

Mr. George Fisher.

PUBLIC SCHOOLS.

ANALYSIS.

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A BILL INTITULED

Title.	AN ACT to make Better and Further Provisions for the Education of the People of New Zealand.	
Preamble.	WHEREAS it is expedient to make better and further provision for the instruction of the children of the people of New Zealand :	5
	BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—	
Short Title.	1. The Short Title of this Act is "The Public Schools Act, 1893."	10
Repeal.	2. "The Education Act, 1877," "The Education Districts Act, 1882," "The Education Act 1877 Amendment Act, 1885," "The Westland and Grey Education Boards Act, 1885," "The Wellington and Wanganui Education Districts Act, 1886," and "The Westland and Grey Education Boards Act Continuance Act, 1877," shall be	15
Commencement of Act.	3. This Act shall come into operation on the first day of January, one thousand eight hundred and ninety- , with the exception of the sections of the Act, which sections shall come into operation on the passing hereof.	20
Interpretation.	4. In the interpretation of this Act, unless the context supply clear indication to the contrary,—	
	"Education Department," or "the department," means the Minister of Education and the officers appointed by the Governor to assist the Minister in the administration of	25
	this Act :	
	"Electoral district" means an electoral district constituted under	
	"Gazette" means the <i>Zew Zealand Gazette</i> ; and "gazetted" means published in the <i>New Zealand Gazette</i> :	30
	"Minister" means the Minister of Education appointed to administer this Act :	
	"Parent" means the head of the household to which any child attending a public school belongs, as a resident member for the time being :	35
	"Property" means real and personal property of every description :	
	"Public notice" means a notice published in some newspaper circulating in the district ; and "publicly notified" means published in such a newspaper :	

“Public school” means any school established or constituted under this Act or any Act hereby repealed, and conducted in accordance with the *sixty-fourth* and *sixty-sixth* sections of this Act:

5 “Regulation” means a regulation made under the *eighty-third* section of this Act:

“School district,” or “district,” means a school district constituted under this Act:

10 “Schoolhouse” includes the land appropriated to the school, and all the buildings and fences upon it, and also apparatus and appliances for instruction and for physical training:

“Standard” means a standard of examination defined by regulation under this Act:

15 “Teacher” means any person engaged in teaching in any public school.

5. The Governor may from time to time appoint any Minister of the Crown to be Minister of Education, and such Minister shall have the control and direction of the Education Department, and, subject to the conditions hereinafter expressed, shall be charged with the general administration of this Act. The Minister of Education immediately before the coming into operation of this Act holding the office of Minister under “The Education Act, 1877,” shall be the first Minister of Education under this Act.

Minister of Education to have administration of Act.

20 6. The Governor may from time to time appoint and remove a Secretary for Education, an Inspector-General of Schools, and such clerks and other officers of the Education Department as may be deemed necessary. The Secretary, the Inspector-General, the clerks, and any other officers of the Department of Education appointed under “The Education Act, 1877,” and holding their respective appointments immediately before the coming into operation of this Act, shall hold the same offices under this Act, and shall be deemed to have been appointed under this Act.

Appointment of officers under this Act.

35 7. The Governor may from time to time appoint and remove such Inspectors of Schools as may be deemed necessary, and such Inspectors shall be officers of the department, and shall have the right to enter any public school at any time, and shall inspect and examine all public schools in such manner as shall be prescribed by regulation. The Minister shall divide the colony into inspectorial districts, and shall from time to time assign to every Inspector an inspectorial district. The Minister may from time to time transfer Inspectors from one inspectorial district to another, and may require two or more Inspectors to act together in the inspection or examination of any public school.

Governor may appoint Inspectors.

Minister shall divide colony into inspectorial districts.

45 8. Subject to any regulation that may be made under this Act, all expenses of the administration of this Act shall be defrayed out of moneys to be from time to time appropriated by the General Assembly for the following purposes:—

Defrayment of expenses of administration of Act.

Salaries of officers of the department and travelling-expenses of such officers, and incidental expenses of the department;

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Salaries and other allowances to teachers of public schools;
Incidental expenses of public schools;

Maintenance of normal or training schools for the training of teachers, and maintenance-allowance to students in such schools ;
 Salaries and travelling-expenses of visiting teachers appointed to give instruction in elementary science, drawing, singing, manual work, and physical exercises ;
 Maintenance of technical, manual, and art schools ;
 Purchase of sites for schools, playgrounds, and master's houses, and rent of sites and school-buildings ;
 Erection of schoolhouses and teachers' houses, and enlargement and repair of the same ;
 Scholarships and exhibitions ;
 Supply of school-furniture and apparatus ;
 Other purposes.

Division into school-districts.

9. The colony shall be divided into school districts as follows :—
 Every borough, together with any adjoining area included in any electoral district in which the borough or any part of the borough is situate, shall be and is hereby constituted a school district ; and
 Every electoral district that does not include a borough or any part of a borough shall be and is hereby constituted a school district.

Constitution of School Boards.

10. For every school district there shall be a School Board, and the number of members of the Board of any district shall depend on the number of public schools in the district at the time of the election of members of the Board, and shall be according to the following scale :—

If there is only one public school in the district there shall be seven members.

If there are two schools in the district and no more there shall be eight members—four for each school.

If there are three schools in the district there shall be nine members—three for each school.

If there are more than three schools there shall be two members for each school.

Every member of the Board shall be deemed to hold his seat as a representative of the public school at which the meeting by whose vote he was elected to be a member of the Board was held, or of the school which he was chosen under section *eleven* of this Act to represent.

Date of first election of members.

11. The first members of the School Boards shall be elected in the month of December in the present year by the School Committees then existing, as constituted by "The Education Act, 1877," every School Committee electing for each and every public school in its district the number of members required by the *tenth* section of this Act to be the representatives of such school. The Chairman of every School Committee shall fix a date for the election within the said month of December, and shall be the Returning Officer for the purpose of such election, and shall report to the Minister the result of such election without delay : Provided that, if there be only one public school in a district, as defined by the *ninth* section of this Act, the members of the one School Committee in that district shall be the

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first members of the School Board of the district, and shall be deemed to have been elected to be members of the Board ; and it shall be the duty of the Chairman of such School Committee to report to the Minister in the month of December of the present year that the School Board of the district is constituted in accordance with the terms of this provision.

12. The members of every School Board shall remain in office until new members are elected to succeed them in the manner prescribed by this Act, and no longer. Duration of office.

10 13. On the fourth Monday of April in the year one thousand eight hundred and ninety-two, and on the fourth Monday in April in every succeeding year, at an hour to be fixed and publicly notified by the School Board of the district, a meeting shall be held at every public school, and at such meeting the parents of the children attending such public school shall elect to be members of the School Board of the district as many persons as are required by the *tenth* section of this Act to be the representatives of such public school. Members, how elected.

15 The parents present at such meeting shall elect from among themselves a chairman of the meeting, who shall have both a deliberative vote and a casting-vote.

20 In the election of members of the Board each parent present may give one vote each for as many candidates as there are members to be elected at the meeting, but may not give more than one vote for any one candidate.

25 If the head of a household, who is a parent in the sense defined by the *fourth* section of this Act, is not present at the meeting, any adult member of the household bearing his authority in writing may take part in the election on behalf of such parent.

30 The chairman of the meeting may require, and at the demand of any three parents present shall require, any persons present who have no right to vote to occupy a separate part of the room, in order that they may not be mistaken for voters.

35 The election of members of the Board may be by show of hands, but the chairman of the meeting may direct, and at the request of three parents present shall direct, that the voting be by ballot.

The chairman of the meeting shall report to the Minister the result of the election without delay.

40 Subject to the requirements of this section of the Act, the Governor in Council may make regulations for the conduct of elections of members of School Boards.

45 14. Every person, male or female, of the full age of twenty-one years, shall be qualified to be elected a member of the School Board of the school district in which he or she resides : Provided that no person holding any office or employment under any School Board to which office or employment any salary, fee, or emolument is attached, or being interested or concerned (except as a member of a registered or incorporated company) in any contract under which any money is to be paid by any School Board, or being of unsound mind, or being a bankrupt, or being bound by any deed of composition or arrangement with his or her creditors, or having been convicted of treason, felony, perjury, or any infamous crime, shall be eligible Qualification for election as member

Dual representation prohibited.

15. If any person shall be elected on the same day to be the representative of two or more public schools as a member of any School Board the Board shall, at its first meeting after the election of such person, decide and determine that he shall be regarded as the representative of some one of such public schools, and that his place as representative of the other school or schools is vacant, and shall thereupon appoint a day for a meeting for a new election at such other school or schools, and give public notice of the same, and at such meeting the proceedings shall be in all respects such as are prescribed by the *thirteenth* section of this Act; and if no election is made at such meeting the Minister may appoint any eligible person to fill the vacancy. 5 10

Retiring members eligible for re-election.

16. At every meeting held on the fourth Monday in the month of April for the election of members of a School Board the retiring members of the Board shall be eligible, and if there be no nomination at any such meeting the chairman of the meeting shall declare that the retiring members who were representatives of the public school at which the meeting is held are newly elected to be members of the Board. 15

When validity of any election questioned, Minister may settle matter.

17. If any doubt arises with respect to the validity of the election of any member of a School Board, the Minister may, of his own motion, or at the request of the School Board, give an authoritative decision on the matter in doubt, or may direct the Board to give public notice of a new election to settle the matter. Any such new election shall be conducted in the manner prescribed by the *thirteenth* section of this Act; and if at the meeting called for the purpose no election is made the Minister may appoint any eligible person to fill any vacancy that ought to have been filled by election at such meeting. 20 25

Resignation or forfeiture of seat.

18. If any member of a School Board shall, by writing under his hand addressed to the Chairman of the Board, resign his office, or shall die, or shall be absent without leave from all the meetings of the Board for three consecutive months, or shall come into any condition which under the *fourteenth* section of this Act would render him disqualified for election to a seat on the Board, he shall immediately cease to be a member of the Board: Provided that it shall be lawful for the Board to pay, and for any member of the Board to receive, the reasonable travelling-expenses incurred by such member in travelling from a distant place of residence to the Board's ordinary place of meeting. 30 35

Vacancies on Board to be immediately filled up.

19. If the place of any member of a School Board shall become vacant for any of the causes described in the *eighteenth* section of this Act, the Board shall as soon as possible elect a person to fill the vacancy, and the member so elected shall be deemed to be a representative of the school which was represented by the member whose place he is elected to: Provided that no person shall be eligible who would not be eligible under the *sixteenth* section of this Act. 40 45

No act of Board to be questioned on ground of informality of election or incapability of members.

20. No act of a School Board shall be questioned on the ground of any informality in the election of a member, or on the ground that the seat of any member is vacant, or that any supposed member is incapable of being a member. 50

Time and place of meetings.

21. The time and place of the first meeting of every School Board shall be fixed by the Minister of Education and shall be

gazetted on some day not earlier than the twenty-first and not later than the thirty-first day of December in the present year, and the time and place of the first meeting to be held after the election made on the fourth Monday in April in every year shall every year be fixed
 5 in the month of April by the School Board and publicly notified by the Chairman or by the Clerk of the Board before the day of the election. The times and places of all other meetings of the Board shall be fixed by adjournment or by regulation made by the Board or by notice signed in each case by the Chairman or by the Clerk of the
 10 Board and sent by such Chairman or Clerk to all members of the Board.

22. The powers conferred on School Boards by this Act shall be exercised at meetings convened as aforesaid, and at such meetings no business shall be transacted unless at least one-half of the members
 15 of the Board are present.

No business to be transacted by Board unless one-half of members present.

23. Minutes of the proceedings of every School Board shall be regularly entered in a book to be kept for that purpose, and at every meeting of the Board the minutes of the preceding meeting shall be read over and shall be signed by the chairman of the meeting at
 20 which they are read, and the minutes when so signed shall be held to be a true statement and record of the proceedings of the Board.

Minutes of meetings of Board to be kept.

24. Every School Board shall, at its first meeting and also at the first meeting after any general election of its members, elect one of its members to be Chairman of the Board, who shall hold office
 25 until the election of his successor: Provided that if a Chairman so elected cease to be a member of the Board he shall cease to be its Chairman, and that by word of mouth at a meeting of the Board or by writing under his hand he may relinquish his office of Chairman, and in any such case the Board shall as soon as possible after his
 30 retirement from office elect another member of the Board to be Chairman in his stead: Provided also that if the Chairman be absent from any meeting of the Board the members present shall elect one of their number to preside at such meeting instead of the Chairman.

Election of Chairman, &c.

25. On every question before a School Board at any meeting
 35 the decision of the majority of the members present shall be final and conclusive, and the Chairman, or the member presiding in the absence of the Chairman, shall have a deliberative vote, and, in case the votes are equal, a casting-vote also.

Chairman to have a deliberative and casting-vote.

No resolution or decision come to at any meeting of the Board
 40 shall be revoked or altered at any subsequent meeting of the Board within twelve months from the passing thereof unless notice of intention to propose that such resolution or decision be revoked or altered shall have been given at a previous meeting of the Board, and shall have been made known by a circular convening the meeting and ad-
 45 dressed to each member of the Board at his usual or last-known place of abode.

Revocation of resolutions of Board.

26. Every School Board may appoint one of its own members or any qualified person to be its Clerk and Treasurer, and any Clerk and Treasurer appointed under this section shall convene all meetings of
 50 the Board except the first meeting after any general election of members of the Board by causing at least three days' previous notice to be sent to every member thereof, and shall attend the meetings of the

Appointment and duties of Clerk and Treasurer.

Board, take minutes of its proceedings, and perform any other duties assigned to him by the Board: Provided that a Clerk and Treasurer, if a member of the Board, shall receive no remuneration for his services.

Every School Board deemed a body corporate.

27. Every School Board shall be a body corporate having for its name the words "School Board," with the name of the borough or of the electoral district prefixed; and by such name of "The [*name of borough or electoral district*] School Board" shall have perpetual succession and a common seal, and may take and hold land for the purposes of this Act, and may do and suffer all such acts and things as bodies corporate may do or suffer. 5 10

Schoolhouses, &c., of Education Boards vested in School Boards.

28. All such schoolhouses and residences as were immediately before the coming into operation of this Act vested in, belonging to, or under the control of any Education Board constituted by any Act hereby repealed, and the sites occupied by and the land attached to such schoolhouses and residences, shall by the operation of this Act be severally vested in the several School Boards of the districts in which such lands and buildings are severally situated, and shall be held by the School Boards for the purposes of this Act. 15

Lands which may hereafter become property of Education Boards to be vested in School Boards.

29. All lands that may at any time hereafter be set apart for use as sites for public schools, or for playgrounds attached thereto, or for public residences for teachers, and that under the authority of any Act hereby repealed would if such Act had not been repealed have become the property of any Education Board constituted under any Act hereby repealed, shall at and from the time when such lands became applicable to the purposes mentioned in this section be by the operation of this Act severally vested in the several School Boards of the district in which they are severally situated. 20 25

All unused lands vested in Education Boards prior to passing of Act to be vested in School Commissioners.

30. All lands immediately before the coming into operation of this Act vested in, belonging to, or under the control of any Education Board constituted under any Act hereby repealed and held by such Board under the denomination of school-sites, but not used as school-sites, shall by the operation of this Act be severally vested in the School Commissioners having authority under "The Education Reserves Act, 1877," in the several districts in which such so-called sites are severally situated, and shall by such School Commissioners be dealt with as reserves for primary-school purposes. 30 35

Certain property to be held and applied for purposes of this Act.

31. All real and personal property immediately before the coming into operation of this Act vested in any Education Board constituted under any Act hereby repealed, except such property as is described in the *twenty-ninth* and *thirtieth* sections of this Act, shall by the operation of this Act become the property of Her Majesty the Queen, to be held and applied for the purposes of this Act in such manner as to the Minister of Education shall seem fit. 40

Moneys held by School Committees.

32. All moneys remaining on any day of the month of December in the present year in the hands of the School Committee of any school district constituted under "The Education Act, 1877," shall be deemed to be the property of the Board of the education district in which such school district is comprised, and the Chairman, or Clerk and Treasurer, of such School Committee shall not by the repeal of "The Education Act, 1877," be freed from the responsibility of accounting for such moneys, but shall be required to send 45 50

such moneys, together with a statement of the accounts of the Committee, before the fifteenth day of January, one thousand eight hundred and ninety-two, to the person who immediately before the coming into operation of this Act shall hold the office of Secretary to the Board of the education district under "The Education Act, 1877," and such person shall receive such moneys on behalf of Her Majesty, and such accounts shall be audited in a manner to be prescribed by the Minister.

33. The salary of which the Secretary of any Education Board constituted under "The Education Act, 1877," shall be in receipt at the time of coming into operation of this Act shall be continued to him for three months thereafter, and shall be paid to him by the department on the conditions of his preparing all the information required from his district, in order to the compilation of the statistical report of the Minister, and of his auditing the accounts of the School Committees, and doing all things required of him by the Minister for the purpose of settling the affairs of the Education Board of the district; and the services of the clerks acting under any such Secretary may be in like manner retained for three months at the rate of their ordinary salaries.

Salaries of Secretaries of Education Boards to continue for three months after passing of Act on certain conditions.

34. All moneys which immediately before the coming into operation of this Act shall be payable to or by an Education Board constituted under any Act hereby repealed shall on the coming into operation of this Act become payable to or by Her Majesty the Queen, and all contracts, agreements, and securities which shall have been entered into or made by any such Board and remain in force immediately before the coming into operation of this Act shall, on the coming into operation of this Act, take effect and be proceeded on and enforced as nearly as circumstances will allow by or against Her Majesty the Queen: Provided that every contract implied by the appointment of any teacher by any Education Board shall be exempt from the operation of this section of this Act.

All responsibilities of Education Boards to remain in force.

35. Subject to the requirements of this Act, and to general supervision and control exercised by the department, the School Board of any district shall have the management of public schools within the district.

School Boards to have control of schools in their district.

36. Subject to the requirements of this Act, a School Board may appoint and dismiss teachers; but every appointment under this section of the Act must be made in accordance with the scale of qualifications set forth in the Schedule to this Act, and no appointment or dismissal shall take effect until it has been submitted to and approved of by the Minister. All correspondence between the Minister and the Board on the subject of the appointment or dismissal of a teacher shall be regarded as confidential, and shall be privileged.

Appointment of teachers.

37. All teachers who immediately before the coming into operation of this Act shall hold appointments under any Education Board constituted under any Act hereby repealed shall, subject to any express provisions of this Act, continue to hold such appointments, and shall hold them as if they had received them under this Act from the School Board having authority over the schools in which their appointments are held, and any contract implied by such appointment may be enforced by or against such School Board.

Appointments of teachers not to cease by reason of passing of this Act.

Resignation and
dismissal of
teachers.

38. No teacher shall be at liberty to relinquish his or her appointment without giving to the Chairman or Clerk of the School Board at least one month's notice in writing, and no teacher shall be dismissed without receiving at least three months' notice, given under the hand of the Chairman or Clerk of the Board: Provided that nothing therein contained shall preclude or prevent the Board from dismissing any person from its service without notice for immoral conduct, or for any such misbehaviour as renders him unfit for such service; but the Board shall report to the Minister within seven days every case of summary dismissal for misconduct, and the person dismissed may, within the same period of seven days, appeal to the Minister, who may either confirm the dismissal, or, after due inquiry, require the Board to reinstate the person dismissed. 5

Occupation of
schoolhouse and
house by teachers.

39. Any teacher's occupation of any schoolhouse, and of the teacher's house, if he occupy one, belonging to the School Board, is hereby declared to be an occupancy by sufferance only, and if he shall refuse or neglect to deliver up possession after demand in writing made by or on behalf of the Board, the Resident Magistrate whose Court is nearest to the locality shall, on application made by or on behalf of the Board, issue a warrant to the bailiff of the Court commanding him to enter into the premises and give possession of the same to the Board. Every such warrant may and shall be enforced as a warrant issued under the section of , and the sections of that Act shall apply to warrants issued under the authority of this Act. 15 20 25

Salaries of teachers.

40. The salary of every teacher shall be according to the scale set forth in the Schedule to this Act, and shall be paid to the teacher month by month, by cheque issued from the Treasury, on the authority of a certificate signed by the Secretary for Education, or by some person appointed by the Minister to sign such certificate in the absence of the Secretary: Provided that no salary shall be reduced during the first three months after the coming into operation of this Act. 30

Schools to be
classified.

41. As soon as possible after the coming into operation of this Act the Minister shall cause all public schools to be classified according to the number of pupils in the several schools, and according to the scale set forth in the Schedule to this Act. The status of any school in the classification shall depend on the mean of the eight numbers representing the average quarterly attendances at the school for the last eight quarters for which the statistics are available when the classification is being ascertained. The classification shall be revised at the beginning of the third year of the operation of this Act, and at the beginning of every alternate year thereafter, the basis of the classification being always the mean attendance for eight quarters immediately preceding: Provided that a school that has not been open so long as eight quarters shall be classified on the attendance of the last quarter for which there are available statistics. 35 40 45

Number of teachers
according to classi-
fication of school.

42. Every public school according to its classification shall be entitled to the number of teachers set forth in the Schedule to this Act as appropriate to a school of its class, and in the appointment of teachers to the school the conditions expressed in the said Schedule with respect to the number and classification of the teachers must be observed. 50

43. If at any time the number and status of the teachers in any public school shall not be such as are set forth in the Schedule to this Act as appropriate to that school, it shall be the duty of the School Board to make such changes as are necessary to bring the school into a state of conformity with the requirements of that Schedule, and if such changes cannot be effected by transferring teachers from one position to another or from one school to another with their consent, then to accomplish the end in view by exercising its power of dismissal and appointment of teachers.

Board may make changes in number and status of teachers in schools.

10 44. If any School Board shall for three months neglect to make any change required by the *forty-third* section of this Act, the Minister may, after giving one month's notice to the Board and to any teacher whose position in the school is not such as is required by the Schedule, reduce the salary of such teacher to the salary attached by the Schedule to such a position as such teacher can lawfully hold in the school according to the Schedule, or the Minister may, on giving three months' notice to the Board and to any teacher whose position in the school is unsatisfactory as aforesaid, require the Board to dismiss such teacher from the school.

If Board neglect to make necessary changes in staff, Minister may, after due notice, interfere.

20 45. If in any place the boys and girls are taught in separate schools, or younger children in a school separate from that in which the older children are taught, such separate schools shall not be regarded as so many separate public schools, but for all purposes relating to the election of members of School Boards and to the classification of schools, the boys and girls of all ages in the separate schools of the place shall be reckoned as belonging to one and the same public school. In any case in which any doubt arises as to the interpretation of this section of the Act the Minister may decide what constitutes a public school, and his decision shall be binding on all whom it may concern.

Schools not deemed separate public schools by reason of pupils being taught in separate schoolhouses.

30 It shall be the duty of every School Committee constituted under any Act hereby repealed to decide, after consulting the Minister of Education if necessary, and before proceeding in the month of December in the present year to elect members of a School Board, what schools heretofore regarded by them as separate schools constitute one public school within the meaning of this section of the Act.

Decision of School Committee.

35 46. The School Board of any district may receive and consider any requisition from residents of the district desiring the establishment of a new school, and make a report and recommendation to the Minister thereon, and the Board may of its own motion recommend the Minister to authorise the closing of any school or the establishment of a new one.

Requisitions for new schools.

40 47. It shall be the duty of every School Board to keep in good order and repair all schoolhouses and other buildings belonging to the Board, and to recommend the Minister to cause such necessary repairs or extensions to be executed and such necessary apparatus and appliances to be supplied as it may be beyond the means of the Board to supply or execute.

Board to keep schoolhouses, &c., in repair.

50 48. When any schoolhouse or teacher's house is to be built or enlarged at the public cost the School Board may claim to be consulted as to the plans and material of the building; but the decision of all questions relating to such plans and material shall rest with the

Building of schoolhouses, &c. Board to be consulted.

Minister. The Board may, however, expend at its own discretion any moneys at its disposal derived from public subscription or private gift, or any source other than a grant of the General Assembly.

Cleaning of schools
and supply of
necessaries.

49. Every School Board shall be responsible for the cleaning of the school-buildings in its district, and for the supply of necessary fuel for the schoolrooms, and of pens, penholders, ink, slate-pencils, chalk, stationery (except copy-books and drawing-books), and sewing-materials, and also for all sanitary arrangements connected with the outbuildings and drainage. 5

Accounts to be kept
by Board.

50. Every School Board shall keep full and true accounts, in which shall be entered every sum received or paid by the Board in the order of the several dates of receipt and payment. The Board shall cause its accounts to be balanced every year before the day of the annual election of members of the Board, and immediately after its first meeting subsequent to such annual election shall submit the accounts so balanced to an auditor appointed by the Governor. 15

Annual balance-
sheet to be
presented.

Capitation grant.

51. The Minister shall cause to be paid to every School Board, as soon as possible after the audit of its accounts, a capitation-grant at the rate of five shillings for each unit of the average attendance at all the public schools of the district for the quarter ending with the thirty-first day of the preceding March: Provided that the said capitation-grant shall be reduced by the amount of any unexpended balance remaining in the hands of the Board at the time of audit and derived from a former capitation-grant; but no reduction shall be made on account of a balance derived from any source other than such capitation-grant. A capitation-grant at the rate of one shilling and eightpence for each unit of average attendance for the last quarter of the year one thousand eight hundred and ninety-one shall be made to every School Board in the month of January, one thousand eight hundred and ninety-two. No part of a capitation-grant under this section of the Act may be expended on prizes, rewards, or entertainments. 20 25 30

Religious
instruction.

52. On one or two days in every week in any public school in which the regular hours of school-work are not less than four hours and a half a day the regular school-work may, if the School Board so direct, be brought to a close half an hour before the usual time of closing, in order that religious instruction may be given to the children by such person or persons as shall have obtained from the Board permission to give such instruction; and on such occasions the teacher, or an assistant teacher acting by the authority of a principal or head-teacher, shall dismiss the school when the regular school-work is ended, and shall give notice that all pupils may remain for religious instruction except those whose parents wish them to withdraw. In any school in which the regular hours of school-work are less than four hours and a half a day, the Board may grant permission for the giving of instruction as aforesaid after the dismissal of the school, and after notice given as aforesaid; but the dismissal of the school must take place at the usual hour of dismissal. 35 40

Subject to certain
regulations, school-
houses may be used
for other than
school-purposes.

53. Subject to any regulation that may be made under this Act, school-buildings may be used on days and at hours other than those devoted to public-school purposes, upon such terms as the School Board may from time to time prescribe: Provided that before granting the use of the school-buildings to any person or body the 45

Board must exact a guarantee from such person or body to repair any damage caused by such use, to replace at least one hour before the next assembling of the school any articles of school-furniture or apparatus that have been removed from their proper places during the continuance of such use, and to remove any dirt or rubbish consequent upon such use.

54. Any School Board may establish and maintain a school-library for the use of the children attending the public schools of the district, and may determine from time to time what portion of such library shall be appropriated to any public school in the district, and from time to time cause any of the books so appropriated to any public school to be exchanged for any books so appropriated to any other public school in the district; and any school-library immediately before the coming into operation of this Act belonging to any School Committee constituted under any Act hereby repealed shall by the operation of this Act become the property of the School Board of the district. The words "library" and "book" in this section of the Act shall be deemed to include works of art, scientific apparatus, and natural-history specimens.

Establishment of school-libraries.

55. Any School Board shall be entitled to receive a copy of any report made to the Education Department by any Inspector appointed under this Act so far as such report relates to any public school over which such Board has authority; but the Minister may order that any such report or any part of any such report shall be deemed confidential and privileged.

School Boards entitled to copy of report of Inspector

Exception.

56. Any School Board may by resolution declare that the sections of this Act which relate to compulsory attendance—that is to say, the *seventy-third* and *seventy-fourth* sections of this Act—are to come into operation in the district; and immediately on the passing of such resolution by the Board of any district the said sections of this Act shall come into force in the district, and the said sections shall thereafter remain in force in the district until the Board shall rescind such resolution.

Powers of Boards with regard to sections 73 and 74.

57. Any person or persons having the management and control of any school that is not a public school within the meaning of this Act may, with the consent of the person or persons in whom the buildings, lands, and endowments pertaining to such school, and with the assent of the Governor, agree with the School Board of the district in which such school is situated that such school shall become a public school within the meaning of this Act; and if the Governor assent to the agreement his assent shall be gazetted, and thereupon such school shall become a public school, and all lands, buildings, and endowments pertaining thereto shall be vested in the Board of the district, and the said persons shall thenceforth be freed and discharged from all the trusts imposed upon them as the trustees, owners, managers, or governors of such school.

Merging of private into public schools.

58. Except as hereinafter provided, any child above the age of five years and not above the age of fifteen years may attend any public school without paying any fee. The teacher or the principal teacher of every public school shall keep a roll of the children belonging to the school whose attendance is not conditional on the payment of fees, and such roll shall be known as the "ordinary roll." He shall also

Children between ages of 5 and 15 may attend schools without payment of fees.

Roll of pupils to be kept.

keep a roll of pupils belonging to the school whose attendance is conditional on the payment of such fees as are required by the sections of this Act, and such roll shall be called the "supplementary roll." In the said rolls shall be entered the names of all the pupils belonging to the said school, together with the place and date of birth of every pupil, according to information supplied in each case by the parent. The School Board may send to the department the name and alleged date of birth of any pupil in order that reference may be made to the Registrar-General for the purpose of ascertaining whether the alleged age is the true age, and the Minister may at any time require the Board to send him a copy of any roll or of any part thereof for the same purpose.

When entering on roll, teacher to note previous attendance at public school, if any.

59. On entering the name of any child in the ordinary or in the supplementary roll of any public school, the teacher shall, if the child have attended any other public school since the thirty-first day of December in the preceding year, record in such roll the name of such other public school, and shall, if the child present a certificate of having passed in any standard at any other public school, make also a record thereof in the roll; and if the child present no such certificate the teacher shall report the case to the School Board, and it shall be the duty of the Board in such case to ascertain what standard, if any, the child has passed, and to supply information in that respect to the teacher, and at the next examination thereafter the child shall be examined for a standard higher than that in which he last passed.

Board to control admission of pupils to schools.

60. Notwithstanding anything in this Act to the contrary, a School Board may order that a child applying for admission to a public school shall not be admitted to the school to which he applies to be admitted, but shall be admitted instead to some other school within the district; and a Board may refuse to admit a child if the accommodation for the class in which it would be proper to place such child is not, in the opinion of the Board, sufficient to justify the admission of such child; but it shall be the duty of the Board to report to the Minister every case in which admission is refused on the ground of insufficient accommodation, and such report must be made within one month of the date of the act of refusal. And so long as the accommodation continues to be in the judgment of the Board so small as to justify the refusal of admission to any child the Board shall report the insufficiency of accommodation at least once in every quarter to the Minister. For all the purposes of this Act a "quarter" means a period of three calendar months beginning with the first day of January, April, July, or October.

If insufficient accommodation, Board to report to Minister.

School-accommodation.

61. In estimating the sufficiency or insufficiency of the school-accommodation for any school or for any class the School Board shall reckon ten superficial feet of floor-space as the space required for one child, except that for children in or below the class in course of preparation for the First Standard eight superficial feet each shall be deemed sufficient.

Fixing of school-age.

62. No child below the age of five years shall be allowed to attend any public school, and no child above the age of fifteen years or who has passed the Sixth Standard shall be kept on the ordinary roll of any public school; but any child between the age of fifteen years and the age of seventeen years may be entered on the supplementary roll of any

public school, and attend upon the ordinary course of instruction prescribed by the section of this Act, on condition of regular payment of a fee of two shillings a week paid week by week in advance, or of a pound a quarter paid quarterly in advance; and any child
 5 who has passed the Sixth Standard, as also any child between the age of fifteen years and the age of seventeen years, may be entered upon the supplementary roll of any public school in which instruction in higher subjects is given in conformity with the *sixty-third* section of this Act, and receive instruction in such higher subjects on condition of
 10 regular payment of the fees prescribed for such instruction.

63. If a School Board has made due provision in any public school for instruction in higher subjects—that is to say, in subjects not included in the ordinary course of instruction prescribed by the section of this Act—and obtained authority from the Minister for the imparting of such instruction in higher subjects, children between the age of fifteen years and the age of seventeen years, and children who have passed the Sixth Standard and are below the age of fifteen years, may attend such public school and receive such instruction on condition of the regular payment of such fees as may be fixed by the Board, and
 20 such fees shall not for any one subject exceed one shilling a week, to be paid weekly in advance, or ten shillings a quarter, to be paid quarterly in advance. The highest subjects may include English, Latin, Greek, French, German, algebra, geometry, trigonometry, mechanics, physics, chemistry, the natural sciences, agricultural knowledge, book-keeping, navigation, shorthand, and other subjects. The
 25 Minister shall not grant authority for the imparting of instruction in any subject under this section of the Act unless he is satisfied that due arrangements have been made for giving efficient instruction in the subject, and that the ordinary course of public-school instruction will
 30 not be allowed to suffer any neglect in consequence thereof. The Board may cause the instruction in higher subjects to be imparted by any of the ordinary teachers of the school, and remunerate them by distributing to them in such manner as may be agreed upon by the Board and the teachers fifteen-sixteenths of the fees received for such
 35 instruction, or may employ a special teacher or teachers to impart such instruction, or may engage a teacher to relieve any of the ordinary teachers at certain times, or may combine these methods of dealing with the matter in any way that the Minister may approve; and the Board may expend on such instruction and on apparatus for the illustration of
 40 the same any money specially intrusted to them for the purpose, whether arising from fees or from private gift, public subscription, or any other source, except that one-sixteenth part of all money specially intrusted to the Board for this purpose shall be treated as part of the Board's ordinary income, out of which the incidental expenses of the
 45 public schools of the district are defrayed. When instruction in higher subjects is given by one of the ordinary teachers of the school, and such teacher is not relieved by a teacher specially appointed to relieve him, such instruction must not be given by him during the ordinary hours of public-school work, but the studies of the pupils in the higher subjects may be supervised by him in the ordinary school-time. Any
 50 pupil attending a course of instruction in higher subjects may, without extra charge, attend any part of the ordinary course of public-school instruction prescribed to him by the principal teacher of the school.

Instruction in higher branches of education.

Boards authorised to receive fees payable under this Act.

64. The Board shall, either directly or through a teacher, receive all fees paid under the sections of this Act; and amount of the fees received for attendance on the ordinary course of instruction shall, subject to a deduction of one-sixteenth part, be paid in such proportions as the Board may choose, at the end of every quarter, to the teacher or teachers actually engaged in the instruction of the pupils on whose account such fees were paid, due regard being had to each teacher's standing in the school and to each teacher's part in the work of instructing such pupils. The one-sixteenth part deducted shall be dealt with in the same manner as is prescribed for dealing with any sum similarly deducted under the *sixty-third* section of this Act. 5

Ordinary course of instruction.

65. In every public school the ordinary course of instruction shall include reading, writing, English grammar and composition and spelling, geography, English history, drawing; elementary knowledge of physical and natural science, including laws of health, domestic economy, and agricultural knowledge; object-lessons, and singing, and, in the case of girls, needlework. No child shall be compelled to receive instruction in history if his parents object to his being instructed therein. 15

Class-books.

66. The class-books used in any public school shall be such only as shall be approved by regulation made under this Act. 20

Hours of attendance specified.

67. Subject to the operation of the *sixty-seventh* section of this Act every public school shall be kept open five days in each week at least four hours a day, two of which shall be consecutive hours before noon, the other two being consecutive hours after the hour of noon. In the case of infant-classes this four hours may include any time devoted to recreation, if such recreation is under the direct control of a teacher. The School Board may order that the daily hours of work in any public school be more than four hours, but in that case four hours shall be deemed a full day's attendance for the infant-classes. The teaching, from the opening of the school every morning till the dismissing in the afternoon, shall be exclusively secular. 25

Holidays.

68. Good Friday, Easter Monday, and Christmas Day, the Queen's Birthday, the Prince of Wales's Birthday, the local anniversary day of a province, and any proclaimed or customary public holiday shall be holidays for public schools; and every School Board shall appoint other holidays, not less than six weeks in a year nor more than ten weeks, for all the public schools in the district. 30

Instruction in drill and gymnastics.

69. The Minister may make provision for instructing the boys in any public school in military drill; and any School Board may require any of its teachers to give instruction in gymnastics or other physical exercises in any public school. 40

Board may establish evening schools.

70. Any School Board may establish an evening school or evening schools in its district, and may charge such fees as it may see fit for instruction in such schools, or may empower any teacher to hold evening classes in any public-school building, and to charge fees at rates to be fixed by the School Board. The minimum age for admission to any such evening school or evening class shall be thirteen years. 45

Teacher may forbid attendance of pupils, but must report action to Board.

71. It shall be lawful for the teacher of any school or class established under this Act to forbid the attendance of any child who 50

may be likely to communicate any infectious or contagious disease, or who, from want of cleanliness, or from gross misconduct or incorrigible disobedience, may be considered unfit to attend such school or class; but in every case such teacher shall promptly report his action to the Chairman or Clerk of the School Board, and thereupon the School Board shall either confirm or disallow the teacher's action; and if the Board confirm the teacher's action the parent of such child shall have a right of appeal to the Minister, whose decision in the case shall be final and conclusive.

10 **72.** Any child who for a whole year from January to December attends at any public school as often as it is open, attending every morning and afternoon, shall be entitled to receive a good-attendance certificate of the first class, and any child who is absent not more than five times in the year shall be entitled to receive a good-attendance certificate of the second class, and the School Board shall issue such certificates to children entitled to receive them. For the purposes of this section, and for no other purpose, a child who is absent by reason of the observance of any day set apart for strict religious observance shall be deemed to be present if the parent of the child inform the teacher that such absence is wholly due to some requirement of the religious body to which such child belongs.

Certificate of attendance.

25 **73.** Subject to the provisions of this Act, the parent of any child between the age of seven years and the age of thirteen years shall be required to send such child to some public school at least sixty times in every quarter, any of which times may be before noon or after noon: Provided that this section of the Act shall not apply to any child whose place of residence is more than two miles, measured according to the nearest road, from the nearest public school, and that any School Board may grant a certificate of exemption from the operation of this section of the Act to the parent of any child in the district on any one of the following grounds:—

Compulsory attendance.

- 30 (1.) That such child is attending some efficient school that is not a public school, or is in some other way receiving suitable instruction.
- 35 (2.) That such child has passed the Fourth Standard, as standards are defined by regulation made under this Act.
- 40 (3.) That an Inspector appointed under this Act, or the teacher of a public school, has, by writing under his hand, certified that he has ascertained by examination that such child can read fluently from any ordinary book or newspaper a passage not containing any unusual scientific or technical terms, can write neatly from dictation with correct spelling a short passage containing no words of exceptional difficulty, and can state and work sums in arithmetic up to the four compound rules and reduction inclusive, all which may be briefly stated by the Inspector or public-school teacher by use of the words, "I hereby certify that [*naming the child*] has passed the exemption examination."
- 40 (4.) That such child is detained on account of sickness or of danger of infection, or of some infirmity, or for some other unavoidable cause.
- 50

Exceptions in certain cases.

(5.) That the road between such child's place of abode and the public school is in such a state as to render it unreasonable to expect the child to walk to school.

Certificate of exemption.

Every certificate of exemption issued by a School Board under this section of the Act shall set forth the ground of exemption, and shall be in force for one year from the day on which it is granted or for such shorter period as shall be stated in the certificate; but a certificate of exemption on the ground of having passed the exemption examination of the Fourth Standard shall be in force until the child to which it relates has reached the age of thirteen years.

A certificate of exemption granted under this section of the Act shall not exempt the parent to whom it is granted from any responsibility laid upon him by this Act with respect to any other child than the child named in such certificate.

Parents may be summoned for non-attendance of children.

74. Any School Board which, in accordance with the *fifty-sixth* section of this Act, has passed a resolution declaring that the sections of this Act which relate to compulsory attendance are to come into operation in the district may give notice to any parent in the district that the Board intends to make use of the powers conferred on it by this Act to require such parent to send to a public school any child between the age of seven years and the age of fifteen years named or described in such notice, and to enforce against such parent the penalties authorised by this Act in case such parent shall refuse or neglect to comply with the requirements of this Act and of such notice. Such notice may be sent to any parent in respect of any child who during any part of the quarter in which the Board resolves to send such notice has attended so seldom as to render it impossible by any subsequent regularity of attendance to make up the required number of sixty attendances during such quarter; and if during any one of the four quarters next following after the sending of such notice such child shall fail to make the required number of sixty attendances such parent may be summoned before any Resident Magistrate or before any two Justices of the Peace, and such Magistrate or Justices may impose upon such parent a penalty not exceeding *forty* shillings unless such parent shall prove to the satisfaction of such Magistrate or Justices that such child is not between the age of seven years and the age of thirteen years, or that such child has been detained from school for reasons that, on a fair interpretation of this Act, appear to such Magistrate or Justices to be sufficient.

Every summons issued under the authority of this section of the Act must be issued within one month from the end of the quarter in which the neglect on account of which it was issued occurred, and the imposition of a penalty upon any parent under this section shall not prevent the issue of a summons and the imposition of a penalty against such parent for similar neglect with respect to the attendance of the same child in any other quarter within the period of four quarters aforesaid.

Proceedings to be taken under

75. All proceedings for the issue of summons and for recovery of penalties under this Act may be had and taken in the manner prescribed by "The Act,," and all necessary costs of such proceedings when paid by any School Board

shall be reimbursed by the department on receipt of a requisition from the Board.

76. Subject to appropriation by the General Assembly, the Minister may annually award scholarships to not less than two hundred pupils of public schools. Every scholarship shall be of the annual value of ten pounds, and shall be tenable for three years. The scholarships shall be awarded by competition at examinations held during the last three months of every year, and a certain number of the scholarships shall be allotted every year to every inspectoral district within the meaning of the *seventh* section of this Act. No candidate shall be admitted to an examination for scholarships unless for two years immediately before the time appointed for giving notice of candidature he or she shall have been continuously in attendance at a public school or public schools, and shall have been for at least six months in a class or classes in course of preparation for the Sixth Standard; and every candidate must have produced a certificate of birth showing that his or her fourteenth year will not be completed before the first day of January next after the examination. The subjects of examination for scholarships will be reading, writing, spelling, composition, grammar; arithmetic, geography, history, and elementary knowledge of physical and natural science, and the scope of examination in these subjects shall be limited to the programme of standard examinations contained in any regulation made under this Act, and in force at the time of the examination. The scholarships shall be awarded and held upon any conditions prescribed by regulations made under this Act, and in agreement with this section of the Act, and such regulations may include provision for the payment of small travelling-allowances to any scholar residing at a distance of not less than three miles from his school, and for the holding of such scholarships at any agricultural school or other technical school.

77. Subject to appropriation by the General Assembly, the Minister may annually award not less than twelve exhibitions, of the annual value of forty pounds, tenable for four years, to persons who have for three years held scholarships under the *seventy-fifth* section of this Act. Such exhibitions shall be awarded and held upon any conditions prescribed by regulations made under this Act, and such regulations shall require the attendance of every exhibitor on a course of university study, and may include provision for extending the term of tenure of any exhibition for five years.

78. Subject to appropriation by the General Assembly, the Minister may establish or maintain special schools for the instruction of children of the Native race, and such Native schools shall be free from the control of any School Board, and the attendance of any Maori child at any such Native school shall constitute a sufficient ground of exemption from attendance at a public school for the purposes of the *seventy-third* and *seventy-fourth* sections of this Act. Every such Native school shall be conducted in accordance with regulations to be made under this Act, and such regulations may confer upon the Minister of Education power to proceed against the father or guardian of any Maori child for neglecting to send any such child to a Native school as School Boards have under this Act to

proceed against any parent neglecting to send a child to a public school; and in that case the proceedings to be taken against and the penalties to be imposed on the father or guardian of any Maori child shall, *mutatis mutandis*, be such as are prescribed by the *seventy-third* and *seventy-fourth* sections of this Act. For the purposes of this section of the Act "Maori" means any person of the Maori race and any person of mixed race living among Maoris and in Maori fashion, and, except as directed by this section of the Act, no distinction shall be made on the ground of race for any of the purposes of this Act.

Normal schools.

79. The Minister of Education may establish and, subject to appropriation by the General Assembly, may maintain, any normal school or schools for the training of teachers, and, subject to any regulation under this Act, may assume any control that in his judgment may be necessary over any public school under the control of any School Board to render any such public school available for the purpose of the training of teachers, and, subject to any regulation made under this Act, and to appropriation by the General Assembly, may grant any allowance for the maintenance of any student belonging to any such normal school or training school, and, subject to such regulation and to such appropriation, may enter into any agreement with any School Board for any purpose contemplated in this section.

Schools for deaf-mutes or blind, and teaching of drawing, singing, &c.

80. Subject to appropriation by the General Assembly and to any regulation made under this Act, the Minister may establish or maintain any school for the instruction of deaf-mutes or for the blind, and any school for the giving of instruction in manual work, or in drawing, or in any subject subsidiary to the practical arts, or may authorise any School Board to establish and maintain any such school, and may make grants of money to such Board for the establishment and maintenance of such school. Subject to such appropriation and regulations, the Minister may appoint and pay teachers to visit public schools, and to give instruction to public-school teachers and to the children attending public schools, and to normal school students, or to any of these, in drawing, singing, gymnastics, military drill, manual work, elementary science, and any subject subsidiary to the practical arts, or in any of these subjects, and may require any School Board to direct the teachers in the public schools of its district to make suitable arrangements for receiving the visits of such visiting teachers, and for bringing such visiting teachers into proper relations with the children attending such public schools.

Roll of private schools to be forwarded annually to Education Department.

81. The proprietor, principal headmaster, or principal teacher of every school for the instruction of children, not being a school established or maintained under this Act, shall in the month of January in every year furnish to the Education Department a return setting forth the name and surname, sex, age last birthday, residence, and number of school-days' attendance of every child who attended his school during the preceding year; and any person refusing or neglecting to furnish any such return as is required by him by this section of the Act shall be guilty of an offence against this Act, and may be summoned before a Justice of the Peace by any person authorised by the Minister in that behalf, and shall on conviction forfeit

and pay a sum not exceeding *five* pounds ; but nothing in this section of the Act shall apply to any Sunday-school.

5 **82.** If the managers or the teacher of any school not being established or maintained under this Act shall request the Minister to cause such school to be inspected and examined by an Inspector appointed under this Act, the Minister may direct an Inspector to inspect and examine such school, and such Inspector shall inspect and examine such school in the manner prescribed for the inspection and examination of public schools.

On application, Inspector may inspect private schools.

10 **83.** The Governor may from time to time cause inspection and examination to be made by an Inspector appointed under this Act of any educational institution maintained wholly or in part by a grant or grants from the public revenue, or by endowments derived from a grant or grants of land made at any time by the Governor or otherwise, and under this section may order inspection and examination to
15 be made of any industrial school, reformatory, or prison-school.

Governor may order inspection of reformatories, &c.

84. The Governor in Council may, subject to this Act, from time to time make, alter, and repeal any regulations by this Act required to be made, including regulations—

Governor in Council may make, alter, or repeal any regulations under this Act.

- 20 (1.) For the organisation and management of the Education Department ;
- (2.) For defining the principle on which average attendance shall be calculated ;
- 25 (3.) For the examination and classification of teachers, and for the issue of certificates to the same ;
- (4.) For the employment, instruction, and examination of pupil-teachers ;
- (5.) For the inspection and examination of public schools, and for the definition of the standards of examination in public
30 schools ;
- (6.) For the establishment and maintenance of normal schools, Native schools, and all other schools and appliances for instruction authorised under this Act ;
- (7.) For the audit of accounts of School Boards ;
- 35 (8.) For the conduct of elections of members of School Boards.

And all such regulations shall fix a day on which the same shall come into force, and shall be published in the *Gazette*, after which they shall have the force of law, and they shall be laid before both Houses of the General Assembly as soon after they are passed as circumstances will
40 allow.

All certificates, licenses, and district licenses heretofore granted to teachers under any regulations made under the authority of "The Education Act, 1877," shall have the same force and value as if that Act had not been repealed ; and any agreements made between any
45 Education Board and any pupil-teacher under any regulations made under the authority of the said Act shall be deemed to have been made between such pupil-teacher and the School Board which under the section of this Act is the employer of such pupil-teacher, and, *mutatis mutandis*, shall have the same force as it would
50 have had under the said repealed Act ; and all payments that, if "The Education Act, 1877," had not been repealed, would have become due to the holder of any scholarship granted under the autho-

city of that Act shall be paid by the Minister of Education to the holder of such scholarship.

Annual report of the
Education Depart-
ment.

85. The Minister shall, before the thirtieth day of June in every year, lay before the Governor a report upon the progress and condition of public instruction in New Zealand during the year ending on the thirty-first day of December immediately preceding, and also a general statement of the expenditure of the department. Such report and statement shall be laid before both Houses of the General Assembly within one month if the Assembly be then sitting, and if the Assembly be not then sitting, then within one month after the beginning of the next session thereof. 5 10

Report of
transactions of
Board.

86. Every School Board shall, before the last day of February in every year, forward to the Minister such information as he may require with respect to the transactions of the Board, and as to the state of the schools in the district during the year ending with the thirty-first day of December immediately preceding. 15

The Rating Act
not to apply.

87. Notwithstanding anything contained in "The Rating Act," or in any amending Act, no rates shall be levied on any land or building used for school purposes. 20

Schedules.

SCHEDULES.

FIRST SCHEDULE.

THE classification of public schools under the forty-first section of "The Public Schools Act, 1889," shall be according to the following scale:—

Every public school having an average attendance of more than 700 children shall be a First Class public school.

Every public school having an average attendance of more than 400 children and not more than 700 shall be a Second Class public school.

Every public school having an average attendance of more than 250 children and not more than 400 shall be a Third Class public school.

Every public school having an attendance of more than 150 children and not more than 250 shall be a Fourth Class public school.

Every public school having an attendance of more than 35 children and not more than 150 shall be a Fifth Class public school.

Every public school having an attendance of not more than 35 children shall be a Sixth Class public school; and every couple of half-time schools taught by the same master shall be deemed to constitute a Sixth Class public school.

TABLE OF CLASSIFICATION OF SCHOOLS UNDER THE FIRST SCHEDULE.

Class.	Attendance.
First ...	Above 700.
Second ...	401 to 700.
Third ...	251 to 400.
Fourth ...	151 to 250.
Fifth ...	36 to 150.
Sixth ...	Below 35 (or two half-time schools).

SECOND SCHEDULE.

IN this Schedule "certificated master" or "certificated mistress" means a teacher holding a certificate granted in accordance with any regulation made under "The Education Act, 1877," or under "The Public Schools Act, 1889;" and "junior master" or "junior mistress" means any teacher who holds a license to teach under any such regulation, or who under any such regulation will become entitled to a certificate when the Inspector has assigned the marks which under such regulations must be assigned before the teacher can receive a certificate, or who, having been engaged in teaching for the length of time required by any such regulations as a

condition precedent to the granting of a certificate, has under any such regulation been registered as having achieved partial success at an examination for certificates; or any certificated teacher occupying a place assigned to a junior teacher by this Schedule.

In every public school the headmaster must be a certificated teacher. In a school of the Sixth Class the master shall be the sole teacher unless the average attendance exceeds 20; and if the average attendance exceeds 20 in a public school of the Sixth Class which does not consist of two half-time schools, or in any half-time school, a sewing-mistress may be appointed.

In every public school of the Fifth Class there shall be a headmaster and a certificated mistress, and there shall be one pupil-teacher where the average attendance exceeds 75, and two pupil-teachers where the average attendance exceeds 115.

In every school above the Fifth Class there shall be besides the headmaster one teacher or one pupil-teacher for every fifty units of average attendance, and one for any excess remaining when the average attendance is divided by 50. In every such school the number of pupil-teachers shall be either one-half of the whole number of teachers and pupil-teachers taken together, including the headmaster, or as near as may be to one-half without exceeding one-half. There shall be one certificated mistress in every school of the Third and Fourth Classes, and two such mistresses in every school of the First and Second Classes. In every school of the Second and Third Classes there shall be one certificated master besides the headmaster, and in every school of the First Class two certificated masters besides the headmaster. In every school with an average attendance between 451 and 700, or above 750, there shall be one junior master. All other teachers required to make up the number of teachers required under this Schedule for any school above the Fifth Class shall be junior mistresses.

When there are two or more certificated assistant teachers in a school the first assistant shall be a certificated mistress, the second assistant shall be a certificated master, and if there be another certificated assistant master such other master shall be the third assistant.

TABLE OF STAFF ACCORDING TO THE SECOND SCHEDULE.

CLASS OF SCHOOL.	STAFF.				
	Certificated.		Junior.		Pupil-teachers.
	Masters†.	Mistresses.	Masters.	Mistresses.	
Sixth Class *	1	...	...	...	...
Fifth Class,—					
36 to 75	1	1	...	...	...
76 to 115	1	1	...	...	1
116 to 150	1	1	...	...	2
Fourth Class,—					
151 to 200	1	1	...	1	2
201 to 250	1	1	...	1	3
Third Class,—					
251 to 300	2	1	...	1	3
301 to 350	2	1	...	1	4
351 to 400	2	1	...	2	4
Second Class,—					
401 to 450	2	2	...	1	5
451 to 500	2	2	1	1	5
501 to 550	2	2	1	1	6
551 to 600	2	2	1	2	6
601 to 650	2	2	1	2	7
651 to 700	2	2	1	3	7
First Class,—					
701 to 750	3	2	...	3	8
751 to 800	3	2	1	3	8

And for every 50 additional, one teacher more, the first a pupil-teacher, the second a junior mistress, and so on alternately.

* A sewing-mistress allowed for a public school of the Sixth Class with average attendance of more than 20, whether for a half-time school or for a public school not consisting of two half-time schools.

† Including headmasters.

THIRD SCHEDULE.

THE salaries of headmasters holding the requisite certificates, as hereinafter defined, shall be according to the following scale :—

In First Class schools...	...	...	...	£420 to £460
In Second Class schools	..	...	...	£340 to £380
In Third Class schools	...	...	...	£270 to £310
In Fourth Class schools	...	...	...	£210 to £250
In Fifth Class schools—				
With average of 76 to 150	...	...	...	£180 to £210
With average of 36 to 75	...	...	...	£150 to £180
In Sixth Class schools—				
With average above 20	...	...	...	£120 to £150
With average not exceeding 20,	£5 for each unit of average attendance.			

But no headmaster shall be appointed to any school unless he hold a certificate not lower than the certificate herein specified as requisite to the holding of the headmastership according to the following scale :—

- For a First Class school, C1 or an equivalent certificate.
- For a Second Class school, D1 or an equivalent certificate.
- For a Third Class school, E1 or an equivalent certificate.
- For a Fourth Class school, E2 or an equivalent certificate.
- For a Fifth Class school, E3 or an equivalent certificate.
- For a Sixth Class school—
 - With average above 20, E4 or an equivalent certificate.
 - With average not exceeding 20, E5.

Except in schools with an average attendance not exceeding 20, a headmaster whose certificate is of the rank required by the foregoing scale of certificates shall receive the minimum salary prescribed by the foregoing scale of salaries for the headmaster of such a school as he conducts, but if his certificate be of higher rank than is requisite he shall receive one increment of salary or two increments according as his certificate is higher by one rank than the requisite certificate or higher by at least two ranks. Each increment shall be £20 for First, Second, Third, and Fourth Class schools, and £15 for other schools.

In this Schedule the terms “equivalent certificate” and “rank” are used in the same sense as in the regulations made under “The Education Act, 1877.”

The requisite classification of a mistress acting as first (or sole) assistant teacher shall be as follows :—

- In First Class schools the same as for the headmaster of a Second Class school.
- In Second Class schools the same as for the headmaster of a Third Class school.
- In Third Class Schools the same as for the headmaster of a Fourth Class school.
- In Fourth Class schools the same as for the headmaster of a Fifth Class school.
- In Fifth Class schools the same as for the headmaster of a Sixth Class school.

The salary of a mistress acting as first (or sole) assistant teacher shall be as follows :—

In First Class schools ...	...	...	...	£272 to £320
In Second Class schools	...	...	...	£216 to £264
In Third Class schools ..	...	...	...	£168 to £216
In Fourth Class schools	...	...	...	£120 to £168

As in the case of headmasters, increments will be allowed for classification higher than the requisite classification, except in schools with average attendance below 76 ; but three increments will be allowed where the classification warrants the allowance, and the increments will be £10 each in Fifth Class schools and £16 each in other schools.

The requisite classification of a master acting as second assistant will be as follows :—

- In First Class schools the same as for the headmaster of a Second Class school.
- In Second Class schools the same as for the headmaster of a Third Class school.
- In Third Class schools the same as for the headmaster of a Fourth Class school.

The salary of a master acting as second assistant shall be two-thirds of the salary payable to the headmaster of the school according to the scale of payments to headmasters set forth in this Schedule, the increments also being on the same scale.

The requisite classification and the rate of payment of a master acting as third assistant shall be the same as that of the headmaster of a Fourth Class school.

The requisite classification and the rate of payment of a mistress acting as fourth assistant (in a First Class school) or as third assistant (in a Second Class school) shall be the same as that of the first assistant in a Fourth Class school.

Notwithstanding anything contained in this Schedule, a teacher appointed before the coming into operation of "The Public Schools Act, 1889," may, if the School Board so resolve and the Minister approve, remain in the position to which he was so appointed, although his qualifications may be lower than those which are by this Schedule required for the holding of that position; but in any such case the salary paid to him shall be the salary proper to a position for which his qualifications are adequate under this Schedule.

The salary of a junior assistant shall be £60 a year if there is only one junior assistant in the school; but, if there are more than one, then the salary of the last appointed shall be £60, and the other juniors shall have salaries which may vary from £70 to £100 by steps of £10 each, but never exceed £100, in the following order: £70 for the most recently appointed, £80 for the next junior in order of dates of appointment, £90 for the next, and £100 for any other. Provided that a junior mistress shall receive only four-fifths of any salary herein defined.

The salaries of pupil-teachers shall be according to the following scale:—

Year.	Boys.	Girls.
Fifth year	£60	£48
Fourth year	£50	£40
Third year	£40	£32
Second year	£30	£24
First year	£20	£16

The year to which any pupil shall be deemed to belong shall depend on regulations made under "The Public Schools Acts, 1889."

Any increment of salary in the sense in which the word increment is used in this Schedule may be withheld if an Inspector of Schools repeatedly expresses the opinion that the teacher's efficiency was overrated when marks were assigned to him for the purpose of determining his classification.