

## New Zealand



### ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Repeals.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">COMPULSORY ATTENDANCE AT PUBLIC SCHOOLS.</p> <p>3. Every child between seven and thirteen to attend school. Exemptions. Proviso.</p> <p>4. Definition of "parent."</p> <p>5. Proceedings to compel attendance.</p> <p>6. Penalty for disobeying order of Justices.</p> <p>7. Penalty on parents for inconstant attendance of children.</p>	<p>8. Proceedings for penalties.</p> <p>9. Truant Officers.</p> <p>10. What deemed evidence of appointment of officers, &amp;c.</p> <p>11. Onus of proof on parents.</p> <p>12. Penalties to be paid into Board Fund.</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">COMPULSORY ATTENDANCE AT NATIVE SCHOOLS.</p> <p>13. Interpretation.</p> <p>14. Compulsory attendance of Native children at school. Exemptions. Schedule.</p>
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1894, No. 26.

AN ACT to promote Regular Attendance at Public Schools. Title.  
[9th October, 1894.]

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

1. The Short Title of this Act is "The School Attendance Act, 1894." It shall be read together with "The Education Act, 1877" (hereinafter referred to as "the principal Act"). Short Title.
2. Sections eighty-nine to ninety-five and the Third Schedule of the principal Act are hereby repealed; and so much of "The Education Act 1877 Amendment Act, 1885," as is not already repealed is also hereby repealed. Repeals.

### PART I.

#### COMPULSORY ATTENDANCE AT PUBLIC SCHOOLS.

3. Subject to the provisions of the principal Act, every child between the age of seven years and the age of thirteen years is hereby required to attend some public school at least six times a week, morning attendances and afternoon attendances being separately counted: Every child between seven and thirteen to attend school.

Provided that this section shall not apply to any child whose place of residence is more than two miles from the nearest public school, the distance being measured by the shortest road, or who cannot conveniently reach a public school by railway:

**Exemptions.**

Provided also that the parent of any child may apply for and receive a certificate from the School Committee of the district in which such child resides exempting such child from attendance in whole or in part at school, upon satisfying the School Committee of the existence of any one of the following grounds, namely:—

- (1.) That the child is under efficient and regular instruction elsewhere:
- (2.) That the child is unable to attend school by reason of sickness, danger of infection, temporary or permanent infirmity, or other unavoidable cause:
- (3.) That the road between the child's residence and the school is not sufficiently passable:
- (4.) That one of the Inspectors or the headmaster of any public school has, by writing under his hand, certified that the child has reached a standard of education prescribed by any regulations under the principal Act as the standard of exemption:

And every such certificate of exemption shall state the ground of exemption, and shall be in force for a period of one year, or for a shorter period, as may be named in such certificate; and during the period named in such certificate the holder thereof shall be freed from the operation of the provisions of this Act in respect of the child named therein:

**Proviso.**

Provided always that any parent dissatisfied with the decision of a Committee in refusing to grant an exemption certificate may appeal to the Education Board against such decision, and the Board may overrule or confirm such decision.

**Definition of "parent."**

4. For the purposes of this Act, "parent" includes guardian, and the householder in whose family a child resides.

**Proceedings to compel attendance.**

5. If any child required by this Act to attend a public school does not attend such school, the School Committee of the district in which such child resides shall give the parent of such child notice in writing, in the form or to the effect of the Schedule hereto, calling upon such parent to send such child to school; and if such parent, after receiving such notice, refuses or neglects to send such child to school, such parent shall be summoned before any Stipendiary Magistrate, or any two Justices of the Peace, who shall order such parent to send such child to a public school.

**Penalty for disobeying order of Justices.**

6. Any parent neglecting to obey an order made under section five of this Act, or who, after obeying the order for a time, ceases to obey it, shall be liable to a penalty not exceeding forty shillings, and the payment of such penalty shall be no bar to further proceedings in case of further neglect.

**Penalty on parents for inconstant attendance of children.**

7. When any child required by this Act to attend a public school has been enrolled in the register of a public school, and, being in good health, does not attend at least six times in any week in the course of which the school is open nine times, the parent of such child shall be liable to a penalty of two shillings for every such week in which such child shall have attended less than six times: Provided that proceedings for the recovery of any penalty incurred by reason of insufficient attendance during any part of any month cannot be instituted except during that month or during the next following month.

8. All proceedings for orders to send children to school and for recovery of penalties under this Act may be had and taken in the manner prescribed by "The Justices of the Peace Act, 1882."

Proceedings for penalties.

9. It shall be lawful for Education Boards to appoint Truant Officers, and any Truant Officer or any member of a School Committee, or the Clerk of a School Committee, may lay informations, make complaints, conduct prosecutions, and take all other proceedings under this Act on behalf of any School Committee.

Truant Officers.

10. A certificate under the hand of a Secretary of an Education Board, showing that the person named therein is a Truant Officer, shall be sufficient evidence of the appointment of such Truant Officer; and similarly a certificate under the hand of the Chairman of a School Committee shall be sufficient evidence of the appointment of the Clerk or Secretary of the School Committee, or of the election of a member of the same; and in any proceedings under this Act the election or appointment of the person acting as Chairman of the School Committee, or as Secretary of the Education Board, or the signature to any such certificate, shall not be inquired into or disputed.

What deemed evidence of appointment of officers, &c.

11. On the hearing of any information or complaint under this Act, whether for the recovery of a penalty or for an order to send a child to a public school, the onus shall be on the parent or guardian of such child of showing that such child has attended or is attending a public school in accordance with the requirements of this Act, or that such child is exempt from such attendance hereunder.

Onus of proof on parents.

12. Every penalty recovered under this Part of this Act shall be paid by the Clerk of the Court to the School Committee at whose instance such penalty is recovered, and shall thereupon become part of the School Fund.

Penalties to be paid into Board Fund.

This provision shall be deemed to be a sufficient appropriation of any money recovered as aforesaid, and a sufficient authority to the Clerk of the Court for making the payments aforesaid.

## PART II.

### COMPULSORY ATTENDANCE AT NATIVE SCHOOLS.

13. In this Part of this Act the following expressions shall have the meanings hereby assigned thereto respectively:—

Interpretation.

"Native school" means and includes any school carried on as a school for native Maoris and half-castes under the direct control of the Minister of Education:

"Committee" means a Committee for a Native school elected under any regulations from time to time prescribed by the Minister of Education for the conduct of Native schools:

"Chairman" means the person from time to time elected by a Native School Committee as Chairman of such Committee; and a certificate under the hand of the Secretary for Education showing that the person named therein is the Chairman shall be sufficient evidence of the fact.

14. Every Native or half-caste child who, if not a Native or half-caste, would be required by this Act to attend a public school shall attend a Native school at least six times a week, subject to the

Compulsory attendance of Native children at school.

same provisoes and conditions as to exemption and penalty, and in all other respects, as are expressed in the First Part of this Act, except as follows:—

## Exemptions.

- (1.) The functions assigned by this Act to School Committees shall be performed by the Committee.
- (2.) Prosecutions on behalf of the Committee shall be conducted by the Chairman.
- (3.) Penalties recovered shall be paid to the Public Account and be placed to the credit of the vote for Native Schools.
- (4.) The passing of the Fourth Standard of the Native School Code shall be a sufficient ground for issuing a certificate of exemption.

## Schedule.

## SCHEDULE.

To A.B.

You are hereby required to send your child C.D., between the ages of seven and thirteen years, to a public [*or Native*] school; and if you fail to do so you will be summoned before a Stipendiary Magistrate or two Justices of the Peace to answer for such neglect.

If your said child is (1) under efficient instruction otherwise than at a public [*or Native*] school, or (2) if it is prevented from attending school by sickness or unavoidable cause, or (3) if the road between your residence and the nearest public [*or Native*] school is not sufficiently passable, or (4) if you have obtained a certificate in writing from a Government Inspector of Schools or the headmaster of any public school that your child has reached the standard of education prescribed by the Regulations [*or, if a Native child, has passed the Fourth Standard of the Native Schools Code*], and if you satisfy the School Committee [*or me, in the case of a Native school,*] of any of these facts, you will receive a certificate exempting you from sending your child to school.

E.F.,

Secretary [*or Clerk*] to the School Committee of the District of  
[*or Chairman of the* Native School Committee].

Dated this            day of            , 189 .