

PRIVATE SCHOOLS CONDITIONAL INTEGRATION BILL

EXPLANATORY NOTE

THIS Bill makes provision for the conditional and voluntary integration of private schools into the State system on a basis that will preserve and safeguard the special character of the education provided by them.

Clause 1 relates to the Short Title and commencement of the Bill. It is to come into force on a date to be appointed by Order in Council.

Clause 2 defines terms used in the Bill. References in the Bill to a State school are to be read as excluding an integrated school; but references in any other enactment or document existing at the commencement of the Bill to a State school are to be read as including an integrated school.

PART I

CONDITIONAL INTEGRATION

Clause 3 provides that an integrated school shall on integration continue to have the right to reflect through its teaching and conduct the education with a special character provided by it. Integration shall not jeopardise the special character of an integrated school.

Clause 4 provides that an integrated school shall, on integration, become part of the State system of education in New Zealand, and shall be subject to all the provisions of the Education Act 1964 and regulations made under that Act. The said Act and regulations are to be read in all respects subject to *clause 3* of the Bill, and to all the other provisions of the Bill that relate to integrated schools.

PART II

PROCEDURE FOR ESTABLISHING, DISESTABLISHING, AND CLOSING INTEGRATED SCHOOLS

Clause 5 provides that any registered private school shall, subject to the provisions of the Bill, be eligible for integration under the Bill. Provision is also made for the establishment of a proposed school as an integrated school.

Clause 6 makes provision for negotiation between the proprietors of a private school and the Minister with a view to entering into an integration agreement.

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Clause 7 provides that the Minister shall have the sole right to approve the establishment of a private school as an integrated school. When the Minister approves the integration of a private school he is to enter into an integration agreement with the Proprietors of the school in a form similar to that to be prescribed by regulations. The Proprietors must be constituted as a body corporate before they enter into the agreement.

Clause 8 provides that every integration agreement shall specify a date on which the integration of the school shall take place. The controlling authority for the school must be in office by that date.

Clause 9 makes provision for an integration agreement to provide for variations from the standard pattern of organisation.

Clause 10 requires that every integration agreement shall be notified in the *Gazette*, and that a copy thereof shall be retained by the Director-General and shall be available for inspection without charge by any member of the public.

Clause 11 makes provision for the cancellation of an integration agreement by the Minister where it appears to him that the Proprietors or controlling authority of the school are not sufficiently carrying out the functions and obligations accepted by them or it on the integration of the school.

Clause 12 makes provision for the closure of an integrated school in similar circumstances.

Clause 13 makes provision for the cancellation of an integration agreement by the Proprietors where it appears to them that the special character of the school has been or is likely to be jeopardised, or that the Minister or any controlling authority is not carrying out the functions and obligations accepted by him or it under the Bill or under the agreement.

Clause 14 provides that, on the cancellation of an integration agreement or closure of a school, contracts of members of the staff of the school are to be deemed to be determined. Any teacher whose employment is terminated because of the cancellation of an integration agreement or the closure of a school as aforesaid shall be given such rights of appointment to a teaching position in a State school or integrated school as may be prescribed by regulations.

Clause 15 requires the Minister to give notice in the *Gazette* of any such cancellation or closure.

Clause 16 specifies what is to happen to the assets of an integrated school upon the cancellation of the integration agreement or the closure of the school in a case where money appropriated by Parliament has been used to meet all or part of the cost of supplying the school with furniture or equipment or other chattels, or to meet all or part of the cost of erecting any building or supplying or installing any fixture as part of the school.

Clause 17 provides that an integration agreement shall not be cancelled, and an integrated school shall not be closed as aforesaid, solely on the ground that there is adequate accommodation for the pupils in an adjacent State school.

Clause 18 provides that in any case where an integration agreement is cancelled or an integrated school is closed as aforesaid, no compensation of any kind shall be due or payable to the Proprietors.

PART III

CENTRAL ADMINISTRATION

Clause 19 provides that when a private school is integrated it shall thereafter be required to be controlled and managed, and to operate in all other respects, as if it were a State school; and, save as provided in the Bill, all the provisions of the Education Act 1964 and of any other Act relating to the education of the people of New Zealand in State schools shall apply to the integrated school.

Clause 20 makes provision for the appointment of an Integration Standing Committee having the membership specified in the clause. Provision is made for deputies of the specified members.

Clause 21 provides that members of the Integration Standing Committee shall normally hold office for a term of 3 years. Members may be removed by the Minister for disability, insolvency, neglect of duty, and misconduct.

Clause 22 contains normal provisions in relation to meetings of the Integration Standing Committee.

Clause 23 provides for the payment to appointed members of the Integration Standing Committee of remuneration by way of fees, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951.

Clause 24 sets out the functions and powers of the Integration Standing Committee.

PART IV

ADMINISTRATION OF INTEGRATED SCHOOLS

Clause 25 provides that integrated schools shall be controlled and managed as if they were State schools.

Clause 26 makes provision for School Committees for integrated schools.

Clause 27 provides that there shall be no school district for an integrated primary school.

Clause 28 provides how the provisions of section 15 (3) of the Education Act 1964, relating to election to Education Boards, are to apply in relation to integrated schools.

PART V

PROVISIONS RELATING TO THE ENROLMENT, CONDITIONS OF ATTENDANCE, AND INSTRUCTION OF PUPILS AT AN INTEGRATED SCHOOL

Clause 29 provides that parents who have a particular or general philosophical or religious connection with an integrated school shall have preference for enrolment of their children at the school. Subject to this, no pupil shall be refused enrolment at an integrated school on the grounds of religion, race, socio-economic background, or lack of willingness of the parent to make financial contributions to the school.

Clause 30 provides that, by enrolling a pupil at an integrated school, the parent shall accept as a condition of enrolment that the pupil is to participate in the general school programme that gives the school its special character.

Clause 31 provides that each integrated school shall instruct its pupils in accordance with the curricula and syllabuses prescribed by the Education Act 1964 and by regulations made under that Act. The school programme shall, however, reflect the education with a special character provided by the integrated school, and religious and other examples may be used to reinforce teaching throughout the school day.

Clause 32 provides that where religious observances and religious instruction form part of the education with a special character provided by an integrated school, these shall continue to form part of the school programme in accordance with the terms and conditions presented in the integration agreement relating to the school, but the school shall be responsive to the sensitivities of pupils and parents of different religious affiliations. The parents of a prospective pupil shall be asked, when seeking his enrolment at any such integrated school, to state whether or not they wish him to participate in religious observances or religious instruction concerned with particular observances, and if they state that they do not wish him to participate that pupil shall not be required so to participate.

Clause 33 provides that integrated schools shall not normally be contributing schools, but provision is made for them to become so by agreement between the Minister and the Proprietors entered into subsequent to the integration agreement being concluded.

Clause 34 provides that, in providing school transport assistance for pupils enrolled at integrated schools, the Director-General shall have reasonable regard to the preference of parents to enrol their children at an integrated school or at a State school.

Clause 35 provides that every pupil enrolled at an integrated school shall be given free education on the same terms and in accordance with the same conditions as pupils enrolled at a State school are given free education. Where by law the controlling authority of a State school is permitted to charge a fee for any course of tuition, the controlling authority may (subject to the approval of the Director-General for that course to be conducted in that school) charge for that course a fee no higher than that permitted in the case of a State school.

Clauses 36 and 37 prescribe rules in relation to fund raising activities in relation to integrated schools, and the participation of Principals, staff members, and pupils therein.

Clause 38 provides that the school office of an integrated school may be used for the purpose of communication between the Proprietors of the school and the parents of pupils enrolled at the school, and for other purposes related to the benefit of the school and the pupils.

PART VI

ENROLMENT REVIEW COMMITTEES FOR INTEGRATED SCHOOLS

Clause 39 requires the Education Board for each education district to establish a Primary Enrolment Review Committee for the district. The clause prescribes the constitution of each such Committee.

Clause 40 requires the Director-General to establish a Secondary Enrolment Review Committee for each education district. The clause prescribes the constitution of each such Committee.

Clause 41 makes provision for the appointment to an Enrolment Review Committee of an additional member to represent an integrated school while the Committee is considering and disposing of any difficulty in respect of the school.

Clause 42 makes provision for appointment to an Enrolment Review Committee in cases where *clauses 39 and 40* specify a joint nomination, and the parties concerned cannot agree upon a nominee.

Clause 43 makes provision for the appointment of deputies of members of Enrolment Review Committees.

Clause 44 provides that members of Enrolment Review Committees shall normally hold office for a term of 3 years. Provision is made for their removal from office for disability, insolvency, neglect of duty, or misconduct.

Clause 45 makes provision for the payment to appointed members of Integration Standing Committees of remuneration by way of fees, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951.

Clause 46 provides that, whenever any difficulty arises related to enrolment in an integrated secondary school and affecting established State secondary schools or the character of the integrated secondary school, it may be referred to an appropriate Secondary Enrolment Review Committee by any parent, controlling authority, Proprietor, or society of teachers.

Clause 47 provides that, whenever any such difficulty is referred to a Secondary Enrolment Review Committee, the Committee shall as soon as possible consider it, endeavour to resolve it among the parties, and (if it considers such action desirable) make a decision in terms of the criteria prescribed by *clause 50*.

Clauses 48 and 49 make analogous provisions relating to enrolment difficulties affecting integrated primary schools and established State primary schools. In these cases the difficulty must be referred in the first instance to the Education Board of the District, which must endeavour to resolve it, and (if unable to do so) must refer it to the primary Enrolment Review Committee. The function of the Committee in such a case is to consider the matter, endeavour to resolve it among the parties, and (if it considers such action desirable) make an appropriate recommendation to the Education Board, which shall make a decision.

Clause 50 prescribes the criteria to which an Enrolment Review Committee and an Education Board shall have regard in its consideration of enrolment difficulties.

Clause 51 provides that the powers to restrict enrolment conferred by section 129 of the Education Act 1964 shall not be exercised in relation to an integrated school. The clause also provides that any decision made by a Secondary Enrolment Review Committee pursuant to *clause 47* or by an Education Board pursuant to *clause 49* shall be final and binding on all parties.

Proprietors of an Integrated School

Clause 52 defines the powers and responsibilities of the Proprietors of integrated schools.

Clause 53 authorises the Minister (with the concurrence of the Minister of Finance), out of money appropriated by Parliament, to grant loans to the Proprietors of any integrated school for such purposes and subject to such terms and conditions, including the provisional writing off of any amount repayable, as the Minister (with the concurrence of the Minister of Finance) determines.

Clause 54 provides that the controlling authority of an integrated school may, on the same conditions as apply in the case of State schools, and in conjunction with the Proprietors of the integrated school, make provision for the accommodation of pupils living away from home.

Clause 55 provides that, in the event of the Proprietors of an integrated school finding themselves unable to meet the financial or other commitments accepted by them under the integration agreement, they shall notify the Minister accordingly. In that event the Minister may cancel and annul the integration agreement, or close the school, or arrange for the acquisition by the Crown in accordance with the Public Works Act 1928 of such of the land, buildings, and chattels relating to the school as he considers appropriate for the purpose of establishing a State school.

PART VII

TRAINING, APPOINTMENT, AND EMPLOYMENT OF TEACHERS

Teachers Colleges

Clause 56 provides that any person intending to follow a teaching career in integrated schools, and any person belonging to or intending to enter any religious teaching order, and any person who has taught in a private school, shall be eligible to apply for entry to any State teachers college. The controlling authorities of State teachers colleges are to take account of any special educational needs of students who intend to become teachers in integrated schools by way of providing additional options to enable the students to prepare themselves for teaching in integrated schools.

Clause 57 provides that in future no educational institution for the training of teachers shall be established without the approval of the Minister. Any existing private teachers colleges may continue to enrol and train students who desire the training available at such a private teachers college. Students at Loreto Hall are to be paid the same student bursaries or allowances on the same conditions as are payable and applicable to students in State teachers colleges. No other money appropriated by Parliament is to be used for the maintenance, upkeep, or running costs (including the salaries of teachers and other staff) of Loreto Hall. Any substantial extensions of Loreto Hall are to require the approval of the Minister.

Clause 58 makes provision for the giving of bonds similar to those which may be required under section 197 of the Education Act 1964 in respect of any student enrolled for training as a teacher at Loreto Hall.

Appointment of Primary Teachers

Clause 59 defines the role of an Appointments Committee of an education district in relation to appointments to integrated schools. When considering any such appointment this Committee is to have one additional member representative of integrated schools in the district, and is to meet the requirement of maintaining the special character of the school.

Clause 60 sets out special considerations affecting transfers of teachers in integrated schools.

Appointment of Secondary Teachers

Clause 61 provides that the controlling authority of an integrated secondary school shall appoint teachers in that school in accordance with the Education Act 1964 and regulations made thereunder.

Appointments to Special Positions Relating to Character of School

Clause 62 defines the extent to which willingness and ability to take part in religious instruction may be made a condition of appointment to positions in integrated schools.

Clause 63 makes provision for integration agreements to create other special positions in integrated schools.

Clause 64 provides that the persons to be appointed to specified positions in integrated schools shall be selected in accordance with *clause 65*.

Clause 65 provides for the setting up of a Consultative Advisory Group in relation to applications for appointment to the said specified positions in integrated schools. The Consultative Advisory Group is to be concerned only with the acceptability of an applicant, and the District Appointments Committee is to be advised of the names of the applicants who are acceptable. The most suitable of the acceptable applicants is to be appointed.

General Provisions Regarding Appointment of Teachers

Clause 66 sets out the rules governing employment for special purposes in integrated schools.

Clause 67 provides that where a teacher in an integrated school whose salary and status as a teacher are protected by *clause 68* applies for and is accepted for a position in another integrated school or in a State school, the said protection shall lapse. A teacher who takes up a position in an integrated school subsequent to integration shall be paid the salary appropriate to the position in accordance with his service and qualifications.

PART VIII

TRANSITIONAL PROVISIONS

Clauses 68 and 69 govern the positions of teachers and other employees in a private school upon the integration of the school.

Clause 70 provides that no compensation shall be payable to persons whose employment is deemed to be determined under *clause 68* or *clause 69*.

Clause 71 provides that no religious or lay teacher permanently appointed to a teaching position in a private school before the integration of the school shall be removed from that position following integration on the grounds that the teacher's name is not registered in the Register of Teachers or that the teacher is not the holder of a Trained Teachers Certificate, or is not classified as a secondary teacher. The clause also gives protection to teachers in the case of the integration of a school that is a composite school or a school that provides special education, or in a case where there are more teachers employed in the school than are permitted by regulations made under the Education Act 1964.

Clause 72 protects the security of tenure of teachers in private schools that become integrated.

Clause 73 makes provision for the certification, assessment, and classification of teachers in private schools that become integrated.

Clause 74 prescribes rules governing the retirement of teachers in integrated schools.

PART IX

GENERAL PROVISIONS

Clause 75 provides that, as from the effective date as defined in *clause 8*, the Proprietors of an integrated school shall cease to be eligible for any grant or assistance under section 192 of the Education Act 1964. They are to remain liable, nevertheless, for any obligation or commitment accepted or entered into before the integration of the school as a condition of a grant or other assistance, whether or not the obligation or commitment is specified in the integration agreement.

Clause 76 defines the position in respect of teachers housing in relation to integrated schools.

Clause 77 defines the relationship between the provisions of the Bill and the Education Act 1964.

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Hon. Mr Amos

PRIVATE SCHOOLS CONDITIONAL INTEGRATION

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A BILL INTITULED

An Act to make provision for the conditional and voluntary integration of private schools into the State system of education in New Zealand on a basis which will preserve and safeguard the special character of the education provided by them 5

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

1. Short Title and commencement—(1) This Act may be cited as the Private Schools Conditional Integration Act 1975.

(2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

5 **2. Interpretation**—(1) In this Act, unless the context otherwise requires,—

“Controlling authority”,—

10 (a) In respect of any integrated primary school, means the Education Board of the education district in which the school is situated:

(b) In respect of any integrated secondary school, means a Board of Governors or such other authority as may be required pursuant to this Act:

15 (c) In respect of any integrated composite school, means such authority as may be specified by this Act:

(d) In respect of any integrated special school, means such authority as may be specified by this Act:

20 “Education with a special character” means education within the framework of a particular or general religious or philosophical belief, and associated with observances or traditions appropriate to that belief:

25 “Integrated school” means a private school originally established to provide education with a special character that, in accordance with the provisions of this Act, has, by the free choice of the Proprietors of the school, been established as an integrated school, and has thereby become part of the State system of education in New Zealand; and includes any school that has been established as an integrated school with the consent of the Minister given pursuant to

30 subsection (3) of section 5 of this Act:

35 “Integration” means the conditions and procedures on and by which a private school may become established as part of the State system of education and remain part of that system on a basis whereby the education with a special character which it provides is preserved and safeguarded; and “integrated” has a corresponding meaning:

40 “Integration agreement” means an agreement entered into pursuant to section 7 of this Act between the proprietors of a private school and Her Majesty the Queen, acting by and through the Minister, whereby provision is made for the establishment of a private school as an integrated school:

“Land” has the same meaning as in the Land Transfer Act 1952:

“Proprietor” or “Proprietors”, in relation to a private school or an integrated school, means that corporation, body of trustees, or other person or body of persons, in which or in whom is vested in trust, or which or who are the registered proprietors of, the land and buildings that constitute the school premises: 5

“State school” means a school or other educational institution established under Part III of the Education Act 1964. 10

(2) Except as provided in subsection (1) of this section, in this Act, unless the context otherwise requires, words and expressions defined in the Education Act 1964 shall have the meanings so defined. 15

(3) Unless the context otherwise requires,—

(a) Every reference in this Act to a State school shall be read as excluding an integrated school:

(b) Every reference in any other enactment or document existing at the commencement of this Act to— 20

(i) A State primary school shall be read as including an integrated school that is a primary school:

(ii) A State secondary school shall be read as including an integrated school that is a secondary school: 25

(iii) A State school shall be read as including a reference to an integrated school.

PART I

CONDITIONAL INTEGRATION

30

3. Preservation of special character of an integrated school—(1) An integrated school shall on integration continue to have the right to reflect through its teaching and conduct the education with a special character provided by it.

(2) Integration shall not jeopardise the special character of an integrated school. 35

4. Integrated schools subject to provisions of Education Act 1964—An integrated school shall, on integration, become part of the State system of education in New Zealand, and shall be subject to all the provisions of the Education Act 1964 and regulations made under that Act: 40

Provided that the provisions of the Education Act 1964 and of the said regulations shall be read in all respects subject to the provisions of section 3 of this Act, and to all the other provisions of this Act that relate to integrated schools.

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PART II

PROCEDURE FOR ESTABLISHING, DISESTABLISHING, AND CLOSING
INTEGRATED SCHOOLS

5. Eligibility for integration—(1) Any school that is registered as a private school under section 186 of the Education Act 1964 shall, subject to the provisions of this Act, be eligible for integration under this Act.

(2) Any person or persons proposing to establish a school with the intention that it become an integrated school may negotiate with the Minister for the establishment of that school, and the Minister may, after consultation with the interested parties and on such terms and conditions as he thinks fit, agree that the proposed school may be established as an integrated school.

(3) If in accordance with subsection (2) of this section the Minister agrees that a proposed school may be established as an integrated school, the procedures provided by this Act for the integration of a private school shall, with the necessary modifications, be followed in the case of the proposed school as if it were already established as a private school; and thereafter the provisions of this Act relating to integration and to integrated schools shall apply.

6. Proprietors may negotiate for integration—(1) The Proprietors of any private school who wish that school to be integrated may negotiate with the Minister with the view to entering into an integration agreement.

(2) When the Proprietors of a private school enter into negotiations with the Minister as aforesaid, the Minister shall consult such interested parties as he considers appropriate, and (in the case of a primary school) shall call on the Education Board of the education district in which the school is situated for a recommendation; and, before making a recommendation to the Minister, the Education Board shall consult such interested parties as it considers appropriate.

7. Integration agreement—(1) The Minister shall have the sole right to approve the establishment of a private school as an integrated school within a phased programme approved by the Governor-General in Council.

(2) When the Minister so approves the integration of a private school, he shall, acting on behalf of Her Majesty the Queen, enter into a deed of agreement with the Proprietors in a form similar to that to be prescribed by regulations made pursuant to this Act; and on the completion of such an agreement the school shall become an integrated school; and, if it is registered under section 186 of the Education Act 1964, that registration shall be deemed to have lapsed.

(3) No Proprietors shall be competent to execute an integration agreement unless the Proprietors are constituted as a body corporate under an enactment of the General Assembly of New Zealand.

(4) Any Proprietor or Proprietors may enter into agreements for the integration of more than one school.

(5) There shall be a separate integration agreement for each school that is to become an integrated school.

(6) If the Minister and the Proprietors so agree, the terms of an integration agreement may from time to time be varied by a supplementary agreement.

8. Effective date of integration agreement—(1) Every integration agreement shall specify a date on which the integration of the school shall take place (hereafter in this Act referred to as the effective date).

(2) In every case where it is proposed that the controlling authority of an integrated school shall be an Education Board, the member to represent the Proprietors of integrated schools on that Education Board shall, if he has not already assumed office, be elected before the effective date, and shall assume office on the effective date.

(3) In every such case as aforesaid the School Committee of the integrated school shall be elected or appointed before the effective date, and shall assume office on the effective date.

(4) In every case where it is proposed that the controlling authority of an integrated school shall be a Board of Governors, that Board of Governors shall be elected or appointed before the effective date, and shall assume office on the effective date.

(5) Any election required by subsection (4) of this section shall be conducted by the Director-General in such manner as he may determine.

5 (6) In every case in which it is proposed that an integrated school shall be controlled and managed in accordance with regulations made pursuant to section 87 or section 100 of the Education Act 1964, the form of control shall be prescribed before the effective date, and the controlling authority shall assume office on the effective date.

10 (7) In every case where pursuant to section 51 of the Education Act 1964 an integrated secondary school is required to be controlled by an Education Board, or by a Secondary Schools Council, or by the governing body of some other secondary school or schools, the member required by
15 section 51A of the Education Act 1964 (as inserted by section 80 (6) of this Act) to represent the Proprietors on the Educ
ation Board or Secondary Schools Council or governing body shall be elected or appointed before the effective date, and shall assume office on the effective date.

20 (8) In any case where the requirements of this section are not met, the Minister may from time to time give notice to the Proprietors of such new effective date as he thinks fit, and the integration agreement shall be construed accordingly.

9. Variations from standard patterns of organisation—

25 Where in a private school there are variations from standard patterns of organisation so that the school has no parallel or close parallel in the State system of education, and in any other case where the Minister so approves, an integration agreement in respect of the school shall, notwithstanding
30 anything in this or any other Act, provide that the variations shall be acceptable in that school, if despite the variations the school will remain effective.

10. Notification of integration agreement—Every integration agreement shall be notified in the *Gazette*, and a copy of
35 every such agreement shall be retained by the Director-General and shall be available for inspection without charge by any member of the public.

11. Cancellation of integration agreement by Minister—

(1) When it appears to the Minister that the Proprietors or
40 controlling authority of an integrated school are not sufficiently carrying out the functions and obligations accepted

by them or it under this Act or under the integration agreement, he may, after consultation with the Proprietors, the controlling authority, and such other interests as he considers appropriate, cancel and annul the integration agreement; and in any such case all the rights and obligations of both parties that arise by virtue of the agreement shall cease with effect from the time of the cancellation. 5

(2) In the event of the cancellation and annulment of an integration agreement, the school shall be deemed to have been disestablished as an integrated school, but it shall be open to the Proprietors to apply in accordance with section 186 of the Education Act 1964 for the registration of the school as a private school. 10

12. Closure of integrated school—When it appears to the Minister that for any of the reasons set out in section 11 of this Act the school should be closed, he may, after the consultations required by the said section 11, disestablish and close the school. 15

13. Cancellation of integration agreement by Proprietors—(1) If it appears to the Proprietors that the special character of an integrated school has been or is likely to be jeopardised, or that the Minister or any controlling authority is not carrying out the functions and obligations accepted by him or it under this Act or the integration agreement, the Proprietors, after consultation with the Minister, the controlling authority, and such other interests as the Proprietors consider appropriate, may, by notice to the Minister and subject to subsection (2) of this section, cancel and annul the integration agreement from a time specified therein and in any such case all the rights and obligations of both parties to the agreement shall cease with effect from the time of cancellation so specified. 20 25 30

(2) No cancellation of an integration agreement pursuant to subsection (1) of this section shall become effective until 4 months after the Proprietors have given the required notice to the Minister. 35

(3) In the event of the cancellation of an integration agreement pursuant to subsection (1) of this section, the school that was the subject of the agreement shall, if it was before integration registered as a private school in accordance with section 186 of the Education Act 1964, be deemed to be re-established as a registered private school; and in any other 40

case the school shall, subject to application for registration being made to the Director-General and to the school meeting the requirements of the said section 186 relating to registration, be registered as a private school.

5 **14. Rights of appointment**—(1) When an integration agreement is cancelled pursuant to section 11 or section 13 of this Act, or when a school is closed pursuant to section 12 of this Act,—

10 (a) The contract of service of every teacher at the school concerned, being a contract between the teacher and the controlling authority for his employment as a teacher at that school, shall be deemed to have been determined from the date on which the cancellation or the closure, as the case may be, becomes effective; and

15 (b) The contract of service of every person employed in the school concerned in a capacity other than as a teacher, being a contract between the person and the controlling authority, shall be deemed to have been determined from the date on which the cancellation or closure, as the case may be, becomes effective; and

20 (c) No compensation of any kind shall be payable to any teacher or to any person employed otherwise than as a teacher in respect of any such determination of a contract of employment.

25 (2) Any teacher whose employment is terminated because of the cancellation of an integration agreement pursuant to section 11 or section 13 of this Act, or because of the closure of a school pursuant to section 12 of this Act, shall be given such rights of appointment to a teaching position in a State school or integrated school as may be prescribed by regulations made pursuant to section 165 of the Education Act 1964.

30 (3) In any case where an integration agreement is cancelled pursuant to section 11 or section 13 of this Act and the school concerned is subsequently registered or deemed to be registered as a private school, a teacher employed at that school may if he wishes relinquish his appointment at that school without penalty, and shall then be afforded the same rights of appointment to a teaching position in a State school or in an integrated school as are prescribed for the purposes of subsection (2) of this section.

15. Notification of cancellation or of closing of school—
 When an integration agreement is cancelled pursuant to section 11 or section 13 of this Act, or when a school is closed pursuant to section 12 of this Act, the Minister shall give notice of the cancellation or closure in the *Gazette*.

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16. Disposal of assets on cancellation of integration agreement or closing of school—(1) In every case where money appropriated by Parliament has been used to meet all or part of the cost of supplying an integrated school with furniture, or equipment, or other chattels, and the integration agreement in respect of that school is cancelled by the Minister or by the Proprietors, or the school is closed, any such furniture, equipment, or chattels shall be disposed of by the Director-General at his sole discretion, whether by sale or otherwise; and any such disposition shall have effect as if the Director-General were the owner thereof:

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Provided that any sale shall be by way of public auction or public tender.

(2) In every case where money appropriated by Parliament has been used to meet all or part of the cost of erecting any building or supplying or installing any fixture as part of an integrated school, and the integration agreement in respect of that school is cancelled by the Minister or by the Proprietors, or the school is closed, the current value of the contribution to the building or fixture from the money appropriated as aforesaid shall be assessed by the Minister, and the amount so assessed shall be deemed to be a debt due by the Proprietors to the Crown, and shall be deemed to be a charge on the land of the school, which charge may be registered without the payment of a fee against the land under the provisions of the Statutory Land Charges Registration Act 1928:

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Provided that the Minister may from time to time, with the concurrence of the Minister of Finance, approve the provisional writing off of all or part of any such debt.

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(3) For the purposes of the Statutory Land Charges Registration Act 1928, notice of any charge under subsection (2) of this section, and any certificate releasing any such charge, may be signed by the Director-General.

(4) In the case of any sale made pursuant to subsection (1) of this section, the money received shall be credited to the Consolidated Revenue Account.

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(5) In the event of the cancellation of an integration agreement by the Minister or by the Proprietors, or the closing of an integrated school, any unexpended money granted to the controlling authority of that school in respect
5 of that school under the Education Act 1964 or under regulations made under that Act or under any other Act shall be credited to the Consolidated Revenue Account.

(6) When an integration agreement is cancelled by the Minister or by the Proprietors, and the school that is the
10 subject of that agreement is subsequently registered or deemed to be registered as a private school, the Director-General, in disposing of any furniture, equipment, or chattels in accordance with subsection (1) of this section, may (notwithstanding anything in the proviso to that subsection) sell or supply all
15 or any of the furniture, equipment, or chattels to the Proprietors of the said registered private school in accordance with the scales, terms, and conditions of such supply to the Proprietors of other registered private schools applying at the time of the registration of the said school.

(7) Subject to the provisions of subsections (1) to (6) of this section, in the event of the cancellation of an integration agreement by the Minister or by the Proprietors, or the closing of an integrated school, the land, buildings, chattels, and other interests relating to the school shall, from the date
20 of cancellation of the integration agreement or closure of the school, remain vested in the Proprietors.

17. Restriction on cancellation of integration agreement or closure of school—No integration agreement shall be cancelled in accordance with section 11 or section 13 of this Act, and
30 (notwithstanding anything in section 71 of the Education Act 1964) no integrated school shall be closed in accordance with section 12 of this Act, solely on the ground that there is adequate accommodation for the pupils in an adjacent State school.

18. Compensation—In any case where an integration agreement is cancelled by the Minister or by the Proprietors, or an integrated school is closed, no compensation of any kind shall be due or payable to the Proprietors.

PART III

CENTRAL ADMINISTRATION

19. Administration of integrated schools—Subject to the provisions of sections 3 and 4 of this Act, when a private school is integrated it shall thereafter be required to be controlled and managed, and to operate in all respects, as if it were a State school established under Part III of the Education Act 1964; and, save as provided by this Act, all the provisions of the Education Act 1964 and of any other Act relating to the education of the people of New Zealand in State schools shall apply to that integrated school.

20. Integration Standing Committee—(1) For the purposes of this Act there shall be an Integration Standing Committee comprising—

- (a) The Director-General who shall be the Chairman: 15
- (b) One member to be appointed by the Minister on the nomination of the Education Boards' Association of New Zealand:
- (c) One member to be appointed by the Minister on the nomination of the Secondary School Boards Association of New Zealand: 20
- (d) One member to be appointed by the Minister on the nomination of the New Zealand Educational Institute:
- (e) One member to be appointed by the Minister on the nomination of the New Zealand Post-Primary Teachers Association: 25
- (f) Two members to be appointed by the Minister on the joint nomination of all the Proprietors of integrated schools: 30
- (g) One member to be appointed by the Minister on the joint nomination of all the Boards of Governors of integrated secondary schools:
- (h) One member to be appointed by the Minister on the joint nomination of all the school committees of integrated primary schools: 35
- (i) Three members who shall be officers of the Department and who shall be appointed by the Director-General.

(2) In any case where a member or members are to be appointed to the Committee on a joint nomination pursuant to any of the provisions of paragraphs (f), (g), and (h) of subsection (1) of this section and the parties concerned cannot

agree on a nominee, a member shall be appointed by the Minister without his receiving a nomination. In making such an appointment the Minister shall have regard to the wishes of the majority of the parties entitled to join in making the
5 nomination so far as those wishes can be ascertained.

(3) In the absence of the Director-General from any meeting, he may authorise any other officer of his Department to attend that meeting in his stead, and the officer so authorised shall be the chairman of that meeting.

10 (4) In the absence from any meeting of a member who is an officer of the Department of Education, the Director-General may nominate some other officer of the Department to attend that meeting in his stead.

(5) In the event of the incapacity of any other appointed
15 member of the Integration Standing Committee by reason of illness, or if from any other cause whatever any other appointed member of the Integration Standing Committee is not available, another person may be appointed in the same manner as that member to act in the place of that member
20 while he is incapacitated or not available.

(6) Any person who attends any meeting of the Integration Standing Committee pursuant to any of the provisions of subsections (3), (4), and (5) of this section shall for the
25 purposes of that meeting be deemed to be a member of the Integration Standing Committee.

21. Tenure of office of members of Integration Standing Committee—(1) Except as otherwise provided in this section, the appointed members of the Integration Standing Committee shall hold office for a term of 3 years, and may from
30 time to time be reappointed.

(2) Any appointed member of the Integration Standing Committee may at any time be removed from office by the Minister for disability, insolvency, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may
35 at any time resign his office by writing addressed to the Minister.

(3) If any appointed member of the Integration Standing Committee dies, is removed from office, or resigns, the vacancy
40 so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

(4) Except as provided by the foregoing provisions of this section, any person shall be eligible to be a member of the Integration Standing Committee.

(5) Unless he sooner vacates his office as provided in the foregoing provisions of this section, every appointed member of the Integration Standing Committee shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired. 5

22. Meetings of Integration Standing Committee—(1) The Integration Standing Committee shall meet at least twice each year at such times and places as the Chairman from time to time determines. 10

(2) The Chairman or any other member may at any time call a special meeting of the Integration Standing Committee.

(3) At any meeting of the Integration Standing Committee 6 members shall form a quorum, and no business shall be transacted unless a quorum is present. 15

(4) On any question before the Integration Standing Committee the person presiding shall have a deliberative vote, and in the event of an equality of votes shall have a casting vote. 20

(5) Every question before the Integration Standing Committee shall be decided by a majority of the votes of the members present at the meeting of that Committee.

(6) No act or proceeding of the Integration Standing Committee, or of any person acting as a member of that Committee, shall be invalidated in consequence of there being a vacancy in the number of that Committee at the time of that act or proceeding, or of the subsequent discovery that there was some defect in the appointment of any person so acting, or that he was incapable of being or had ceased to be such a member. 25 30

(7) The Integration Standing Committee may regulate its procedure in such manner as it thinks fit.

23. Fees and travelling allowances—(1) The Director-General may pay out of money appropriated by Parliament for the purpose to the appointed members of the Integration Standing Committee remuneration by way of fees, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 35 40

(2) The Integration Standing Committee is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

24. Functions and powers of Integration Standing Committee—(1) The Integration Standing Committee shall—

- (a) Consider any matter concerning integration and the operation of this Act that may from time to time be referred to it by the Minister or by any of its members; and
- 10 (b) Inquire into any problem concerning integration or the operation of integrated schools that comes to its attention, and (after such consultation as may be necessary with the interested parties) propose a solution to that problem and make an appropriate
15 recommendation to the Minister, or (as the case may require) to the Director-General, or to the Proprietors, or to the controlling authority, for the implementation of that solution; and
- 20 (c) Advise and make recommendations to Proprietors and controlling authorities from time to time on the effective implementation of integration; and
- (d) Advise the Minister from time to time on the operation and progress of integration; and
- 25 (e) Make decisions pursuant to subsection (7) of section 68 of this Act.

(2) The Integration Standing Committee shall have all such powers as may be reasonably necessary or expedient to enable it to carry out its functions.

PART IV

30 **ADMINISTRATION OF INTEGRATED SCHOOLS**

25. Control and management—(1) Every integrated school that is a primary school shall be controlled by and shall be subject to the general supervision of the Education Board of the education district in which the school is situated, and shall
35 be managed by a School Committee.

(2) Every integrated school that is a secondary school shall be controlled and managed by a Board of Governors constituted pursuant to section 51 of the Education Act 1964, or by such other controlling authority as may be required
40 pursuant to that section:

Provided that, where pursuant to the said section 51, an integrated school that is a secondary school is required to be controlled by some other authority as aforesaid, and that authority proposes, pursuant to subsection (1) of section 53 of the Education Act 1964, to delegate powers over the school to a School Committee, it shall not be entitled to delegate any powers to the Committee of the school district in which the integrated school is situated, but instead shall delegate such powers to a School Committee elected and appointed in accordance with section 26 of this Act.

(3) Every integrated school that is a composite school shall be controlled and managed in accordance with regulations made pursuant to section 87 of the Education Act 1964.

(4) Every integrated school that is a special school shall be controlled and managed in accordance with regulations made pursuant to section 100 of the Education Act 1964.

(5) Any such regulations made pursuant to section 87 or section 100 of the Education Act 1964 shall specify that, in the case of an integrated composite school or in the case of an integrated special school, as the case may be, the controlling authority shall, unless such a member has already been appointed, have one member who is appointed on the nomination of the Proprietors of the School.

(6) The powers of control and management conferred by subsections (1), (3), and (4) of this section shall be exercised subject to the provisions of sections 3 and 4 of this Act; and, to give effect to this requirement, the controlling authority of any integrated school that is a primary school or a composite school or a special school shall make provision for adequate consultation between the said controlling authority and the Proprietors of that school.

26. School Committees—(1) For every integrated school that is a primary school there shall be a School Committee consisting of—

- (a) Such number of persons (being not fewer than 5 nor more than 8) as the Minister may determine, to be elected by the parents of the children attending the school:
- (b) One member to be appointed by the Proprietors of the school.

(2) Subject to the provisions of paragraphs (a) and (b) of subsection (1) of this section, and with any necessary modifications, regulations relating to the election and holding of office of School Committees for State schools made pursuant to the Education Act 1964 in relation to section 39 of that Act shall apply to the election and holding of office of School Committees for integrated schools.

(3) Regulations made pursuant to the Education Act 1964 in relation to section 43 of that Act shall, with any necessary modifications, apply in respect of School Committees for integrated schools.

(4) Any person who is eligible to hold office as a member of an Education Board shall be eligible to be elected a member of a School Committee constituted under subsection (1) of this section:

Provided that any person who receives any salary from the Board, or who accepts or holds any office or employment from or under the Board to which any salary, fee, or emolument is attached, shall not be disqualified from being a member of a School Committee constituted as aforesaid.

(5) If for any reason there is no School Committee for an integrated school, the Minister shall, after consultation with the Proprietors of the school, appoint a Commissioner or Commissioners to hold office until a School Committee is formed. Any such Commissioner or Commissioners shall have all the powers and shall perform all the duties by law assigned to a School Committee.

(6) The powers and functions assigned by the Education Act 1964 and by regulations made under that Act to the School Committees of State schools shall, with any necessary modifications, apply in respect of the School Committee of an integrated school.

(7) The powers and functions assigned by the Education Act 1964 and by regulations made under that Act to an Education Board in relation to the School Committee of a State school shall, with the necessary modifications, be exercised by an Education Board in respect of the School Committee of an integrated school.

27. School districts—There shall be no school district for an integrated primary school.

28. Constitution of Education Boards—(1) Each School Committee formed, and all Commissioners appointed, in accordance with this Part of this Act shall be a School Committee or shall be Commissioners, as the case may be, for the purposes of paragraph (a) of subsection (3) of section 15 of the Education Act 1964. 5

(2) Where pursuant to section 51 of the Education Act 1964 an integrated school that is a secondary school is required to be controlled by the Education Board of the district, or by a Secondary Schools Council, or by the governing body of some other secondary school or schools, and the Education Board, Secondary Schools Council, or governing body, acting pursuant to subsection (1) of section 53 of the Education Act 1964, delegates power over the school to a special Committee, that special Committee shall be a special Committee for the purposes of paragraph (b) of subsection (3) of section 15 of the Education Act 1964. 10 15

PART V

PROVISIONS RELATING TO THE ENROLMENT, CONDITIONS OF ATTENDANCE, AND INSTRUCTION OF PUPILS AT AN INTEGRATED SCHOOL. 20

29. Preference of enrolment—(1) Parents who have a particular or general philosophical or religious connection with an integrated school shall have preference of enrolment for their children at the school. 25

(2) Subject to the provisions of subsection (1) of this section, no prospective pupil shall be refused enrolment at an integrated school on the grounds of religion, race, socio-economic background, or lack of willingness of the parent to make financial contributions to the school. 30

30. Participation in school programme—By enrolling a pupil at an integrated school the parent shall accept as a condition of enrolment that the pupil is to participate in the general school programme that gives the school its special character.

31. Instruction of pupils—Each integrated school shall instruct its pupils in accordance with the curricula and syllabuses prescribed by the Education Act 1964 and by regulations made under that Act: 35

Provided that the general school programme shall reflect the education with a special character provided by the integrated school, and religious and other examples may be used to reinforce teaching throughout the school day. 40

32. Religious observances and religious instruction—

(1) Subject to the provisions of section 31 of this Act, where religious observances and religious instruction form part of the education with a special character provided by an integrated
5 school, these shall continue to form part of the school programme in accordance with the terms and conditions prescribed in the integration agreement relating to that school.

(2) Where religious observances and religious instruction form part of the education with a special character provided
10 by an integrated school, the school shall be responsive to the sensitivities of pupils and parents of different religious affiliations.

(3) The parents of a prospective pupil shall be asked, when seeking his enrolment at any such integrated school, to state
15 whether or not they wish him to participate in religious observances or religious instruction concerned with particular observances, and if they state that they do not wish him to participate that pupil shall not be required so to participate.

33. Integrated schools as contributing schools—(1) Unless
20 an integration agreement otherwise provides, no integrated primary school that at the time of integration provides education up to Form 2 level shall be designated pursuant to section 74 or section 86 of the Education Act 1964 to be a contributing school.

(2) At any time subsequent to an integration agreement
25 being concluded, if the Minister and the Proprietors so agree, the terms of an integration agreement may be varied by a supplementary agreement to allow an integrated school to be designated a contributing school in accordance with the
30 provisions of the Education Act 1964.

34. School transport assistance—In providing, in accordance with section 201B of the Education Act 1964 (as inserted by section 37 of the Education Amendment Act (No. 2) 1974),
35 school transport assistance for pupils enrolled at integrated schools, the Director-General shall have reasonable regard to the preference of parents to enrol their children at an integrated school or at a State school.

35. Free education—(1) Every pupil enrolled at an
40 integrated school shall be given free education on the same terms and in accordance with the same conditions as pupils enrolled at a State school are given free education.

(2) If the controlling authority of a State school is permitted by the Education Act 1964 or by regulations made under that Act to charge a fee for any course of tuition, the controlling authority of an integrated school may, subject to the prior approval of the Director-General for that course to be conducted in that school, charge for that course a fee no higher than that permitted in the case of a State school. 5

36. Financial contributions—(1) The Proprietors of any integrated school may conduct fund raising activities within the school, inform the parents of the financial obligations of the Proprietors in the prospectus and in other ways, and request the parents of pupils attending the school to make regular financial contributions to the Proprietors for their benefit in meeting any debts, mortgage, lien, or other charge associated with the land and buildings that constitute the school premises or are associated with the school. 10 15

(2) Financial contributions shall be made on a voluntary basis and no pupil shall be refused enrolment because of the unwillingness of the parents to make such contributions.

(3) No controlling authority of any integrated school, nor the Principal nor any member of the staff (whether employed or retained as a teacher or in any other capacity), nor any pupil of the school shall take any part during normal school hours as such controlling authority, Principal, or staff member, or pupil in any school activity directed to raising funds for the benefit of the Proprietors in meeting any debts, mortgage, lien, or other charge associated with the land and buildings that constitute the school premises or are associated with the school. 20 25

(4) The Proprietors shall keep accounts of money raised by them and by a controlling authority, Principal, staff member, or pupil pursuant to this section, and shall cause such accounts to be audited by a chartered accountant at least once in every period of 12 months, and shall make a true copy of the accounts and of the auditor's report on them available on request to the parents of pupils attending the school and to other contributors. 30 35

37. Fund raising—Subject to the provisions of section 36 of this Act, the controlling authority, the Principal, staff members, and pupils of an integrated school may take part in fund raising activities in a like manner and for like purposes for the benefit of the pupils of the school as are permitted in the case of State schools. 40

5 **38. Use of school office**—The school office of an integrated school may be used for the purpose of communication between the Proprietors of the school and the parents of pupils enrolled at the school, and for other purposes related to the benefit of the school and the pupils.

PART VI

ENROLMENT REVIEW COMMITTEES FOR INTEGRATED SCHOOLS

10 **39. Primary Enrolment Review Committee**—The Education Board for each education district shall establish for that district a Primary Enrolment Review Committee comprising—

- 15 (a) The District Senior Inspector of Primary Schools for the district, or his nominee (being another inspector of primary schools for the district), who shall be Chairman; and
- 20 (b) One member appointed by the said Education Board; and
- (c) Two members to be appointed by the Education Board on the joint nomination of all the School Committees of integrated primary schools in the education district; and
- (d) One member to be appointed by the Education Board on the joint nomination of all the School Committees of State primary and intermediate schools in the district; and
- 25 (e) One member to be appointed by the Education Board on the nomination of the National Executive of the New Zealand Educational Institute; and
- 30 (f) One member to be appointed by the Education Board in accordance with section 41 of this Act.

40. Secondary Enrolment Review Committee—The Director-General shall establish for each education district a Secondary Enrolment Review Committee comprising—

- 35 (a) The District Senior Inspector of Secondary Schools for the district, or his nominee (being another inspector of secondary schools for the district) who shall be Chairman; and
- 40 (b) One member to be appointed by the Director-General on the joint nomination of all the controlling authorities of all the integrated secondary schools located in the district; and

- (c) One member to be appointed by the Director-General on the joint recommendation of all the controlling authorities of all the State secondary schools located in the district; and
- (d) One member to be appointed by the Director-General on the nomination of the National Executive of the New Zealand Post-Primary Teachers Association; and
- (e) One member to be appointed by the Director-General in accordance with section 41 of this Act.

41. Member to represent integrated school—(1) Wherever any difficulty is referred to an Enrolment Review Committee pursuant to section 46 or section 48 of this Act, there shall be appointed to that Committee by the Education Board or by the Director-General, as the case may be, on the nomination of the Proprietors of the school in respect of which the difficulty has arisen, one member to represent that school.

(2) The member of the Enrolment Review Committee appointed pursuant to subsection (1) of this section shall hold office with all the rights, duties, and responsibilities of the other members of the Committee but only in relation to, and for such period as is necessary for the Committee to consider and dispose of, the matter in respect of which the said member was appointed; and on the matter being disposed of the said member shall cease to be a member of the Committee.

42. Appointments in absence of nomination—In any case where a member or members are to be appointed to an Enrolment Review Committee on a joint nomination pursuant to paragraph (c), or paragraph (d) of section 39 or to paragraph (b) or paragraph (c) of section 40 of this Act, and the parties concerned cannot agree on a nominee, a member shall be appointed by the Education Board or by the Director-General, as the case may be, without a nomination. In making such an appointment the Education Board or the Director-General shall have regard to the wishes of the majority of the parties entitled to join in making the nomination so far as those wishes can be ascertained.

43. Deputies of members—(1) In the case of a member of a Primary Enrolment Review Committee appointed pursuant to any of the provisions of paragraphs (b), (c), (d), (e),

- and (f) of section 39 of this Act, or of a member of a Secondary Enrolment Review Committee appointed pursuant to any of the provisions of paragraphs (b), (c), (d), and (e) of section 40 of this Act, the authority entitled to nominate
- 5 the appointment of the member shall be entitled to nominate another suitably qualified person to act at any time as the deputy of that member while the member is incapacitated by illness, absence, removal from office, or other sufficient cause from performing the duties of his office.
- 10 (2) Where a deputy appointed pursuant to subsection (1) of this section acts in place of the Principal pursuant to the said subsection (1), the deputy shall, while he acts as such, be deemed to be a member of the Primary Enrolment Review Committee or of the Secondary Enrolment Review Com-
- 15 mittee, as the case may be, and no acts done by the deputy or by the said Committees while the deputy of a member thereof is acting as such shall in any proceedings be questioned on the ground that the occasion for his so acting had not arisen or had ceased.
- 20 **44. Tenure of office and procedure**—(1) Except as otherwise provided in this section, the appointed members of an Enrolment Review Committee shall hold office for a term of 3 years, and may from time to time be reappointed.
- 25 (2) Any member of an Enrolment Review Committee may at any time be removed from office by the authority that appointed him for disability, insolvency, neglect of duty, or misconduct, proved to the satisfaction of that authority, or may at any time resign his office by writing addressed to the appointing authority.
- 30 (3) If any member of an Enrolment Review Committee dies, is removed from office, or resigns, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term
- 35 for which his predecessor was appointed.
- (4) Unless he sooner vacates his office as provided in the foregoing provisions of this section, every member of an Enrolment Review Committee shall continue in office until his successor comes into office, notwithstanding that the
- 40 term for which he was appointed may have expired.
- (5) Except as provided by the foregoing provisions of this section, any person shall be eligible to be a member of an Enrolment Review Committee.

(6) An Enrolment Review Committee shall hold its sittings at such times and places as the Chairman thereof may from time to time determine.

(7) At any meeting of a Primary Enrolment Review Committee 4 members shall form a quorum, and at any meeting of a Secondary Enrolment Review Committee 3 members shall form a quorum, and no business shall be transacted unless a quorum is present.

(8) On any question before any such Committee the person presiding shall have a deliberative vote, and in the event of an equality of votes shall also have a casting vote.

(9) Every question before any such Committee shall be decided by a majority of the votes of the members present at the meeting of the Committee.

(10) No act or proceeding of any such Committee or of any person acting as a member thereof shall be invalidated in consequence of there being a vacancy in the number of the Committee at the time of that act or proceeding, or of the subsequent discovery that there was some defect in the appointment of any person so acting, or that he was incapable of being or had ceased to be such a member.

(11) Subject to the provisions of this Act, any such Committee may regulate its procedure in such manner as it thinks fit.

45. Fees and allowances—(1) The Director-General may pay out of money appropriated by Parliament for the purpose to the appointed members of an Enrolment Review Committee remuneration by way of fees or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

(2) Each Enrolment Review Committee shall be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

46. Referral of difficulties to Secondary Enrolment Review Committee—Wherever any difficulty arises related to enrolment in an integrated secondary school and affecting established State secondary schools or the character of the integrated secondary school, it may be referred to an appropriate Secondary Enrolment Review Committee by any parent, controlling authority, Proprietor, or society of teachers registered in accordance with the provisions of the Education Act 1964.

47. Functions of Secondary Enrolment Review Committee—Whenever a difficulty is, pursuant to section 46 of this Act, referred to a Secondary Enrolment Review Committee, the Committee shall as soon as possible consider it, endeavour to resolve it among the parties, and (if it considers such action desirable) make a decision in terms of the criteria prescribed by section 50 of this Act.

48. Referral of difficulties to Primary Enrolment Review Committee—Wherever any difficulty arises related to enrolment in an integrated primary school affecting established State primary schools or the character of the integrated primary school, any parent, School Committee, Proprietor, or society of teachers registered in accordance with the provisions of the Education Act 1964 may refer that difficulty to the Education Board of the district in which the integrated school is situated. The Education Board shall endeavour to resolve the difficulty among the parties, and if it is unable to do so shall refer it to the Primary Enrolment Review Committee for the district.

49. Functions of Primary Enrolment Review Committee—
(1) Whenever a difficulty is, pursuant to section 48 of this Act, referred to a Primary Enrolment Review Committee, that Committee shall as soon as possible consider the matter, endeavour to resolve it among the parties, and (if it considers such action desirable) make an appropriate recommendation to the Education Board, which shall make a decision.

(2) Any such recommendation and any such decision as aforesaid shall be made in terms of the criteria established by section 50 of this Act.

50. Criteria for resolving difficulties—In its consideration of enrolment difficulties, an Enrolment Review Committee and an Education Board shall have regard to the following criteria:

- (a) Integration must not jeopardise the special character of the school:
- (b) Enrolment policies must not be based on a deliberate policy of exclusion:
- (c) Problems of accommodation as they affect State and integrated schools.

51. Decisions on enrolment—(1) The powers to restrict enrolment conferred by section 129 of the Education Act 1964 on the Minister and on Education Boards shall not be exercised in relation to any integrated school.

(2) Any decision made by a Secondary Enrolment Review Committee pursuant to section 47 of this Act, and any decision made by an Education Board pursuant to section 49 of this Act, shall be final and binding on all parties. 5

Proprietors of an Integrated School

52. Powers and responsibilities of Proprietors—(1) The Proprietors of an integrated school shall exercise such powers and accept such responsibilities as may be specified in any integration agreement to which they are a party. 10

(2) Subject to the provisions of subsection (1) of this section, the Proprietors of an integrated school— 15

- (a) Shall own or hold upon trust the land and buildings that are specified in the integration agreement as constituting the school premises; and
- (b) Shall accept and meet the liability for all mortgages, liens, and other charges upon the said land and buildings; and 20
- (c) Shall plan, pay for, and execute, over such period as may be specified in the integration agreement, such improvements to the school buildings and associated facilities, as may be required in accordance with the integration agreement to bring the said buildings and associated facilities up to the minimum standard laid down from time to time by the Director-General for State schools; and 25
- (d) Shall plan, execute, and pay for such capital works as may be approved or required, from time to time, by the Minister, with a view to replacing, improving, or enlarging the school, its buildings, and its associated facilities; and 30
- (e) May own, or hold upon trust and control, and maintain any land, buildings, and associated facilities that, although not part of the integrated school in terms of the integration agreement, are regarded by the Proprietors as appropriate to maintain the special character of the school; and 35
- (f) May, in conjunction with the controlling authority, make provision for the accommodation of pupils living away from home; and 40

- (g) Shall insure all the buildings, chattels, and other assets owned or held upon trust by the Proprietors for the purposes of the school against risks normally insured against in some responsible insurance office in New Zealand; and
- 5 (h) Shall, together with its servants, agents, and licensees, have at all reasonable times access to the land and buildings of the school sufficient to enable it to exercise the powers and carry out the responsibilities vested in it and imposed on it by this Act
- 10 and by an integration agreement.

53. Assistance to Proprietors—(1) The Minister may from time to time, with the concurrence of the Minister of Finance, approve the granting of loans out of such money as may

15 from time to time be appropriated by Parliament for the purpose to the Proprietors of any integrated school. The loans shall be made for such purposes and subject to such terms and conditions, including the provisional writing off of any amount repayable, as the Minister, with the con-

20 currence of the Minister of Finance, determines.

(2) In approving loans as aforesaid the Minister shall have regard to the need to make such loans available on such financial terms as will permit the Proprietors reasonably to meet approved new capital commitments.

25 **54. Accommodation of pupils—**The controlling authority of an integrated school may, on the same conditions as apply in the case of State schools and in conjunction with the Proprietors of the integrated school, make provision for the accommodation of pupils living away from home.

30 **55. Proprietors unable to meet obligations—**(1) In the event of the Proprietors of an integrated school finding themselves unable to meet the financial or other commitments accepted by them under the integration agreement, they shall notify the Minister accordingly. Upon being so

35 notified, the Minister may, in his discretion and after such consultation with the Proprietors as he thinks necessary in any such case,—

- (a) Cancel and annul the integration agreement in accordance with section 11 of this Act; or
- 40 (b) Close the school pursuant to section 12 of this Act; or

(c) Arrange for the acquisition by the Crown, in accordance with the provisions of the Public Works Act 1928, from the Proprietors of the school of such of the land, buildings, and chattels, relating to the school as he considers appropriate for the purpose of establishing a State school. 5

(2) When the Minister acts in accordance with paragraph (a) or paragraph (b) of subsection (1) of this section, the provisions of this Act relating to the cancellation of an integration agreement or to the closure of an integrated school, as the case may be, shall apply accordingly. 10

(3) In any case where in accordance with paragraph (c) of subsection (1) of this section the land, buildings, and chattels relating to an integrated school that is a primary school have been acquired by the Crown, the Education Board of the education district in which that school is situated shall, on the direction of the Minister, establish that school as a State school. 15

PART VII

TRAINING, APPOINTMENT, AND EMPLOYMENT OF TEACHERS 20

Teachers Colleges

56. Integration in relation to State teachers colleges—

(1) After the commencement of this Act any person intending to follow a teaching career in integrated schools, and any person belonging to or intending to enter any religious teaching order, and any person who has taught at a private school, shall be eligible to apply for entry to any State teachers college, and may be accepted by the appropriate authority for such training on the same conditions and subject to the same selection procedures as other applicants. 25 30

(2) The controlling authority of each State teachers college shall, in determining the courses of study for that college, take account of any special educational needs of students who intend to become teachers in integrated schools by way of providing additional options to enable the students to prepare themselves for teaching in integrated schools. 35

57. Private teachers colleges—(1) After the commencement of this Act, no educational institution for the training of persons as teachers within the meaning of the Education Act 1964 shall be established without the approval of the Minister. 40

(2) Any such private teachers college as aforesaid that was established before the commencement of this Act may continue to enrol and train students who desire the training available at such a private teachers college.

- 5 (3) Any student attending the private teachers college known as Loreto Hall shall, after the commencement of this Act, be paid out of money appropriated by Parliament the same student bursaries or allowances on the same conditions as are payable and applicable to students in State teachers
10 colleges:

Provided that any student accepted for entry to Loreto Hall after the commencement of this Act shall be paid a bursary or allowance as aforesaid only if he meets such conditions as may be specified from time to time by the Director-General.

- 15 (4) Save only as provided in subsection (3) of this section, no money appropriated by Parliament shall be used in any way for the maintenance, upkeep, or running costs (including the salaries of teachers and other staff) of the said Loreto Hall.

- 20 (5) Any substantial extensions to the said Loreto Hall, whether by way of increase in the number of students, or by way of increase in buildings, or by way of expansion of courses, shall require the approval of the Minister.

- (6) The general structure of each course of study at Loreto
25 Hall which is attended by a student who is being paid a bursary or allowance pursuant to subsection (3) of this section shall be approved by the Director-General.

- 58. Bonds for entry to teaching—**(1) Any student accepted for training as a teacher in accordance with section 56 of
30 this Act, and any student enrolled for training as a teacher at Loreto Hall and being paid student allowances out of money appropriated by Parliament, and any such student as aforesaid awarded a bursary to enable him to pursue a course of study at a university as a prerequisite to or as
35 part of his training as a teacher, may be required as a condition of that acceptance or award to sign a bond in a form to be determined by the Director-General requiring the student to pay to the Crown the sum therein specified if he makes default in the performance of any condition of
40 the bond.

- (2) The Director-General may require that such a bond shall also be signed by a parent or by some other person approved by the Director-General as surety; and the parent or person who signs such a bond shall be jointly and severally
45 liable thereon.

(3) Every such bond shall be enforceable against the student and the surety who signs it notwithstanding anything in this Act or any other Act or any rule of law.

Cf. 1964, No. 135, s. 197; 1968, No. 11, s. 20

Appointment of Primary Teachers

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59. Role of District Appointments Committee—(1) To enable an Appointments Committee of an education district to meet the requirement of maintaining the special character of an integrated school, regulations made pursuant to the Education Act 1964 in relation to section 137 of that Act shall specify that the Appointments Committee, when considering appointments to an integrated school, shall have one additional member representative of integrated schools located in that education district. 10

(2) The said regulations shall specify that when an Appointments Committee is deliberating on the appointment of a teacher to an integrated school, the additional member representing integrated schools shall hold office with all the rights, duties, and responsibilities of the other members of the Appointments Committee. 15 20

(3) In the discharge of its functions in relation to an integrated school an Appointments Committee shall meet the requirement of maintaining the special character of the school.

60. Special considerations affecting transfer of teachers in integrated schools—(1) When an Education Board is considering the transfer of a teacher from an integrated school to a State school, or from one integrated school to another integrated school, it shall have regard to the particular contribution the teacher makes, the nature of the community life shared by the teacher, and any other factors arising from the special character of the school or special situation of the teacher that are material to the desirability of the proposed transfer. 25 30

(2) A religious teacher permanently appointed to a position in an integrated school may, with the concurrence of the respective controlling authorities, be transferred to a teaching position in another integrated school if that other school has a special link with the school from which the teacher was transferred, whether the link is established by reason of the school being associated with the same religious order or for any other reason that the Director-General may recognise. 35 40

(3) Where a teacher in an integrated primary school appeals against transfer in accordance with the provisions of Part VI of the Education Act 1964, the Teachers Court of Appeal shall have regard to any considerations advanced 5 relating to the special character of the school from which the teacher is to be transferred and the school to which he is to be transferred or the special situation of the teacher, in terms of subsection (1) of this section.

(4) When an Education Board proposes to transfer a 10 teacher in an integrated primary school whose salary is protected by the provisions of section 68 of this Act to a position in another integrated primary school or in a State school for which the salary is less than the protected salary, and when in any such case the teacher has appealed to 15 the Teachers Court of Appeal and the transfer has in accordance with subsection (5) of section 152 of the Education Act 1964 been held to be reasonable, the provisions of section 153 of the Education Act 1964, which relate to payment of overgrade salaries, shall apply.

20 *Appointment of Secondary Teachers*

61. Controlling authorities to appoint—The controlling authority of an integrated secondary school shall appoint teachers in that school in accordance with the provisions of the Education Act 1964 and regulations made under that Act.

25 *Appointments to Special Positions Relating to Character of School*

62. Religious instruction—(1) Subject to the provisions of this section, where religious instruction forms part of the special character of any integrated school,—

30 (a) If so provided by the terms of the integration agreement, an advertisement for the position of Principal of that school shall state that a willingness and ability to take part in religious instruction appropriate to that school shall be a condition of 35 appointment:

(b) If so provided by the terms of the integration agreement, the controlling authority of that school shall designate a position at that school as Director of Religious Studies, and shall state in any advertisement for that position that a willingness and ability 40 to take part in religious instruction appropriate to that school shall be a condition of appointment.

A Director of Religious Studies shall be a member of the normal staffing entitlement of the school, as established by regulations made under the Education Act 1964, and shall carry out such teaching duties, if any, as may be provided for in the integration agreement: 5

- (c) The controlling authority shall designate such other proportion of teaching positions in that school as may be provided for in the integration agreement as positions of importance carrying a responsibility for religious instruction, and shall state in advertisements for the positions that willingness and ability to take part in religious instruction appropriate to that school shall be a condition of appointment: 10
- (d) If, in accordance with the staffing schedule issued from time to time by the Director-General, the controlling authority of that school is entitled to designate a teaching position in that school as Senior Teacher Junior Classes, and if so provided by the terms of the integration agreement, the controlling authority of that school shall state in any advertisement for the position of Senior Teacher Junior Classes that a willingness and ability to take part in religious instruction appropriate to that school shall be a condition of appointment. 15 20 25

(2) Where, in accordance with paragraphs (a), (b), (c), and (d) of subsection (1) of this section, an advertisement for a position states a requirement that willingness and ability to take part in religious instruction shall be a condition of appointment, any person appointed to that position shall accept that requirement as a condition of his appointment. 30

(3) Except as provided in subsection (1) of this section, the appointment of a teacher to a position in an integrated school shall not be conditional on the willingness and ability of that teacher to take part in religious instruction, and no such teacher shall be required so to take part. 35

63. Other special positions—Where an integration agreement records that any teaching position in the school that is the subject of that agreement is a special position that requires particular capabilities in the teacher appointed to that position, an advertisement for that position shall state that possession of those particular capabilities by an applicant shall be a condition of appointment. 40

5 **64. Selection for appointment**—In the case of an integrated primary school, the person to be appointed to any of the positions specified in paragraphs (a), (b), (c), and (d) of subsection (1) of section 62 of this Act or to any position specified in section 63 of this Act shall be selected in accordance with the provisions of section 65 of this Act.

10 **65. Consultative Advisory Group**—(1) To ensure the acceptability of applicants for the special positions specified in paragraphs (a), (b), (c), and (d) of subsection (1) of section 62 of this Act, or for the positions specified in section 63 of this Act, the member of the District Appointments Committee representing integrated schools may consult with a Consultative Advisory Group of not more than 3 persons representative of the interests of the school in
15 respect of which applicants for positions are being considered. The Consultative Advisory Group shall be appointed by the Proprietors of that school.

20 (2) The Consultative Advisory Group shall be concerned only with the acceptability of an applicant, and in determining that acceptability may in its discretion consult referees nominated by each applicant, and may in its discretion invite all or any of the applicants to come forward for interview for verification of the claim by the applicant that he is acceptable.

25 (3) The member of the District Appointments Committee representing integrated schools shall be present with the Consultative Advisory Group while it is consulting referees, interviewing applicants, and during its deliberations.

30 (4) After consultation with the Consultative Advisory Group, the member of the District Appointments Committee representing integrated schools shall report to the District Appointments Committee the names of the applicants who, in terms of the special character of the school, or in terms of an advertisement calling for applicants with
35 particular capabilities, are acceptable for appointment.

(5) On the receipt of the report required by subsection (4) of this section, the District Appointments Committee shall consider for the appointment only those applicants who are stated in the report to be acceptable for appointment, and
40 shall recommend to the controlling authority the appointment of such one of those acceptable applicants as is the most suitable to be appointed in terms of regulations made under the Education Act 1964.

(6) An applicant for a position specified in any of the provisions of paragraphs (a), (b), (c), and (d) of subsection (1) of section 62 of this Act, or an applicant for a position specified in section 63 of this Act, may, if pursuant to section 145 of the Education Act 1964 he has a right of appeal against an appointment to that position, exercise that right only if in accordance with subsection (4) of this section he has been reported to the District Appointments Committee as being acceptable for appointment in terms of the special character of the school or of the advertisement calling for applicants with particular capabilities. 5
10

General Provisions Regarding Appointment of Teachers

66. Employment for special purposes—(1) With the consent of the controlling authority, any retired teacher may undertake, in any integrated school, voluntary tasks relating to the beliefs and instruction that are the foundation of that school's special character. 15

(2) Where religious instruction forms part of the education with a special character provided by an integrated school, the Proprietors of that school may employ any person, whether as a chaplain or otherwise, for duties relating to that instruction. The salary of any such person shall not be paid by the controlling authority or be in any way a charge on money appropriated by Parliament. The Proprietors shall notify the controlling authority the name of any persons so appointed. 20
25

(3) When a controlling authority so wishes and subject to the prior consent of the Director-General, a person employed in accordance with subsection (2) of this section may be employed in the same school in a part-time teaching position, and may be paid by the controlling authority at the salary rate appropriate to the position: 30

Provided that no such person shall be so employed unless, according to the report of an inspector of schools, he is sufficiently competent to be employed as a part-time teacher in a State school. 35

67. Loss of protection of salary and status as a teacher—

(1) Where a teacher in an integrated school whose salary and status as a teacher are protected by the provisions of section 68 of this Act applies for and is accepted for a position in another integrated school or in a State school, 40

the protection afforded by the said section 68 shall lapse, and he shall be paid the salary appropriate to the position to which he is appointed in accordance with his service and qualifications:

- 5 Provided that in such a case the salary to be paid in respect of the other position shall be calculated with reference to the total service of the teacher in State schools, integrated schools, and registered private schools, and in such other teaching service as may be recognised by the Director-General.
- 10 (2) A teacher who takes up a position in an integrated school subsequent to integration shall be paid the salary appropriate to the position to which he is appointed in accordance with his service and qualifications.

PART VIII

15 TRANSITIONAL PROVISIONS

68. **Appointment of teachers on integration**—(1) Where, in accordance with sections 7 and 8 of this Act, an integration agreement is executed in respect of any private school:
- 20 (a) The contract of service as a teacher at that school of every teacher at that school shall be deemed to have been determined from the effective date of integration; and
- 25 (b) Every such teacher as aforesaid shall, if he so wishes, be deemed to be in the employment of the controlling authority of the integrated school until he has been formally appointed to a teaching position in accordance with subsection (4) of this section, and the provisions of subsection (6) of this section shall apply accordingly from the effective date of
- 30 integration:
- (c) Each teaching position at that school shall, within 60 days after the effective date of integration, be advertised as required by the Education Act 1964 and regulations made under that Act.
- 35 (2) Every such advertisement shall state that the teacher appointed to the position as at the effective date of integration shall, if he so wishes, have an absolute right of appointment to that position irrespective of the qualifications of any other applicant.

(3) The teacher previously appointed to the position advertised pursuant to subsection (1) of this section shall, if he wishes to continue in that appointment, apply in the manner prescribed by the Education Act 1964 and regulations made under that Act for appointment to that position. 5

(4) A teacher who so applies shall be appointed to the position.

(5) A teacher who does not so apply shall be deemed to have relinquished the position.

(6) A teacher who is appointed to a teaching position pursuant to subsection (4) of this section shall, notwithstanding the provisions of the Education Act 1964 and any regulations made under that Act, be paid out of money appropriated by Parliament for the purpose the same salary that a teacher with comparable service and qualifications would be paid for a comparable teaching position in a State school: 10 15

Provided that the teacher shall continue to be paid no less than the same salary, and to be accorded the same status, as he received or was accorded on the day before the effective date of integration. 20

(7) Notwithstanding anything in subsection (6) of this section, if any teacher in an integrated school, or in a school the Proprietors of which are negotiating for integration, has received a recent increase in salary or status which in the opinion of the Director-General does not accord with the general past character and organisation of that school, the Director-General may refer the matter to the Integration Standing Committee, which Committee shall decide an appropriate salary and status for that teacher, and the decision of that Committee shall be final and binding on the Proprietors and controlling authority of that school. 25 30

69. Other employees—The contract of service of every person employed in an integrated school in a capacity other than that as a teacher shall be deemed to have been determined on the effective date of integration. Every such person may be re-employed by the controlling authority at the same salary as would be paid for comparable service in a State school: 35

Provided that no such person shall be re-employed in a capacity that has no parallel or close parallel in a State school. 40

70. No compensation for determination of employment—
When a contract of employment of a teacher is deemed to have been determined pursuant to paragraph (a) of subsection (1) of section 68 of this Act, or when the contract of
5 employment of a person other than a teacher is deemed to have been determined pursuant to section 69 of this Act, no compensation of any kind shall be payable to the teacher or to any person employed otherwise than as a teacher in respect of the determination of the contract of employment.

71. Protection of teachers—(1) No religious or lay teacher permanently appointed to a teaching position in a private school before the integration of that school shall be removed from that position following integration on the grounds that the teacher's name is not registered in the Register of
15 Teachers in accordance with section 131 of the Education Act 1964, or on the grounds that the teacher is not the holder of a Trained Teachers Certificate as required by section 142 of the said Education Act 1964, or on the grounds that the teacher has not been classified as a secondary teacher
20 as required by section 148 of the Education Act 1964, as substituted by section 29 of the Education Amendment Act (No. 2) 1974.

(2) No religious or lay teacher permanently appointed to a teaching position in a private school that is a composite
25 school or a school that provides special education shall, on the integration of that school, if he had been so appointed before the integration of the school, be removed from that position on the grounds that he does not possess the qualifications required by the Education Act 1964 and by regula-
30 tions made under that Act for appointment as a teacher in such a school.

(3) No religious or lay teacher permanently appointed to a teaching position in a private school before the integration of that school shall be removed from that position on the
35 grounds that there are more teachers employed at the school on the effective date of integration than are permitted by regulations made under the Education Act 1964.

72. Security of tenure of teachers—(1) A teacher who holds in a private school a position as a permanently
40 appointed, or a provisionally appointed, or a temporary, or a relieving teacher, or some other category of tenure of appointment, and who on the integration of that school is

appointed to the position he held previously to integration in accordance with subsection (4) of section 68 of this Act, shall continue to hold that category of tenure of appointment or the nearest equivalent thereof in the integrated school as assessed by the Director-General. 5

(2) A teacher who holds any such position and who is on leave on the effective date of integration shall continue on leave on terms the same as those on which that leave was granted, and on the expiry of that leave shall be entitled to return to the position he previously held or, if that position has been filled, to apply for another position in a State or integrated school, being a position that has a status and category of tenure no less than those of the position he previously held, and be afforded the same rights of appointment as are provided by section 14 of this Act: 10 15

Provided that in such a case the provisions of subsection (6) of section 68 of this Act shall not apply to that teacher until he takes up a teaching position.

(3) After the integration of a private school, the security of tenure of office of a teacher to whom the foregoing provisions of this section apply shall be determined by the provisions of the Education Act 1964 and regulations made under that Act. 20

(4) Notwithstanding anything in section 68 of this Act, any teacher to whom the foregoing provisions of this section apply may be reduced in assessment or classification, or may be otherwise reduced in status as a teacher, or may be dismissed or disciplined in accordance with the Education Act 1964 and regulations thereunder. 25

73. Certification, assessment, and classification of teachers in integrated schools—(1) Any teacher appointed to a teaching position in a private school before the integration of that school shall, after the integration of the school, if he is sufficiently qualified and has not already been so recognised, be issued by the Director-General on the recommendation of a District Senior Inspector, with a Trained Teachers Certificate and have his name registered in the Register of Teachers. 30 35

(2) Any such teacher who is a primary teacher shall, as soon as practicable after the integration of the school, be assessed in accordance with regulations relating to the assessment of primary teachers made pursuant to the Education Act. 40

(3) Any such teacher who is a secondary teacher shall, as soon as practicable after the integration of the school, be classified in accordance with regulations relating to the classification of secondary teachers made pursuant to the Education Act 1964.

(4) Any teacher appointed to a teaching position in a private school before the integration of that school shall, if he is not sufficiently qualified to be issued a Trained Teachers Certificate at the time of integration of that school, be afforded by the Director-General such assistance, whether by way of training at a teachers college in accordance with section 56 of this Act or in such other manner as the Director-General may approve, as may be necessary to enable the teacher if he wishes so to qualify.

74. Retirement of teachers in integrated schools—(1) Notwithstanding anything in the Education Act 1964 or anything in any bylaws made by an Education Board pursuant to the Education Act 1964, the controlling authority of an integrated primary school may continue the employment of any religious or lay teacher who was employed as such in that school before the integration of the school, beyond the end of the year in which the teacher reaches the age of 65 years, subject to the following conditions:

(a) The teacher was 60 years of age or older on the date of integration; and

(b) The teacher had been permanently appointed to a teaching position in the school before integration; and

(c) The teacher had been regularly employed on duties related to the instruction of pupils or other activities related to the special character of the school; and

(d) The Director-General is satisfied that the continued employment of the teacher will not be detrimental to the education of the children enrolled at the school.

(2) Any such teacher shall be compulsorily retired at the end of the year in which he reaches the age of 70 years.

(3) A secondary teacher who has been permanently appointed to a position in a private school before integration may, after the integration of that school, continue, in accordance with the provisions of the Education Act 1964, to be employed in that school after he reaches the age of 65 years.

(4) Any religious teacher who has been compulsorily retired may continue to perform such tasks in the school as the controlling authority may approve if the continued activity does not involve any charge on money appropriated by Parliament. 5

PART IX

GENERAL PROVISIONS

75. Grants in aid to cease—(1) As from the effective date (as defined in section 8 of this Act) the Proprietors of an integrated school shall cease to be eligible for any grant or other assistance provided for by section 192 of the Education Act 1964. 10

(2) Notwithstanding the provisions of subsection (1) of this section, any obligation or other commitment of any kind whatever accepted or entered into by the governing body of a private school before the integration of that school, as a condition of a grant or other assistance under the said section 192, shall bind the Proprietors of that school, whether or not the obligation or commitment is specified in the integration agreement. 15 20

76. Teacher's housing—(1) When, in accordance with an integration agreement, a house provided wholly or partly from money appropriated by Parliament is made available to a teacher in an integrated school, the provisions of sections 199 and 200 of the Education Act 1964 shall apply. 25

(2) When a house or other dwelling that forms part of the land and buildings vested in or held in trust by the Proprietors of an integrated school is made available to a teacher in an integrated school by the Proprietors of that school, the terms and conditions of the tenancy of that house or other dwelling shall be a matter for negotiation between the teacher and the Proprietors. 30

77. Relation of this Act to Education Act 1964—(1) In any case where this Act and the Education Act 1964 deal with the same or a similar subject matter, express provisions in this Act shall prevail in respect of integrated schools, but this Act shall be construed in a sense consistent with the Education Act 1964 wherever such a construction is appropriate and reasonable. 35

(2) Subject to sections 3 and 4 of this Act, in any case where any matter concerning integrated schools is not dealt with by express provision in this Act the provisions of the Education Act 1964 shall apply.

5 **78. Existing integration agreements**—Nothing in this Act shall affect or in any way change the agreements entered into before the coming into force of this Act between Her Majesty the Queen and the Board of Governors of St Stephen's and Queen Victoria Schools, and the Te Aute Trust
10 Board Incorporated.

79. Regulations—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing a form of integration agreement:
 - 15 (b) Providing for the general control, management, organisation, finance, and conduct of integrated schools.
- (2) Where there appears to be a conflict between the provisions of regulations so made and regulations made pursuant to the Education Act 1964, the provisions of the
20 regulations made under this Act shall apply.

80. Consequential amendments—(1) Section 2 of the Education Act 1964 is hereby amended by inserting, after subsection (1), the following subsection:

25 “(1A) Except as provided in subsection (1) of this section, in this Act, unless the context otherwise requires, words and expressions defined in the Private Schools Conditional Integration Act 1975 shall have the meanings so defined.”

(2) Section 15 of the Education Act 1964 is hereby amended by adding to subsection (2) the following paragraph:
30

“(d) One member to represent all the Proprietors of all the integrated schools located in the education district.”

(3) Section 15 of the Education Act 1964 is hereby further
35 amended by inserting, after subsection (2A), the following subsection:

“(2B) The member to represent all the Proprietors of all the integrated schools located in the education district shall be appointed and shall hold office in accordance with regu-
40 lations made under this Act.”

(4) Section 38 of the Education Act 1964 is hereby amended by adding the following subsection:

“(4) Nothing in this section shall restrict section 27 of the Private Schools Conditional Integration Act 1975.”

(5) Section 51 of the Education Act 1964 is hereby amended by inserting, in subsection (1) after paragraph (bb), the following paragraph:

“(bc) In the case of a Board of Governors constituted pursuant to subsection (2) of section 25 of the Private Schools Conditional Integration Act 1975, at least one member appointed on the nomination of the Proprietors of the integrated school.”

(6) The Education Act 1964 is hereby amended by inserting, after section 51, the following section:

“51A. (1) In any case where, pursuant to section 51 of this Act, an integrated secondary school is required to be controlled by the Education Board of the District, and that Education Board does not have a member to represent all the Proprietors of integrated schools located in the education district, such a member shall be elected in accordance with the provisions of this Act.

“(2) In any case where, pursuant to section 51 of this Act, an integrated secondary school is required to be controlled by a secondary Schools Council, that Council shall, in addition to the members specified by subsection (4) of section 57 of this Act, have a member appointed by that Council on the nomination of the Proprietors of the integrated school, or (if there is more than one integrated school) appointed by that Council on the joint nomination of the Proprietors of all the integrated schools.

“(3) In any case where, pursuant to section 51 of this Act, an integrated secondary school is required to be controlled by the governing body of some other secondary school or schools and that governing body does not have a member to represent the integrated school or schools it controls, it shall, in addition to the members specified by section 51 of this Act, have a member appointed by that governing body on the nomination of the Proprietors of the integrated school or (if there is more than one integrated school) appointed by that governing body on the joint nomination of all the Proprietors of all the integrated schools.

“(4) In any case where a member is to be appointed to a Secondary Schools Council pursuant to subsection (2) of this section, or to the governing body of a secondary school pursuant to subsection (3) of this section, on a joint nomination, and the parties concerned cannot agree on a nominee,

a member shall be appointed by the Minister without his receiving a nomination. In making such an appointment the Minister shall have regard to the wishes of the majority of the parties entitled to join in making the nomination so far
5 as these wishes can be ascertained.

“(5) If on the coming into force of subsection (5) of section 79 of the Private Schools Conditional Integration Act 1975 any Board of Governors would by the appointment of a member pursuant to paragraph (bc) of subsection (1) of
10 section 51 of this Act, or to subsection (3) of this section, have more members than would otherwise be permitted, the appointment of the member shall be deemed to be a special reason for the purposes of the proviso to paragraph (a) of subsection (1) of section 51 of this Act.”

15 (7) Section 57 of the Education Act 1964 is hereby amended by inserting in subsection (10), after the words “place any other school”, the words “including an integrated school”.

(8) The Education Act 1964 is hereby amended by insert-
20 ing, after section 78, the following section:

“78A. Notwithstanding anything in sections 77 and 78 of this Act, in any case where the Minister is satisfied that the majority of the parents of pupils attending a school wish their children to receive religious instruction additional to
25 that specified in the said section 78 and he is satisfied that such additional religious instruction will not be to the detriment of the normal curriculum of the school, he shall generally or in any special case, after consultation with the School Committee, authorise the additional religious instruc-
30 tion up to such an amount and subject to such conditions as he thinks fit.”

(9) Section 98 of the Education Act 1964 (as amended by subsection (2) of section 14 of the Education Amendment Act (No. 2) 1974) is hereby further amended by omitting from
35 paragraph (b) of subsection (1) the words “or community college”, and substituting the words “community college or integrated school”.

(10) Section 100 of the Education Act 1964 is hereby amended by adding as subsection (2) the following subsection:
40 “(2) Regulations made pursuant to this section may provide that—

“(a) The control and management of any special school established pursuant to paragraph (a) of subsection (1) of section 98 of this Act, or of any special school that is an integrated school, may at any time be vested by the Minister in the Director-General; and that the Minister may at any time remove the control and management of any special school from that control and vest it in some other controlling authority constituted pursuant to this Act: 5
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“(b) The Director-General may, notwithstanding anything in this or any other Act, direct the controlling authority of a primary school, including an integrated primary school to limit the instruction given in any special class, or classes established at that school to such level as he may determine.” 15

(11) Section 145 of the Education Act 1964 is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) The right of appeal provided by subsection (2) of this section may, in the case of an applicant for a position specified in any of the provisions of paragraphs (a), (b), (c), and (d) of subsection (1) of section 62 of the Private Schools Conditional Integration Act 1975, or an applicant for a position specified in section 63 of that Act, be exercised only if in accordance with subsection (4) of section 65 of the Private Schools Conditional Integration Act 1975, the applicant has been reported to the District Appointments Committee as being acceptable for appointment in terms of the special character of the school or of the advertisement calling for applicants with particular capabilities.” 20
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(12) Section 165A of the Education Act 1964 (as inserted by section 31 of the Education Amendment Act (No. 2) 1974) is hereby amended by inserting in subsection (2), after the words “under Part III of this Act”, the words “or in any integrated school”. 35

(13) Section 174 of the Education Act 1964 (as amended by subsection (2) of section 14 of the Education Amendment Act (No. 2) 1974) is hereby further amended by inserting in paragraph (b) of subsection (2), after the words “secondary school” where those words first appear, the words “integrated school”. 40

(14) Section 201A of the Education Act 1964 (as inserted by section 37 of the Education Amendment Act (No. 2) 1974) is hereby amended by inserting in subsection (1) in the definition of the term "school", after the words "a composite school", the words "an integrated school".

(15) Section 2 of the Superannuation Act 1956 is hereby amended by inserting in the definition of the expression "Education service", after paragraph (h), the following paragraph:

10 “(i) Under the controlling authority of a school that has been integrated in accordance with the provisions of the Private Schools Conditional Integration Act 1975.”

(16) Section 2 of the State Services Remuneration and
15 Conditions of Employment Act 1969 is hereby amended by inserting in subsection (1) in the definition of the expression "Education service", after the words "Education Act 1964", the words "and includes employment in a teaching position in an integrated school within the meaning of the Private
20 Schools Conditional Integration Act 1975".