

New Zealand.



AMENDED: See Act 1915 No. 7, 73

AMENDED: See Act 1916 No. 13

AMENDED: See Act 1917 No. 28

AMENDED: See Act 1918 No. 10, 24

AMENDED: See Act 1919 No. 29

AMENDED: See Act 1920 No. 64

AMENDED: See Act, 1921 No. 27

AMENDED: SEE ACT, 1923 NO. 44

AMENDED: SEE ACT, 1924 NO. 50

ANALYSIS.

Title.

1. Short Title and commencement. Division into Parts.
2. Interpretation.

PART I.

DEPARTMENT OF EDUCATION.

3. Department of Education.
4. Minister of Education.
5. Officers of Department.
6. Expenses of administration to be appropriated by Parliament.
7. Act not to affect Industrial Schools Act or industrial schools, unless otherwise specified.

PART II.

COUNCIL OF EDUCATION.

General Council.

8. Constitution of General Council of Education.
9. Appointment or election of members of General Council. Term of office. Casual vacancies.
10. Meetings of General Council.

District Advisory Committees.

11. District Advisory Committees.
12. Payment of travelling-expenses of members of General Council and District Advisory Committees.

PART III.

EDUCATION BOARDS.

Education Districts.

13. Education districts. Redefinition of education districts on constituting new counties therein.
14. Division of rural areas into wards.

Constitution of Boards.

15. Constitution of Education Boards.
16. Vacation of office by retiring members.
17. First election of Board for new education district.
18. Mode of filling vacancies where sufficient number of candidates not nominated.
19. Qualification of members of Board.
20. Disqualification of members.
21. Provision for vacancy in Board.
22. Acts of Board not to be questioned for informality, &c.
23. Commencement

Incorporation of Boards.

24. Boards incorporated.
25. Certain property to vest in Boards constituted under this Act.

Secretary and Officers of Boards.

26. Board may appoint Secretary and other officers.
27. Duties of Secretary.

Meetings of Boards.

28. First and other meetings of Board.
29. Quorum of Boards. Chairman to be elected.
30. Minutes to be kept.
31. Refund of members' travelling-expenses.

Powers and Duties of Boards.

32. General powers and duties of Board.

The Board Fund. Accounts of Boards.

33. Board Fund, of what to consist. Special funds.
34. Accounts to be kept by Board.
35. Education Board Account.
36. Disposal of funds of Board.
37. Subsidies from public funds for school and class libraries. Board may subsidize such libraries.
38. Accounts to be kept.
39. Board to forward annual report of proceedings to Minister.

PART IV.

SCHOOL COMMITTEES.

40. School districts.
41. School Committees.
42. Qualification of members of School Committees.
43. Annual meeting of householders for election of School Committee.

Meetings of School Committees.

44. First meeting of School Committee. Election of Chairman. Chairman to have casting-vote. Minutes of meetings, &c.
45. Meetings, how convened. Notice of certain business to be given.
46. Clerk and treasurer may be appointed.
47. Committee failing to meet, to cease to exist.
48. Appearance in legal proceedings.

Powers and Duties of School Committees.

49. Committee to have management of schools, &c. Appointment of sewing teachers. Savings-banks.

School Fund.

50. School Fund.
51. Application of section 33 to School Fund. Funds may be lodged in Post Office Savings-bank.
52. Audit of Committee's accounts.
53. Committee to forward annual report to Board.

PART V.

PUBLIC SCHOOLS.

Establishment of Public Schools.

54. Board may establish schools, &c., for primary, secondary, and technical education. Itinerant teachers may be appointed.
55. Trustees of school may agree to place same under control of Board.

Management of Public Schools.

56. Children above school age not to be on roll of public school. Conduct of public schools.
57. Physical drill to be taught in public schools. Exemptions. Military drill in public schools.
58. Expulsion of children in certain cases.

Compulsory Education. Exemptions.

59. Every child between seven and fourteen years to attend school.
60. Certificate of exemption.
61. Penalty for failure to enrol child.
62. Penalty for irregular attendance of children at school.
63. Proceedings for penalties.
64. Truant Officers.
65. Evidence of appointment of officers, &c.
66. Evidence of school roll.
67. Onus of proof on parents.
68. Fines to be paid into School or Board Fund.
69. Native schools.

Good-attendance Certificates.

70. Certificates of good attendance.

PART VI.

TEACHERS IN PUBLIC SCHOOLS.

Appointment of Teachers.

71. Appointment of teachers, &c.
72. Committee may make recommendations as to appointment, &c., of teachers.
73. Provisions regarding proposed transfers of teachers.
74. Teachers of schools in office to continue in same.

Staff of Public Schools.

75. Grades of public schools.
76. Grades of head and assistant teachers' salaries.
77. Number of teachers and pupil-teachers.
78. Appointment of probationers.

Salaries of Teachers.

79. Salaries of teachers in public schools. Annual increments to salaries. Reduction in grade of school.
80. Provision for payment of salary or of part thereof during absence of teacher on leave or on account of illness.
81. House allowances for head teachers.

82. Duration of appointment of teacher. Summary dismissal in certain cases.
83. Teacher's occupation of schoolhouse.
84. Proceedings against a teacher refusing to give up schoolhouse on demand.
85. Appointment of pupil-teachers.

PART VII.

SECONDARY EDUCATION.

86. Interpretation.

Establishment and Disestablishment of Schools.

87. Saving of schools already established. Where no secondary school maintained.
88. Establishment and disestablishment of secondary schools. Provisions as to disestablishment.

Control of Schools.

89. Governing bodies of certain secondary schools.
90. Governing bodies of other secondary schools.
91. Governing bodies incorporated.
92. Governing body of secondary school to prepare scheme for control of school. Minister may require modification of scheme.
93. Board may reimburse members' expenses reasonably incurred.

Courses of Study.

94. Courses of study in secondary schools.
95. Certificates to persons completing course of instruction at secondary school.

Inspection.

96. Inspection of secondary schools, &c.

Admission to Secondary Schools.

97. Free education in secondary schools, &c.
98. Holders of certificates of competency to be admitted to secondary department on payment of prescribed fees.

Annual Report.

99. Annual reports as to secondary schools.

Grants for Secondary Schools.

100. Grants to secondary schools for free places.

Scholarships.

101. Saving of existing scholarships.
102. National scholarships.
103. Holders of National Scholarships to pursue studies at secondary school or approved equivalent.
104. Payments to scholarship-holders. Additional payments to scholarship-holders living away from home. Payment in respect of travelling-expenses.
105. Term of scholarships.
106. Appropriation.
107. Regulations.
108. Board may receive land or money for foundation of scholarships. By-laws.

PART VIII.

TECHNICAL EDUCATION.

109. Interpretation.
110. Minister may recognize certain classes.
111. Certain classes not to be recognized.
112. Minister may revoke recognition in certain cases.
113. Technical classes, &c., to be controlled by managers.

114. Power to hold land, &c., for purposes of technical school.
115. Payment by way of capitation in aid of technical schools.
116. Limitation of right to receive capitation.
117. Capitation claims to be rendered within three months.
118. Payments to be out of moneys appropriated.
119. Fees for attendance at classes.
120. Inspection.
121. Programme of work, &c., to be submitted to Minister before recognition of class.
122. Local authority or controlling authority may contribute funds.
123. Appropriation by Parliament of moneys for scholarships, erection of buildings, &c.
124. Education Boards may make regulations requiring attendance at continuation and technical classes.
125. Regulations.
126. Accounts and audit.

PART IX.

SPECIAL SCHOOLS.

Education of Blind, Deaf, Feeble-minded, and Epileptic Children.

127. Interpretation. Education of blind, &c.
128. Extended period of instruction in certain cases.
129. Notice to be given to Minister as to blind and other afflicted children.
130. Inspection of orphanages, &c.

PART X.

INSPECTION OF SCHOOLS.

Inspectors.

131. Classification, &c., of Inspectors. Saving of existing appointments.

Inspection.

132. Inspection of schools.
133. Inspection of private schools.

Medical Inspection.

134. Appointment of Medical Inspectors of Schools. Medical inspection of public-school children.
135. Neglect of Medical Inspector's report by parent or guardian of child.

Inspection of Physical Education.

136. Appointment of Director and Inspectors of Physical Education.

PART XI.

TEACHERS INCORPORATION AND COURT OF APPEAL.

137. Interpretation.

Incorporation.

138. Registration of societies.
139. Registrar to register society when Act complied with and fee paid.
140. Registered society may make rules.
141. Evidence of rules.
142. Powers of incorporated society.
143. Effect of resignation of member.
144. Where society deemed situate.
145. Limitation of number of societies.
146. New Zealand Educational Institute may be registered.

Appeals by Teachers.

147. Court of Appeal.
148. Constitution of Court. Quorum.
149. Right of appeal from dismissal, suspension, or transfer.
150. Appearance of parties.
151. When teachers deemed to be dismissed.
152. Decision of Court to be in writing. Decision to be final.
153. Effect of decision in favour of appellant.
154. Court may award costs. Expenses. Recovery of costs.
155. Effect of non-attendance of members of Court.

Regulations.

156. Regulations.

PART XII.

GENERAL.

157. Wilful disturbance of school.
158. Exemptions from rates.
159. Subsidies.
160. Classification of officers of Public Service engaged in Education service.
161. Regulations.
162. List of teachers to be gazetted.
163. Minister to make annual report.
164. Repeal. Savings. Schedules.

1914, No. 56.

AN ACT to make Better Provision for the Education of the People of New Zealand. Title.

[5th November, 1914.]

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

1. (1.) This Act may be cited as the Education Act, 1914, and (except where otherwise provided) shall come into force on the first day of January, nineteen hundred and fifteen. Short Title and commencement.

(2.) This Act is divided into Parts, as follows:—

Division into Parts.

PART I.—Department of Education. (Sections 3 to 7.)

PART II.—Council of Education. (Sections 8 to 12.)

- PART III.—Education Boards. (Sections 13 to 39.)
 PART IV.—School Committees. (Sections 40 to 53.)
 PART V.—Public Schools. (Sections 54 to 70.)
 PART VI.—Teachers in Public Schools. (Sections 71 to 85.)
 PART VII.—Secondary Education. (Sections 86 to 108.)
 PART VIII.—Technical Education. (Sections 109 to 126.)
 PART IX.—Special Schools. (Sections 127 to 130.)
 PART X.—Inspection of Schools. (Sections 131 to 136.)
 PART XI.—Teachers Incorporation and Court of Appeal.
 (Sections 137 to 156.)
 PART XII.—General. (Sections 157 to 164.)

Interpretation.

REFER TO ACT, 1920
 No. 64 Section 15

Outstanding C.M.
1/1/2021

2. In this Act, if not inconsistent with the context,—

- “Board” means the Education Board of any district constituted under this Act:
 “By-laws” means the by-laws made by an Education Board in accordance with this Act:
 “Class-book” means a book for the individual use of each pupil of a class:
 “Committee” means the School Committee elected for a school district:
 “Department” means the Department of Education under this Act:
 “Director” means the Director of Education under this Act, or, in his absence, the Assistant Director of Education under this Act; and is the same person as the Inspector-General of Schools named in any Act:
 “District” or “education district” means an education district constituted under this Act:
 “District Advisory Committee” means a District Advisory Committee constituted under this Act:
 “District high school” means a public school having a primary department in which primary instruction is given, and a secondary department in which secondary instruction is given:
 “Dwellinghouse” means a permanent structure, but does not include a tent or other temporary shelter:
 “Endowed school” means any school or other educational institution maintained wholly or in part by grants from the public revenue, or by revenues derived from grants of land made at any time by the Governor or otherwise:
 “Former Education Act” means the Education Act, 1908, and its amendments, or any Act thereby repealed, or any Act or Ordinance repealed by any such last-mentioned Act:
 “General Council” or “Council” means the General Council of Education constituted under this Act:
 “Householder,” in relation to the election of members of a School Committee, means—
 (a.) Every adult male or female person who has for the period of three months next before the day of election resided in any dwellinghouse within the school district as owner or tenant thereof; and
 (b.) The father, wherever resident, or, if he is dead or absent from New Zealand, the guardian or other person,

Refer 1931 Enset.

wherever resident, who has the actual custody of any child attending any public school situated within such district; and

(c.) In school districts situated within a mining district under the Mining Act, 1908, includes every holder of a miner's right who for the period of three months next before the day of election has resided in the school district and is not an alien; and

(d.) The husband or wife of any person referred to in paragraph (a), (b), or (c) hereof:

AMENDED: VIDE INSET

“Inspector” means any Inspector of Schools under Part I of this Act, and includes an Assistant Inspector:

“Kindergarten” means a school or institution wherein are provided instruction and occupation suitable for children from three to seven years of age:

“Manual instruction” means such exercises as train the hand in conjunction with the eye and the brain; it includes kindergarten employments, exercises in continuation thereof, modelling in any material, and generally such practice in the use of tools and individual laboratory practice in science as may be prescribed:

“Maori” or “Native” means any person belonging to the aboriginal race of New Zealand, and includes a half-caste and a person intermediate in blood between half-castes and persons of pure descent from that race:

“Minister” means the Minister of Education:

“Native school” means a school for the education of Natives which is under the control of the Education Department:

“Parent” of a child includes the child's guardian, and the householder in whose family the child resides:

“Prescribed” means prescribed by this Act or by regulations under this Act:

“Primary instruction” means such primary instruction as is given in public schools in accordance with this Act and regulations thereunder:

“Private school” means any private school where there are more than eight children over five years of age receiving instruction:

“Private primary school” means any private school where there are enrolled for the purpose of receiving primary instruction more than eight children of school age:

“Private secondary school” means any private school where more than eight pupils are enrolled for the purpose of receiving secondary instruction:

“Property” means real and personal property of every description:

“Public conveyance” includes any coach or ferry, or other means of public conveyance by which a child may obtain free transit for the purpose of attending school:

“Public notice” means a notice published in some newspaper circulating in the district, and “publicly notified” means notified by means of a public notice:

“Public school” means any school established or constituted under Part V of this Act, and subject to the control and management of the Board, and includes a district high school:

“Registered school” means a school registered under this Act, whether such school is a public school, secondary school, technical high school, endowed school, or a school under the Education Department, or a school registered in accordance with section one hundred and thirty-three hereof:

“Regulations” means regulations made under this Act:

“Resident householder” means a householder resident in the school district:

“Rural area” means all that portion of an education district which is not included in any urban area:

“School age” means any age between the ages of five and fifteen years:

“School district” means a district under the jurisdiction of a School Committee:

“Schoolhouse” means all the land, buildings, outbuildings, and apparatus and appliances of the school provided for the instruction or use of the pupils of the school, but does not include the teacher’s residence or the land for the time being allotted to the teacher’s use:

“School year” means the period from the first day of January to the thirty-first day of December, both days inclusive, in each year:

“Secondary instruction” means such secondary instruction as may be given in secondary schools, technical high schools, or the secondary departments of district high schools in accordance with this Act or other Acts relating thereto:

“Secondary school” means any school named in the Ninth Schedule hereto or a secondary school established under section eighty-eight hereof:

“Teacher” means the schoolmaster or schoolmistress, or assistant schoolmaster or schoolmistress, or other person engaged in teaching in any public school, except a pupil-teacher or probationer; and any person who is engaged in teaching in a secondary school, a technical school, or any school under the Education Department, for not less than twenty hours a week, or is engaged in teaching in two or more of such schools for a total period of not less than twenty hours a week:

“Technical high school” means a technical high school established in accordance with Part VIII hereof:

“Technical school” means a technical school established in accordance with Part VIII hereof:

“Urban area” means a borough or group of adjoining boroughs the total population of which according to the last preceding census is over eight thousand; provided that any borough which adjoins any part of an urban area shall itself be deemed to be part of such urban area: ADD proviso hereto

“Urban school district” means an urban area which has been established as a school district under this Act.

REPEALED: Vide Inset

AMENDED: VIDE INSET

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PART I.

DEPARTMENT OF EDUCATION.

3. There is hereby constituted the Department of Education (being the same Department as is constituted under the Education Act, 1908).

4. (1.) The Governor may from time to time appoint any Minister of the Crown to be Minister of Education.

(2.) The Minister shall have the control and direction of the Department and of the officers thereof, and, subject to the provisions hereinafter contained, shall generally administer this Act.

5. The officers of the Department shall be a Director of Education, an Assistant Director of Education, and such Inspectors of Schools, clerks, and other officers as may be deemed necessary.

6. (1.) Except where otherwise provided by this Act, there shall be paid out of the moneys from time to time appropriated by Parliament the moneys required for the following purposes:—

(a.) The expenses of the Department other than the salaries of the officers of the Department:

(b.) The expenses of the General Council and of the District Advisory Committees:

(c.) The payment to the Board of every district—

(i.) Of a sum sufficient to pay the salaries and allowances of teachers, pupil-teachers, and probationers in the district in accordance with this Act, and of the removal expenses of teachers as prescribed in subsection eight of section seventy-nine hereof:

(ii.) Of a sum sufficient to pay the emoluments and allowances of holders of Junior and Senior National Scholarships:

(iii.) Of a general grant of five shillings per annum for each child in average attendance at any public school within the district, and, in addition thereto, of a sum calculated for all the public schools in the district in accordance with the Eighth Schedule hereto. Such average attendance shall be computed in manner prescribed by regulations:

(d.) The establishment and maintenance of training colleges and normal schools, and the payment of all incidental expenses connected therewith, including the travelling-expenses of members of the boards of advice of such training colleges:

(e.) The erection of schools and of teachers' residences, and the maintenance and repair thereof:

(f.) Grants to Boards for manual instruction, and for school and class libraries in public schools:

(g.) Grants to secondary schools:

(h.) Grants to the controlling authorities of technical schools and of technical and continuation classes:

(i.) Grants in aid of kindergartens in accordance with regulations, and grants for special classes for backward children:

(j.) Any other purpose for which such moneys may be applied or appropriated.

(2.) Subject to any such appropriation, regulations may be made prescribing the times at and manner in which such moneys shall be paid or applied.

Department of Education.

Minister of Education.

Officers of Department.

Expenses of administration to be appropriated by Parliament.

Refer 1931 Inset.

REPEALED, and substitution therefor:
Vide Inset.

Act not to affect Industrial Schools Act or industrial schools, unless otherwise specified.

7. Except as otherwise expressly provided, nothing in this Act shall be construed to interfere with or affect the Industrial Schools Act, 1908, or any industrial or reformatory school established or which may be established under any Act.

PART II.

COUNCIL OF EDUCATION.

General Council.

Constitution of General Council of Education.

8. There shall be constituted under this Act a General Council of Education, consisting of seventeen members, who shall be appointed or elected in the manner hereinafter set forth, namely:—

- (a.) The Director of Education, who shall be Chairman;
- (b.) The Assistant Director of Education, who shall be Chairman in the absence of the Director;
- (c.) One other officer of the Education Department, who shall be an Inspector, appointed by the Minister;
- (d.) Two members elected by the members of the Education Boards in the North Island, and two members elected by the members of the Education Boards in the South Island;
- (e.) One member elected by certificated male teachers of public schools in the North Island, and one member elected by certificated male teachers of public schools in the South Island;
- (f.) One member elected by the male teachers in secondary and technical schools;
- (g.) One member elected by certificated women teachers of public schools in the North Island, and one member elected by certificated women teachers of public schools in the South Island;
- (h.) One member elected by the women teachers of secondary and technical schools;
- (i.) One member of the University of New Zealand, appointed by the Senate; and
- (j.) Three members appointed by the Minister—namely, two to represent industrial and technical interests (one of whom shall represent agriculture), and one (a woman) to represent the interests of the education of girls.

Appointment or election of members of General Council.

9. (1.) The members of the Council, under paragraphs (d), (e), (f), (g), (h), (i), and (j) of the last preceding section, shall be appointed or elected not later than the month of May in the year nineteen hundred and fifteen, and in every third year thereafter, and shall take office on the first day of June next ensuing.

Term of office.

(2.) The term of office of every such member shall be three years, provided that a member appointed or elected to fill a casual vacancy shall hold office only for the remainder of the term for which the retiring member was appointed or elected.

Casual vacancies.

(3.) Every casual vacancy shall be filled by the person or body by whom the retiring member was appointed or elected.

(4.) In case any appointing or electing body fails to appoint or elect within sixty days after the vacancy has occurred, the vacancy shall be filled by the Minister.

Refer 1931 Inset.

(5.) The Governor may make regulations prescribing the method of conducting elections under this Part of the Act.

10. (1.) The Council shall meet annually in the month of June, and at such other times as the Minister may direct.

Meetings of General Council.

(2.) It shall be the duty of the Council to report to the Minister—

(a.) Upon methods or developments in national education which in its opinion it is desirable to introduce into New Zealand :

(b.) Upon any matters concerning the provision of facilities for education in New Zealand or in any district thereof, and upon the co-ordination of the work carried on by the various bodies controlling education :

(c.) Upon any other matters in connection with education referred to it by the Minister.

District Advisory Committees.

11. (1.) The Minister may at any time, and for such period as he thinks fit, constitute a District Advisory Committee to report on such matters relating to education in the district as he may refer to it.

District Advisory Committees of Education.

(2.) The District Advisory Committee shall consist of five or more members, as follows :—

(a.) The Director of Education, or any other officer of the Education Department appointed for that purpose by the Minister, who shall be Chairman :

(b.) A member appointed by the Education Board of the district :

(c.) The Senior Inspector of the district :

(d.) A member of the General Council appointed by the Minister to represent the teachers of public schools of the Island in which the district is situated :

(e.) One or more other persons appointed by the Minister—namely, a representative of an urban school district, or a representative of teachers or Boards of secondary and technical schools, or a representative of a University college, or any other person.

AMENDED: WIDE INSET

12. (1.) The members of the General Council, and the members of any District Advisory Committee that may from time to time be constituted by the Minister not being officers of the Public Service, shall be paid in accordance with regulations all travelling-expenses reasonably incurred by them in attending the meetings of the Council and in transacting the business thereof, and such sum for attendance at such meetings as may be prescribed, such amounts to be paid out of any moneys appropriated by Parliament for the purpose.

Payment of travelling-expenses of members of General Council and District Advisory Committees.

(2.) The members who are officers of the Public Service shall be paid such allowances as are in accordance with law.

PART III.

EDUCATION BOARDS.

Education Districts.

13. (1.) There shall be not less than seven nor more than nine education districts.

Education districts.

(2.) Such districts shall be determined in the manner hereinafter described on the report of a Commission set up on that behalf. The

REPEALED, and substitution therefore: Vide Inset.

report shall state the name and chief town of each education district, and the counties and other areas included therein.

(3.) The report of the Commission shall be laid before Parliament on the thirtieth day of June, nineteen hundred and fifteen, or as soon thereafter as may be convenient, and shall, with such amendments (if any) as may, subject to subsection one hereof, be made by resolution of the House of Representatives, have effect as from the first day of January, nineteen hundred and sixteen.

(4.) Where a borough or town district is intersected by the boundary of an education district the Governor may, by Order in Council, direct that such borough or town district shall form part of such education district as he thinks fit.

(5.) A borough which is not included within the territorial area of any county shall be deemed to be included therein if it adjoins a borough that is so included.

(6.) Where any doubt arises as to the district in which any borough or town district is comprised the same shall be determined by the Governor.

(7.) Where the boundaries of any county comprised in an education district are altered under the Counties Act, 1908, such alteration shall operate with respect to any district constituted under this Act, and shall take effect accordingly.

(8.) Where the boundaries of any county comprised in an education district are altered by the creation of a new county, then and in any such case, if the new county and the remaining part or parts of the county or counties from which it has been severed—

(a.) Are all comprised within the same education district, then such new county shall be and be deemed to be, as and from the date of its constitution, included within the district wherein are comprised the county or counties from which it has been severed :

(b.) Are partly in one district and partly in another or others, then the Governor, by Order in Council, may redefine any of such last-mentioned districts, and may declare in which of such districts shall be comprised the new county or any part thereof.

14. (1.) The Board of each district shall from time to time cause the rural area of the district to be divided into three wards, on the basis of the yearly average attendance for the schools in such rural area, so that the number of children in yearly average attendance in each ward shall be as nearly as possible the same.

(2.) In making such division the Board shall have regard to the natural geographical grouping of the schools. Each borough or school district shall be wholly within one ward.

(3.) The Board shall assign a name to each ward, and not later than the first day of March in each year shall publicly notify the names of the several wards, and the schools situate in each ward.

Constitution of Boards.

15. (1.) There shall be for every district an Education Board constituted as hereinafter provided.

(2.) The number of members for the rural area of the district shall be six, of whom two shall be elected for each ward.

Redefinition of education districts on constituting new counties therein.

Division of rural areas into wards.

REFER TO ACT, 1915.
No. 73 Section 5

Constitution of Education Boards.

(3.) The number of members for each urban area, ~~whether an urban school-district or not~~, shall be two members for each sixty thousand or part of sixty thousand of the population of such urban area.

AMENDED: VIDE INSET

(4.) The members for each ward of the rural area and for each urban area shall be elected by the members of the Committees of the school districts within such ward or urban area, as the case may be, in the manner prescribed in the Second Schedule hereto.

16. (1.) The members of Boards in office at the commencement of this Act shall hold office and shall exercise their functions until their successors elected under this Act come into office.

Vacation of office
by retiring members.

(2.) An election of members shall be held on the third Wednesday in July in the year nineteen hundred and sixteen, and in every second year thereafter; and the members so elected shall take office on the second Wednesday in August next after their election.

(3.) On the second Wednesday in August in the year nineteen hundred and eighteen, and in every second year thereafter, one of the members for each ward of the rural area and one-half of the members for each urban area shall retire, but shall be eligible for re-election, and shall hold office until their successors come into office.

(4.) The members to retire shall be those who have served longest on the Board without re-election. Where any question arises as to which members shall retire the same shall be decided by lot among those members who have served longest without re-election, and such lot shall be made by the Secretary of the Board at a meeting of the Board not later than two months before the next ordinary election of members of the Board.

17. Where a new education district has been constituted by this Act, all the proceedings in and about the first election of a Board for such new district shall be had and taken, in the manner hereinbefore provided, by any Board which can conveniently conduct such election, as the Governor in Council may think fit to order.

First election of
Board for new
education district.

18. In the event in which a smaller number of candidates has been nominated than is required to fill the vacancies in the rural area or in any urban area, as the case may be, as herein provided, the Board shall elect such number of duly qualified persons as may be necessary to complete the number of the Board.

Mode of filling
vacancies where
sufficient number
of candidates not
nominated.

19. Every person, male or female, of the full age of twenty-one years, and not disqualified as mentioned in the next succeeding section, resident in the education district shall be qualified to be a member of the Board.

Qualification of
members of Board.

20. (1.) If any member resigns his office by writing under his hand addressed to the Chairman of the Board, or dies, or becomes of unsound mind, or is adjudicated a bankrupt, or executes any deed of composition or arrangement with his creditors, or ceases to reside in the education district, or is absent without leave from the meetings of the Board for three consecutive months, or is convicted of treason, perjury, or an infamous crime, or any crime punishable by death or imprisonment with hard labour for any term of three years or upwards, he shall immediately cease to be a member of the Board.

Disqualification of
members.

(2.) If any member receives any salary from the Board, or accepts or holds any office or employment from or under the Board to which any salary, fees, or emoluments are attached, or is or becomes interested

or concerned (except as a member of a registered or incorporated company) in any contract under which any money is to be paid by the Board, he shall immediately thereupon cease to be a member of the Board.

Provision for
vacancy in Board.

21. (1.) If the place of any member of the Board becomes vacant for any of the causes aforesaid, such vacancy shall be deemed to be an extraordinary vacancy.

(2.) The election of a member to fill such vacancy shall be conducted in the manner prescribed in the Second Schedule hereto.

(3.) The member then elected shall retain office so long as the vacating member would have retained office if no such vacancy had occurred.

Acts of Board not
to be questioned
for informality, &c.

22. No act of the Board shall be questioned on the ground of any informality in the election of a member, nor on the ground that the seat of any member is vacant or that any supposed member thereof is incapable of being a member.

Commencement.

23. Sections fourteen to twenty-two hereof and the Second Schedule hereto shall come into force on the ~~first day~~ of January, nineteen hundred and sixteen, and until that date sections eight to thirty-seven of the Education Act, 1908, shall continue to be in force.

AMENDED: VIDE INSET

Incorporation of Boards.

Boards incorporated.

24. Each Board shall be a body corporate under the name of "The Education Board of the District of [*Naming it*]," and by such name shall have perpetual succession and a common seal, and may take and hold land for the purposes of this Act, and may do and suffer all such acts and things as bodies corporate may do and suffer.

Certain property to
vest in Boards
constituted under
this Act.

25. (1.) Where the boundaries of any education district existing on the commencement of this Act are coincident with the boundaries of an education district constituted under this Act, all real and personal property immediately before the coming into operation of this Act vested in, belonging to, or under the control of the Education Board of such then existing education district for educational purposes shall, on the coming into operation of this Act, be vested in the Education Board of such district constituted under this Act, to be held by it for the like purposes.

(2.) In any other case all such property within or held in trust for educational purposes within the new district constituted under this Act which was formerly vested in the Board of any district existing under the former Act shall vest in the Board of the new district as from the date of the coming into office of the first members of that Board, and in case of any dispute arising as to the Board in which such property is vested the matter shall be determined by the Governor.

(3.) Nothing in this section shall extend or apply to reserves for educational purposes which by or under any law or authority have been set apart as endowments for educational purposes in any district, but all such endowments shall in any of the cases hereinbefore provided for be dealt with in the manner provided by the Education Reserves Act, 1908.

Secretary and Officers of Boards.

Board may appoint
Secretary and other
officers.

26. (1.) Every Board may from time to time appoint and remove a Secretary and such other officers as may be thought necessary, who shall receive such salaries as the Board deems proper.

(2.) Any person who on the coming into operation of this Act holds office under an Education Board in any then existing education district shall, subject to removal as aforesaid and to any express provision of this Act, continue to hold such office.

(3.) Notwithstanding anything in the Public Service Act, 1912, the Public Service Commissioner may appoint any person who at the commencement of this Act was permanently employed by any Education Board for more than twenty hours a week in clerical work to the Clerical Division of the Education Department or of any other Department of the Public Service, and the education service of any such officer, as defined in the Public Service Classification and Superannuation Act, 1908, and completed at the commencement of this Act, shall be deemed to have been public service.

27. (1.) The Secretary of each Board shall attend all meetings of such Board, take minutes of its proceedings, and conduct the correspondence of the Board, and take charge of and preserve all letters, papers, and documents relating to the business of the Board, and perform all such duties as may be required by the Board for carrying out the provisions of this Act. Duties of Secretary

(2.) He shall also prepare, under direction of the Board, all reports, returns, and information relating to school matters which may be asked for by the Minister.

Meetings of Boards.

28. (1.) The first meeting of each Board constituted under this Act shall be held at such time as the Minister appoints, and in the case of every Board all meetings after the first shall be held at such times as the Board by by-law in that behalf determines: First and other meetings of Board

Provided that at least one meeting shall be held in every month after such first meeting. **REPEALED: Vide Inset**

(2.) A quorum of the Board, having duly met, may from time to time adjourn, to meet at such other time as they appoint.

(3.) All meetings of an Education Board shall be held at the office of that Board in the principal town of the district for which the Board is constituted. **ADD hereto** **AMENDED: VIDE INSET**

29. (1.) The powers given to Boards by this Act shall be exercised at meetings convened as aforesaid, at which meetings three members shall be a quorum. Quorum of Boards

(2.) Every Board shall at its first meeting after the first and every ordinary election of members, or as soon thereafter as conveniently may be, elect one of its number to be Chairman. Chairman to be elected.

(3.) At every meeting of the Board at which the Chairman is to be elected the Secretary of the Board shall preside for the purposes of such election, but shall not vote, and in the event of an equality of voting he shall determine the election by lot.

(4.) On every question before the Board the decision of the majority shall be final and conclusive.

(5.) The Chairman shall have a deliberative vote, and in case the votes are equal shall also have a casting-vote.

(6.) No resolution or decision come to at any meeting of a Board shall be revoked or altered at any subsequent meeting of such Board within twelve months from the passing thereof, unless notice of the

intention to propose such revocation or alteration has been given at a previous meeting of the Board, and has been made known by the circular convening the meeting, addressed to each member of the Board at his usual or last known place of abode.

(7.) If the Chairman is absent from any meeting the members present shall elect one of their number to preside in his stead at such meeting, and such presiding member shall have the same power at such meeting as the Chairman.

(8.) If the Chairman from any cause ceases to be a member of the Board or resigns the office of Chairman, the Board shall, as soon thereafter as conveniently may be, elect another member of the Board to be Chairman in his stead.

Minutes to be kept.

30. Minutes of the proceedings of every Board shall be regularly entered in a book to be kept for that purpose, and at every meeting of the Board the minutes of the preceding meeting shall be read over, and signed by the Chairman of the meeting at which the same are read; and the minutes when so signed shall for all purposes be held to be a true statement and record of the proceedings of the Board.

Refund of members' travelling-expenses:

31. (1.) A Board may reimburse to every member, in accordance with a scale prescribed by regulations, the expenses reasonably incurred by him in going to and returning from any meeting of the Board or of any committee thereof of which he is a member, or in making any official visit or attending at any meeting of a Committee of either House of Parliament when appointed by the Board to make such visit or to attend such meeting. ADD hereto

(2.) Before any member is paid any money for travelling-expenses under the last preceding subsection he shall make a statutory declaration that he has not been already paid any sum and is not entitled to be paid any further sum in respect of the same travelling-expenses by any other person or body corporate, and shall deliver that declaration to the Chairman or Secretary of the Board.

(3.) Any such declaration by any member other than the Chairman may be made before the Chairman of the Board. Every such declaration shall be exempt from stamp duty.

Powers and Duties of Boards.

General powers and duties of Board.

32. (1.) Subject to the provisions of this Act and of regulations thereunder, the Board of each district shall establish, maintain, and control public schools within the district, and the technical schools and continuation and technical classes of which it is the controlling authority under Part VIII hereof; shall appoint the Secretary and other officers and teachers; shall allot scholarships; shall arrange for the conveyance of children to and from school; shall establish school districts, and define or alter the limits thereof; may establish school libraries; may define the hours of opening and closing public schools, and the length and dates of school holidays; shall administer the funds granted by the Department, and all other funds which may become the property of the Board; and generally shall have and exercise all the duties and functions imposed upon Boards by this Act.

(2.) The Board may make such by-laws in accordance with this Act and regulations thereunder as in its opinion are necessary or desirable

AMENDED: VIDE INSET

to enable it to exercise the duties and functions imposed by this Act, and to direct and control its officers and the schools in the district.

The Board Fund. Accounts of Boards.

33. (1.) The Board Fund shall consist of the General Fund and the special funds.

Board Fund, of what to consist.

(2.) The General Fund shall consist of grants from the public funds not allocated to any special purpose, of rents and profits derived from property vested in the Board not under any special trust, and of any other moneys which the Board may receive from fees for secondary or technical education or for continuation classes, or from donations, subscriptions, or otherwise, for the general purposes of education.

(3.) Special funds shall consist of grants from the public funds or otherwise allocated to any special purposes, of special endowments for particular purposes, and of any other moneys which the Board may receive for special purposes from donations, subscriptions, or otherwise.

Special funds.

(4.) There shall be a special fund for each purpose for which grants or other moneys are received by the Board.

(5.) The Board may, as it thinks fit, transfer any amount from the General Fund into any special fund, but may not transfer any amount from any special fund to any other special fund or to the General Fund.

(6.) In particular, the moneys granted out of the public funds for the upkeep, repair, and rebuilding of schools, teachers' residences, and other similar purposes, and moneys received by the Board from the sale of school buildings or otherwise, shall form one special fund; and the moneys received by the Board from grants out of the public funds, donations, or otherwise for the building of new schools or residences, or for providing accommodation for an increased number of pupils, or for similar purposes, shall form another special fund.

REPEALED, and substitution therefor: Vide Inset.

(7.) Nothing in the preceding subsections shall prevent the Board from charging to any special fund the reasonable expenses of the administration of such fund, save that in the case of the funds referred to in the last preceding subsection no such amount shall be charged for clerical work or for any other cost of administration other than that of the reasonable professional fees of the architect or clerk of works.

AMENDED: VIDE INSET

ADD hereto (9) (9) (10)

34. (1.) The Board shall keep general and special accounts in such convenient form as may be prescribed by regulations.

Accounts to be kept by Board.

(2.) The General Account shall be the account of the receipts and expenditure of the General Fund.

REPEALED: Vide Inset

(3.) There shall be a special account for each special fund, and such special account shall be the account of the receipts and expenditure of such special fund.

35. All moneys received by or belonging to the Board shall be paid into such bank as the Board from time to time appoints, to an account to be called "The [Name] Education Board Account"; and no moneys shall be drawn out of the bank except by authority of the Board and by cheque signed by the Treasurer appointed by the Board, and by such one or more members of the Board as the Board may from time to time authorize to sign cheques.

Education Board Account.

Disposal of funds
of Board.

36. Subject to the provisions of this Act and of regulations thereunder, the Board shall, out of the General Fund or the several special funds, as the case may be, pay such amounts as are necessary for the following purposes, namely:—

- (a.) For the salaries of the Secretary and other officers, and for other expenses of administration:
- (b.) For such grants to Committees for incidental expenses as defined by regulations as shall amount in the aggregate for all the Committees taken together to not less than the total amount calculated for all the public schools in the district in accordance with the Eighth Schedule hereto:
- (c.) For grants to Committees as subsidies to school and class libraries and for other purposes as hereinafter provided:
- (d.) For all expenses necessarily incurred by any Committee or teacher in carrying out any of the provisions of this Act:
Provided that no Board shall be liable for the payment of any expenditure incurred by any Committee or teacher unless such expenditure has been previously sanctioned by the Board:
- (e.) For the salaries and allowances of teachers, pupil-teachers, and probationers:
- (f.) For purchasing or renting school-sites, playgrounds, and buildings, or for erecting, fitting up, and improving school-houses and residences:
- (g.) For manual instruction in public schools:
- (h.) For any other purpose under this Act for which money is appropriated by Parliament:
- (i.) For all expenses necessarily incurred by the Board in carrying out any of the provisions of this Act or of regulations thereunder.

Subsidies from public
funds for school and
class libraries.

37. (1.) The Minister shall make such grants for school and class libraries out of funds appropriated by Parliament therefor as are prescribed by regulations; these grants may include a capitation payment for every child in yearly average attendance and subsidies on amounts raised in the school district for such libraries.

Board may subsidize
such libraries.

(2.) Subject to the prescribed conditions, the Board shall, in addition to the grants named in subsection one hereof, pay out of its General Fund, as subsidies to school and class libraries in any school district, a sum or sums of money equal to any sum or sums which have been raised by public subscription or otherwise for that purpose within such school district:

Provided that the Board need not pay for such purpose in any one year a sum or sums amounting to more than threepence for each child in yearly average attendance at the school, or to more than five pounds to any one school; but nothing in this section shall prevent the Board from making such grants for school or class libraries, in addition to the subsidies named herein, as it may see fit.

(3.) The regulations may define the manner in which such grants and subsidies may be expended on books and in making provision for their safe custody and care.

(4.) The Board may, in connection with any school or class libraries, make grants in aid of the cost of conveying books from school to

school, or of carrying out a system of interchange of books between schools.

(5.) The Board may in like manner pay subsidies equal to any sum or sums of money which have been raised by public subscription or otherwise for the purchase of works of art and scientific apparatus required for the use of classes in the school.

(6.) "Class library" means a collection of books suitable and available for the reading of the pupils of a class at home or at school, and of books of reference for use by such pupils; and "school library" means all such books in any school.

38. (1.) The Board shall keep full and true accounts, in which shall be entered every sum received into and paid out of the Board Fund in the order of date of each such receipt and payment, including all moneys received from rents or profits derived from lands or other property vested in the Board or under its control or management.

Accounts to be kept.

AMENDED: VIDE INSET

(2.) The Board shall cause its accounts for the preceding calendar year to be balanced, and a true statement and account to be prepared, in the prescribed form, of the receipts and expenditure of the Board and of its assets and liabilities.

Ibid

ADD hereto (a) (b) (c)

(3.) All such accounts shall be audited by the Audit Office, which, for that purpose, shall have and may exercise all such powers as it has under the Public Revenues Act, 1910, in respect of public moneys.

39. (1.) Every Board shall, before the last day of March in each and every year, forward to the Minister a report of its proceedings during the previous year.

Board to forward annual report of proceedings to Minister.

Ibid

(2.) Such report shall contain a full account, in the prescribed form, of the income and expenditure of the Board, audited as provided in the last preceding section, and also such information relative to the public schools and to educational matters within the district as the Minister may direct.

PART IV.

SCHOOL COMMITTEES.

40. (1.) All school districts constituted under any former Education Act, and subsisting on the coming into operation of this Act, shall be deemed to have been constituted under this Act until altered as by this Act provided.

School districts.

(2.) The Board shall have power, subject to this Act, to alter the limits of any school district and to divide any such school district into two or more school districts, or to combine two or more school districts; and in particular the Board shall have the power to combine all the school districts within any city or borough into one school district:

Refer: 1926 Inset

~~Provided that every school district shall be wholly within or wholly without an urban area:~~

~~Provided further that the number of schools (not being side schools) in any school district other than an urban school district shall not be more than five.~~

AMENDED: VIDE INSET

(3.) Where a school district is divided into two or more such districts, or two or more such districts or parts of districts are combined into one such district, then every such division of a school district and every such combination shall for the purposes of this Act

be deemed a new school district, and the proceedings shall be taken in like manner as hereinafter provided for school districts originally constituted.

(4.) The formation of any new school district by the division or combination of any existing school district or districts shall take effect on a date to be fixed by the Board, being not later than the Monday immediately preceding the date fixed for the next ordinary election of members of School Committees.

(5.) When any new school district is formed by a Board pursuant to the provisions of this Act, the Board shall cause ~~a public notice of the formation of such new district and of the boundaries thereof to be published, and every such school district shall be held to be bounded as described in such notice.~~

(6.) If two-thirds of the Committees of the school districts in any urban area on or before the thirty-first day of January in the year nineteen hundred and fifteen, or any second year thereafter, forward to the Board a request that such urban area shall constitute an urban school district, then the Board shall forthwith establish and proclaim such area to be an urban school district; and the establishment of such urban school district shall take effect on the day of election next ensuing.

(7.) An urban school district may be disestablished in the manner prescribed in Part III of the Third Schedule hereto.

(8.) If any new borough is formed adjoining an urban school district, such borough shall be deemed to be part of such urban school district on a date to be fixed by the Board, being not later than the date fixed for the next ordinary election of members of Committees of urban school districts.

School Committees.

41. (1.) For every school district constituted under this Act there shall be a School Committee consisting of not less than five nor more than nine ~~resident~~ householders, to be elected as provided in the Third Schedule hereto.

(2.) Where the yearly average attendance at the school or schools in the school district for the preceding school year has not exceeded one hundred children, the number of members of the School Committee shall be five; where such attendance is over one hundred and not over two hundred, the number of members shall be seven; and where such attendance is over two hundred, the number of members shall be nine:

Provided that in any ~~urban~~ school district there shall be nine members of the Committee.

(3.) The ordinary term of office of members of School Committees shall be one year, ~~except in the case of the members of the Committee of an urban school district, whose ordinary term of office shall be two years.~~

42. Every resident householder in a school district, and no other person, is qualified to be elected a member of the School Committee for such district, excepting as follows:—

(a.) No householder who is a paid servant of the Education Department, or of any Education Board or School Committee, or of the Board of any secondary school or technical school, shall be eligible to be elected or to be a member of any School Committee.

REFER TO INSET APPENDED

REPEALED: Vide Inset

AMENDED: VIDE INSET

REPEALED: Vide Inset

AMENDED: VIDE INSET

Qualification of members of School Committees.

AMENDED: VIDE INSET

(b.) No bankrupt who has not obtained his final order of discharge, no person attainted of treason or convicted of perjury or any infamous crime, or any crime punishable by death or imprisonment with hard labour for any term of three years or upwards, unless such person has received a free pardon or has undergone the sentence or punishment to which he was adjudged for such offence, no person of unsound mind, and no person not qualified as herein required, shall be capable of being or continuing a member of any Committee.

43. (1.) The Board shall fix some convenient date, not earlier than the second Wednesday in April and not later than the first Wednesday in May, in each year for the holding of the annual meeting of householders in each school district, and not less than twenty-one days before the date of such meeting shall give public notification thereof, and in such notice shall fix the hour and place of meeting.

Annual meeting of householders for election of School Committee.

(2.) At each annual meeting a Chairman shall be chosen, and the Committee shall give a full account of its proceedings for the year ending on the last day of December preceding such annual meeting.

AMENDED: VIDE INSET

(3.) At every annual meeting the Chairman shall have a deliberative vote and a casting-vote.

Meetings of School Committees.

44. (1.) The Committee of each school district shall hold its first meeting after election at some time and place to be from time to time appointed by the Board.

First meeting of School Committee.

(2.) At its first meeting, or as soon thereafter as conveniently may be, the Committee shall elect one of its members to be Chairman until the next election of the Committee.

Election of Chairman.

(3.) Such Chairman shall preside at all meetings of the Committee at which he is present, and if he ceases to be a member of the Committee he shall cease to be such Chairman.

(4.) If the Chairman resigns his office, or ceases to be a member of the Committee, the Committee shall, as soon thereafter as conveniently may be, elect another member of the Committee to be Chairman in his stead.

(5.) If at any meeting of the Committee the Chairman is not present, one of the members present shall be elected Chairman of such meeting by the majority of the votes of the members present thereat.

(6.) The quorum at each meeting of the Committee shall be three in the case of a Committee of five members, four in the case of a Committee of seven members, and five in the case of a Committee of nine members; and no business shall be transacted at any meeting unless there is a quorum present thereat.

(7.) The Chairman shall have a deliberative and also a casting vote at every such meeting, and the decision of the majority shall be final and conclusive.

Chairman to have casting-vote.

(8.) At every meeting of the Committee the same proceedings shall be taken with regard to the minutes of such meeting as are prescribed by section thirty hereof with regard to the minutes of meetings of Boards.

Minutes of meetings, &c.

Meetings, how convened.

45. (1.) The proceedings of every Committee shall be transacted at meetings to be convened at the request of two or more of the members or by order of the Chairman thereof.

Notice of certain business to be given.

(2.) No recommendation to the Board concerning the appointment, suspension, or dismissal of a teacher shall be considered unless notice in writing to the effect that such business is proposed to be transacted has been addressed to every member of the Committee three days at least before the meeting at his usual or last known place of abode.

Clerk and treasurer may be appointed.

46. (1.) Every Committee shall be at liberty to appoint one of its own members or other qualified person to be its clerk and treasurer, who shall convene all meetings of the Committee by causing at least three days' previous notice to be given to each member thereof, and shall attend such meetings of the Committee, and take minutes of the proceedings, and do whatever may be required of him in the execution of this Act.

(2.) The clerk and treasurer shall not receive any remuneration for his services if he is a member of the Committee.

Committee failing to meet, to cease to exist.

47. If at any time the Committee fails from any cause for a period of three months to hold a meeting it shall cease to exist, and the Board shall proceed as in the case of the failure of the householders to elect a Committee, as provided in the Third Schedule hereto:

Provided that in the case of such failure on the part of the Committee of an urban school district the Board shall give public notice that it intends to appoint Commissioners; and, if within one month of such notice the Committee fails to meet, the Board shall then appoint as Commissioners for such urban school district the members of the Board who were elected for the said urban area or urban school district. The Commissioners so appointed shall hold office until the date of the next ordinary election of members of the Committee, and shall have all the powers and shall perform all the duties by law assigned to such School Committee.

REPEALED: Vide Inset

Appearance in legal proceedings.

48. A Committee may appear in all legal proceedings by its clerk or Chairman, or by a solicitor.

Powers and Duties of School Committees.

Committee to have management of schools, &c.

49. (1.) Subject to the general supervision and control of the Board as herein provided, the Committee shall have the management of the school or schools within the school district.

(2.) It shall be the duty of the Committee to keep the school in good repair and order, and to provide for the proper cleaning of the school and outbuildings, and for the heating of the school, and to make all such arrangements in regard to sanitary matters, and to the care of the school grounds, gates, and fences as shall conduce to the physical health of the children and to the promotion of habits of order and tidiness.

Appointment of sewing teachers.

(3.) The Committee may from time to time, with the approval of the Board, appoint teachers of sewing in any school under its control in which there is not a female teacher; the salaries of such teachers shall be paid in the manner provided by the regulations concerning manual instruction in schools.

(4.) The Committee shall expend the grants made to it by the Board for incidental expenses under paragraph (b) of section thirty-

six hereof in accordance with by-laws of the Board, and it shall in like manner expend the grants made to it by the Board for repairs of the schoolhouse and teacher's residence and other special purposes.

(5.) The Committee shall establish a school and class libraries in accordance with regulations and the by-laws of the Board, and it shall duly consult the head teacher in regard thereto.

(6.) With the approval of the Board, the Committee may from time to time establish savings-banks for the use of children attending the school. Savings-banks

(7.) Subject to the by-laws of the Board, the school buildings may be used at times other than those fixed for purposes of primary, secondary, or technical instruction, or for continuation classes, upon such terms as the Committee may from time to time prescribe:

Provided that nothing in this section or in any by-laws of the Board shall prevent the Committee from granting as it deems fit the use of the school buildings as aforesaid for the purpose of moral and religious instruction.

(8.) Subject to the by-laws of the Board, the Committee may fix school holidays.

School Fund.

50. The School Fund shall consist of— School Fund.

(a.) Moneys granted out of the Board Fund for incidental expenses and for any special purposes:

(b.) Donations, subscriptions, and all other moneys which may be received by the Committee for the purposes of this Act.

51. (1.) The provisions of section thirty-five hereof shall apply to the School Fund and to the moneys in the hands of the Committee in the same manner, *mutatis mutandis*, as they apply to moneys belonging to an Education Board. Application of section 33 to School Fund.

(2.) Notwithstanding anything in the last preceding subsection, the Committee may lodge the School Fund in the Post Office Savings-bank; and no moneys shall be drawn out of such savings-bank except by authority of the Committee contained in a written order signed by the Chairman and one other member of the Committee, such written order to be presented to the Postmaster on withdrawal of any moneys. Funds may be lodged in Post Office Savings-bank.

(3.) The Governor may from time to time, by Order in Council gazetted, make regulations for carrying the provisions of the last preceding subsection into effect.

52. (1.) The Committee shall keep such accounts as may be prescribed, and shall cause the same to be balanced to the last day of December in every year, and a statement and account to be prepared, in the prescribed form, of the receipts and expenditure of the Committee during the twelve months preceding that date. Audit of Committee's accounts.
AMENDED: VIDE INSET

(2.) All such accounts shall be audited in such manner as may be prescribed.

53. (1.) Every Committee shall, before the fourth Monday in April in each and every year, forward to the Board a report of its proceedings during the year ending on the last day of December next preceding. Committee to forward annual report to Board.

(2.) Such report shall contain a full account of the income and expenditure of the Committee, audited in prescribed manner, and also such information relative to the public schools and to educational matters within the school district as the Board may direct. **AMENDED: VIDE INSET**

PART V.

PUBLIC SCHOOLS.

Establishment of Public Schools.

Board may establish schools, &c., for primary, secondary, and technical education.

54. (1.) The Board shall take such steps as it thinks fit to ascertain the requirements of any district in respect of primary, secondary, or technical education, and may take the necessary steps in accordance with this Act, and regulations thereunder, for the establishment of schools or classes accordingly.

(2.) Wherever there are or may be provided, in the opinion of the Board, suitable and sufficient means of public conveyance, or, in the cases hereinafter mentioned, when directed by the Minister on the advice of the Council, the Board shall, instead of establishing a new school, arrange for the conveyance of the children to and from an existing school.

(3.) No new school shall be established within four miles, by the nearest road, of an existing school unless in the opinion of the Minister (after consultation, if need be, with the General Council or the District Advisory Committee) such existing school has already as large a number of children on the roll as is consistent with efficiency, or it is not reasonably possible to make provision for the educational needs of the district by the conveyance of children to some other school or by the establishment of a group of part-time schools.

(4.) If it appears to the Minister that the children attending any school could conveniently attend any other school, whether by means of public conveyance or otherwise, and that it is expedient that such first-named school should be closed, he shall bring the matter under the notice of the Board. If the Board makes objection to the closing of the school the Minister may refer the matter to the General Council. If, on the advice of the Council, he then directs the Board to close the school, the Board shall take all action necessary for the closing of the school; and no further grants shall be payable on account of such school after the date named by the Minister.

(5.) If, after being requested by the Minister to provide the means of conveying children to and from school, the Board fails to do so, the Minister may, upon the advice of the Council, provide such means of conveyance, and may deduct the cost or any part thereof from the general grants payable to the Board.

(6.) Where it appears that the number of children in yearly average attendance will be less than nine, then the Board may either—

- (a.) Establish a school of Grade 0, and may, as a condition thereof, require the parents of the children, or any of them, to provide board and lodging for the teacher, or to make such reasonable arrangements for the board and lodging of the teacher as the Board thinks fit; and, further, the Board may require such parent or parents to contribute such sum or sums as shall make the total salary of the teacher equal to such amount, not exceeding one hundred pounds per annum, or if board and lodging be provided, not exceeding seventy pounds per annum, as the Board thinks fit; or
- (b.) Appoint an itinerant teacher as provided in subsection seven hereof.

(7.) Where, from the scattered state of the population, it is not practicable to establish a public school, the Board may appoint itinerant teachers in accordance with regulations, and such teachers shall be paid in the prescribed manner the salaries and allowances allotted in the Fifth Schedule hereto to teachers of part-time schools. **ADD hereto**

Itinerant teachers
may be appointed.

AMENDED: VIDE INSET

(8.) Any public school established under any former Education Act and in existence on the commencement of this Act shall be deemed to have been established under this Act.

Refer 1931 Inset.

55. (1.) Any persons having the management and control of any school not established under this Act or any former Education Act may, with the consent of the persons in whom the school buildings, lands, and endowments pertaining thereto are vested, and with the assent of the Governor, agree with the Board of the district in which such school is situate that the said school shall be subject to the management and control of the Board, and that the said buildings, lands, and endowments shall be vested in such Board instead of such persons as aforesaid.

Trustees of school
may agree to place
same under control
of Board.

(2.) If the Governor assents to such agreement, and a notification of such assent is gazetted, such school buildings, lands, and endowments shall be vested in the Board for or towards the maintenance of such school as a school under this Act, of such character or class as the Governor directs, but under and subject to the provisions of this Act; and the said persons shall thenceforth be freed and discharged from the trust imposed on them as trustees or governors of such school and of the buildings, lands, and endowments pertaining thereto.

Management of Public Schools.

56. (1.) No child above school age shall be on the roll of any public school without the special leave of the Committee, unless such school is a district high school.

Children above
school age not to
be on roll of public
school.

(2.) Every public school shall be organized and conducted in accordance with regulations (a copy of which shall be conspicuously put up in the school):

Conduct of public
schools.

Provided that the Minister may, on the application of the Board, sanction the establishment of special classes for backward children, that is, children who, through physical infirmity, absence from school, or otherwise, are below the average standard of education reached by other children of the same age: **REPEALED, and substitution therefor: Vide Inset.**

Provided further that, with the approval previously obtained of the Minister in each case, the Board may establish any public school as a model school for the observation of and practice in methods of teaching and of school management. **ADD hereto**

AMENDED: VIDE INSET

(3.) The programme of primary instruction shall include, in the manner and to the extent prescribed by regulations, English, arithmetic, geography, history, drawing, and handwork (including, in the case of girls, needlework), nature-study, and elementary science (including elementary agriculture and elementary home science), vocal music, physical instruction, and such lessons on the chief laws of health, on the duties of citizens, and on other subjects of moral instruction as may be prescribed:

Provided that no child shall be compelled to be present at the teaching of history whose parents or guardians object thereto.

(4.) The school shall be kept open five days in each week for at least four hours each day, two of which in the forenoon and two in the afternoon shall be consecutive, and the teaching shall be entirely of a secular character.

(5.) The class-books used in the school shall be such only as are approved by the Governor in Council:

Provided that the Minister may, under special circumstances, sanction for the time being, until the issue of new regulations, the use of a class-book in any education district.

(6.) The school shall be open at all times to the visits of the Director or Assistant Director, or of any Inspector, or of any other officer appointed by the Board or the Minister to visit such school.

(7.) No fees shall be payable at any public school except as provided in the case of the secondary department of a district high school; nor, with the like exception, shall any charge be made or levied for stationery used in the school.

Physical drill to be taught in public schools.

57. (1.) It shall be the duty of the Board in each district to cause physical drill as prescribed by regulations to be taught to all boys and girls attending the public schools in the district.

(2.) The Board of each district shall from time to time, in accordance with regulations, make orders for fixing the times which shall be appointed and set apart for instructing boys and girls in physical drill, and the mode in which such instruction shall be given.

(3.) Every Board shall include in its annual report to the Minister a report of the manner in which the requirements of this section have been carried out.

(4.) Out of the vote provided for Native schools the Minister shall make provision for the teaching of physical drill to all children attending such schools.

Exemptions.

(5.) Any boy or girl who is unfit to undergo physical drill shall be exempted therefrom in the manner prescribed by regulations.

Military drill in public schools.

(6.) In any public school where there is a qualified instructor provision may be made in accordance with regulations for the instruction in military drill of boys between the ages of twelve and fourteen years, and such drill shall be subject to inspection, at such convenient times as may be arranged with the Board, by an officer appointed by the Commandant of the Defence Forces.

Expulsion of children in certain cases.

58. (1.) It shall be lawful for the teacher of any school to expel or forbid ^{to suspend from attendance} the attendance of any child for want of cleanliness, or who may be likely to communicate any contagious disease, or who from gross misconduct or incorrigible disobedience may be considered an injurious or dangerous example to the other scholars. ^{Take in addition 1926 Inset}

(2.) The parent or guardian of any child so expelled, or whose attendance has been forbidden, shall have a right of appeal, first to the Committee, and finally to the Board.

(3.) In any proceedings under section sixty-two hereof it shall be a defence that the child has been forbidden to attend school for want of cleanliness only if the parent satisfies the Court that the child was not absent from school for a longer period than was necessary in order to remove the cause for which he was so forbidden to attend school.

Refer: 1926 Inset

Refer: 1926 Inset

Compulsory Education. Exemptions.

59. (1.) Subject to the provisions of this Act, every child between the age of seven years and the age of ~~fourteen~~ years is hereby required to have his name enrolled on the register of some public school or other registered school, and to attend the said school whenever it is open; and the attendance register of such school shall be open at all times when the school is open to the Truant Officer or other person appointed for that purpose by the Board or the Committee. **ADD hereto**

Every child between seven and fourteen years to attend school.

AMENDED: VIDE INSET

(2.) A child shall be deemed to be attending such school, and an attendance may be counted to him, if he is present at the time prescribed by regulations for marking the register, and remains present until the closing of the school, unless he is compelled to leave earlier in order to return home by railway or other public conveyance. **ADD hereto**

AMENDED: VIDE INSET

(3.) A child who has attended for four hours in any school day may, under special circumstances, be allowed by the head teacher to leave before the close of the school.

60. (1.) The parent of any child may apply for and receive from the Committee of the district in which such child resides, or from the Chairman and one other member thereof, under the hand of the Chairman or clerk, or from the head teacher of any public school in such district, a certificate exempting such child from attendance in whole or in part at school, upon satisfying the Committee, or the Chairman and one other member thereof, or the head teacher of any public school in such district, of the existence of any one of the following grounds, namely:—

Certificate of exemption.

(a.) That the total distance that the child would be required to walk from his place of residence to the school, or from his place of residence to the railway or other public conveyance and from the railway or other public conveyance to the school, is more than two miles in the case of a child under ten years of age, or three miles in any other case, the distance being estimated by the nearest road:

(b.) That the child is elsewhere under instruction as regular and as efficient as in a registered school:

(c.) That the child is unable to attend school by reason of sickness, danger of infection, temporary or permanent infirmity, severe stress of weather, sudden and serious illness of a parent, or other sufficient cause:

(d.) That the road by which the child has to travel to school is not sufficiently passable:

(e.) That the child is over the age of thirteen years and holds a certificate of proficiency as prescribed by regulations. **ADD hereto**

AMENDED: VIDE INSET

(2.) Every such certificate of exemption shall state the ground of exemption, and shall be in the prescribed form, and shall be in force for a period of one year, or for such shorter period as is named in the certificate:

Provided that the Board may at any time, on the advice of the Senior Inspector, cancel any certificate of exemption.

(3.) During the period named in the certificate the holder thereof shall be freed from the operation of section fifty-nine hereof in respect of the child named therein.

(4.) Any parent who is dissatisfied with the decision of a Committee or head teacher in refusing to grant an exemption certificate may appeal to the Board against such decision, and the Board (whose decision shall be final) may overrule or confirm such decision.

Penalty for failure to enrol child.

AMENDED: VIDE INSET

61. (1.) Where a child who is required to be enrolled on the register of some public school or other registered school is not so enrolled the parent of the child is liable to a fine not exceeding two pounds.

(2.) The payment of any such fine shall not be a bar to further proceedings in case of further default.

Penalty for irregular attendance of children at school.

62. (1.) Where any child required by this Act to attend school has been enrolled at a registered school, and does not attend as provided in section fifty-nine hereof, the parent of such child shall be liable to a fine not exceeding ten shillings and not less than two shillings for every week in which such child fails to attend school as required by this Act.

(2.) Proceedings under this section for the recovery of any fine incurred by reason of insufficient attendance during any part of any month shall not be instituted except during that month or the two months next following.

Proceedings for penalties.

63. All proceedings under the two last preceding sections hereof may be had and taken in the manner prescribed by the Justices of the Peace Act, 1908; but every case shall, unless the Magistrate determines otherwise, be heard with closed doors; and the Magistrate or Justices may, at their discretion, attend at any public school for the purpose of taking evidence, and in such case may dispense with the attendance at the Court of the parents or the child in respect of whom the proceedings are taken.

Truant Officers.

64. It shall be lawful for the Board to appoint Truant Officers; and any Truant Officer, or the Secretary of the Board, or any member of the Committee appointed for that purpose by the Committee, or the clerk of the Committee, may lay informations, make complaints, conduct prosecutions, and take all other proceedings under the sections aforesaid.

AMENDED: VIDE INSET

Evidence of appointment of officers, &c.

REPEALED, and substitution thereof
Vide inset.

65. A certificate under the hand of the Secretary of the Board, showing that the person named therein is a Truant Officer, shall be sufficient evidence of the appointment of such Truant Officer; and, similarly, a certificate under the hand of the Chairman of the Committee shall be sufficient evidence of the appointment of the clerk of the Committee or of a member of the same; and in any proceedings under the sections aforesaid the election or appointment of the person acting as Chairman of the Committee or as Secretary of the Board, or the signature to any such certificate, shall not be inquired into or disputed.

Evidence of school roll.

66. For the purpose of any proceedings under the sections aforesaid against any parent for not sending his child to school, the enrolment of such child at a school, the number of times the school was open during any period, and the number of attendances made by such child during that period shall be sufficiently proved by the production of a certificate under the hand of the head teacher of the school.

Onus of proof on parents.

67. On the hearing of any information or complaint under the sections aforesaid, the onus shall be on the parent or guardian of such child of showing that the child has attended or is attending a public school in accordance with the requirements of this Act, or that such child is exempt from such attendance hereunder.

68. All fines recovered under the sections aforesaid shall be paid to the Committee or the Board, at whose instance such fine is recovered, and shall thereupon become part of the School Fund or the General Fund of the Board, as the case may be.

Fines to be paid
into School or
Board Fund.

AMENDED: VIDE INSET

69. (1.) For the purposes of sections fifty-nine to sixty-eight hereof a Native school shall be deemed to be a public school, subject, however, to any regulations relating to the attendance at school of Maori children and of children in the Chatham Islands.

Native schools.

(2.) All the powers and functions possessed by the School Committee, or by the Chairman or the clerk of the Committee, or by the head teacher of a public school, under sections fifty-nine to sixty-eight hereof shall, with the necessary modifications, be possessed in the case of a Native school by the teacher of that school, or by any other person appointed in that behalf by the Minister.

(3.) All the powers and functions possessed by the Education Board, or by the Chairman, Secretary, or Truant Officer thereof, under sections fifty-nine to sixty-eight hereof shall, with the necessary modifications, be possessed in the case of Native schools by any person appointed in that behalf by the Minister.

(4.) All fines recovered under section sixty-one or sixty-two hereof in any proceedings taken by virtue of the powers and functions referred to in subsections two and three hereof shall be paid into the Public Account or applied and expended for the benefit of the Native school, as the Minister from time to time directs.

(5.) Schools in the Chatham Islands shall for the purposes of this Act be deemed to be Native schools until such time as the Board, with the consent of the Minister, establishes them as public schools.

(6.) The Governor may from time to time make regulations for the attendance at school of Maori children and of children in the Chatham Islands.

Good-attendance Certificates.

70. Certificates of good attendance may be issued in accordance with regulations to children attending public schools.

Certificates of good
attendance.

PART VI.

TEACHERS IN PUBLIC SCHOOLS.

Appointment of Teachers.

71. (1.) The Board shall in accordance with this Act and regulations thereunder appoint teachers for the schools under its control; but no person shall be eligible for appointment who does not produce such teacher's certificate or license to teach and such other certificates of fitness as are required by regulations:

Appointment of
teachers, &c.

Refer: 1926 Inset

Provided that in cases where a certificated teacher or a person holding a license to teach cannot be obtained for any position the person having otherwise the best qualifications may be temporarily appointed until a certificated teacher or a person holding a license to teach can be obtained.

Refer: 1926 Inset

(2.) The appointment of a teacher may be made by the transfer of a teacher from one position to another position (whether in the same or in a different school), or otherwise.

(3.) The transfer of a teacher may be made in any one of the three cases following:—

(a.) In any case where any teacher in the district of the Board is receiving a salary higher than that of the grade of salary pertaining to the position occupied by him, or where any teacher has lost his position (through no fault of his own) on account of the closing of a school or of a fall in the grade of any school:

(b.) In any case where the efficient conduct of any school appears in the opinion of the Board to require such transfer:

(c.) In any other case where a teacher has signified to the Board his desire for transfer:

Provided that before making any appointment, whether by way of transfer or otherwise, the Board shall consider the fitness for the vacant position of every teacher in the employment of the Board referred to in paragraph (a) hereof, and shall consider every case referred to in paragraph (b) hereof.

Provided further that no appointment of an assistant teacher to the position of head teacher in the same school shall be made under this subsection.

(4.) In all cases, except the cases of transfer made under the last preceding subsection, the Board shall invite applications for appointment by advertisement in such newspapers as it shall think fit.

(5.) Before making any such appointment the Board shall consult with the Senior Inspector, and shall take into account the fitness for the vacant position of all those teachers in the employment of the Board who have signified to the Board their desire for transfer, and also of all those teachers who have applied for the appointment, whether they are resident or employed in the district of that Board or not.

(6.) In any case where applications have been invited, the Board shall select the teacher whom it considers best fitted for the position.

(7.) Notwithstanding the last preceding subsection, if it appears to the Board, after consultation with the Senior Inspector, that two or more candidates possess as nearly as may be equal qualifications, then, but in no other case, the Board may select not more than three of such candidates for consideration by the Committee.

(8.) The Director may send to the Board the name of any teacher in any district who is receiving a salary higher than that of the grade of salary pertaining to the position occupied by him, or of any teacher who has lost his position (through no fault of his own) on account of the closing of a school or a fall in the grade of any school, together with a statement of the length of service and other qualifications of such teacher, and of the position or positions for which such teacher is fitted, and the Board shall thereupon act as if such teacher were an applicant for such last-named position or positions. **ADD hereto** (9)

72. (1.) The Committee may recommend teachers to the Board for appointment, and may also recommend the suspension or dismissal or transfer of any teacher; and no appointment, suspension, or dismissal shall take place until the Committee has been first consulted.

(2.) The Board shall consult the Committee in regard to the appointment of teachers, whether by transfer or otherwise, in the manner following:—

REPEALED, and substitution therefor:
Vide Inset.

REPEALED, and substitution therefor:
Vide Inset.

REFER TO INSET APPENDED

REPEALED, and substitution therefor:
Vide Inset.

AMENDED: VIDE INSET

Committee may make recommendations as to appointment, &c., of teachers.

(a.) The Board shall send to the Chairman of the Committee, so as to reach him in the ordinary course of post not later than ten days before the day on which the appointment is to be made, the name of the teacher proposed to be transferred, or of the teacher or teachers selected for appointment under subsection six or subsection seven of the last preceding section, together with a statement of the length of service and other qualifications of each such teacher proposed to be transferred or selected for appointment :

Provided that if applications have been invited the Board shall also send the names of all the teachers who are applicants for the appointment ; and the Board shall at the same time give notice to the Committee of the day on which the Board proposes to make the appointment.

(b.) In any case, except the case referred to in subsection seven of the last preceding section, the Committee, if it desires to express any opinion or make any recommendation with respect to the appointment, shall forward its opinion or recommendation to the Board so as to reach the Board not later than three days before the day on which the appointment is to be made ; and if such opinion or recommendation is received by the Board within the time aforesaid the Board shall take the same into consideration before making the appointment.

(c.) In the case referred to in subsection seven of the last preceding section hereof the Committee shall choose one of the persons selected by the Board, and shall in writing notify the Board, not later than three days before the day on which the appointment is to be made, of the choice so made, and the Board shall appoint the teacher so chosen :

Provided that if no such notification is received within the time aforesaid the Board may appoint any one of the persons previously selected by it.

(3.) Pending the result of such consultation, the Board may, if necessary, appoint a temporary teacher for any period not exceeding three months.

AMENDED: VIDE INSET

(4.) Notwithstanding anything in subsection two hereof, but subject to the provisions of the last preceding section, the Board may, on the recommendation or with the consent of the Committee, appoint any teacher, although the Committee has not been consulted in the manner prescribed.

73. (1.) Where an Education Board proposes to transfer a teacher from one position to another (whether in the same or in a different school), the Board shall, by writing under the hand of its Secretary, give to that teacher not less than twenty-one days' notice of its intention so to transfer him.

Provisions regarding proposed transfers of teachers.

(2.) The teacher may, within fourteen days after the receipt of the said notice, object, in writing addressed to the Secretary of the Education Board, to the proposed transfer, and shall state therein the grounds of his objection.

(3.) The Board shall (as soon as practicable thereafter) take the objection into consideration, and shall, if it decides to proceed with

the transfer, give notice of its decision to the teacher, and thereupon the provisions of Part XI of this Act shall extend and apply accordingly.

(4.) Upon the hearing of any such appeal the Court may, in its discretion, having regard to all the circumstances of the case, either confirm the transfer or order the appellant to be reinstated.

(5.) The transfer of a teacher shall be held to be reasonable if the salary attached to the position to which the Board proposes to transfer him is higher than that of the grade of salary pertaining to the position from which it is proposed to transfer him. **ADD hereto**

AMENDED: VIDE INSET

Teachers of schools in office to continue in same.

74. All teachers of schools at or immediately before the coming into operation of this Act holding office under the provisions of any former Education Act shall, subject to any express provisions of this Act, continue to hold such office as if appointed under this Act.

Staff of Public Schools.

Grades of public schools.

75. (1.) Public schools shall be classified in grades and subgrades in accordance with the provisions of the Fifth Schedule hereto.

(2.) It shall be the duty of every Board to determine from time to time, in accordance with regulations, the grade and subgrade to which every public school under the control of that Board belongs.

(3.) The said regulations may be made at any time after the passing of this Act, and may from time to time be varied or revoked.

76. The salaries payable to head teachers and assistant teachers respectively in public schools are hereby classified in grades in accordance with the provisions of the Fourth Schedule hereto.

Grades of head and assistant teachers' salaries.

Number of teachers and pupil-teachers.

77. (1.) The number of teachers and pupil-teachers in every public school shall be determined in accordance with the provisions of the Fifth Schedule hereto.

(2.) The number of teachers in a Native school shall not be less than the number provided for a public school of the same size.

78. (1.) ~~In addition to the teachers and pupil-teachers provided for by the Fifth Schedule hereto, it shall be lawful for the Board to appoint probationers in accordance with regulations.~~

Appointment of probationers.

AMENDED: VIDE INSET

(2.) No probationer shall have sole charge of any class, or shall be engaged in teaching for more than fifteen hours in any week.

(3.) No probationer shall be entitled to become a contributor to the Teachers' Superannuation Fund.

Ibid

(4.) The allowances payable to probationers, and the conditions of their appointment and employment, shall be determined in accordance with regulations.

Salaries of Teachers.

Salaries of teachers in public schools.

79. (1.) Subject to the provisions hereinafter contained in this section, the salaries payable to teachers in public schools shall be the salaries of the grades (as defined in the Fourth Schedule hereto) prescribed for those teachers in the Fifth Schedule hereto.

(2.) A teacher employed in a public school at the commencement of this Act shall not, so long as he remains in the same position, receive a salary lower than that to which he would have been entitled had this Act not been passed.

REPEALED: Vide Inset

(3.) Every teacher who is appointed to any position in a public school after the commencement of this Act shall, on his appointment, receive the minimum salary of the grade of salary attached to his position under this Act.

(4.) Notwithstanding the provisions of the last preceding subsection, if a teacher is transferred from one position to another position (whether those two positions are in the same school or in different schools, or under the same Board or under different Boards, or under the Department) his salary in his new position shall be determined in the manner following:—

(a.) If the amount of the final salary which he received in his former position is less than the minimum salary of the grade of salary attached to his new position, he shall receive as his initial salary in his new position the amount of such minimum salary, and thereafter shall receive an annual increment in the manner provided in subsection five hereof.

(b.) If the amount of the final salary which he received in his former position is greater than the maximum salary of the grade of salary attached to his new position, he shall receive as his salary in his new position the amount of such maximum salary.

(c.) In any other case he shall receive as his initial salary in his new position the amount of the final salary which he received in his former position, and shall receive his first increment of salary on the same date as if he had continued in the position from which he was so transferred.

A transfer for the purposes of this subsection shall be deemed to include the case in which there has been an interval of time between the tenure of the two positions not exceeding twelve months.

(5.) Every teacher employed in any position in a public school shall so long as he remains in that position receive the annual increment mentioned in the Fourth Schedule hereto; and every such increment shall be by way of addition to the rate of salary payable on the thirty-first day of December immediately preceding, and shall commence—

Annual increments
to salaries.

(a.) In the case of a teacher employed in such a position on the first day of July in any year, as from the first day of January next ensuing; and

(b.) In the case of a teacher appointed to such a position after the first day of July in any year, as from the first day of January next ensuing after the expiration of one year from the date of such appointment:

Provided that no teacher employed in any position at the commencement of this Act shall receive a salary lower than the minimum salary to which he is entitled under this Act.

(6.) Except as provided in subsection two hereof, nothing in this section shall entitle any teacher to a salary higher than the maximum for the grade of salary attached to his position.

(7.) If any school is at the beginning of any year placed in Grade I or a higher grade, and that school is thereafter reduced in grade, any teacher who remains in the same position therein shall continue to receive the same salary and allowances as if no such reduction had taken place:

Reduction in grade
of school.

Provided that if he has been offered and has declined to accept in a public school, secondary school, technical high school, or in any school under the control of the Department, any position the salary and allowances attached to which are not less than the salary that would have been received by him if the first-named school had not been reduced in grade, then he shall continue to receive for two years after the reduction, but no longer, the same salary and allowances as if no reduction had taken place, and thereafter, until new conditions arise, he shall receive as his salary and allowances the maximum salary and allowances of the grade to which he has been reduced.

(8.) In cases where, owing to a change in the grade of any school, the transfer of a teacher to another school appears, in the opinion of the Minister, to be necessary, there shall be paid to such teacher the reasonable expenses of removal in the manner and to the extent prescribed :

Provided that the Board may in any case, out of its General Fund, pay to a teacher transferred from a position in one school to a position in another school such reasonable expenses of removal as it thinks fit.

(9.) Any teacher who is appointed temporarily, or acts as relieving teacher or *locum tenens* for a teacher, in any position in a public school shall, while he occupies such position, be paid a salary not lower than the salary to which he would have been entitled if he had been permanently appointed to such position.

(10.) Notwithstanding anything in this Act, the Board may pay such additional sums in the way of salary as may be prescribed—

(a.) To teachers in any model school established under section fifty-six hereof ; and

(b.) To such teachers in any public school as are from time to time approved by the Minister for the purpose of giving opportunities of observation, or of observation and practice, to students of training colleges in accordance with regulations.

(11.) The salary paid to the head teacher in a Native school, or to any teacher in any other school under the control of the Department, shall not be lower than the salary payable to a teacher in a similar position in a public school.

80. (1.) The Board may, with the approval of the Minister, frame rules for the payment in whole or in part of the salary of any teacher who is granted leave of absence on account of sickness.

(2.) The Board may, with the approval of the Minister, grant leave of absence to any teacher for such period, not exceeding one year, as may be necessary to enable him to visit schools or other educational institutions in New Zealand or elsewhere, on such conditions as to payment of salary and other matters as may be approved ; and in such case there shall be payable to the Board, out of moneys appropriated by Parliament for the purpose, the amount of the salary paid to the teacher appointed as *locum tenens* for such first-named teacher.

81. (1.) In the case of a public school of Grade I or a higher grade the Board shall, at the discretion of the Minister, either provide a residence for the head teacher of the school, or pay to him annually out of moneys provided for that purpose the house allowance prescribed in the Sixth Schedule hereto. ADD hereto

Repealed : See Act, 19 19
No. 29 Section 18

Provision for pay-
ment of salary or of
part thereof during
absence of teacher
on leave or on
account of illness.

Schedule to

No. 29

REPEALED : See
Act, 19 19

House allowances for
head teachers.

AMENDED : See Act, 19 19
No. 29 Section 18

(2.) Such residence shall not without the express sanction of the Board be let to or occupied by any other person than the head teacher.

(3.) In any case in which the head teacher with the sanction of the Board lets such residence to any other person, or allows any other person to occupy it, he shall be held responsible for any damage to the residence or to the fences and grounds thereof, other than fair wear-and-tear, and he shall make such provision for insurance against fire as the Board shall direct.

82. (1.) No teacher appointed or whose appointment is confirmed under this Act shall be at liberty to relinquish his engagement without giving to the Chairman of the Committee, and also to the Secretary of the Board under which he holds his appointment, at least one month's notice in writing of his intention to do so; and such engagement shall not be determined by any Board except on giving three months' notice signed by its Secretary:

Duration of appointment of teacher.

Provided that, in either case, if such notice expires during the currency of any holidays fixed or sanctioned by the Board, the teacher shall be entitled to receive salary until the end of such holidays at the rate at which he was being paid at the time of expiry of the notice.

(2.) Nothing in this Act shall preclude or prevent the Board or the Committee from suspending, and the Board from peremptorily dismissing, any teacher for immoral conduct or gross misbehaviour; and such teacher shall not be entitled to receive any salary for any period after the date of such dismissal.

Summary dismissal in certain cases.

83. The teacher's occupation of the schoolhouse, or teacher's house if one is provided, and of the land for the time being allotted to the teacher's use by the Board is hereby declared to be an occupancy by sufferance only.

Teacher's occupation of schoolhouse.

84. (1.) In case a teacher refuses or neglects to deliver up possession of the schoolhouse and land attached, or of the house, as the case may be, after demand in writing made by or on behalf of the Board, the Magistrate whose Court is nearest to the locality shall, on the application of the Board, issue a warrant to the bailiff of the Court commanding him to enter into the premises and give possession of the same to the Board.

Proceedings against a teacher refusing to give up schoolhouse on demand.

(2.) Every such warrant may and shall be enforced as a warrant for the recovery of the possession of tenements issued under the Magistrates' Courts Act, 1908.

85. (1.) The Board shall appoint pupil-teachers in accordance with the Fifth Schedule hereto.

Appointment of pupil-teachers.

(2.) The salaries and allowances payable to pupil-teachers shall be determined in accordance with the Seventh Schedule hereto.

Repealed: See Act, 1919
No. 29 Section 18

PART VII.

SECONDARY EDUCATION.

86. In this Act, if not inconsistent with the context,—

“Endowments” means endowments derived from grants from the public revenue, or from grants of land made at any time by the Governor or otherwise:

Interpretation.

REPEALED, and substitution therefor
Vide inset.

“Free place” means tuition given without payment of fees to one pupil in accordance with regulations made under section ninety-seven hereof:

“Net annual income derived from endowments” means the average during the three years ending the thirty-first day of December preceding of the total annual income derived from endowments, from all investments of moneys derived from endowments (including mortgages and bank deposits) available for the general purposes of the secondary schools, less expenditure upon such endowments and investments, and less expenditure upon buildings and the maintenance and repairs of buildings, and less mortgage and bank charges in respect of lands and buildings:

Provided that the expenditure on new buildings shall not be deducted unless the Minister is satisfied that those buildings were necessary for the purposes of the secondary school.

REPEALED, and substitution therefor;
Vide Inset.

Establishment and Disestablishment of Schools.

Saving of schools
already established.

87. (1.) Every secondary school, district high school, or technical high school established under any former Education Act and existing at the commencement of this Act shall be deemed to have been established under this Act.

Where no secondary
school maintained.

(2.) Where a secondary school has not been established by the governing body of an endowed secondary school, or having been established is at the commencement of this Act no longer maintained by such governing body, the Minister may at any time, on the advice of the Council, direct either that such school shall be established or that the income thereof shall be devoted in whole or in part to the maintenance of another school in the locality—namely, another secondary school, or a district high school, or a technical high school, as he may think fit; and no secondary school shall be hereafter established by the governing body of such endowed secondary school without the approval of the Minister previously obtained.

Refer 1931 Inset.

Establishment and
disestablishment of
secondary schools.

88. (1.) Having due regard to the provision for secondary or technical education in any locality or in any education district, after consultation with the Board the Minister may, on the advice of the Council, establish in such locality or district a secondary school, or a district high school, or a technical high school; and, with the like regard and on the like advice, he may disestablish any district high school, technical high school, or any secondary school other than a school named in the Ninth Schedule hereto.

AMENDED: VIDE INSET

(2.) The Board of any education district ~~or the Committee of any urban school district~~, after consultation with the Board, may make application to the Minister for the establishment of a secondary school, a district high school, or a technical high school in such district, or in any locality thereof, and the Minister shall at the next opportunity refer such application to the Council for its advice.

(3.) In general, no such school shall be established unless—

(a.) In the case of a secondary school, there are not less than sixty pupils who have obtained certificates of proficiency under the regulations of the public-school syllabus, and whose

parents have expressed in writing their intention of enrolling them at such secondary school :

- (b.) In the case of a district high school, there are not less than twenty pupils who are qualified in accordance with regulations to be admitted to the secondary department of such district high school, and whose parents have expressed in writing their intention of enrolling them in such secondary department :
- (c.) In the case of a technical high school, there are not less than forty pupils who are qualified in accordance with regulations to be admitted to such technical high school, and whose parents have expressed in writing their intention of enrolling them at such school.

(4.) In general, a secondary school or a technical high school may be disestablished in accordance with subsection one hereof if there are therein less than forty pupils holding certificates of proficiency, and a district high school may be disestablished if there are therein less than twelve pupils holding certificates of proficiency ; and in any case the Minister may, on the advice of the Council, disestablish any of such schools if he considers that sufficient means are already provided in the same district by another secondary school, district high school, or technical high school—having regard to the facilities provided for the attendance of holders of National Scholarships at a secondary school or its equivalent elsewhere.

Provisions as to
disestablishment.

Refer 1931 Inset.

(5.) Where any secondary school, district high school, or technical high school is disestablished in accordance with this Act, or for any other reason ceases to be maintained or carried on, the Minister may, on the advice of the Council, direct that the property and the income thereof shall be devoted in whole or in part to the maintenance of another secondary school, or district high school, or technical high school in the locality, and account shall be kept of such property and income in the manner prescribed.

Control of Schools.

89. (1.) The secondary schools named in Parts I and II of the Ninth Schedule hereto shall be controlled by the Boards or governing bodies constituted in accordance with the Acts establishing such schools :

Governing bodies of
certain secondary
schools.

Provided that in the case of the secondary schools named in Part II of the said Schedule where any such Act does not provide for the appointment of a member of the governing body by the Education Board of the district in which any such school is situated, it is hereby enacted that the Education Board shall appoint one member to such governing body :

Provided further that in the case of any school named in Part II of the same Schedule where any such Act does not provide for the election of members of the governing body by the parents of the pupils, it is hereby enacted that the parents shall elect two members in the manner prescribed by the scheme referred to in section ninety-two hereof.

(2.) The members appointed in accordance with this section to the governing body shall be in addition to any other members prescribed by the Act establishing such school, and shall be appointed in the month of July in the year nineteen hundred and fifteen, and in the same month in every second year thereafter ; they shall take office on the

REPEALED, and substitution therefor :
Vide Inset.

first day of August next ensuing, and shall hold office for two years or until the appointment of their successors, but shall be eligible for reappointment. A casual vacancy (which shall be created in the same way as in the case of members of Education Boards) shall be filled in the same manner as an ordinary vacancy, within fifty days of the occurring of such casual vacancy.

Governing bodies
of other secondary
schools.

90. (1.) Every secondary school other than those schools named in Parts I and II of the Ninth Schedule hereto, and every secondary school established under this Act, shall be controlled by a Board or governing body constituted in the manner following:—

Three members shall be appointed by the Education Board of the district;

Three members shall be elected by the parents of the pupils;

Two members shall be appointed by the Governor;

One member shall be appointed by the Committee of the urban school district (if any) within five miles of such school, or, if there is no such urban school district, by the Council of the nearest borough within five miles of the school.

AMENDED: VIDE INSET

ADD proviso hereto

(2.) The appointment and election of members of the governing body shall be made in the manner prescribed by a scheme approved by the Minister, as provided in section ninety-two hereof.

(3.) Every district high school shall be managed, subject to the control of the Board of Education, by the Committee of the school district.

(4.) Section two of the Wanganui High School Act, 1878, and section three of the Marlborough High School Act, 1899 (relating to the constitution of the Boards of Governors of the Wanganui High School and the Marlborough High School respectively), shall be read subject to the provisions of this section.

Governing bodies
incorporated.

91. The governing body of every secondary school established under this Act shall be a body corporate, and shall have power to hold land, and power to purchase, take, or otherwise acquire land, as sites for any school buildings or teachers' residences, or for any other purpose in connection with such school; it may sue and be sued, and may do and suffer all such acts and things as corporate bodies may do and suffer.

Governing body of
secondary school to
prepare scheme for
control of school.

92. (1.) Every secondary school shall be controlled by the governing body thereof in accordance with a scheme approved by the Minister on the advice of the Council.

(2.) Every such scheme shall define the courses of study in such school, but the scheme shall not place any restriction upon the method of teaching any subject included in any course of study so long as such method is consistent with the general aims of such course. The scheme shall also define the respective powers of the governing body and of the principal, and the fees to be charged to such pupils as are not holders of free places; it shall state the arrangements (if any) made for pupils living away from home, and shall contain such other provisions as the Minister may direct in accordance with this Act and with the Act (if any) establishing such school.

Refer 1931 Inset.

Minister may require
modification of
scheme.

(3.) The Minister may at any time, on the advice of the Council, give notice to any secondary school to forward the scheme of the school, or to modify its scheme in respect to the courses of study in such school

or in respect to any other matter contained or directed to be contained in such scheme; and the secondary school shall within three months after the receipt of such notice forward to the Minister a copy of the scheme or of the modified scheme, as the case may be.

(4.) If the scheme so forwarded is not approved by the Minister, or if the governing body fails to comply with such notice, the Minister shall refer the matter to the Council, and the Council shall thereupon, after hearing a person appointed in that behalf by the governing body, draw up a scheme which, when approved by the Minister, shall be the scheme for the management of such school.

93. The Board of any secondary school may reimburse to every member the expenses reasonably incurred and actually paid by him in going to and returning from any meeting of the Board or of any committee thereof of which he is a member, or in making any official visit when appointed by the Board to make such visit: **Take in addition 1926 Inset**

Refer 1931 Inset.

Board may reimburse members' expenses reasonably incurred.

Provided that such member has not been already paid or is not entitled to be paid any further sum in respect of the same travelling-expenses by any other person or body corporate.

Courses of Study.

94. (1.) Every secondary school shall provide courses of study for not less than three years or four years, in accordance with the scheme thereof. Such courses may be courses of general secondary education or vocational courses.

Courses of study in secondary schools.

(2.) Every district high school and technical high school shall provide courses of study for not less than two years or three years in accordance with regulations.

95. Certificates may be issued by or under the authority of the Director of Education to pupils of any secondary school, district high school, or technical high school in accordance with regulations, namely:—

Certificates to persons completing course of instruction at secondary school.

(a.) Intermediate certificates to those who have satisfactorily completed a course of not less than two years of secondary instruction in such school or schools: **Take in addition 1926 Inset**

REFER TO INSET APPENDED

(b.) Lower leaving certificates and higher leaving certificates to those who have satisfactorily completed courses of not less than three years and four years respectively in such school or schools. **Take in addition 1926 Inset**

Inspection.

96. (1.) Every secondary school, district high school, and technical high school shall be open at all times to inspection by the Director or the Assistant Director, or by any Inspector of Schools, or by any other person directed by the Minister to inspect such school. Such inspection may include examination of the pupils in the subjects of instruction taught in such school.

Inspection of secondary schools, &c.

(2.) Every such school shall also be open to inspection by any person appointed, with the approval of the Minister, by the Senate of the University of New Zealand, or by the Council of any institution affiliated thereto, to ascertain on behalf of the Senate or of such Council the standard of education reached by those pupils who are or have been candidates for leaving certificates.

Admission to Secondary Schools.

Free education in
secondary schools,
&c.

97. (1.) Every secondary school, district high school, and technical high school shall give free education to those qualified in the manner prescribed by regulations :

Provided that no pupil shall be deemed to be qualified for a free place hereunder unless he is the holder of a certificate of proficiency or possesses some equivalent or higher qualification.

(2.) A secondary school may admit other pupils who have obtained certificates of competency in the subjects of Standard V or Standard VI of the public-school syllabus.

(3.) It may also admit pupils that have not obtained such certificate to a lower department of such secondary school if they are taught in a separate building or class-room, and if it can be shown to the satisfaction of the Minister that no part of the actual cost of their instruction, or of the establishment, management, or maintenance of such lower department, is met out of the endowments of the school, or out of any moneys granted by Government :

Provided that no pupils shall be admitted to such lower department if in the opinion of the Minister there is not room in the school for all the pupils qualified for free places under subsection one hereof, unless the cost of the buildings or class-rooms occupied by such lower department has been met otherwise than out of the endowments of the school or than out of moneys granted by Government.

98. Pupils who are the holders of certificates of competency in the subjects of Standard VI of the public-school syllabus may be admitted to the secondary department of a district high school or to a technical high school on the payment of such fees as may be prescribed by regulations or approved by the Minister.

AMENDED: VIDE INSET

Holders of
certificates of
competency to be
admitted to
secondary
department on
payment of
prescribed fees.

Annual Report.

Annual reports as
to secondary schools.

99. Every secondary school shall, on or before the first day of April in every year, forward to the Minister a report for the previous year, containing—

- (a.) A full account in the prescribed form of the income and expenditure for the year ending the thirty-first day of December preceding and of its assets and liabilities, audited in such manner as may be prescribed ;
- (b.) A return of all scholarships and free places held at the school ;
- (c.) A statement of the net annual income derived from endowments ; and
- (d.) Such information as to the staff, pupils, curriculum, and buildings of the school, and other matters relating to the school, as the Minister directs.

Grants for Secondary Schools.

Grants to secondary
schools for free
places.

100. (1.) On account of the holders of free places in accordance with regulations under this Act there shall be paid to the secondary school at which such free places are held grants according to the scale set out in the Tenth Schedule to this Act.

(2.) In the case of any secondary school whose total annual income derived from endowments and otherwise (excluding the grants under

REPEALED, and substitution therefor :
Vide Inset.

the last preceding subsection), and available for expenditure upon buildings and the maintenance and repairs of buildings, is, in the opinion of the Minister, less than twenty shillings per head of the total number of pupils attending the school, exclusive of the pupils in any lower department, there may be paid such supplementary grants for the maintenance and repairs of buildings as are prescribed.

(3.) The Minister may, out of moneys appropriated for that purpose by Parliament, pay to secondary schools grants for the erection of buildings, and for other expenditure in connection therewith; and in like manner pay to such schools grants for manual instruction.

Scholarships.

101. Holders of scholarships awarded under any former Education Act shall continue to be entitled to all the benefits of such scholarships in accordance with the conditions on which the same were granted.

Saving of existing scholarships.

102. (1.) For the purpose of enabling qualified persons to pursue a course of secondary instruction there shall be awarded annually by the Board of each education district, in accordance with regulations, scholarships to be called respectively "Junior National Scholarships" and "Senior National Scholarships."

National scholarships.

REFER TO Act. VIDE INSET

(2.) Every candidate for a Junior or Senior National Scholarship shall forward to the Secretary of the Education Board of the district, in accordance with regulations, an application for such scholarship and, at the same time, a certificate from the principal of the school he attended for the six months immediately preceding, in the prescribed form, that he is eligible for and qualified to hold such scholarship.

Refer: 1928 Inset.

Refer 1931 Inset.

Take in addition 1926 Inset

(3.) The junior scholarships shall be open to all persons of either sex who, on the first day of December in each year, are not over ~~fourteen~~^{thirteen} years of age, have been resident in New Zealand for twelve months immediately preceding, have been for the six months immediately preceding under regular instruction in the subjects of the Sixth Standard or a higher standard at a school in the district, being a public school or other registered school, and have given evidence of their fitness for a secondary course as prescribed by regulations, such evidence being in no case lower than that of a certificate of proficiency under the public-school syllabus.

Refer: 1926 Inset

(4.) The senior scholarships shall be open to all persons of either sex who, on the first day of December in each year are not over ~~sixteen~~^{fifteen} years of age, have for the twelve months immediately preceding been resident in New Zealand and under secondary instruction as prescribed by regulations at a secondary school, district high school, technical high school, or other registered secondary school in the district, and have given evidence of their fitness for a further secondary course, such evidence being in no case lower than that of an intermediate certificate.

Refer: 1926 Inset

(5.) The standards of qualification for the Junior and Senior National Scholarships in any year shall in general be as nearly as possible such that, if they had been awarded on such qualifications for the school year immediately preceding, the number of all junior and senior scholarships in all the education districts taken together would not have been less than one scholarship for each five hundred children in yearly average attendance at all the public schools in New Zealand for such preceding year.

REPEALED, and substitution therefor:
Vide Inset.

Holders of National Scholarships to pursue studies at secondary school or approved equivalent,

Payments to scholarship-holders.

AMENDED: VIDE INSET

Additional payments to scholarship-holders living away from home.

Payment in respect of travelling-expenses.

Term of scholarships.

REPEALED, and substitution therefor: Vide Inset.

Refer: 1926 Inset

REFER TO INSET APPENDED

Appropriation.

REFER TO Act. VIDE INSET

Regulations.

Board may receive land or money for foundation of scholarships.

103. The holder of any junior or senior scholarship shall be required to pursue his studies diligently to the satisfaction of the Director at a secondary school or ~~its equivalent~~ approved by the Minister.

104. (1.) ~~In addition to the amount of the tuition fees (if any) payable by him;~~ the holder of a junior scholarship shall receive the sum of five pounds per annum, and the holder of a senior scholarship shall receive the sum of ten pounds per annum.

(2.) Where the holder of a junior or senior scholarship is obliged to live away from home in order to prosecute his studies, ~~there shall be paid to him an additional sum of thirty-five pounds per annum, provided that the arrangements made in respect of his board and residence shall first be approved by the Board.~~ ^{Take in addition (1) 1926 Inset}

(3.) Where the holder of a junior or senior scholarship lives at home, but is compelled to travel more than four miles daily each way to prosecute his studies, there shall be paid to him an additional sum to meet the actual cost of such travelling, but this additional sum shall not exceed ten pounds per annum.

105. (1.) The term of each junior scholarship and of each senior scholarship shall be three years, if the holder so long faithfully fulfils the prescribed conditions:

Provided that no junior scholarship shall be tenable after the end of the year in which the holder attains the age of sixteen years, and that no senior scholarship shall be tenable after the holder attains the age of nineteen years:

Provided further that no person shall hold both a junior and a senior scholarship at the same time, ~~and that no person who has been the holder of a junior scholarship shall hold a senior scholarship for a longer time than would make the total of the actual periods of tenure of the two scholarships equal to five years.~~

(2.) The scholarships shall be paid ~~by quarterly instalments,~~ ^{at the prescribed times} and upon satisfactory evidence being in the prescribed manner furnished to the Board that the holder has fulfilled the prescribed conditions up ~~to the date of the instalment.~~

(3.) A National Scholarship shall not be held by any one who is at the same time the holder of any other scholarship.

106. The Minister of Finance shall, without further appropriation than this Act, pay out of the Consolidated Fund to each Board of Education the amounts payable ~~to Junior and Senior National scholars after the end of each quarter.~~ ^{as they fall due}

107. The Governor may from time to time, by Order in Council, make regulations for the effectual carrying-out of the purposes of sections one hundred and one to one hundred and five hereof.

108. (1.) The Board may receive from any local authority, or any other body or person, grants of land or money, to be applied by it towards founding scholarships or exhibitions, or for other educational purposes in connection with any public school within a district, and such land or money shall be vested in the Board for the specific purposes declared in the grant.

(2.) Subject to any special trust, every scholarship or exhibition mentioned in this section shall be open to any child on the roll of such school; and in the event of any school for which a scholarship or

exhibition is founded being discontinued the Minister may direct that the scholarship or exhibition shall attach to some other public school in the district.

(3.) The Board may from time to time make by-laws under which scholarships or exhibitions founded by any local authority or any other body or person may be competed for and held at any public school within the district. By-laws.

PART VIII.

TECHNICAL EDUCATION.

109. In this Act, if not inconsistent with the context,—

Interpretation.

“Classes” means technical or continuation classes :

“College classes” means classes established by any University college for higher technical instruction or for instruction in such branches of higher commercial education as are prescribed :

“Continuation class” means a recognized class giving instruction in such of the ordinary public-school subjects, or other subjects of general or commercial education, as are prescribed, but are not part of a recognized technical course :

“Controlling authority” means the Education Board, or the governing body of a secondary school or of a University college, as the case may be, by which technical schools or classes under this Part of this Act are established :

Provided that in the case of the technical schools specified in Part II of the Eleventh Schedule hereto the controlling authority shall mean the managers thereof :

“Managers” means the persons having immediate control or charge of technical schools :

“Public association” means a school of art, a school of mines, an agricultural college, an industrial association, an industrial union, an agricultural and pastoral association, or any other public association formed in connection with technical instruction under this Act, or formed in connection with any branch of trade, industry, or commerce :

AMENDED: VIDE INSET

“Recognized” means recognized by the Minister in accordance with regulations under this Part of the Act :

“Technical class” means a recognized class for technical instruction not forming part of a recognized course :

“Technical course” means a recognized systematic course of technical instruction :

“Technical high school” means an institution recognized by the Minister as a technical high school, in which are given on five days in each week, before six o'clock in the afternoon, for at least twenty hours in each week, and for at least thirty-six weeks in each year, such vocational and technical courses as are prescribed :

Provided that every day technical school established and recognized under any former Education Act and in existence on the commencement of this Act shall be deemed to be a technical high school under this Act :

“Technical instruction” means instruction in the principles of any specified science or art as applied to industries, accompanied by individual laboratory or workshop practice, or instruction in modern languages, or in such other subjects connected with industrial, commercial, agricultural, or domestic pursuits as are prescribed :

“Technical school” means any institution under the charge of a Director and recognized by the Minister, on the application of the controlling authority or on the advice of the Council, as a technical school, in which are given technical courses or technical and vocational courses :

“Vocational course” means a recognized course of instruction including the essentials of a general secondary education and subjects that are preliminary or introductory to a trade or profession or occupation :

“University college” means a college or institution affiliated to the University of New Zealand, and named in Part I of the Eleventh Schedule hereto.

110. (1.) The Minister may recognize classes and technical schools and college classes in the manner prescribed by regulations under this Part of the Act.

(2.) Any controlling authority and any urban School Committee, after consultation with the Board, may make application to the Minister for the recognition of a technical school or of classes under this Part of the Act, and the Minister shall decide what authority shall be the controlling authority in accordance with this Act.

111. The Minister shall refuse to recognize any technical school or any class if he considers that sufficient means of similar instruction are already provided by another technical school or by another class within a radius of five miles from the place where the school or class seeking recognition is to be held.

112. The Minister may revoke at any time the recognition granted to any technical school or to any class if he is dissatisfied with the manner in which the school or class is being conducted, or if he considers that sufficient provision is made by another similar recognized school or class in or reasonably near to the same locality :

Provided that in the latter case he shall, if the controlling authority of such class so requires, give six months' notice of his intention to cancel the recognition.

113. (1.) Subject to the provisions of this Act and regulations thereunder, all technical schools, other than schools established by a University college, shall be under the immediate control of managers.

(2.) The technical schools specified in Part II of the Eleventh Schedule hereto and the classes established by them shall be under the control of managers elected or appointed in accordance with regulations :

Provided that at least one of the managers shall be appointed by the Board of Education of the district, and one manager shall be appointed by the Committee of the urban school district (if any) within five miles of such technical school.

(3.) In the case of the technical school named in Part III of the Eleventh Schedule hereto the controlling authority shall be the managers thereof.

AMENDED: VIDE INSET

Minister may recognize certain classes.

AMENDED: VIDE INSET

Certain classes not to be recognized.

Minister may revoke recognition in certain cases.

Technical classes, &c., to be controlled by managers.

REPEALED, and substitution thereof: hereto and the classes established by them shall be under the control of managers elected or appointed in accordance with regulations :
Vide inset.

(4.) In the case of all other technical schools the managers shall be elected or appointed in the manner prescribed by regulations as follows, namely:—

- (a.) The controlling authority shall have the power to appoint in any case three members, and in addition thereto, in the case in which the total number of managers exceeds nine, at least one-half of the total number of managers in excess of nine.
- (b.) The Committee of the urban school district (if any) within five miles of such technical school shall have the power to appoint one manager.
- (c.) If there is a technical high school in connection with such technical school, the parents of the pupils attending such technical high school shall have the power to elect two managers.
- (d.) Other managers shall be appointed or elected by the public associations and local authorities (if any) joining in the establishment and maintenance of such technical school, and the powers of appointment possessed by the controlling authority and such public associations and local authorities shall be as nearly as possible in proportion to the cost of maintenance borne by them severally.

(5.) In the case of any other technical or continuation classes the controlling authority may delegate such powers of control as it shall see fit to the School Committee of the district.

(6.) The board of managers of every technical school shall be a corporate body under the name of "The [Name] Technical School Board."

(7.) The Governor shall have power to make regulations defining the powers of control and management possessed respectively by the controlling authority and the managers of technical schools. Such regulations may reserve to the controlling authority, except in the case of technical schools established before the commencement of this Act, the expenditure of money and the power of appointing teachers under this Part of this Act.

114. The controlling authority of any technical school other than those specified in Part II of the Eleventh Schedule hereof shall have the power to take and to hold land for the purpose of buildings, playgrounds, or any other purpose connected with the functions of such technical school.

Power to hold land, &c., for purposes of technical school.

AMENDED: VIDE INSET

115. (1.) Subject to the provisions of this Act, every controlling authority of schools (not being technical high schools) or classes under this Part of this Act shall be entitled to receive, by way of capitation, payment out of the public funds in respect of the attendances of pupils at the several classes. Such payment shall be in accordance with regulations under this Act:

Payment by way of capitation in aid of technical schools.

REPEALED: Vide Inset.

Provided that the rate thereof shall not be less than twopence and not more than eightpence for every attendance at a class:

Provided that an addition to the rate of payment of one-half thereof may, with the approval of the Minister, be made in the case of a technical school or of technical or continuation classes held more than two miles from a town of not less than two thousand inhabitants.

Provided further that, except as prescribed by regulations under this Act, no payment shall be made in respect of any pupil who is under the age of fourteen years, unless he is a holder of a certificate of proficiency, nor in respect of any pupil who is on the roll of a public school or secondary school :

Provided further that the controlling authority of any technical school shall (subject to regulations made under subsection seven of section one hundred and thirteen hereof) pay over all moneys, less the reasonable expenses of administration, to the managers of the school.

(2.) In the case of technical high schools such annual grants as may be prescribed by regulations, not exceeding ten pounds in respect of each pupil or fifteen pounds in respect of each free pupil, shall be paid :

Provided also that in the case of technical or vocational courses, other than those forming the courses at a technical high school, there may be paid in lieu of such capitation such annual grants as may be prescribed.

(3.) An "attendance," for the purposes of this Part of this Act, means the attendance of one pupil for one hour at any class for which payment can be claimed under this Act.

(4.) A register shall be kept for every such class showing the duration of the class, and the presence or absence of each pupil at or from any such class shall be recorded in the register in the manner prescribed by regulations.

(5.) It shall not be lawful to enter on the register, except as provided by regulations under this Act, the name of any person under the age of fourteen years, nor the name of any person on the roll of any public school, district high school, or secondary school.

Limitation of right
to receive capitation.

116. No capitation payment shall be made in respect of any class which has not been carried on with regularity through a term of at least ten weeks :

Provided that in any case where the class-day is a public holiday, or a day appointed by the Minister for the examination of the pupils, the failure of the class to meet for instruction on that day shall not affect the right to such payment :

Provided also that this section shall not apply to such classes for teachers or itinerant classes in country districts as may be recognized by the Minister.

Capitation claims to
be rendered within
three months.

117. In no case shall any capitation payment be made in respect of any technical school or any class unless the claim for payment is rendered to the Minister within three months after the end of the calendar year.

Payments to be
out of moneys
appropriated.

118. The payments hereinbefore provided for shall be made out of moneys to be appropriated by Parliament for the purpose.

Fees for attendance
at classes.

119. In the case of all classes under this Part of this Act, except the classes conducted by technical schools, the controlling authority thereof, and in the case of technical schools the managers thereof, may fix and charge fees for attendance at such classes :

Provided that no fees shall be fixed or charged unless they have been submitted to and approved by the Minister.

Inspection.

120. The Minister may direct any Inspector to visit, inspect, and examine technical schools and classes under this Part of this Act.

121. (1.) Before any technical school or any class is recognized by the Minister, the controlling authority shall send to the Minister a statement of the qualifications of the teachers, of the programme of the work to be done in any course for each year of the course, or the work to be done in any class, of the facilities for carrying on such course or class, of the fees to be charged to pupils other than free pupils, the names of the managers, and of such other details as may be prescribed; and in the case of any appointment of a new teacher or of any change of the programme of a course or of a class, the controlling authority shall forward the like statement in respect of such new appointment or change of programme; and no grants or capitation shall be payable in respect of such school or class until such statement is received by the Minister:

Programme of work, &c., to be submitted to Minister before recognition of class.

Provided that in special circumstances the Minister may accept such a statement at any time, being not more than three months later than the date hereinbefore referred to.

(2.) Within three months after the close of the instruction in any year the controlling authority shall forward to the Minister such details of the work and attendance, receipts and expenditure of the technical school or of the class as are prescribed by regulations under this Act.

122. (1.) Any local authority may from time to time, out of its general funds, contribute such sum as it thinks fit to any controlling authority of a technical school or of classes under this Part of this Act, or to the managers of a technical school, for the purpose of encouraging the formation or increasing the efficiency of technical schools or of classes under this Part of this Act, and may for that purpose make a grant by lease or otherwise of lands or buildings, any Act to the contrary notwithstanding; and for the same purpose any controlling authority may from time to time, out of its general funds, contribute or apply such sum as it thinks fit, anything in any Act to the contrary notwithstanding.

Local authority or controlling authority may contribute funds.

(2.) Without limiting the generality of the last preceding subsection, it is hereby declared that the contribution or application of moneys by a local authority or a controlling authority for the purpose of acquiring land or buildings, or of erecting or extending buildings, or of acquiring apparatus or appliances in connection with the therein-mentioned technical school or classes, or of establishing scholarships tenable by students attending or who have attended such schools or classes, shall be deemed to be for the purpose of encouraging the formation or increasing the efficiency of such schools or classes within the meaning of that subsection.

123. Out of moneys from time to time appropriated by Parliament for the purpose, the Minister—

Appropriation by Parliament of moneys for scholarships, erection of buildings, &c.

(a.) May allot scholarships, tenable by students attending or who have attended any school or classes under this Part of this Act; and also

(b.) May make grants in aid of the erection, acquisition, equipment, or maintenance of buildings for classes or technical schools under this Part of this Act, and for the purchase and supply of apparatus, material, and appliances therefor; and also

AMENDED: VIDE INSET

(c.) May make grants for the training of instructors of classes under this Part of this Act; and also

(d.) May defray the general expenses of administering this Part of this Act.

AMENDED: VIDE INSET

Education Boards may make regulations requiring attendance at continuation and technical classes.

124. (1.) ~~On the application of the School Committee, the Education Board may, with the concurrence of the Minister, make regulations requiring the attendance at a technical school or at continuation classes or technical classes of young persons within the school district who are not otherwise receiving a suitable education or who are not specially exempted by the regulations:~~

Provided that no young person shall be required to attend a technical school or a continuation or technical class if it is held beyond two miles (measured along the nearest road) from the residence of such young person, or to attend such classes for more than five hours in any one week, or for more than one hundred and fifty hours in any year. **ADD proviso hereto**

Ibid

(2.) ~~If any person knowingly employs a young person at any time (other than the ordinary hours of employment) when his attendance is by any such regulation required at a continuation class or technical class, he shall be liable to a fine not exceeding two pounds and not less than five shillings, or in the case of a second or subsequent offence, whether relating to the same or another young person, not exceeding five pounds.~~

(3.) Any parent of a young person who does not regularly attend a technical school or a class or classes as required by such regulations is liable to the like penalties as aforesaid.

(4.) All proceedings under the two last preceding subsections may be had and taken in the manner and by the persons prescribed in sections sixty-three, sixty-four, and sixty-five of this Act.

(5.) Where complaint is made to a Magistrate that any young person required by such regulation to attend a technical school or a continuation class or classes has been guilty of gross misconduct or habitual disobedience, the Magistrate may, after such inquiry as he thinks fit, require any parent of the young person to enter into a recognizance to the satisfaction of the Magistrate for the good behaviour of the young person for the remainder of the period during which he is required to attend as aforesaid.

(6.) For the purposes of this section—

“Young person” means a boy or girl over the age of fourteen years but not over the age of seventeen years:

“Ordinary hours of employment” means, for any young person, either—

(a.) In the case in which the ordinary hours of employment are prescribed for such young person by any Act or award or industrial agreement, the hours so prescribed; or

(b.) In the case in which the hours are not so prescribed, the ordinary hours of employment usual in the district in the trade or calling in which such young person is employed, exclusive of overtime.

125. The Governor may from time to time, by Order in Council gazetted, make regulations for all or any of the following purposes, that is to say:—

Regulations.

AMENDED: VIDE INSET

- (a.) Defining the branches and subjects of technical instruction, and the subjects to be taught in continuation classes under this Part of this Act, and the course and number of hours of instruction therein :
- (b.) Providing for the mode in which the applications for sums payable in respect of schools or classes, scholarships, subsidies, and grants-in-aid under this Part of this Act shall be made :
- (c.) Providing for the establishment of scholarships in any subjects of instruction under this Part of this Act, and prescribing the amounts and tenure thereof, and the conditions subject to which they may be awarded and held :
- (d.) Such other matters as he deems necessary in order to give full effect to the intention of this Part of this Act.

126. (1.) The managers of technical schools shall keep full and true accounts in the prescribed form, and shall cause such accounts to be balanced to the end of each calendar year, and a statement and account to be prepared, in the prescribed form, of their receipts and expenditure during the preceding year, and of their assets and liabilities. Accounts and audit.

(2.) All such accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act, 1910, in respect of public moneys.

PART IX.

SPECIAL SCHOOLS.

Education of Blind, Deaf, Feeble-minded, and Epileptic Children.

127. (1.) For the purposes of this section and the two next succeeding sections— Interpretation.

“Child” means a boy or girl over six years and under twenty-one years of age, or, in the absence of positive evidence as to age, being in the opinion of the Minister apparently between six and twenty-one years of age :

“Blind child” means a child who on account of his defective sight cannot be efficiently taught with other children in an ordinary school :

“Deaf child” means a child who on account of his defective hearing cannot be efficiently taught with other children in an ordinary school :

“Epileptic child” means an epileptic child who is unfit by reason of severe or frequent epilepsy to attend an ordinary school, but is not idiot or imbecile or otherwise a proper person to be sent to an institution under the control of the Mental Hospitals Department :

“Feeble-minded child” means a child who, not being idiot or imbecile or otherwise a proper person to be sent to an institution under the control of the Mental Hospitals Department, and not being merely backward, is by reason of mental or physical defect incapable of receiving proper benefit from instruction in an ordinary school, but is not

incapable by reason of such defect of receiving benefit from instruction in a special school:

“Parent” means the father, stepfather, grandfather, mother, stepmother, or grandmother, or a brother (if of full age) of a child born in lawful wedlock, or the mother of an illegitimate child, and includes an adopting parent within the meaning of Part III of the Infants Act, 1908, and the wife or husband, as the case may be, of an adopting parent; and also includes any person who has been adjudged to be the father in accordance with the provisions of section eight of the Destitute Persons Act, 1910; and further includes the executor or administrator of any person referred to in this definition:

“Special school” means a school established or set apart specially by the Minister for the maintenance, education, or training of deaf, blind, feeble-minded, epileptic, or otherwise physically or mentally defective children.

Education of blind,
&c.

(2.) It shall be the duty of the parent of any blind, or deaf, or feeble-minded, or epileptic child to provide efficient and suitable education for such child.

(3.) If the parent of such child fails to provide such education for such child, or is deemed by the Minister to be unable to provide such education, the Minister may direct that such child be sent to such special school or other institution for the education of blind, or deaf, or feeble-minded, or epileptic children as he thinks fit; and the said parent shall contribute to the cost of the maintenance and education of the child as may be agreed between such parent and the Minister:

Provided that, if the agreement so made provides for payment at a rate that will not meet the full cost of the maintenance and education of the said child at such special school or institution, a further agreement or agreements may be made between the Minister and any person who is a parent within the meaning of this section to meet the balance unpaid for the maintenance and education of such child at such school or institution.

(4.) If no such agreement is made, and the direction of the Minister that the child be sent to such special school or institution is not complied with by the parent of the child, or where any payment agreed to be made is in arrear for one month, then a Magistrate may, on application in that behalf, make an order for the admission of the child to such special school or institution as he deems fit, and may make a further order or orders under the provisions of the Destitute Persons Act, 1910, directing any person or persons liable under that Act to pay towards the maintenance and education of the child at that special school or institution, or at any other special school or institution to which the child may thereafter be sent by direction of the Minister, and the provisions of that Act shall apply to such order or orders accordingly.

(5.) For the purposes of this section every special school shall be deemed to be a public institution within the meaning of the Destitute Persons Act, 1910.

(6.) If any child is sent to a special school or institution the principal of that school or institution shall thereupon be entitled to the exclusive custody and control of such child.

(7.) Any child sent to an institution under subsection three or subsection four of this section, or any one who is subject to an order under the next succeeding section, may at any time, by direction of the Minister, be boarded out with duly qualified persons under such conditions as will secure that he will receive proper care and will be under efficient and suitable instruction and control; and while so boarded out he shall be deemed to be at the institution to which he was sent.

(8.) Any child who has been admitted to a special school or institution may, by direction of the Minister, be transferred to any other school or other institution.

(9.) If the person by whom moneys are payable under any agreement does not pay the same at the times stated in the agreement, then such moneys may be recovered as a debt in any Court of competent jurisdiction by the persons entitled thereto.

(10.) If the parent proves his inability to pay the full cost of the maintenance of the child at such special school or other institution, the deficiency, not exceeding eight shillings a week, shall be defrayed by the Hospital and Charitable Aid Board of the district in which the child is or has been domiciled prior to the making of the order for his admission to such special school or institution; and in case any such maintenance-moneys are not paid by the Board aforesaid, the Director of Education, or any other person authorized by the Minister for the purpose, either generally or for any particular case, in his own name, on behalf of the Crown, may recover the same from the said Board as a debt due to the Crown, or the Minister of Finance may deduct the amount of such debt from any subsidy payable in the same year or any subsequent year to the said Board. On payment to the Crown of any such moneys by any Board the same rights of action as are vested in the Crown against any other person for the recovery of those moneys shall thereupon be vested also in the Board, and may be exercised by the Board in its own name and on its own behalf.

(11.) If the full cost of maintenance, education, and training of a blind, or deaf, or feeble-minded, or epileptic child at a special school is not being paid, and such child is or becomes at any time entitled to any real or personal property in New Zealand or to any interest therein, whether the same is vested in such child or in any trustee on his behalf, or otherwise howsoever, then and in such case, and whether or not any agreement or order for contributions to the support of such child at such special school has been made, and whether or not the moneys payable under any such agreement or order (if made) have been duly paid, the provisions of section thirty-eight of the Industrial Schools Act, 1908, shall, *mutatis mutandis*, apply:

Provided, however, that in defraying the cost of maintenance of a child at a special school or other institution the Public Trustee may make payment at a rate not exceeding twenty-one shillings a week.

(12.) The Minister may provide such means as he thinks fit to satisfy himself that the education and training of every blind, or deaf, or feeble-minded, or epileptic child who is receiving tuition privately is receiving efficient and suitable education.

(13.) The parent of any child may be granted by the Minister exemption from providing education for such child if the Minister is

satisfied that the child is unfit to receive such education by reason of sickness, infirmity, or any other cause; that the child has reached a standard of education that in the opinion of the Minister makes it unnecessary that such instruction should be continued; or that such child is sufficiently proficient in some art, handicraft, or calling to enable him to maintain himself by his own labour.

(14.) Any application to a Magistrate under this section may be made either by the principal of the institution concerned or by any person authorized by the Minister for the purpose, either generally or for any particular case.

128. (1.) Where in the opinion of the Minister a feeble-minded or epileptic child who is or is apparently twenty years and six months of age and is through mental or physical defect or otherwise not (in his own or the public interest) a proper person to be free from guidance or control in a special school or institution, the Minister may direct the principal of such school to make application to a Magistrate for an order directing that the said person be kept under guidance and training in the said school, or in any other special school or institution, for a further period.

(2.) On receipt of such application the Magistrate shall assign counsel to such person, and such counsel shall be given all reasonable means of ascertaining the full facts of the case.

(3.) If, on hearing the evidence, the Magistrate is satisfied that such an extension of the period of guidance and training should be made, he may direct that the said person shall so remain under the guidance and control of the principal of such school for a further period of four years.

(4.) Within six months of the expiry of such extended period a like direction may be applied for to the Court, and the Magistrate may make an order for a further extension of the period of control for four years from the date of the expiry of the first extended period; and so on in a like manner proceedings may be taken and an order made within six months of the expiry of any period of control:

Provided, however, that at any time during the currency of any such order the Minister may grant to the person who is subject to such order exemption from the further guidance and control of the principal of such school:

Provided, further, that during the currency of any such order for the further guidance and control of any person subsections ten and eleven of the last preceding section shall apply.

(5.) Every person over the age of twenty-one years who is maintained at a special school or institution wholly or in part by the Government, or by any local authority, or by the Trustees of any benevolent institution, shall be deemed to be a "destitute person" within the meaning of the Destitute Persons Act, 1910, and all proceedings for payment for his or her maintenance may be taken under the provisions of that Act.

129. Every parent, teacher of a school (either public or private), constable, or officer of a charitable or kindred institution who is aware of the place of residence (either temporary or permanent) of a blind, deaf, feeble-minded, or epileptic child, and the householder in whose house any such child resides, shall send notification of the fact to the

Extended period of instruction in certain cases.

Notice to be given to Minister as to blind and other afflicted children.

Minister, giving the name, age, and address of the child; and if any such person neglects or fails to comply with this provision, such person shall on conviction thereof be liable to a fine not exceeding one pound, or in the case of a second or subsequent offence, whether relating to the same or another child, not exceeding five pounds.

130. The Governor may cause all orphanages or kindred institutions to be inspected from time to time by such Inspectors of the Department as are specially approved by him, for the purpose of ascertaining that the children maintained under the directions of such institutions are receiving efficient instruction, and that such institutions are in their management acting consistently with the Acts and regulations for the time being in force in New Zealand for the proper conduct of schools, orphanages, or other institutions established for the education, care, and upbringing of children maintained apart from their parents or guardians.

Inspection of
orphanages, &c.

PART X.

INSPECTION OF SCHOOLS.

Inspectors.

131. (1.) The number and grades of Inspectors of Schools and the salaries payable to such Inspectors shall be as prescribed in the Twelfth Schedule hereto.

Classification, &c.,
of Inspectors.

(2.) There shall be resident in each education district one Senior Inspector, and such other Inspectors as the Minister shall direct.

REPEALED: Vide Inset.

(3.) The Inspectors appointed by Education Boards under any former Education Act and in office at the commencement of this Act shall, notwithstanding anything in the Public Service Act, 1912, or in any other Act, be deemed to be Inspectors of the Education Department as if they had been appointed under that Act. No such Inspector shall receive a salary less than the salary he was receiving on the first day of July, nineteen hundred and fourteen, including the average annual amount of the fees received by him as examiner or supervisor for the Education Department for the three years immediately preceding.

Saving of existing
appointments.

(4.) In the case of every such Inspector education service, as defined by the Public Service Classification and Superannuation Act, 1908, shall be deemed to have been public service.

Inspection.

132. (1.) Every public school, secondary school, and technical high school, every endowed school and registered school, every special and industrial school, shall be inspected by an Inspector of Schools.

Inspection of
schools.

(2.) The inspection shall be at such times and in such manner as may be prescribed.

(3.) It shall be the duty of the Senior Inspector resident in the district, in conjunction with other Inspectors, as may be arranged, to inspect the public schools and other registered primary schools in such district, to report thereon to the Board and to the Minister, to give such assistance and guidance to the teachers as may promote the good conduct and efficiency of the schools, to advise the Board in regard to schools and teachers and in regard to such other educational matters as may arise from time to time.

Inspection of private schools.

133. (1.) Where the teacher or managers of any private school apply to the Director to have such school inspected by an Inspector, the Director shall thereupon arrange for the inspection of such school to be conducted in like manner as the inspection of public schools or secondary schools, as the case may be; and a copy of the Inspector's report shall be sent to the teacher or managers of the school.

(2.) The term "managers" means and includes all persons who have the control and management of any such school, whether the legal interest in the schoolhouse is vested in them or not.

(3.) If the Senior Inspector reports that such school is efficient, the Director shall forthwith cause such school to be registered as a registered primary school or a registered secondary school, as the case may be. "Efficient" means, in respect to any private school, that the premises, staff, and equipment are suitable and efficient, and that the instruction is as efficient as in a public school or secondary school, as the case may be.

(4.) Every registered school shall keep a register of attendance and such other records as may be prescribed by regulations.

(5.) On the receipt at any time of a report from the Senior Inspector that any registered school no longer fulfils the prescribed conditions, the Director may declare that such school has ceased to be a registered primary or secondary school, and may remove its name from the list of registered schools accordingly.

(6.) The Director shall publish in the *Gazette*, at intervals not exceeding one year, a list of all schools for the time being registered under this section.

Medical Inspection.

Appointment of Medical Inspectors of Schools.

134. (1.) There may be appointed as officers of the Department a Chief Medical Inspector and such other Medical Inspectors of Schools as may be deemed necessary.

Medical inspection of public-school children.

(2.) Any Medical Inspector of Schools may at all reasonable times enter into or upon any public-school building and examine the children attending the school, and notify the parents or guardians of any such child of any disease or bodily defect from which in his opinion the child may be suffering.

(3.) The Medical Inspector shall report upon the condition of the schoolhouse and grounds and upon any other matter affecting the health of the children.

(4.) Any Inspector or any teacher of a registered school may make such medical or physical examination of the pupils of the school as may be prescribed, and may require the parents of any such child to give all reasonable information that may be necessary in pursuance of or in connection with such medical or physical examination.

(5.) No person except the parent of the child and the persons immediately concerned in making such medical or physical examination of a child shall have the right to be present at such examination; and all records and reports of the medical or physical examination of individual children shall be treated as confidential.

(6.) The manager of any registered private primary school may apply to the Director for the medical inspection of the school and of the pupils thereof, and the Director may arrange for such inspection accordingly.

REPEALED, and substitution therefor:
Vide Inset.

135. Any parent or guardian of a child attending a public school who has been notified by a Medical Inspector that such child is suffering from a serious disease or a serious bodily defect, and who neglects, after a second such notification, to obtain for such child suitable medical or surgical treatment, may be deemed to have been guilty of cruelty towards or neglect of such child, and proceedings may be taken accordingly:

Neglect of Medical Inspector's report by parent or guardian of child.

Provided, however, that it shall be a sufficient defence to any proceeding under this section of the Act if it be proved to the Court before whom such parent or guardian is brought that such neglect was occasioned by unavoidable cause or accident.

Inspection of Physical Education.

136. (1.) There may be appointed from time to time as officers of the Department an Inspector, who shall be the Director of Physical Education, and such other Inspectors and teachers of physical education as may be deemed necessary.

Appointment of Director and Inspectors of Physical Education.

(2.) Every public school shall at such convenient times as may be agreed on between such Director of Physical Education and the Board be open to him or any other Inspector of Physical Education for the purpose of inspecting and assisting the physical education given in such school, and of reporting thereon to the Minister; and a copy of every such report shall be sent to the Board.

(3.) The teacher or managers of any registered private primary school may make application to the Director of Education for the inspection of the physical education given in such school, and the latter may then arrange for such inspection, and in such case the said inspection shall be conducted in the same way as the inspection of the physical education in public schools.

(4.) The Minister shall, in the annual report upon the progress and condition of public education in New Zealand, report upon the efficiency of the physical education given in the public schools.

PART XI.

TEACHERS INCORPORATION AND COURT OF APPEAL.

137. In this Part of this Act, if not inconsistent with the context,—

Interpretation.

“Board” means the Education Board of any district constituted under this Act, or the board or governing body of a secondary school, or the board of managers of a technical school, as the case may be:

“Corporation” means a society registered under this Part of this Act or the corresponding provisions of any former Education Act:

“Court” means the Teachers’ Court of Appeal constituted under this Part of this Act:

“Teacher” means any person of either sex whose employment is that of a teacher in the public schools or secondary schools or technical schools of New Zealand, or in two or more of such schools, who has been so employed for not

less than two years for not less than twenty hours in each week, whether actually so employed for the time being or not :

“Transfer” means the transfer of a teacher from one position to another within the meaning of section seventy-three hereof.

Incorporation.

Registration of societies.

138. (1.) Any society consisting of any number of teachers, not being less than ten, who reside in any one education district, and are associated for any lawful purpose connected with their profession (not being for purposes of gain), may be registered under this Act on compliance with the following provisions:—

(a.) An application for registration, stating the name of the proposed society, and signed by two or more officers thereof, shall be made to the Director of Education (hereinafter called “the Registrar”).

(b.) Such application shall be accompanied by—

(i.) A list of the members and officers of the society :

(ii.) A copy of a resolution passed by a majority of the members present at a meeting of the society specially called for that purpose only, and desiring registration under this Act :

(iii.) An address (to be called the “registered office”) at which the business of the society is conducted.

(2.) Any society consisting of any number of teachers, not less than ten, in secondary schools or technical schools, who are associated for any lawful purpose connected with their profession (not being for purposes of gain) may be in like manner and on the like conditions registered under this Act.

Registrar to register society when Act complied with and fee paid.

139. (1.) On being satisfied that the provisions of the last preceding section have been complied with, and on payment of a fee of one pound, the Registrar shall register the society in a book to be kept for the purpose, and thereupon the society shall become a body corporate by the name mentioned in such application, with the addition of the word “Registered,” which shall be its corporate style and title.

(2.) The Registrar shall issue to such society a certificate of incorporation in the prescribed form, and such certificate shall be evidence that the society named therein is duly incorporated under this Act.

Registered society may make rules.

140. The members of a society incorporated under this Act, and their successors, in general meeting assembled, may make rules for the government of the society, and alter and annul any such rules ; and, in particular, may by such rules provide, *inter alia*, for—

(a.) The qualifications and subscription for membership :

(b.) The method of election of new members :

(c.) The number and designation and the powers of the officers :

(d.) The control, investment, and disposition of the funds and property of the society :

(e.) The method of enforcing observance of the rules by members of the society :

(f.) The control and use of the common seal,

141. *Prima facie* evidence of the rules shall be afforded by the production of what purports to be a copy thereof, if sealed with what purports to be the seal of the corporation and signed by the president or chairman thereof. Evidence of rules.

142. Every society when incorporated shall have perpetual succession and a common seal, and in its corporate style and title may hold and dispose of real and personal property, and may sue and be sued, and may recover any moneys due to the corporation by any person whether a member thereof or not. Powers of incorporated society.

143. Any member who resigns, or in any other way ceases to be a member of the corporation, shall, unless the rules of the society otherwise provide, thereupon cease to have any right or interest in its property and concerns, but shall not thereby be freed from any then existing liability to the corporation, whether for subscriptions or otherwise. Effect of resignation of member.

144. (1.) Every society registered under this Act shall be deemed to be situate in the education district wherein its registered office is situate. Where society deemed situate.

(2.) Every such society shall forward to the Registrar, at prescribed periodical intervals, prescribed returns containing prescribed particulars.

(3.) If any such society fails or neglects to furnish such returns, or to otherwise comply with the provisions of this Part of this Act, the Minister may cancel its incorporation.

145. It shall not be lawful for any society to be registered under this Act without the previous consent of the Minister, nor for any society to be registered under a name so similar to that of any registered society as, in the opinion of the Registrar, to lead to confusion. Limitation of number of societies.

146. The society known as the New Zealand Educational Institute (consisting of societies of teachers, or representatives of such societies) may be registered under this Act on application in manner therein prescribed: New Zealand Educational Institute may be registered.

Provided that for the purposes of such application each such society of teachers or representative thereof shall be deemed to be a member of the said Institute.

Appeals by Teachers.

147. For the purpose of hearing and determining appeals by teachers against dismissal, or suspension, or transfer, the Teachers' Court of Appeal as existing under the Education Act, 1908, on the coming into operation of this Act is hereby continued as the same Court under this Act. Court of Appeal.

148. (1.) For the purposes of each appeal as it arises the Court shall consist of three persons, as follows:— Constitution of Court.

(a.) Such Magistrate in the district wherein the appellant teacher was employed at the time of his dismissal, or suspension, or transfer as the Minister appoints;

(b.) One person of either sex to be nominated in the prescribed manner by a corporation situate in such district, or by the New Zealand Educational Institute:

Provided that, in case of an appeal by a teacher in a secondary school or technical school, such person may be

AMENDED: VIDE INSET

nominated either by one of the corporations hereinbefore mentioned or by a corporation of teachers in secondary schools or technical schools; and

(c.) One such person to be similarly nominated by the respondent Board which dismissed, or suspended, or transferred such teacher.

(2.) The Magistrate shall be Chairman of the Court, and shall have an original and, in the event of an equality of voting, a casting vote.

Quorum.

(3.) At all sittings of the Court the quorum shall be two, whereof the Chairman shall be one.

Right of appeal from dismissal, suspension, or transfer.

149. Any teacher who has received a notice of dismissal, suspension, or transfer may within forty-two days after the receipt of the notice appeal in the prescribed manner to the Court.

Appearance of parties.

150. On any such appeal the appellant may himself appear, or may be represented by some person on his behalf; and the Board, as respondent, shall be represented by its Chairman or some other person appointed by the Board, but no solicitor or counsel shall appear or be heard.

When teachers deemed to be dismissed.

151. For all the purposes of this Part of this Act a teacher shall be deemed to be dismissed in any case where his engagement is determined by notice from the Board or where his salary is reduced by the Board:

Provided that such dismissal shall not be deemed to be wrongful if the Board satisfies the Court that the determination of the engagement was reasonable, having regard to any of the following circumstances:—

(a.) The efficient and economical administration of the Board's affairs:

(b.) The fitness of the teacher:

(c.) His conduct:

(d.) Any other special circumstances irrespective of the Board's mere legal right to determine the engagement by notice:

Provided further that the determination by the Board of the engagement of any male teacher on the ground that he has reached the age of sixty-five years, or of the engagement of any female teacher on the ground that she has reached the age of fifty-five years, shall be deemed to be reasonable without regard to any other circumstances.

Decision of Court to be in writing.

152. (1.) The decision of the Court shall be in writing, signed by the Chairman, and a copy thereof shall be given to each of the parties, and shall also be forwarded to the Minister.

Decision to be final.

(2.) The decision of the Court shall be final and binding on both parties.

Effect of decision in favour of appellant.

153. (1.) If by such decision it appears that the appellant has been wrongfully dismissed or suspended or transferred, he shall, if the Court so orders, be entitled to be reinstated, or, ~~at the option of the Board,~~ to be appointed to another position to which the same salary is attached; or if by such decision it appears that the appellant is fit to be appointed to another position to which a lower salary is attached, he shall, if the Court so orders, be entitled to be appointed to such lower position. In either of these cases he shall also, if the Court so orders, be entitled to receive such reasonable compensation for loss of salary as the Court directs.

AMENDED: VIDE INSET

AMENDED: VIDE INSET

(2.) Such compensation shall in no case exceed a continuance of his salary from the date of his suspension or dismissal or transfer until the date of his reinstatement or appointment as aforesaid, and also, in case of transfer to another position, the reasonable expenses of removal entailed thereby.

154. (1.) The Court may award costs, fix the amount thereof, and direct by and to whom they shall be paid and in what proportions, and they shall be payable accordingly. Court may award costs.

(2.) In such costs shall be included witnesses' expenses, the actual expenses incurred by or on behalf of the Court and its members in holding the sittings of the Court, and such payments to members of the Court as may be prescribed. Expenses.

(3.) All costs awarded against the appellant shall be payable by the corporation nominating the member of the Court as aforesaid, and when so paid may be recovered by such corporation from the appellant. Recovery of costs.

155. (1.) If any nominated member of the Court neglects or refuses to attend the sittings of the Court, the appeal shall be heard and determined in his absence. Effect of non-attendance of members of Court.

(2.) If neither of the nominated members so attends the appeal shall be deemed to be abandoned, and the Magistrate shall make order accordingly.

Regulations.

156. The Governor may from time to time, by Order in Council gazetted, make regulations— Regulations.

(a.) For enforcing the attendance of witnesses at the Court, and providing a fine not exceeding ten pounds in case of the non-attendance of any witness:

(b.) For the procedure on appeal, and the conduct of the sittings of the Court:

(c.) For the time and mode of doing anything prescribed by this Part of this Act:

(d.) For any other purpose that he thinks necessary in order to give full effect to this Part of this Act.

PART XII.

GENERAL.

157. (1.) Any person who wilfully disturbs any school, or who upbraids, insults, or abuses any teacher in the presence or hearing of the pupils who are then in school, or are then assembled for school purposes, whether in school or not, is liable to a fine not exceeding two pounds. Wilful disturbance of school.

(2.) For the purpose of this section "school" means any public school or secondary school or technical high school, or any endowed school, or any special or industrial school, or any other registered school, and in each case includes the playgrounds and premises thereof.

158. No rates shall be levied by a local authority on schoolhouses or teachers' residences, or on any other lands or buildings used for public-school purposes, or for the purposes of any secondary school or technical school, or of continuation or technical classes, or of any Native school. Exemptions from rates.

AMENDED: VIDE INSET

Subsidies.

159. (1.) In respect of all voluntary contributions received by the Board, governing body, or managers having control of any public school, secondary school, technical school or classes, from any local authority, or from any person (not being an Education Board, School Committee, or the Board of a secondary school, or technical school or classes), and available for such purposes of the school or classes as may be defined by regulations, ~~subsidies shall, without further appropriation than this Act, but subject to such other conditions and limitations as may be prescribed, be payable out of the Consolidated Fund to such Board, governing body, or managers, as follows:—~~

REFER TO INSET APPENDED

- (a.) A subsidy at the rate of one pound for every pound of voluntary contributions in money (other than bequests):
- (b.) A subsidy at the rate of ten shillings for every pound of the value of voluntary contributions (other than bequests) of land or of apparatus or material:

Provided that the Minister shall be the sole judge of the value of such land, apparatus, or material, and of its suitability for the purpose for which it is given; and no subsidy shall be given unless the Minister is satisfied that such land, apparatus, or material is suitable for such purpose:

Provided further that in no case shall the subsidy in respect of any single such gift exceed two hundred and fifty pounds:

- (c.) A subsidy at the rate of ten shillings for every pound of bequest of money:

Provided that in no case shall the subsidy in respect of any single bequest of money exceed five hundred pounds:

- (d.) A subsidy at the rate of five shillings for every pound of the value of a bequest of land, apparatus, or material, on such conditions as are specified in paragraph (b) hereof.

(2.) No gift duty or death duty shall be payable on account of any voluntary contribution or bequest on which subsidy is paid by the Minister in accordance with this section. ADD hereto (3)

160. (1.) Notwithstanding anything in the Public Service Act, 1912, the Public Service Commissioner may for the purpose of that Act classify officers of the Public Service who are engaged in the Education service as defined by the Public Service Classification and Superannuation Act, 1908, in a division to be known as the Educational Division.

(2.) The provisions of the Public Service Act, 1912, relating to the General Division of the Public Service shall, *mutatis mutandis*, extend and apply to the Educational Division.

Classification of officers of Public Service engaged in Education service.

Regulations.

161. (1.) The Governor may from time to time, by Order in Council gazetted, make regulations—

- (a.) For the organization and management of the Department;
- (b.) For defining the principle on which yearly and quarterly average attendance shall be calculated;
- (c.) For the examination, classification, and grading of teachers;
- (d.) For the employment, education, and examination of pupil-teachers and probationers;

- (e.) For the issue of certificates of competency to teachers ;
- (f.) For the establishment and management of normal or training colleges ;
- (g.) For defining the standards and subjects of education which, under the provisions of this Act, may be prescribed by regulations ;
- (h.) For prescribing the accounts to be kept by Boards and Committees, and by managers of technical schools, and the times and manner of auditing such accounts ;
- ^{je}
^{Mi} (i.) For the control and management and defining the course of instruction in Native schools and other schools under the Department ;
- (j.) For the registration of public, private, and secondary schools' colours and uniforms, badges or monograms ; and
- (k.) For any purpose for which regulations are by this Act authorized or required to be made, and generally for any purposes which he thinks necessary in order to secure the due administration of this Act.

(2.) All such regulations shall fix a day on which the same shall come into force, after which they shall have the force of law.

(3.) All such regulations shall be laid before Parliament as soon after they are gazetted as circumstances will permit.

162. The Director shall, before the thirtieth day of June in each and every year, publish in the *Gazette* a list of all teachers who are the holders of certificates under this Act, classified and graded in accordance with regulations.

List of teachers to be gazetted.

163. (1.) The Minister shall, before the thirtieth day of June in each and every year, lay before the Governor a report upon the progress and condition of public education in New Zealand during the year ending the thirty-first day of December immediately preceding, and also a general statement of accounts.

Minister to make annual report.

(2.) Such report and statement shall be laid before Parliament within one month if Parliament is then sitting, and if not, then within one month after the commencement of the next ensuing session.

164. (1.) The enactments mentioned in the First Schedule hereto are hereby repealed.

Repeal.

(2.) Except as otherwise expressly provided in this Act,—

Savings.

(a.) All districts, Boards, corporations, Committees, associations, societies, institutions, and other bodies, and all offices, appointments, licenses, certificates, regulations, rules, by-laws, Proclamations, Orders in Council, orders, warrants, registers, records, rolls, and instruments, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under this Act, and accordingly shall, where necessary, be deemed to have so originated :

Provided that every such corporation and body shall be deemed to be the same corporation and body under this Act :

Provided also that in the case of members of any such body elected or appointed, or of licenses granted or of appointments made, for a specified term the current term shall be computed from the date of its commencement without change of corporate entity or otherwise.

- (b.) All persons holding office under any such enactment on the coming into operation of this Act shall continue in office until their successors under this Act come into office.
- (c.) All matters and proceedings commenced under any such enactment and pending or in progress on the coming into operation of this Act may be continued, completed, and enforced under this Act.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

- 1908, No. 52.—The Education Act, 1908.
- 1908, No. 238.—The Education Amendment Act, 1908.
- 1910, No. 70.—The Education Amendment Act, 1910.
- 1911, No. 28.—The Public Service Classification and Superannuation Amendment Act, 1911: Section 7.
- 1912, No. 40.—The Education Amendment Act, 1912.
- 1913, No. 60.—The Education Amendment Act, 1913.

SECOND SCHEDULE.

ELECTION OF MEMBERS OF EDUCATION BOARDS.

1. THE members for each ward of the rural area or for each urban area shall be elected by the members of the Committees of the school districts within such ward or urban area.

2. Each member of the Committee shall have as many votes as there are vacancies to be filled, but he shall not give more than one vote to any one candidate.

3. For the purpose of every election under this Part of the Schedule the Secretary of the Board shall be the Returning Officer.

4. In the case of every extraordinary vacancy the election shall be held on a date to be fixed by the Board, being not later than the fiftieth day after the vacancy occurs.

5. (1.) Not later than thirty-eight days before the date of the election the Returning Officer shall, by advertisement in a newspaper circulating in the district, notify the number of vacancies, the date on which nominations will close, and the date on which the election will be held.

(2.) Nominations shall close at five o'clock on the afternoon of the twenty-first day before the date of the election.

(3.) No person shall be eligible as a candidate for election unless he is nominated in writing by at least two electors, and the nomination-paper, bearing the candidate's consent in writing, is received by the Returning Officer before the nominations are closed.

6. (1.) If the number of duly nominated candidates is less than or equal to the number of persons to be elected, the Returning Officer shall declare that such candidates have been duly elected.

(2.) If the number of duly nominated candidates exceeds the number of persons to be elected, then not later than the seventeenth day before the date of the election the Returning Officer shall notify in manner aforesaid—

- (a.) The number of members to be elected ;
- (b.) The full name of every duly nominated candidate ; and
- (c.) The day on which the elections will be held, and the hour at which the poll will be closed ;

and shall also forward to the Chairman of each Committee in the district a sufficient supply of voting-papers for the use of such of the electors as are members of that Committee.

7. The elector shall indicate his vote in the manner prescribed by regulations, and shall post or deliver his voting-paper to the Returning Officer in a closed envelope bearing on the outside thereof the word "Voting-paper."

8. The voting-paper, if delivered to the Returning Officer, shall be delivered at the office of the Board before the day of the election, or not later than five o'clock in the afternoon of the day of the election, and, if posted to him, shall be posted to him not later than that day.

9. The poll shall close at five o'clock in the afternoon of the day of the election ; but all voting-papers shall be included and counted which are received in ordinary course of post before the close of the fourteenth day after the day of the election and are enclosed in envelopes bearing the postmark of a day not being later than the day of the election.

10. A voting-paper shall be informal in any of the following cases :—

- (a.) If it is not in conformity with regulations :
- (b.) If the candidates whose names are left uncanceled exceed the total number for which the elector has the right to vote :
- (c.) If the elector votes more than once at the same election :
- (d.) If, being delivered to the Returning Officer, it is not delivered before the close of the poll :
- (e.) If, being posted to the Returning Officer, it does not reach him before the close of the fourteenth day after the day of the election, or if the envelope containing it does not bear the postmark of the day of the election or of a previous day.

11. Each candidate may, by writing under his hand, appoint one scrutineer, who may be present at the examination of the voting-papers as hereinafter mentioned.

Nomination-papers and voting-papers for the purpose of the election shall be in the prescribed form.

12. The Governor in Council may from time to time make such regulations as he thinks fit in order to give full effect to the purposes of this Act with respect to the election of members of Boards.

13. On the fifteenth day after the day of the election the Returning Officer shall open and examine all the voting-papers duly delivered to him, or received by him through the post as aforesaid, and, after rejecting all informal voting-papers, shall ascertain the candidates (not exceeding the total number to be elected) who have received the greatest number of votes in each ward of the rural area and in each urban area, and shall, by notice exhibited in the office of the Board, declare such candidates to be elected as members of the Board for the several wards of the rural area and for the several urban areas respectively.

14. (1.) The Returning Officer shall, immediately after counting the votes, seal up all voting-papers, and transmit the whole to the Clerk of the nearest Magistrate's Court, who shall keep the same for six months thereafter, and shall not open or permit to be opened such packet except on the order of some Court of competent jurisdiction, and shall at the end of six months effectually destroy the same.

(2.) Every person who, save on the order of any such Court, opens any such packet or destroys any of the contents thereof is liable to a fine not exceeding fifty pounds.

15. If by reason of an equality of votes given for two or more candidates the election is not complete, the Returning Officer shall complete the election by lot in such manner as the Board directs.

16. Forthwith after the completion of the election the Returning Officer shall notify in the *Gazette*, and also by advertisement in a newspaper published in the district, the names of the persons elected for each ward of the rural area and for each urban area, the number of valid votes recorded for each candidate, the total number of valid votes recorded, and the total number of votes rejected as informal.

17. (1.) At every election the Returning Officer and every scrutineer shall, before entering on their respective duties, make and sign a declaration in the following form :—

I, A. B., Returning Officer for the election of members of the Education Board [or scrutineer for C. D., a candidate at the present election of members of the Education Board], do solemnly declare that I will, to the best of my skill and judgment, faithfully and impartially perform the duties of my said office, and will not, directly or indirectly, disclose any fact coming to my knowledge at such election the disclosure of which is declared by the Education Act, 1914, to be an offence.

Declared and signed before me at _____, this _____ day of _____, 19____, by _____, A. B., Returning Officer [or Scrutineer].
 _____, E. F., Justice of the Peace [or Chairman, or Returning Officer, as the case may be].

(2.) The declaration may be made and signed before a Justice or the Chairman of the Board, or, in the case of a scrutineer, before the Returning Officer.

(3.) Every such declaration shall be exempt from stamp duty.

(4.) Every Returning Officer or scrutineer who makes known the state of the poll, or gives or pretends to give any information by which the state of the poll may be known, before the final declaration thereof by the Returning Officer, or who makes known for which candidate any voter has voted, is liable to a fine not exceeding fifty pounds.

18. If any dispute or question arises touching the regularity of any election, such dispute or question shall be determined by a Magistrate in the manner provided by sections forty-five to fifty-four of the Local Elections and Polls Act, 1908, all the provisions of which shall, *mutatis mutandis*, apply.

THIRD SCHEDULE.

PART I.—ELECTION OF MEMBERS OF COMMITTEES OF SCHOOL DISTRICTS OTHER THAN URBAN SCHOOL DISTRICTS.

1. IN the notice appointing the time and place for holding the annual meeting of householders the Board shall call upon the householders in each such district to send in writing, by post or delivery, so as to be delivered to the respective Chairmen of the several Committees not later than eight o'clock in the evening of the seventh day before the date of the election, the names of persons, being resident householders, nominated by them for election to serve upon the Committee for the year next ensuing.

2. Each nomination shall be signed by the proposer and by the candidate, and shall be in the following form or to the effect thereof :—

To the Chairman of the _____ School Committee.
 I, THE undersigned, hereby nominate [*Christian name and surname of candidate*] for election as a member of the above School Committee for the ensuing year.

[*Signature of nominator.*]

I hereby consent to the above nomination.

[*Signature of candidate.*]

Dated _____ April, 19____

3. The Chairman of every Committee shall cause a list of all candidates so nominated to be displayed as soon as practicable upon the outer door of every schoolhouse within the school district under the control of such Committee.

4. (1.) At each annual meeting the householders present shall proceed to elect a new Committee for the current year, as hereinafter provided, and may re-elect any of the persons going out of office, if duly qualified and nominated, to be members of such new Committee.

(2.) At any time previous to the ballot being taken any candidate nominated may withdraw from the election either by verbal intimation to the Chairman or by notice in writing signed by the candidate and witnessed by a householder, and delivered to such Chairman; in either of which cases he shall be deemed in future proceedings at such meeting not to have been nominated.

(3.) Notwithstanding anything in the foregoing provisions, ~~in the case of a school district in a rural area~~, any householder present at the annual meeting may at such meeting nominate for election to serve on the Committee any resident householder; and a resident householder nominated at the meeting, and by word of mouth or by writing given to the Chairman consenting to be so nominated, shall be a candidate for election. The Chairman of the meeting shall afford opportunity for nomina-

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tion as allowed by this section, and shall then read or cause to be read a complete list of the persons nominated for election. The meeting shall then proceed to elect the required number of persons to serve on the Committee.

(4.) If the number of duly nominated candidates is equal to the number of persons to be elected, the Chairman shall declare that such candidates have been duly elected.

(5.) If the number of duly nominated candidates is in excess of the number of persons to be elected a ballot shall be taken, and up to the required number those candidates shall be declared duly elected for whom a preference has been proved by the number of the votes respectively recorded in their favour.

(6.) If the number of candidates duly nominated is less than the number required to be elected, the candidates duly nominated shall be declared duly elected; and the Board shall appoint such ~~resident~~ householders as it deems fit to make up the number of members of the Committee to the number required, and every member appointed in accordance with this provision shall be deemed to have been duly elected.

5. In every such school district in which there are more than one hundred children in the school under the care of the Committee it shall be the duty of the Committee to provide a ballot-box, which shall be locked, and shall be placed in the schoolhouse or place of election in some accessible position on the day appointed for holding the election; and immediately before the taking of any ballot the Chairman of such meeting shall unlock the ballot-box and show that it is empty, and then shall lock it again, and shall not remove it from its place until the election is concluded.

6. (1.) If a ballot is required to be had, every householder present at the meeting who wishes to vote shall apply to the Chairman for a voting-paper, who, if satisfied that he is duly qualified to vote, shall give him a voting-paper containing the names of all duly nominated candidates, from which the elector shall, without leaving the room or place of election, strike out any names he pleases, but so as not to leave more names on the paper than the number of committeemen to be elected, and, folding the paper so that its contents cannot be seen, shall return the same to the Chairman, or in the presence of the Chairman put the same into the ballot-box.

(2.) So soon as all the householders present who desire to vote have recorded their votes the Chairman shall declare the ballot closed, and hand the ballot-papers to the scrutineers, if such are appointed by the meeting; or, if no scrutineers are appointed, shall himself open the ballot-papers, and, counting the votes given for each candidate, shall ascertain and declare the result of the election.

7. At every election for a Committee for such district—

(a.) No person shall be entitled to vote in respect of more qualifications than one, although he possesses them:

(b.) Every elector may vote for any number of candidates at an election not exceeding the number of members of the Committee then to be elected, but no elector may give for any one candidate more than one vote:

(c.) Where any two or more candidates have received the same number of votes, and as often as this may happen, at any election, the Chairman shall give a casting vote or votes, as the case may be.

8. (1.) If any dispute arises respecting the validity of the proceedings at the annual or other election of any member of any Committee, the matter in dispute shall be submitted to the judgment of the Board of the district, whose decision thereon shall be final and conclusive.

(2.) In any case when a representation has been made to the Board that the proceedings at any election meeting have not been strictly formal or legal, the Board need not call for another election if in its opinion the informality was not wilful and did not really affect the result of the election.

9. If in any case the householders in any school district, from any cause whatever, fail to elect a Committee upon the annual day of meeting as hereinbefore provided, the Board, if it thinks fit, may fix another time for the nominations and election respectively of a Committee for such school district; and the like notices of such meeting, with all necessary changes of dates for the several matters incident to the election, shall be given, and the like proceedings taken thereat, as are prescribed by this Act for an annual election.

an 10. If after such last-mentioned meeting the householders neglect or refuse to elect a Committee, the Board may appoint one or two Commissioners, who shall hold office until the next annual meeting, and shall have all the powers and shall perform all the duties by law assigned to a Committee.

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11. Every Committee elected as aforesaid shall hold office until the appointment of a new Committee, or a Commissioner or Commissioners; and if any vacancy occurs by death or otherwise in any Committee the remaining members of the Committee, being not less than a quorum, shall elect a qualified person to fill such vacancy.

12. If a member of a Committee is absent without leave of the Committee during three consecutive months from all meetings of the Committee, except from illness or other cause to be approved by the Committee, or if a member ceases to reside in the school district, he shall cease to be a member of the Committee, and his office shall thereupon be vacant.

13. If by any means the number of members of a Committee is reduced to less than the number required for a quorum, or if a majority of the members of any Committee send in their resignations to the Board, the Board may direct an election to be held to fill up the vacancies; and the proceedings in connection with any such election shall be the same as in the case of an annual election.

PART II.—ELECTION OF MEMBERS OF COMMITTEES OF URBAN SCHOOL DISTRICTS.

1. The election of the members of the Committee of each urban school district shall be conducted at the same time and place, and as far as possible in the same manner, as the election of the members of the Councils of the boroughs within such urban school district; but the votes obtained by the several candidates in such boroughs shall be added together by the Secretary of the Board, who shall declare those candidates to be elected who have obtained the greatest number of votes in all the boroughs taken together:

Provided that if the number of duly nominated candidates is less than nine the candidates duly nominated shall be declared duly elected; and the Board shall appoint such resident householders as it deems fit to make up the number of members of the Committee required to be elected, and every member appointed in accordance with this provision shall be deemed to have been duly elected.

2. If any dispute or question arises touching the regularity of any election, such dispute or question shall be determined by a Magistrate in the manner provided by sections 45 to 54 of the Local Elections and Polls Act, 1908, all the provisions of which shall, *mutatis mutandis*, apply.

3. The Board shall pay the cost of the additional supervisors or poll-clerks and other expenses of the election of members of the Committee for the urban school district, but it shall not be charged with the cost of the preparation of the municipal roll, nor with any other of the ordinary costs of the municipal election or poll.

4. In regard to the election of members of the Committee for any urban school district, the provisions of the Local Elections and Polls Act, 1908, shall apply as far as they are applicable thereto, and the Governor may make such further provisions by regulations as is necessary to give effect to this part of the Schedule.

5. In the case of any extraordinary vacancy among the number of the members of the Committee of an urban school district the vacancy shall be filled by a person appointed by the remaining members of such Committee at a duly convened meeting of the Committee.

PART III.

1. If on or before the first day of March in any year, being not sooner than twenty calendar months after the establishment of an urban school district, there is received by the Board a request signed by one-fourth of the parents of the children on the rolls of the schools in such urban school district on the first day of December immediately preceding for the disestablishment of the urban school district, then on the date fixed for the next elections of members of the Board for the district and of members of the Committee of the urban school district a poll shall be taken to determine the matter in the manner hereinafter described.

2. The request named in the last preceding clause shall be certified as regards the signatures of the parents by the head teachers of the several schools, who shall also certify as to the number of children on the rolls of the schools on the first day of December immediately preceding; and in both cases the certificate of the head teacher shall be sufficient evidence of the correctness of the facts referred to.

3. The poll shall be taken at the same time and place as the election of the members of the Councils of the boroughs within such urban school district, and the votes in favour of the continuance and of the disestablishment of the urban school district respectively in such boroughs shall be added together by the Secretary of

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the Board, who shall declare the total number of votes in favour of the continuance and of the disestablishment respectively in all the boroughs taken together.

4. The majority of the votes shall decide which of the two issues is carried; provided that if the number of votes for the continuance of the urban school district and the number of votes for disestablishment are equal the result shall be deemed to be in favour of its continuance.

5. If the result of the poll is in favour of the disestablishment of the urban school district, then the Board shall disestablish it accordingly; such disestablishment shall take effect on and after the date fixed for the election of members of the Committees next ensuing that at which the poll is taken.

The Board shall constitute separate school districts within the urban area concerned, and thereafter, or until such time as an urban school district is again established in the manner provided in subsection seven of section forty of the Education Act, 1914, the members of the Board for the urban area and of the Committees of the several school districts within the urban area shall be elected respectively in the manner provided in the Second Schedule hereto and in Part I of this Schedule.

6. The persons entitled to vote at the poll shall be the persons whose names are on the municipal rolls of the several boroughs comprising the urban school district.

7. The form of the voting-paper for taking the poll to determine the continuance or disestablishment of an urban school district shall be as follows:—

.....URBAN SCHOOL DISTRICT.

Strike out the line containing the issue for which you do not wish to vote.

I VOTE for the *continuance* of the Urban School District.

I VOTE for the *disestablishment* of the Urban School District.

FOURTH SCHEDULE.

PART I.—GRADES OF SALARIES PAYABLE TO HEAD TEACHERS.

Grade.	Minimum.	Maximum.	Annual Increment.
	£	£	£
I	110	140	10
II	140	190	10
III	200	250	10
IV	260	310	10
V	320	360	10
VI	370	400	10
VII	410	440	10

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PART II.—GRADES OF SALARIES PAYABLE TO ASSISTANTS.

Grade.	Minimum.	Maximum.	Annual Increment.
	£	£	£
1	110	120	10
2	120	140	10
3	150	180	10
4	190	220	10
5	230	250	10
6	260	280	10
7	290	310	10

A deduction of 10 per centum from the salary payable in accordance with the foregoing provisions shall be made in the case of every uncertificated head or sole teacher and in the case of every uncertificated assistant, and a deduction of 5 per centum in the case of every assistant or head or sole teacher who is the holder of a temporary certificate or license to teach; but if in any such case the said deduction would reduce the salary below £110 per annum no greater deduction shall be made than is sufficient to reduce the salary to £110.

In addition to the salary payable in accordance with the provisions of Part II of this Schedule, there shall be paid by way of salary the sum of £20 per annum in the case of every married assistant, except where the husband or wife of such assistant is—

- (a.) A head or sole teacher, in which case no such addition shall be made; or
 (b.) An assistant, in which case such addition shall be made only to the salary of the husband.

For the purposes of this Schedule the expression "married assistant" includes an assistant who is a widow or widower having one or more children under the age of fourteen years.

FIFTH SCHEDULE.

PART I.—MIXED SCHOOLS.

(A "mixed school" is a school to which all boys and girls of school age are admitted.)

Average Attendance.	Grade of School.	Grade of Salary of Head Teacher.	Number of Assistants.	Grades of Salaries of Assistants.		Number of Pupil-teachers.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
9-20 ..	I	I	..	..	..	..
21-35 ..	II	II	1	..	..	..
36-80 ..	IIIA	III	1	2 .. ..	..	..
81-120 ..	IIIB	III	2	2, 1 .. ..	..	..
121-160 ..	IVA	IV	3	3, 2	1	1
161-200 ..	IVB	IV	4	3, 3, 2	1	1
201-240 ..	IVC	IV	5	4, 3, 2, 1	1	1
241-280 ..	VA	V	6	4, 3, 3, 2	1, 1	2
281-320 ..	VB	V	7	5, 3, 3, 2, 2	1, 1	2
321-360 ..	VC	V	8	5, 4, 4, 2, 2, 1	1, 1	2
361-400 ..	VD	V	9	5, 4, 4, 2, 2, 1	1, 1, 1	3
401-450 ..	VIA	VI	10	6, 4, 4, 3, 2, 2	1, 1, 1, 1	4
451-500 ..	VIB	VI	11	6, 4, 4, 3, 3, 2, 1	1, 1, 1, 1	4
501-550 ..	VIIA	VII	12	7, 5, 5, 4, 4, 3, 2	2, 1, 1, 1, 1	5
551-600 ..	VII B	VII	13	7, 5, 5, 4, 4, 3, 2, 1	2, 2, 1, 1, 1	6
&c.	&c.					

(a.) The assistants shown in column (6) hereof are to be substituted for the pupil-teachers in column (7) hereof at the times and to the extent prescribed by regulations; meanwhile the staff shall consist of the persons shown in columns (3), (5), (7).

(b.) In every school of Grade VII there shall be added for each succeeding sub-grade above Subgrade VII B an assistant with a salary of Grade 1; but in all other respects the staff and salaries in every such school shall be the same as in a school of Subgrade VII B.

(c.) The number of male assistants in any mixed school shall not exceed the number of female assistants.

(d.) At least one of the first two assistants in any school of Grade IV, V, VI, or VII must be a woman.

(e.) At least three of the first six assistants in any school of Grade VI or VII must be women.

(f.) Where a qualified assistant cannot be obtained, two pupil-teachers may, with the approval of the Minister previously obtained, be substituted for an assistant; provided that the number of pupil-teachers in any school shall in no case exceed the number of adult teachers.

(g.) An assistant with a salary of Grade I may be substituted for two pupil-teachers.

(h.) The number of assistants and pupil-teachers in a school shall be determined by the average attendance shown in column (1) hereof in the manner prescribed by regulations; such average attendance shall be the average attendance for a period not greater than one year.

(i.) In the case of a school of Grade 0—that is, a school having a yearly average attendance not exceeding eight—the Board shall pay for or on account of the salary of the teacher the sum of £6 per annum for every pupil in yearly average attendance; and the Board may require, having regard to all the circumstances, such provision to be made for the board and lodging of the teacher as it may think fit.

PART II.—SEPARATE SCHOOLS.

(a.) A “separate boys’ school” is a school to which there are admitted boys belonging to any of the standard classes, or to any of the standard classes above Standard I or above Standard II, as the Board may determine, but no other pupils.

(b.) A “separate girls’ school” is a school to which there are admitted girls belonging to any of the standard classes, or to any of the standard classes above Standard I or above Standard II, as the Board may determine, but no other pupils.

(c.) A “separate infants’ school” is a school to which there are admitted all pupils belonging to classes not higher than Standard I, or not higher than Standard II, as the Board may see fit.

(d.) No separate boys’ school or separate girls’ school shall be established or maintained with less than one hundred and sixty-one children in average attendance, and no separate infants’ school shall be established or maintained with less than one hundred and twenty-one children in average attendance.

(e.) The assistants shown in column 6 of the three tables below are to be substituted for the pupil-teachers in column 7 thereof at the times and to the extent prescribed by regulations; meanwhile the staff shall consist of the persons shown in columns 3, 5, 7.

(f.) Where a qualified assistant cannot be obtained, two pupil-teachers may, with the approval of the Minister previously obtained, be substituted for an assistant; provided that the number of pupil-teachers in any school shall in no case exceed the number of adult teachers.

(g.) An assistant with a salary of Grade I may be substituted for two pupil-teachers.

(h.) The number of assistants and pupil-teachers in a school shall be determined by the average attendance shown in column 1 of the tables (i), (ii), and (iii) herein, in the manner prescribed by regulations; such average attendance shall be the average attendance for a period not greater than one year.

(i.) *Separate Boys’ Schools.*

Col. 1.	Col. 2.	Col. 3.	Col. 4.	Col. 5.	Col. 6.	Col. 7.
Average Attendance.	Grade of School.	Grade of Salary of Head Teacher.	Number of Assistants.	Grades of Salaries of Assistants.		Number of Pupil-teachers.
161-200 ..	IV _B	IV	4	4, 3, 2, ..	1 ..	1
201-240 ..	IV _C	IV	5	4, 4, 3, 2 ..	1 ..	1
241-280 ..	VA	V	6	4, 4, 3, 2 ..	1, 1 ..	2
281-320 ..	VB	V	7	5, 4, 3, 2, 2 ..	2, 1 ..	2
321-360 ..	VC	V	8	5, 4, 3, 2, 2, 1 ..	2, 1 ..	2
361-400 ..	VD	V	9	5, 4, 3, 2, 2, 1 ..	2, 1, 1 ..	3
401-450 ..	VI _A	VI	10	5, 4, 3, 2, 2, 2 ..	2, 1, 1, 1 ..	4
451-500 ..	VI _B	VI	11	6, 5, 4, 3, 3, 3, 2 ..	2, 2, 1, 1 ..	4
501-550 ..	VII _A	VII	12	6, 5, 4, 3, 3, 3, 2 ..	2, 2, 1, 1, 1 ..	5

And so on, one assistant of Grade I being added for each subgrade above Subgrade VII_A.

(ii.) *Separate Girls' Schools* and (iii.) *Separate Infants' Schools.*

Col. 1.	Col. 2.	Col. 3.	Col. 4.	Col. 5.	Col. 6.	Col. 7.
Average Attendance.	Grade of School.	Grade of Salary of Head Teacher.	Number of Assistants.	Grades of Salaries of Assistants.		Number of Pupil-teachers.
121-160 ..	IV _A	III	3	3, 2	1 ..	1
161-200 ..	IV _B	III	4	3, 3, 2 ..	1 ..	1
201-240 ..	IV _C	III	5	4, 3, 2, 1	1 ..	1
241-280 ..	V _A	IV	6	4, 3, 2, 2	1, 1 ..	2
281-320 ..	V _B	IV	7	4, 3, 3, 2, 1	1, 1 ..	2
321-360 ..	V _C	IV	8	4, 3, 3, 2, 1, 1	1, 1 ..	2
361-400 ..	V _D	IV	9	4, 3, 3, 2, 2, 1	1, 1, 1 ..	3
401-450 ..	VI _A	V	10	5, 3, 3, 2, 2, 2 ..	1, 1, 1, 1	4
451-500 ..	VI _B	V	11	5, 4, 3, 3, 2, 2, 1 ..	1, 1, 1, 1	4
501-550 ..	VII _A	VI	12	5, 4, 3, 3, 2, 2, 1	1, 1, 1, 1, 1	5

And so on, one assistant of Grade 1 being added for each subgrade above Subgrade VII_A.

PART III.—SIDE SCHOOLS.

(a.) A "side school" is a school which is attached to another school and is distant more than a quarter of a mile but not more than three miles therefrom, and to which there are admitted pupils up to a class to be determined by the Board, but in any case not higher than Standard IV, and up to an age not higher than eleven years.

(b.) A "main school" is a school to which a side school is so attached.

(c.) One school is attached to another within the meaning of the foregoing provisions when they have the same head teacher.

(d.) Every side school shall be deemed to form part of the main school, and the grade and staff of the main school (together with the side school or side schools so forming part thereof) shall be determined accordingly.

(e.) Notwithstanding the foregoing provisions, no main school or side school, taken separately, shall have a smaller number on its staff than if it were a mixed school of the same average attendance; and the additional teachers (if any) required in order to conform to this requirement shall receive salaries of Grade 1.

PART IV.—PART-TIME SCHOOLS.

(a.) A "part-time school" is one of a group of schools taught by the same sole teacher, each school being situated at least three miles by the nearest practicable means of access from any other school of the same group, all the schools of the group being open for not less than twenty hours a week in the aggregate.

(b.) All the schools of a group of part-time schools shall be counted as one school. To ascertain the grade of the group of part-time schools the totals of the average attendance at the several schools of the group shall be added together; and the salary of the sole teacher of that group of schools shall be the salary attached to the grade so ascertained.

(c.) If the teacher of a group of part-time schools is required by the Education Board to teach or travel on six days during the week (provided that he teaches for at least twenty-four hours in each week), he shall receive the salary and allowances for the grade of school next higher than the grade in which that group of schools is placed.

PART V.—DISTRICT HIGH SCHOOLS.

Staff and Salaries in Secondary Department.

Average Attendance of Secondary Department.	Grades of Salaries payable to Assistants in the Secondary Department.
12-20	4
21-30	5
31-70	4
71-105	5
106-140	6
141-175	6
176-210	6

(a.) To the head teacher of a district high school there shall be payable by way of salary an amount of £30 per annum in addition to all other amounts payable to him under this Act provided that his total salary shall not be increased thereby to more than £450 a year.

(b.) The head teacher shall devote the greater part of his time and attention to the supervision and instruction of the classes in the primary department.

(c.) The number of teachers and pupil-teachers in the primary department of a district high school shall be the same as in a public school with the same average attendance as the primary department.

(d.) There shall be no pupil-teachers employed in the secondary department of a district high school.

(e.) The salaries of the teachers of the primary department other than the head teacher of the school shall be determined in the same manner as in the case of a mixed school of the same grade or subgrade as the district high school.

(f.) Grants given under Part VIII of this Act for vocational courses in district high schools may, after due provision has been made for the apparatus and material required for such courses, be paid with the approval of the Minister either to the assistants in the secondary department or to other teachers employed to carry out the vocational courses.

(g.) The grade or subgrade of a district high school shall be determined in accordance with the average attendance in the primary department and the secondary department taken together.

(h.) In the foregoing provisions the term "primary department" means the classes up to and including Standard VI; and the term "secondary department" means the classes of Standard VII—namely, the classes containing the pupils who are receiving instruction in such secondary, technical, or higher subjects as are prescribed.

SIXTH SCHEDULE.

HOUSE ALLOWANCES TO HEAD OR SOLE TEACHERS.

For schools of Grades I, II	.. .. .	£20 per annum.
„ Grade III	.. .. .	£30 „
„ Grade IV	.. .. .	£40 „
„ Grades V, VI, VII	.. .. .	£50 „

SEVENTH SCHEDULE.

SALARIES OF PUPIL-TEACHERS.

(According to Year of Service, as prescribed by Regulations.)

First year, £35, with allowance of £20 if obliged to live away from home.

Second year, £45, with allowance of £15 if obliged to live away from home.

Third or fourth year, £55, with allowance of £10 if obliged to live away from home.

Where a pupil-teacher lives at home, but is obliged to travel more than four miles daily each way to attend school, there shall be paid to him an additional sum (not exceeding £10 per annum) sufficient to defray the actual cost of such travelling.

EIGHTH SCHEDULE.

REPEALED, and substitution therefor:
Vide Inset.

SCALE ON WHICH FOR ALL THE SCHOOLS IN EACH EDUCATION DISTRICT THE MINIMUM AGGREGATE AMOUNT OF GRANTS TO SCHOOL COMMITTEES FOR INCIDENTAL EXPENSES IS TO BE CALCULATED.

Average Attendance.	Rate per School.
1 to 20	10s. per head of the average attendance.
21 to 35	£10, together with 8s. per head of the average attendance over 20.
36 to 120	£16, together with 5s. per head of the average attendance over 35.
121 to 400	£38, together with 4s. per head of the average attendance over 120.
Over 400	£94, together with 3s. per head of the average attendance over 400.

NINTH SCHEDULE.

PART I.

Christchurch Boys' High School.

Christchurch Girls' High School.

PART II.

Auckland Grammar School.
 Auckland Girls' Grammar School.
 Whangarei High School.
 Thames High School.
 Gisborne High School.
 Napier High Schools.
 New Plymouth High Schools.
 Wellington College.
 Wellington Girls' College.
 Nelson College.
 Nelson Girls' College.

Greymouth High School.
 Hokitika High School.
 Rangiora High School.
 Akaroa High School.
 Ashburton High School.
 Timaru High Schools.
 Waimate High School.
 Waitaki High Schools.
 Otago Boys' and Girls' High Schools.
 Southland Boys' and Girls' High Schools.

PART III.

Wanganui Girls' College.

Marlborough High School.

TENTH SCHEDULE.

SCALE OF GRANTS TO SECONDARY SCHOOLS

THERE shall be paid to each secondary school the sum of one hundred pounds, together with the grants in respect of free pupils as follows, namely :—

- (a.) When the net annual income per head is over £17 per annum there shall be paid a grant of £4 per annum on each free pupil :
- (b.) When that income is over £9 but not over £17 per annum there shall be paid on each free pupil an annual grant of £4, together with one-fourth of the deficiency of that income below £17 per annum :
- (c.) When that income is over £5 but not over £9 per annum there shall be paid on each free pupil an annual grant of £6, together with three-fourths of the deficiency of that income below £9 per annum ;
- (d.) When that income is not over £5 per annum there shall be paid on each free pupil an annual grant of £9, together with nine-tenths of the deficiency of that income below £5 per annum :
- (e.) "The net annual income per head" shall be found for the purpose of this Schedule by dividing the net annual income derived from endowments by the total number of pupils attending the school, exclusive of the pupils in any lower department, within the meaning of section ninety-seven of the Education Act, 1914 :

Provided that the capitation payable on account of each free pupil shall be three-quarters of the rates named above, unless the following conditions are complied with :—

- (i.) The salary of the principal of a boys' secondary school or of a mixed secondary school shall not be less than £400 per annum :
- (ii.) The salary of the principal of a girls' secondary school shall not be less than £300 per annum :
- (iii.) The average salary of all the full-time assistant masters in any secondary school shall not be less than £250 per annum :
- (iv.) The average salary of all the full-time assistant mistresses in any secondary school shall not be less than £175 per annum :
- (v.) The salary paid to any full-time assistant teacher in any secondary school shall not be less than £150 per annum :
- (vi.) In any secondary school (exclusive of the lower department) the total amount expended upon the salaries of the teaching staff and on the incidental expenses of the school, as defined by regulations, shall not be less than the total amount calculated at the rate of £13 10s. per head for each free pupil, together with the amount of the tuition fees, approved by the Minister, received for pupils other than free pupils.

REPEALED, and substitution therefor:
 Vide Inset.

(vii.) The number of full-time assistants in any secondary school (exclusive of the teachers in any lower department) shall not be less than one for every twenty-five pupils, exclusive of the pupils in any lower department, provided that in special circumstances, with the previous approval of the Minister, any other arrangement of the staff securing as nearly as possible equal efficiency may be made.

For the purposes of this Schedule, except where inconsistent with the context, any two or more schools under the same governing body and having endowments or grants in common shall be deemed to be one school.

ELEVENTH SCHEDULE.

PART I.—UNIVERSITY COLLEGES.

The Auckland University College. | The Canterbury College.
The Victoria College. | The University of Otago.

PART II.—TECHNICAL SCHOOLS, THE MANAGERS OF WHICH ARE THE CONTROLLING AUTHORITIES THEREOF.

Elam School of Art. | Masterton Technical School.

REPEALED: Vide Inset.

PART III.

Canterbury College School of Art.

TWELFTH SCHEDULE.

GRADES AND SALARIES PAYABLE TO INSPECTORS OF SCHOOLS.

Grade.	Salary.	
	Minimum.	Maximum.
Chief Inspector	£ 600	£ 650
Senior Inspector	550	575
Inspector	500	525
Assistant Inspector	420	480

REPEALED: Vide Inset.

THIRTEENTH SCHEDULE.

NOTICE OF APPEAL.

To the Chairman of the [Full name of respondent Board*].

TAKE notice that I [Teacher's full name], of _____, hereby appeal under the provisions of Part XI of the Education Act, 1914, against the decision of the Board, dated the _____ day of _____, 19____, dismissing [or suspending, or transferring, as the case may be] me from my occupation as teacher at the [Full name of school]. The following are the grounds on which I rely: [Here state grounds of appeal].

Dated at _____, this _____ day of _____, 19____.

A. B., Teacher.

* Education Board, Secondary School Board, or Technical School Board, as the case be.

MEMORANDUM [at foot of Notice of Appeal].

The [Name of corporation] hereby nominates C. D., of [Address], as one of the members of the Court for the purposes of this appeal, and also undertakes to pay whatever costs may be awarded against the appellant.

As witness the common seal of the [Name of corporation], at _____, this _____ day of _____, 19____.

(L.S.)

E. F. [Designation of office].

G. H. [Designation of office].

I hereby consent to act as member of the Court for the purposes of this appeal.

C. D.

FOURTEENTH SCHEDULE.

STATEMENT IN REPLY.

To A. B.

THE following is the statement in reply by the [*Full name of Board*], as respondent, to your notice of appeal under the provisions of Part XI of the Education Act, 1914: [*Here state reasons for dismissal, &c.*].

And take notice that the Board hereby nominates I. J., of _____, as one of the members of the Court for the purposes of this appeal.

Dated at _____, this _____ day of _____, 19 _____.

K. L.,

Chairman [*or Secretary*] of the Board

I hereby consent to act as member of the Court for the purposes of this appeal.

I. J.