is appointed as aforesaid.

(3) The member to be appointed by the said Education Board and the members to be elected by the parents of pupils shall be appointed and elected respectively in the manner provided by section eighty-nine or section ninety, as the case may be, of the principal Act, and all such members shall, unless sooner vacating office, hold office until their successors are appointed or elected.

(4) The following persons shall be incapable of being appointed or elected to be or of being members of the Board, that is to say:—

(*a*) Any person who is not ordinarily resident within the Provincial District of Canterbury:

(*b*) A person of unsound mind:

(*c*) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled:

(*d*) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence, or otherwise suffered the penalty imposed on him:

(*e*) In the case of a member to be appointed by the Council of any County as aforesaid, a person who is not a ratepayer of that County:

(*f*) In the case of a member to be appointed by the Timaru Borough Council as aforesaid, a person who is not an elector of the Borough of Timaru.

(5) If any person, while holding office as a member of the Board, becomes incapable of continuing to hold office under the last preceding subsection, or dies, or resigns his office by writing under his hand addressed to the Board, or is absent without leave of the Board from three consecutive meetings of the Board, his office shall be thereby vacated.

(6) Every vacancy under the last preceding subsection shall be filled as follows:—

(*a*) Where the person vacating office was appointed by the Governor-General, by appointment by the Governor-General:

(*b*) Where the person vacating office was elected by the parents of pupils, by appointment by the Board:

(*c*) In every other case, by appointment by the authority by which the person vacating office was appointed.

(7) Every person appointed pursuant to paragraph (*b*) or paragraph (*c*) of the last preceding subsection shall hold office only for the residue of the term for which his predecessor was appointed or elected.

(8) The members of the Board in office immediately before the passing of this Act shall for all purposes be deemed to be members of the Board and shall continue in office as follows:—

(*a*) The member appointed by the Governor-General shall, subject to subsection five hereof, continue in office during the pleasure of the Governor-General:

(*b*) The members elected by the Burgesses of the Boroughs of Timaru and Waimate shall continue in office until the first appointment of members by the Timaru Borough Council is made under this section, and shall then retire:

(*c*) The members appointed by the Councils of the counties of Geraldine, Mackenzie, and Waimate shall continue in office until in each case the first appointment of a member by the Council which appointed him or them is made under this section, and shall then retire:

(*d*) The member appointed by the said Education Board and the members elected by the parents of pupils shall continue in office until their successors are duly appointed or elected, and shall then retire.

(9) Where any appointment or election is omitted to be made or held at the time required by or under this section, or is otherwise irregularly made or held in matter of form, the Governor-General may by Order in Council, at any time before or after the time within which such thing is required to be done, extend such time, or may validate anything so done after the time required or so irregularly done.

(10) This section is in substitution for the Timaru High School Act 1878 Amendment Act, 1882, and the Timaru High School Act 1878 Further Amendment Act, 1889, and those Acts are hereby accordingly repealed. Repeals.