

## PRIVATE SCHOOLS CONDITIONAL INTEGRATION AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the Private Schools Conditional Integration Act 1975.

*Clause 1* relates to the Short Title to the Bill.

*Clause 2* provides that the principal Act shall bind the Crown.

*Clause 3* declares that the Proprietor of an integrated school shall, subject to the provisions of the integration agreement, continue to have the responsibility to supervise the maintenance and preservation of the education with a special character provided by the school, and continue to have the right to determine from time to time what is necessary to preserve and safeguard the special character of the education provided by the school and described in the integration agreement. If the special character of the school has been or is likely to be jeopardised or the education with a special character provided by the school is no longer preserved and safeguarded, it is declared that the Proprietor may invoke the powers conferred upon him by the principal Act.

*Clause 4* makes it clear that the phased programme for the integration of private schools may be varied from time to time by the Governor-General in Council; also that a school in respect of which there is an integration agreement becomes an integrated school on the effective date specified in the agreement; also that an integration agreement shall for all purposes be a binding agreement between the Proprietors and Her Majesty the Queen.

*Clause 5* consequentially amends section 8 (1) of the principal Act so as to make it clear that the definition of the term "effective date" applies for all the purposes of the principal Act.

*Clause 6* amends section 24 (1) (c) of the principal Act so as to provide that the Integration Standing Committee may advise and make recommendations to enrolment review committees as well as to Proprietors and controlling authorities. The clause further amends section 24 by inserting a new subsection (1A), which provides that the Minister or the Director-General or controlling authority, after receiving any advice or recommendation from the Integration Standing Committee on a matter referred to it pursuant to section 41 or on a matter affecting the education with a special character provided by an integrated school, shall, before implementing the advice or recommendation, consult with the Proprietor of the school concerned to ascertain that the advice or recommendation so far as is practicable is acceptable in accordance with the provisions of section 3.

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*Clause 7* varies the provisions relating to the constitution of school committees for primary schools that are integrated schools by reducing to 4 the minimum number of members elected by parents of children attending any such school.

*Clause 8* amends section 40 of the principal Act, which relates to the powers and responsibilities of Proprietors, by providing that the section shall be subject to section 3 of that Act.

*Clause 9* amends section 56 of the principal Act so as to provide that, in its consideration of enrolment difficulties, an Enrolment Review Committee and an Education Board shall have regard to section 3 of the principal Act as well as section 29.

*Hon. Mr Gandar*

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### ANALYSIS

Title	5. Effective date of integration agree- ment
1. Short Title	6. Functions and powers of Integra- tion Standing Committee
2. Act to bind Crown	7. School Committees
3. Preservation of special character of an integrated school	8. Powers and responsibilities of Proprietors
4. Integration agreement	9. Criteria for resolving difficulties

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### A BILL INTITULED

#### **An Act to amend the Private Schools Conditional Integration Act 1975**

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

10 **1. Short Title**—This Act may be cited as the Private Schools  
Conditional Integration Amendment Act 1977, and shall be  
read together with and deemed part of the Private Schools  
Conditional Integration Act 1975\* (hereinafter referred to  
as the principal Act).

**2. Act to bind Crown**—The principal Act is hereby  
amended by inserting, after section 2, the following section:  
“2A. This Act shall bind the Crown.”

\*1975, No. 129

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**3. Preservation of special character of an integrated school**—Section 3 of the principal Act is hereby amended by adding the following subsections:

“(3) The Proprietor of an integrated school shall, subject to the provisions of the integration agreement,— 5

“(a) Continue to have the responsibility to supervise the maintenance and preservation of the education with a special character provided by the school:

“(b) Continue to have the right to determine from time to time what is necessary to preserve and safeguard the special character of the education provided by the school and described in the integration agreement. 10

“(4) If in the opinion of a Proprietor the special character of the school as defined and described in the integration agreement has been or is likely to be jeopardised, or the education with a special character provided by the school as defined and described in the integration agreement is no longer preserved and safeguarded, he may invoke the powers conferred upon him by this Act.” 15 20

**4. Integration agreement**—(1) Section 7 of the principal Act is hereby amended by adding to subsection (1) the words “which programme may from time to time be varied or amended by the Governor-General in Council”.

(2) Section 7 of the principal Act is hereby further amended by inserting in subsection (2), after the words “an integrated school”, the words “on the effective date specified therein”. 25

(3) Section 7 of the principal Act is hereby further amended by adding the following subsection:

“(10) An integration agreement shall for all purposes be a binding agreement between the Proprietors and Her Majesty the Queen.” 30

**5. Effective date of integration agreement**—Section 8 (1) of the principal Act is hereby amended by omitting the word “hereafter”. 35

**6. Functions and powers of Integration Standing Committee**—(1) Section 24 (1) (c) of the principal Act is hereby amended by omitting the words “and controlling authorities”, and substituting the words “, controlling authorities, and enrolment review committees”. 40

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(2) Section 24 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The Minister or the Director-General or controlling authority, after receiving any advice or recommendation from  
5 the Integration Standing Committee on a matter referred to it pursuant to section 41 of this Act or on a matter affecting the education with a special character provided by an integrated school, shall, before implementing the advice or recommendation, consult with the Proprietor of the school  
10 concerned to ascertain that the advice or recommendation so far as is practicable is acceptable in accordance with the provisions of section 3 of this Act, under which section the Proprietor has the responsibility to preserve and safeguard the education with a special character provided by that school.”

15 **7. School Committees**—Section 26 (1) (a) of the principal Act is hereby amended by omitting the number “5”, and substituting the number “4”.

**8. Powers and responsibilities of Proprietors**—Section 40 (1) of the principal Act is hereby amended by inserting,  
20 after the word “shall”, the words “subject to section 3 of this Act”.

**9. Criteria for resolving difficulties**—Section 56 of the principal Act is hereby amended by omitting the expression “section 29” in each place where it appears, and substituting  
25 in each case the expression “sections 3 and 29”.