

Serial Number 1941/231.



**THE TEACHERS (CONSCIENTIOUS OBJECTORS AND
DEFAULTERS) REGULATIONS 1941.**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 10th day of
December, 1941.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Teachers (Conscientious Objectors and Defaulters) Regulations 1941.

DEFINITIONS.

2. (1) In these regulations, unless the context otherwise requires :—

“ Minister ” means the Minister of Education :

“ School ” means a public school, a secondary school, a technical school, or combined school within the meaning of the Education Act, 1914, or a school under the control of the Education Department, and includes a teachers’ training college :

“ Teacher ” means a full-time or part-time teacher employed in any school or at a manual training centre, and includes a training-college student, a student teacher in a technical or combined school, and a probationary assistant in any school.

(2) Expressions used in these regulations and defined in the National Service Emergency Regulations 1940* have the meanings assigned thereto by those regulations.

(3) Expressions used in these regulations and defined in the Teachers Emergency Regulations 1941† have the meanings assigned thereto by those regulations.

* Statutory Regulations 1940, Serial number 1940/117, page 381.

† Statutory Regulations 1941, Serial number 1941/211, page 638.

APPLICATION OF THESE REGULATIONS.

3. (1) Nothing in these regulations as to conscientious objectors or defaulters shall apply with respect to any teacher who for the time being is actually serving as a member of any of the armed forces.

(2) If any teacher to whom these regulations are for the time applicable actually accepts service with any of the armed forces, these regulations shall cease to apply to him on his acceptance of such service, and thereupon he shall, so far as is possible without prejudice to the rights of any other teacher, have the rights and privileges conferred on teachers (being members of the Forces) by the Teachers Emergency Regulations 1941.*

(3) For the purposes of the last preceding subclause, a certificate addressed to the Director of Education and signed by any authorized officer to the effect that any person named therein has accepted service or has served with the armed forces shall be conclusive evidence of the facts certified to.

(4) Except as hereinbefore provided, these regulations shall apply with respect to every teacher who, having before or after the commencement of these regulations been called up for service with the armed forces in accordance with the National Service Emergency Regulations 1940—

- (a) Has heretofore appealed or hereafter appeals, in accordance with those regulations, on the ground that he conscientiously objects to serving with the armed forces (whether or not the appeal is also made on other grounds); or
- (b) Has heretofore been or is hereafter convicted of any of the offences referred to in subclause (1) of clause 44A of the National Service Emergency Regulations 1940.†

CONSCIENTIOUS OBJECTORS.

4. (1) On receipt of a notice of appeal under the National Service Emergency Regulations 1940 by any teacher on the ground that he conscientiously objects to serving with the armed forces, the Director of National Service shall give to the Director of Education notice in writing of the name and address of the appellant and of the fact that he has appealed on the said ground.

(2) On receipt of a notice under the last preceding subclause the Director of Education shall forthwith notify the education authority by which the teacher is employed of the facts and, within seven days after receipt of a notification from the Director of Education, the education authority shall give to the teacher concerned a notice that, on the expiration of one month from the date of the notice, he will be deemed to be on leave of absence from his position without pay for the duration of the war, and the teacher shall be deemed to have been granted leave of absence accordingly.

(3) If the education authority concerned is of opinion that the influence of any teacher to whom a notice has been given under this clause is prejudicial to the school or to the children under his control, by reason of his expressed opinions or of his general attitude in relation

* Statutory Regulations 1941, Serial number 1941/211, page 638.

† Statutory Regulations 1941, Serial number 1941/148, page 479.

to the present war, it may require him to commence his leave of absence on an earlier date, but in any such case the teacher shall be entitled to be paid for the full period of one month from the date of the notice.

5. (1) The following provisions of this clause shall apply in any case where any teacher has before the commencement of these regulations appealed on the ground that he conscientiously objects to serving with the armed forces (whether or not the appeal has been determined before the commencement of these regulations).

(2) In any case to which this clause applies the Director of National Service shall, if practicable, give to the Director of Education a notice corresponding to the notice under clause 4 hereof, and the Director of Education shall forthwith notify the education authority concerned.

(3) Where the education authority concerned has received knowledge of the appeal, whether such knowledge has been derived from a notice under the last preceding subclause or from any other source, it shall, if it has not already suspended or dismissed the teacher concerned, give to him a notice in accordance with the last preceding clause.

(4) If the education authority has already suspended or dismissed any such teacher, the notice of suspension or dismissal shall be deemed to be revoked, and the teacher shall, on the date on which his suspension or dismissal took effect, be deemed to have been granted leave of absence from his position for the duration of the war and shall be entitled to pay for the period of one month from the date of his suspension or dismissal and shall thereafter be deemed to be on leave of absence without pay :

Provided that if any education authority has heretofore paid or has heretofore agreed to pay to any teacher to whom this clause applies more than one month's pay from the date of his suspension or dismissal, the education authority shall be deemed to have been or to be lawfully authorized to make such payment.

TEACHERS WHO ARE DEFAULTERS.

6. Any teacher who has heretofore been or is hereafter convicted of any of the offences referred to in subclause (1) of Regulation 44A of the National Service Emergency Regulations 1940 may, with the concurrence of the Minister, be dismissed without notice by the education authority by which he is employed, and if he is not dismissed shall be granted leave of absence for the duration of the war as if he had appealed on the ground that he conscientiously objects to serving with the armed forces.

WAR VACANCIES.

7. The granting of leave of absence in accordance with these regulations to any teacher shall be deemed to create a war vacancy within the meaning of the Teachers Emergency Regulations 1941, but no such teacher shall be entitled to any of the rights or privileges conferred by those regulations on teachers who are granted leave of absence to enable them to comply with their obligations as members of the Forces.

SAVING OF EXISTING PERMANENT APPOINTMENTS.

8. Notwithstanding anything in the foregoing provisions of these regulations, if, at any time before the commencement of these regulations, a permanent appointment has been made to any position rendered vacant by the dismissal of a teacher on any of the grounds referred to in clause 5 or in clause 6 hereof, that appointment shall not be deemed to be affected by these regulations, and in any such case the teacher who has been dismissed shall, unless his dismissal is concurred in by the Minister, be deemed to have been appointed a supernumerary teacher and to have been granted leave of absence from his position as a supernumerary teacher.

T. R. AICKIN,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 11th day of December, 1941.
These regulations are administered in the Education Department.