

[AS REPORTED FROM THE EDUCATION COMMITTEE]

*House of Representatives, 3 October 1975.*

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

*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, and different dates may be so appointed for the purpose of different provisions of this Act.

**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:

15 (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:

(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 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; and includes a supplementary agreement entered into pursuant to that section:

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“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, which or who have the primary responsibility for supervising the maintenance of the special character of the school, or 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: 20

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

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

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

(iii) A State school shall be read as including a reference to an integrated school. 30

## PART I

### CONDITIONAL INTEGRATION

**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. 35

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

**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 empowered to own land under an enactment of the General Assembly of New Zealand. Any such Proprietors shall have all such powers as are necessary to enable them to enter into an integration agreement.

*New*

(3A) Every such integration agreement shall record the agreement of the Proprietors that no person employed at the school and paid for his services in whole or in part out of money appropriated by Parliament shall be paid by the Proprietors or their servants or agents any remuneration additional to that provided for by this Act, or shall be granted or permitted any condition of service more favourable than that permitted in the case of a person employed in a State school.

(3B) Any such integration agreement may record such terms and conditions relating to the integration of the school and not contrary to the express provisions of this Act as may be agreed between the Minister and the Proprietors, notwithstanding that specific provision for such terms or such conditions is not provided for in this Act.

(3c) Without restricting the provisions that may be included in an integration agreement, any integration agreement may include provisions for all or any of the following matters:

- (a) Specifying the land and buildings which shall constitute the integrated school to which the agreement refers:
- (b) Specifying any part of the land or buildings owned by the Proprietors and used in conjunction with the school before integration which shall not constitute part of the integrated school:

*New*

- (c) Describing the education with a special character for which the school was originally established:
- 5 (d) Naming the controlling authority of the school upon integration:
- (e) Recommending the composition of the controlling authority of an integrated secondary, composite, or special school:
- 10 (f) Prescribing the religious instruction and observances which are to form part of the school programme after integration, which instruction and observances may be prescribed in terms providing that they shall be such as accord with practices, rites, and doctrines of a designated religious or philosophical body as from time to time determined by a designated member or designated members of that body:
- 15 (g) Providing for the determination from time to time of the maximum number of pupils who may be enrolled in the school:
- 20 (h) Permitting limitation of the number of children not given preference of enrolment under the provisions of section 29 of this Act who shall be required to be enrolled if places are available:
- 25       Provided that in determining the basis of such limitation regard shall be had only to the necessity of preserving and safeguarding the education with a special character which the school provides:
- (i) Any other particular matter which bears upon the education with a special character for which the school was originally established:
- 30 (j) Any other matter which this Act provides or contemplates may be the subject of provision in the integration agreement.

35 (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.

40 (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.

(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.

(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 section 51A of the Education Act 1964 (as inserted by section 80 (6) of this Act) to represent the Proprietors on the Education 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.

(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—**

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  
5 other case where the Minister so approves, an integration agreement in respect of the school shall, notwithstanding 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 **10. Notification of integration agreement—**Every integration agreement shall be notified in the *Gazette*, and a copy of every such agreement shall be retained by the Director-General and shall be available for inspection without charge by any member of the public.

15 **11. Cancellation of integration agreement by Minister—**

(1) When it appears to the Minister that the Proprietors or 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 agree-  
20 ment, 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  
25 from the time of the cancellation.

(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  
30 186 of the Education Act 1964 for the registration of the school as a private school.

**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  
35 consultations required by the said section 11, disestablish and close the school.

**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  
40 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.

(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.

(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 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.

*New*

(4) When an integration agreement is cancelled pursuant to subsection (1) of this section and the school that is the subject of that agreement is established or re-established as a registered private school, the Proprietors of that school shall be eligible for grants and other assistance as provided for by section 192 of the Education Act 1964 on the same terms and subject to the same conditions as such grants and other assistance are provided to the Proprietors of other registered private schools on the date of the cancellation of the agreement and from time to time thereafter.

**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,—

(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

(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

(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.

(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.

(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*.

**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:

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 advanced otherwise than by way of loan to be 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:

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.

(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.

(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 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 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 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.

*New*

(6A) Any payments or repayments required by or pursuant to subsection (2) or subsection (6) of this section may be made by such instalments or otherwise over such period of time as the Minister (in the case of any payment to be made pursuant to subsection (2) of this section) or the Director-General (in the case of any payment to be made pursuant to subsection (6) of this section) may from time to time determine.

(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 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 (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

*Struck Out*

**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.

*New*

**19. Administration of integrated schools**—(1) 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 an integrated school. 5

(2) 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. 10

**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 40

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 so created shall be filled in the manner in which the appoint-  
40 ment 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
- (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 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
- (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
- (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**

**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 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 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 at least one member who is appointed on the nomination of the Proprietors of the School.

(6) The powers of control and management conferred by subsection (1) [(3), and] to (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

#### *New*

(3) Notwithstanding anything in the foregoing provisions of this section, in any case where a child is considered by the Director-General, acting pursuant to section 114 of the Education Act 1964, to require special tuition, the provisions of the Education Act 1964 relating to special education shall apply, and the child shall not be enrolled at an integrated school unless the Director-General so approves. 35

**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. 40

**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:

- 5 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.

**32. Religious observances and religious instruction**—

- 10 (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 school, these shall continue to form part of the school programme in accordance with the terms and conditions  
15 prescribed in the integration agreement relating to that school.

*Struck Out*

- (2) Where religious observances and religious instruction form part of the education with a special character provided by an integrated school, the school shall be responsive to the  
20 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 whether or not they wish him to participate in religious  
25 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.

*New*

- (2) Where religious observances and religious instruction  
30 form part of the education with a special character provided by an integrated school, that school shall be responsive to the sensitivities of pupils and parents of different religious or philosophical affiliations, and shall not require its pupils to participate in religious observances and religious instruction  
35 concerned with particular observances if the parents of the pupils state at any time that they do not wish the pupils so to participate.

- 33. Integrated schools as contributing schools**—(1) Unless  
40 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 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 provisions of the Education Act 1964. 5

**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), 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. 10

**35. Free education**—(1) 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. 15

(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. 20

*New*

**35A. Attendance dues**—(1) If the integration agreement in respect of the school so provides, the Proprietors of an integrated school may enter into an agreement with the parents or other persons accepting responsibility for the education of a child providing that, as a condition of the enrolment and attendance of that child at that school, the parents or other person shall pay attendance dues. 25 30

(2) The said dues shall be payable in respect of such school or group of schools, and at such rates, and subject to such conditions, as may be approved from time to time by the Minister, by notice in the *Gazette*. 35

(3) Revenue received by the Proprietors from attendance dues shall be used solely for the purpose of paying for such improvements to the school buildings and associated facilities as may be required by the integration agreement pursuant to section 38A (2) (c) of this Act, or for such capital works as may be required by the Minister pursuant to section 38A (2) 40

## New

(d) of this Act, or for meeting debts, mortgages, liens, or other charges associated with the land and the buildings that constitute the school premises.

5 (4) No revenue received by the Proprietors from attendance dues shall be used to provide or improve the school buildings and associated facilities to a standard higher than that approved from time to time by the Director-General as appropriate for a comparable State school.

10 (5) Should any Proprietor use any revenue from attendance dues for any purpose other than one permitted by this section, the Minister may, notwithstanding anything in the integration agreement, by notice in the *Gazette*, withdraw the right to charge attendance dues, and the controlling  
15 authority shall thereafter, while the withdrawal continues, be required to permit the attendance of children without the payment of attendance dues. The Minister may at any time, by notice in the *Gazette*, cancel any such withdrawal.

(6) Should any parent or other person who has accepted  
20 the responsibility for the education of a child, and has pursuant to subsection (1) of this section entered into an agreement to pay attendance dues, fail to make such payment, any payment not so made shall be recoverable from that parent or person in any Court of competent jurisdiction as a  
25 debt due to the Proprietors.

(7) Any such failure to make payment shall constitute grounds for the Principal of the school to suspend the child from attendance at that school and to remove his name from the school register:

30 Provided that no child shall be so suspended and have his name removed from the school register until arrangements have been made to the satisfaction of the appropriate District Senior Inspector of Schools for the child to be enrolled at some other school.

35 (8) Each Proprietor who is permitted to charge attendance dues shall keep accounts in a manner approved by the Director-General showing total receipts of dues and the true disposition of the revenue. These accounts shall be balanced at a date each year approved by the Director-General, and  
40 shall be audited by a chartered accountant. The Proprietor shall send a true copy of the accounts together with the auditor's report on them to the Director-General by a date to be approved by the Director-General.

**36. Financial contributions**—(1) In addition to the authority vested in them by section 35A of this Act, 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. 5 10

(2) Financial contributions other than attendance dues 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. 15 20

(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. 25 30

**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. 35

**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. 40



New

PART VA

PROPRIETORS OF AN INTEGRATED SCHOOL

5 38A. 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.

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

10 (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

15 (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

20 (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 in order to maintain the school, its buildings, and its associated facilities at the minimum standard laid down from time to time by the Director-General for comparable State schools; and

25 (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

30 (f) May, in conjunction with the controlling authority, make provision for the accommodation of pupils living away from home, including such provision for pupils attending primary schools; and

*New*

(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 arrange with their insurers that the policy of such insurance shall be endorsed to the effect that the benefit of the indemnity provided by the policy shall extend to the Minister in respect of any such buildings, chattels, and other assets paid for in whole or in part by loan or grant made out of money appropriated by Parliament: 10

Provided that, in any case where the Proprietors have not arranged with their insurers for the benefit of any such policy to extend to the Minister, no money appropriated by Parliament shall be used to pay any part of the cost of repairing or replacing any such buildings, chattels, or other assets which have been destroyed or damaged from any cause whatsoever: 15 20

Provided also that any additional charges by way of premium made by the insurer in respect of the extension of the benefit of any such policy of insurance to the Minister shall not be met out of money appropriated by Parliament; and 25

(i) Shall, together with its servants, agents, and licensees, have at all reasonable times access to the school to ensure that the special character of the school is being maintained: 30

Provided that, subject to section 38B of this Act, such right of access shall not give the Proprietor the right to question the curriculum or the teaching methods adopted by the teachers, both of which shall, subject to the provisions of the Education Act 1964 and of this Act, be controlled by the Principal of the school. 35

**38B. Rights of Proprietors in relation to special character of school**—If a Proprietor, having visited a school pursuant to section 38A (2) (i) of this Act, has cause to believe that the special character of the school as defined in the integration agreement has been or is likely to be jeopardised, or that the education with the special character provided by the school 40

*New*

as defined in the integration agreement is no longer preserved and safeguarded, he may refer the matter to the Chairman of the Integration Standing Committee, who shall as soon as practicable call a special meeting of the Committee to consider the matter.

**38c. 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 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 concurrence 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.

**38D. 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, including such provision for pupils attending primary schools.

**38E. 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 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

(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.

*New*

(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. 5

(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. 10

## PART VI

## ENROLMENT REVIEW COMMITTEES FOR INTEGRATED SCHOOLS 15

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

- (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 25
- (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 30
- (e) One member to be appointed by the Education Board on the nomination of the National Executive of the New Zealand Educational Institute; and 35
- (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—

- 5 (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
- 10 (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
- 15 (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
- 20 (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

25 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

30 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

35 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

40 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. 5

**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 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 15

(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 Committee, 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 25

**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. 30

(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. 35

(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  
5 so appointed shall be appointed for the residue of the term 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  
10 his successor comes into office, notwithstanding that the 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.

15 (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  
20 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  
25 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  
30 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  
35 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  
40 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  
45 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)* the provisions of section 29 of this Act and to the
- 5 terms of the integration agreement, and (subject to the said section 29 and the integration agreement) shall be guided by the following criteria:
- (a) Integration must not jeopardise the special character of the school:
  - 10 (b) Enrolment policies must not be based on a deliberate policy of exclusion not provided for by the integration agreement:
  - (c) Problems of accommodation as they affect State and integrated schools.

- 15 **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
- 20 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.

*Struck Out*

*Proprietors of an Integrated School*

- 25 **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.
- (2) Subject to the provisions of subsection (1) of this
- 30 section, the Proprietors of an integrated school—
- (a) Shall own or hold upon trust the land and buildings that are specified in the integration agreement as constituting the school premises; and
  - 35 (b) Shall accept and meet the liability for all mortgages, liens, and other charges upon the said land and buildings; and
  - (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
  - 40 facilities, as may be required in accordance with the

*Struck Out*

- 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 5
- (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 10
- (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 15
- (f) May, in conjunction with the controlling authority, make provision for the accommodation of pupils living away from home; and
- (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 20
- (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 and by an integration agreement. 30

**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 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 concurrence of the Minister of Finance, determines. 35

(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. 40

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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  
5 Proprietors of the integrated school, make provision for the accommodation of pupils living away from home.

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 commit-  
10 ments accepted by them under the integration agreement, they shall notify the Minister accordingly. Upon being so notified, the Minister may, in his discretion and after such consultation with the Proprietors as he thinks necessary in any such case,—

15 (a) Cancel and annul the integration agreement in accordance with section 11 of this Act; or

(b) Close the school pursuant to section 12 of this Act;  
or

20 (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.

25 (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.

30 (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  
35 situated shall, on the direction of the Minister, establish that school as a State school.

## PART VII

## TRAINING, APPOINTMENT, AND EMPLOYMENT OF TEACHERS

*Teachers Colleges***56. Integration in relation to State teachers colleges—**

(1) After the commencement of this Act any person intending 5  
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 10  
authority for such training on the same conditions and  
subject to the same selection procedures as other applicants.

(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 15  
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.

**57. Private teachers colleges—**(1) After the commence-  
ment of this Act, no educational institution for the training 20  
of persons as teachers within the meaning of the Education  
Act 1964 shall be established without the approval of the  
Minister.

(2) Any such private teachers college as aforesaid that  
was established before the commencement of this Act may 25  
continue to enrol and train students who desire the training  
available at such a private teachers college.

(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 30  
same student bursaries or allowances on the same conditions  
as are payable and applicable to students in State teachers  
colleges:

Provided that any student accepted for entry to Loreto Hall  
after the commencement of this Act shall be paid a bursary 35  
or allowance as aforesaid only if he meets such conditions as  
may be specified from time to time by the Director-General.

New

5 (3A) Any graduate from Loreto Hall who has been paid a bursary or allowance as aforesaid and who in terms of regulations made under the Education Act 1964 is qualified as a teacher shall be appointed to a teaching position in accordance with regulations made pursuant to the Education Act 1964.

10 (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.

15 (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.

20 (6) The general structure of each course of study at Loreto 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.

New

25 (7) The foregoing provisions of this section relating to Loreto Hall and to students attending Loreto Hall shall, if the Minister (by notice in the *Gazette*) so approves, be applied in respect of any teachers college established in place of the said Loreto Hall.

30 (8) Nothing in the foregoing provisions of this section shall be read as meaning or indicating that Loreto Hall or any teachers college to which subsection (7) of this section applies is to be an integrated school.

35 **58. Bonds for entry to teaching—**(1) Any student accepted for training as a teacher in accordance with section 56 of 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 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 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 liable thereon. 5

(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* 10

**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 15

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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. 20

#### *New*

shall specify that the Appointments Committee, when considering an appointment to an integrated school, shall have one additional member representative of that school.

(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*) that school shall hold office with all the rights, duties, and responsibilities of the other members of the Appointments Committee. 30

(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 40

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.

5 (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  
10 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.

(3) Where a teacher in an integrated primary school  
15 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 relating to the special character of the school from which the teacher is to be transferred and the school to which he  
20 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 teacher in an integrated primary school whose salary is protected by the provisions of section 68 of this Act to a  
25 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 the Teachers Court of Appeal and the transfer has in accordance with subsection (5) of section 152 of the Education  
30 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.

*Appointment of Secondary Teachers*

35 **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:

*New*

40 Provided that any regulations so made shall take account of the necessity of maintaining the special character of that school.

*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,— 5

- (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 10 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 advertise- 15 ment for that position that a willingness and ability 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, 20 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:
- (c) The controlling authority shall designate such other 25 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 advertise- 30 ments for the positions that willingness and ability to take part in religious instruction appropriate to that school shall be a condition of appointment:
- (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 35 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 40 Teacher Junior Classes that a willingness and ability to take part in religious instruction appropriate to that school shall be a condition of appointment.



(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.

(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.

**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.

**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.

**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)* the integrated school may consult with a Consultative Advisory Group of not more than 3 persons representative of the interests of *(the school in respect of which applicants for positions are being considered)* that school. The Consultative Advisory Group shall be appointed by the Proprietors of that school.

(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. 5

(3) The member of the District Appointments Committee representing (*integrated schools*) that school shall be present with the Consultative Advisory Group while it is consulting referees, interviewing applicants, and during its deliberations. 10

(4) After consultation with the Consultative Advisory Group, the member of the District Appointments Committee representing (*integrated schools*) that school 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 particular capabilities, are acceptable for appointment. 15

(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 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. 20 25

(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. 30 35

#### *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. 40

(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.

10 (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 15 the salary rate appropriate to the position:

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.

20 **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, 25 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:

30 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.

(2) A teacher who takes up a position in an integrated 35 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

### TRANSITIONAL PROVISIONS

40 **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:

- (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
- (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 integration: 5
- (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. 15

(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. 20

(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. 25

(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. 30

(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: 35

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. 40

(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 45

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.

*Struck Out*

10 **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:

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

*New*

20 **69. Other employees**—(1) 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 from the effective date of integration.

25 (2) If the position in which that person was employed has a parallel or close parallel in a State school, that person may be re-employed by the controlling authority in such parallel position and be paid out of money appropriated by Parliament for the purpose the same salary as he would be paid for comparable service in a State school.

30 (3) The provisions of the Education Boards Employment Regulations 1958 and of any regulations in amendment thereof or substitution therefor shall apply to any such person whose conditions of employment are not for the time being fixed by any award of the Industrial Commission, or by any agreement registered under the Industrial Relations Act 1973, or by any order made under section 13 of the Apprentices Act 1948, or by any order or determination made under the State Services Remuneration and Conditions of Employment Act 1969.

35 (4) With any necessary modifications the provisions of section 68 (7) of this Act shall apply to every person employed in an integrated school in a capacity other than that as a teacher.

**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 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. 5

**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 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 as required by section 148 of the Education Act 1964, as substituted by section 29 of the Education Amendment Act (No. 2) 1974. 10 15 20

(2) No religious or lay teacher permanently appointed to a teaching position in a private school that is a composite 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 regulations made under that Act for appointment as a teacher in such a school. 25 30

(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 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. 35

**72. Security of tenure of teachers—**(1) A teacher who holds in a private school a position as a permanently 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 40

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  
10 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:

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  
20 provisions of the Education Act 1964 and regulations made under that Act.

(4) Notwithstanding anything in section 68 of this Act, any teacher to whom the foregoing provisions of this section  
25 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.

**73. Certification, assessment, and classification of teachers**  
30 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  
35 District Senior Inspector, with a Trained Teachers Certificate and have his name registered in the Register of Teachers.

(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 assess-  
40 ment of primary teachers made pursuant to the Education Act 1964.

(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. 5

(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. 10

**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: 15 20

- (a) The teacher was 60 years of age or older on the date of integration; and 25
- (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 30
- (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. 35

(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. 40



(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  
5 by Parliament.

## 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  
10 integrated school shall cease to be eligible for any grant or other assistance provided for by section 192 of the Education Act 1964.

(2) Notwithstanding the provisions of subsection (1) of this section, any obligation or other commitment of any kind  
15 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  
20 integration agreement.

**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  
25 to a teacher in an integrated school, the provisions of sections 199 and 200 of the Education Act 1964 shall apply.

(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  
30 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.

**77. Relation of this Act to Education Act 1964—**(1) In any case where this Act and the Education Act 1964  
35 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.

(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.

**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  
*Struck Out*

Majesty the Queen and the Board of Governors of St Stephen's and Queen Victoria Schools, and the Te Aute Trust Board Incorporated. 10

*New*

Majesty the Queen and the St. Stephen's and Queen Victoria Schools Trust Board and the Te Aute Trust Board Incorporated. 15

**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:
- (b) Providing for the general control, management, organisation, finance, and conduct of integrated schools. 20

(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 regulations made under this Act shall apply. 25

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

“(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.” 30

(2) Section 15 of the Education Act 1964 is hereby amended by adding to subsection (2) the following paragraph: 35

- “(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 amended by inserting, after subsection (2A), the following subsection:

5 “(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 regulations made under this Act.”

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

10 “(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:

15 “(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.”

20 (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  
25 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  
30 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  
35 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  
40 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  
45 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 as these wishes can be ascertained.

“(5) If on the coming into force of subsection (5) of (section 79) section 80 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 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.”

(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 inserting, 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 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 instruction 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 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:

"(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:

"(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."

(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."

(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”. 5

(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”. 10

(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

(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: 20

“(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 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 Schools Conditional Integration Act 1975”. 25 30