

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Wednesday, the 11th Day of September 1968

EDUCATION AMENDMENT BILL

Proposed Amendments

HON. MR. KINSELLA, in Committee, to move the following amendments:

New clauses 1A and 1B: To insert, after clause 1, the following new clauses:

1A. Constitution of new education districts—Section 12 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) At any time after the constitution of a new education district, the Minister may—

“(a) Apportion or provide for the apportionment of any money held by any Board whose district, immediately before the constitution of the new district, included the whole or part of the new district:

“(b) By notice published in the *Gazette*, provide for all matters which become necessary because of the establishment of the new district.”

1B. Alteration of boundaries of education districts—(1) The principal Act is hereby amended by repealing section 13, and substituting the following section:

“13. (1) The Minister may, after consideration of the recommendations (if any) of the Education Districts Boundaries Commissioner and after consultation with the Boards concerned, by notice published in the *Gazette*, alter the boundaries of any two contiguous education districts by the exclusion of any defined area from one such district and its inclusion in the other district.

“(2) On the date specified in any notice by the Minister under this section, all school sites situated within any area that, by virtue of the notice, has been excluded from any district, and any other real or personal property vested in the Board of the district from which that area has been so excluded, and held by it for the purposes of any school within that area, shall, without conveyance or transfer or assignment, vest in the Board

of the district within which the area has been included for the estate or interest therein of the Board in which the property was theretofore vested. On application by the Board in which any land or any estate or interest in land is vested pursuant to this section, the District Land Registrar, on being satisfied as to the title of that Board, shall, without payment of any fee, make such entries in the register books and in any outstanding documents of title as may be necessary to give effect to the provisions of this section.

“(3) The Minister may, by notice published in the *Gazette*, declare that any island which is within the territorial limits of New Zealand, and which does not form part of any county, borough, or town district, shall be deemed to be within and to form part of such education district as may be specified in that behalf in the notice.”

(2) Section 3 of the Education Amendment Act 1967 is hereby consequentially repealed.

New clauses 3A to 3F: To insert, after clause 3, the following new clauses:

3A. Committees for intermediate schools—(1) Section 41 of the principal Act is hereby amended—

(a) By omitting from subsection (1) the words “the pupils attending the school”, and substituting the words “the pupils who are attending either the intermediate school or any other school which has been determined by the Minister to be a contributing school in relation to the intermediate school”:

(b) By omitting from subsection (2) the word “pupils”, and substituting the words “the pupils specified in subsection (1) of this section”.

3B. Variation of constitution of governing body of secondary school—Section 50 of the principal Act is hereby amended by omitting from the proviso to subsection (1) the words “Governor-General, on the advice of the Minister given after consultation with the governing body, may, by Order in Council”, and substituting the words “Minister may, after consultation with the governing body, by notice published in the *Gazette*”.

3C. Constitution of Board of Governors for secondary school—Section 51 of the principal Act is hereby amended by omitting the words “Governor-General, by Order in Council”, and substituting the words “Minister, by notice published in the *Gazette*”.

3D. Control of groups of secondary schools—Section 57 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Notwithstanding anything in this Act or any other Act, the Minister may, on application being made to him for the purpose by the governing bodies of three or more secondary schools, by notice published in the *Gazette*, from time to time establish for the purposes of this section, as from a date to be specified in the notice, a Secondary Schools Council in respect of those schools.”

3E. Variation of constitution of governing body of technical institute—Section 68 of the principal Act is hereby amended by omitting from the proviso the words “Governor-General may, by Order in Council”, and substituting the words “Minister may, by notice published in the *Gazette*”.

3F. Constitution of Board of Governors for technical institute—Section 69 of the principal Act is hereby amended—

(a) By omitting from subsection (2) the words “Governor-General may from time to time, by Order in Council”, and substituting the words “Minister may from time to time, by notice published in the *Gazette*”;

(b) By omitting from subsection (3) the word “order”, and substituting the word “notice”.

New clause 9A: To insert, after clause 9, the following new clause:

9A. Extent of application of Industrial Conciliation and Arbitration Act 1954—The principal Act is hereby amended by inserting, after section 164b, as inserted by section 8 of the Education Amendment Act 1965, the following section:

“164E. (1) Except as otherwise provided in this section, the provisions of the Industrial Conciliation and Arbitration Act 1954 and the provisions of the Labour Disputes Investigation Act 1913 shall not apply to employees of the Education service within the meaning of the Government Service Tribunal Act 1965 in respect of whom the Director-General is required to make teachers determinations or (in relation to those employees) to the employers of those employees.

“(2) The provisions of Part III (except section 57 and paragraph (k) of section 66), Part IV, and Part X of the Industrial Conciliation and Arbitration Act 1954 shall apply to every industrial union or association of those employees of the Education service and to every industrial union or association of employers of those employees and, so far as those provisions relate to officers and members of any such union or association, to those officers and members.”

EXPLANATORY NOTE

New clause 1A: This clause substitutes a new subsection (3) of section 12 of the principal Act so as to provide that, where a new education district is constituted, the powers to apportion money held by the old Board, and to provide for all matters which become necessary because of the establishment of the new district, may be exercised by the Minister instead of by the Governor-General in Council.

New clause 1B: This clause redrafts section 13 of the principal Act so as to transfer to the Minister the powers in relation to the alteration of the boundaries of education districts which are at present exercisable by the Governor-General by Order in Council.

New section 3A: Under section 41 of the principal Act the committee for an intermediate school is elected by the parents or guardians of the pupils attending the school. The clause amends the section so as to provide that the committee for an intermediate school shall be elected by the parents or guardians of pupils who are attending either that school or a contributing school in relation to that school.

New clause 3B: This clause amends the proviso to section 50 (1) of the principal Act so as to transfer to the Minister the power of varying the constitution of the governing bodies of secondary schools that were established before the commencement of the principal Act. This power is at present exercisable by the Governor-General by Order in Council.

New clause 3C: This clause amends section 51 of the principal Act so as to transfer to the Minister the power of constituting or reconstituting the Board of Governors of any secondary school established after the commencement of the principal Act. This power is at present exercisable by the Governor-General by Order in Council.

New clause 3D: This clause redrafts section 57 (1) of the principal Act so as to transfer to the Minister the power of establishing a Secondary Schools Council for a group of Secondary Schools. This power is at present exercisable by the Governor-General by Order in Council.

New clause 3E: This clause amends section 68 of the principal Act so as to transfer to the Minister the power of varying the constitution or name of the governing body of a technical institute that has been established before the commencement of the principal Act. This power is at present exercisable by the Governor-General by Order in Council.

New clause 3F: This clause amends section 69 of the principal Act so as to transfer to the Minister the power of providing for the constitution or reconstitution of the Boards of Governors of technical institutes to which the section applies. This power is at present exercisable by the Governor-General by Order in Council.

New clause 9A: This clause inserts in the principal Act a new section 164E which defines the extent to which the Industrial Conciliation and Arbitration Act 1953 shall apply to employees of the Education service in respect of whom the Director-General is required to make teachers determinations, and to the employers of those employees. The provision is adapted from section 44 of the Waterfront Industry Act 1953, as inserted by section 19 of the Waterfront Industry Amendment Act 1964.