

**Reprint
as at 19 May 2017**



Private Schools Conditional Integration Act 1975

Public Act	1975 No 129
Date of assent	10 October 1975
Commencement	see section 1(2)

Private Schools Conditional Integration Act 1975: repealed, on 19 May 2017, by section 159 of the Education (Update) Amendment Act 2017 (2017 No 20).

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

1 Short Title and commencement

- (1) This Act may be cited as the Private Schools Conditional Integration Act 1975.

- (2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council, and different dates may be so appointed for the purpose of different provisions of this Act.

Section 1(2): this Act (except sections 20–24, Part 7, and sections 58 and 59(4) brought into force, on 16 August 1976, by the Private Schools Conditional Integration Act Commencement Order 1976 (SR 1976/225).

Section 1(2): sections 20–24, Part 7, and section 59(4), brought into force, on 7 September 1981, by the Private Schools Conditional Integration Act Commencement Order (No 2) 1981 (SR 1981/240).

Section 1(2): section 58 brought into force, on 1 February 1981, by the Private Schools Conditional Integration Act Commencement Order 1981 (SR 1981/8).

2 Interpretation

- (1) In this Act, unless the context otherwise requires,—

controlling authority, in relation to an integrated school, means its board of trustees established under Part 9 of the Education Act 1989

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

integrated school means a private school originally established to provide education with a special character that, in accordance with the provisions of this Act, has, by the free choice of the proprietors of the school, been established as an integrated school, and has thereby become part of the State system of education in New Zealand; and includes any school that has been established as an integrated school with the consent of the Minister given pursuant to subsection (3) of section 5

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

integration agreement means an agreement entered into under section 7 between the proprietors and the Minister, under which provision is made for establishing a private school as an integrated school; and includes a supplementary agreement entered into under that section

land has the same meaning as in the Land Transfer Act 1952

proprietor or **proprietors**, in relation to a private school or an integrated school, means that corporation, body of trustees, or other person or body of persons, which or who have the primary responsibility for determining the special character of the school and for supervising the maintenance of that special character, and who own, hold upon trust, or lease the land and buildings that constitute the school premises

State school means a school or other educational institution established under Part 3 of the Education Act 1964.

- (2) Except as provided in subsection (1), unless the context otherwise requires,—
- (a) words and expressions defined in the Education Act 1989 have the meaning so defined; and
 - (b) subject to paragraph (a), words and expressions defined in the Education Act 1964 have the meaning so defined.
- (3) Unless the context otherwise requires,—
- (a) every reference in this Act to a State school shall be read as excluding an integrated school:
 - (b) every reference in any other enactment or document to—
 - (i) a State primary school shall be read as including an integrated school that is a primary school:
 - (ii) a State secondary school shall be read as including an integrated school that is a secondary school:
 - (iii) a State school shall be read as including a reference to an integrated school.

Section 2(1) **controlling authority**: replaced, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 2(1) **integration agreement**: replaced, on 19 December 1998, by section 2(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 2(1) **proprietor** or **proprietors**: replaced, on 19 December 1998, by section 2(2) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 2(2): replaced, on 23 July 1990, by section 50(1) of the Education Amendment Act 1990 (1990 No 60).

Section 2(3)(b): amended, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

2A Act to bind Crown

This Act shall bind the Crown.

Section 2A: inserted, on 29 July 1977, by section 2 of the Private Schools Conditional Integration Amendment Act 1977 (1977 No 10).

Part 1 Conditional integration

3 Preservation of special character of an integrated school

- (1) An integrated school shall on integration continue to have the right to reflect through its teaching and conduct the education with a special character provided by it.
- (2) Integration shall not jeopardise the special character of an integrated school.
- (3) The proprietor of an integrated school shall, subject to the provisions of the integration agreement,—

- (a) continue to have the responsibility to supervise the maintenance and preservation of the education with a special character provided by the school:
 - (b) continue to have the right to determine from time to time what is necessary to preserve and safeguard the special character of the education provided by the school and described in the integration agreement.
- (4) If, in the opinion of a proprietor, the special character of the school as defined and described in the integration agreement has been or is likely to be jeopardised, or the education with a special character provided by the school as defined and described in the integration agreement is no longer preserved and safeguarded, he may invoke the powers conferred upon him by this Act.

Section 3(3): inserted, on 29 July 1977, by section 3 of the Private Schools Conditional Integration Amendment Act 1977 (1977 No 10).

Section 3(4): inserted, on 29 July 1977, by section 3 of the Private Schools Conditional Integration Amendment Act 1977 (1977 No 10).

4 Integrated schools subject to certain enactments

- (1) Subject to subsection (2),—
- (a) on integration, an integrated school becomes part of the State system of education in New Zealand; and
 - (b) an integrated school is subject to all the provisions for the time being in force of the Education Act 1964, the School Trustees Act 1989, the Education Act 1989, and of all regulations made under any of those Acts or under any enactment repealed by any of those Acts; and
 - (c) an integrated school is subject to all the provisions of the State Sector Act 1988 as if service in the employment of the board of trustees of the school is education service within the meaning of that Act.
- (2) In their application to integrated schools, the enactments applied to integrated schools by subsection (1) shall in all respects be read subject to section 3 and section 80, and to the other provisions of this Act that relate to integrated schools.

Section 4: replaced, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Part 2

Procedure for establishing, disestablishing, and closing integrated schools

5 Application to negotiate integration

- (1) The proprietors of a private school that is registered under section 35A of the Education Act 1989, and any person who proposes to establish a school with the intention that it become an integrated school, may apply to the Minister to enter into negotiations for integration under this Act.

- (2) If the Minister accepts an application to negotiate, the applicant and the Minister may enter into negotiations for an integration agreement under section 7.
- (3) If the Minister declines the application, the applicant may make a fresh application at any time.
- (4) Without limiting the factors that the Minister may consider, the Minister must, in considering an application, consider the nature, character, and capacity of the existing network of schools.
- (5) The Minister has an absolute discretion to accept applications to enter into negotiations for integration under this Act, and may from time to time, after giving such public notice as he or she considers appropriate, decide not to consider applications from particular areas.

Section 5: replaced, on 19 December 1998, by section 3 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

6 Applications relating to proposed schools

If a person who proposes to establish a school with the intention that it become an integrated school makes an application under section 5, this Act applies to the application and to any subsequent negotiations and agreements as if—

- (a) the applicant were a proprietor; and
- (b) the school were a registered private school.

Section 6: replaced, on 19 December 1998, by section 3 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

6A Negotiation of agreement

- (1) The Minister and an applicant may commence negotiations for an integration agreement under section 7 at any time after the Minister has accepted an application under section 5.
- (2) During the course of negotiations, the Minister must consult with such interested persons or groups as he or she considers appropriate.

Section 6A: inserted, on 19 December 1998, by section 3 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

7 Integration agreement

- (1) The Minister has the sole right to approve the establishment of a private school as an integrated school.
- (2) The Minister must signify his or her approval by entering into a deed of agreement (an **integration agreement**) with the proprietors.
- (3) No proprietors shall be competent to execute an integration agreement unless the proprietors are constituted as a body corporate empowered to own land under an enactment of the Parliament of New Zealand. Any such proprietors shall have all such powers as are necessary to enable them to enter into an integration agreement.

- (4) Every such integration agreement shall record the agreement of the proprietors that no person employed at the school and paid for his services in whole or in part out of money appropriated by Parliament shall be paid by the proprietors or their servants or agents any remuneration additional to that provided for by this Act, or shall be granted or permitted any condition of service more favourable than that permitted in the case of a person employed in a State school.
- (5) Any such integration agreement may record such terms and conditions relating to the integration of the school and not contrary to the express provisions of this Act as may be agreed between the Minister and the proprietors, notwithstanding that specific provision for such terms or such conditions is not provided for in this Act.
- (6) Without restricting the provisions that may be included in an integration agreement, any integration agreement may include provisions for all or any of the following matters:
 - (a) specifying the land and buildings which shall constitute the integrated school to which the agreement refers:
 - (b) specifying any part of the land or buildings owned or leased by the proprietors and used in conjunction with the school before integration which shall not constitute part of the integrated school:
 - (c) describing the education with a special character for which the school was originally established:
 - (d) *[Repealed]*
 - (e) *[Repealed]*
 - (f) prescribing the religious instruction and observances which are to form part of the school programme after integration, which instruction and observances may be prescribed in terms providing that they shall be such as accord with practices, rites, and doctrines of a designated religious or philosophical body as from time to time determined by a designated member or designated members of that body:
 - (g) providing for the determination from time to time of the maximum number of pupils who may be enrolled in the school:
 - (h) permitting limitation of the number of children not given preference of enrolment under the provisions of section 29 who shall be required to be enrolled if places are available:

provided that in determining the basis of such limitation regard shall be had only to the necessity of preserving and safeguarding the education with a special character which the school provides:
 - (i) any other particular matter which bears upon the education with a special character for which the school was originally established:
 - (j) any other matter which this Act provides or contemplates may be the subject of provision in the integration agreement.

- (7) Any proprietor or proprietors may enter into agreements for the integration of more than 1 school.
- (8) There shall be a separate integration agreement for each school that is to become an integrated school.
- (9) If the Minister and the proprietors so agree, the terms of an integration agreement may from time to time be varied by a supplementary agreement.
- (9A) Despite subsection (1), the Minister's power under subsection (9) to enter into a supplementary agreement may be delegated under section 28 of the State Sector Act 1988.
- (10) An integration agreement shall for all purposes be a binding agreement between the proprietors and Her Majesty the Queen.

Section 7(1): replaced, on 19 December 1998, by section 4(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 7(2): replaced, on 19 December 1998, by section 4(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 7(3): amended, on 1 January 1987, pursuant to section 29(2) of the Constitution Act 1986 (1986 No 114).

Section 7(6)(b): amended, on 19 December 1998, by section 4(2) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 7(6)(d): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 7(6)(e): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 7(9A): inserted, on 29 October 2016, by section 105 of the Education Legislation Act 2016 (2016 No 72).

Section 7(10): inserted, on 29 July 1977, by section 4(3) of the Private Schools Conditional Integration Amendment Act 1977 (1977 No 10).

8 Effective date of integration agreement

- (1) Every integration agreement shall specify a date on which the integration of the school shall take place (in this Act referred to as the **effective date**).
- (1A) An integrated school's controlling authority shall take office on the effective date.
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) *[Repealed]*
- (5) *[Repealed]*
- (6) *[Repealed]*
- (7) *[Repealed]*
- (8) In any case where the requirements of this section are not met, the Minister may from time to time give notice to the proprietors of such new effective date as he thinks fit, and the integration agreement shall be construed accordingly.

Section 8(1): amended, on 29 July 1977, by section 5 of the Private Schools Conditional Integration Amendment Act 1977 (1977 No 10).

Section 8(1A): inserted, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 8(2): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 8(3): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 8(4): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 8(5): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 8(6): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 8(7): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

9 Variations from standard patterns of organisation

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

10 Notification of integration agreement

Every integration agreement shall be notified in the *Gazette*, and a copy of every such agreement shall be retained by the Secretary and shall be available for inspection without charge by any member of the public.

Section 10: amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

11 Cancellation of integration agreement

- (1) An integration agreement may be cancelled—
 - (a) by the Minister, in which case section 11A applies; or
 - (b) by the proprietors, in which case section 11B applies; or
 - (c) by agreement between the Minister and the proprietors, in which case section 11C applies.
- (2) On the cancellation of an integration agreement,—
 - (a) the school ceases to be an integrated school; and
 - (b) the respective rights and obligations of the parties that arise by virtue of the agreement cease to have effect; and
 - (c) in the absence of an agreement to the contrary, the school is deemed to be provisionally registered as a private school under section 35A of the Education Act 1989.

Section 11: replaced, on 19 December 1998, by section 5 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

11A Cancellation by Minister

The Minister may cancel an integration agreement under section 11(1)(a) if—

- (a) it appears to the Minister on reasonable grounds that the proprietors or controlling authority of the integrated school are not sufficiently carrying out the functions and obligations accepted by them or it under this Act or under the integration agreement; and
- (b) the Minister has consulted with the proprietors, the controlling authority, and such other interested persons or groups as he or she considers appropriate.

Section 11A: inserted, on 19 December 1998, by section 5 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

11B Cancellation by proprietors

- (1) The proprietors may give notice of an intention to cancel an agreement under section 11(1)(b) if—
 - (a) it appears to the proprietors on reasonable grounds that—
 - (i) the special character of the integrated school has been or is likely to be jeopardised; or
 - (ii) the Minister or any controlling authority is not carrying out the functions and obligations accepted by the Minister or the controlling authority under this Act or the integration agreement; and
 - (b) the proprietors have consulted with the Minister, the controlling authority, and such other interested persons or groups as the proprietors consider appropriate.
- (2) The notice of intention to cancel takes effect as a cancellation of the integration agreement under section 11(1)(b) on the date 4 months after the date of the notice.

Section 11B: inserted, on 19 December 1998, by section 5 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

11C Cancellation by agreement between parties

The Minister and the proprietors may cancel an integration agreement under section 11(1)(c) by mutual agreement, after consultation with such other interested persons or groups as they consider appropriate.

Section 11C: inserted, on 19 December 1998, by section 5 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

12 Closure of integrated school

If it appears to the Minister that for the reason set out in section 11A(a) the school should be closed, the Minister may, after the consultation referred to in section 11A(b), disestablish and close the school.

Section 12: replaced, on 19 December 1998, by section 6 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

13 Cancellation of integration agreement by proprietors

[Repealed]

Section 13: repealed, on 19 December 1998, by section 7 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

14 Rights of appointment

- (1) When an integration agreement is cancelled pursuant to section 11, or when a school is closed pursuant to section 12,—
 - (a) the contract of service of every teacher at the school concerned, being a contract between the teacher and the controlling authority for his employment as a teacher at that school, shall be deemed to have been determined from the date on which the cancellation or the closure, as the case may be, becomes effective; and
 - (b) the contract of service of every person employed in the school concerned in a capacity other than as a teacher, being a contract between the person and the controlling authority, shall be deemed to have been determined from the date on which the cancellation or closure, as the case may be, becomes effective; and
 - (c) no compensation of any kind shall be payable to any teacher or to any person employed otherwise than as a teacher in respect of any such determination of a contract of employment.
- (2) Any teacher whose employment is terminated because of the cancellation of an integration agreement pursuant to section 11, or because of the closure of a school pursuant to section 12, shall be given such rights of appointment to a teaching position in a State school or integrated school as may be prescribed by regulations made pursuant to section 165 of the Education Act 1964.
- (3) In any case where an integration agreement is cancelled pursuant to section 11 and the school concerned is subsequently registered or deemed to be registered as a private school, a teacher employed at that school may if he wishes relinquish his appointment at that school without penalty, and shall then be afforded the same rights of appointment to a teaching position in a State school or in an integrated school as are prescribed for the purposes of subsection (2).

Section 14(1): amended, on 19 December 1998, by section 8 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 14(2): amended, on 19 December 1998, by section 8 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 14(3): amended, on 19 December 1998, by section 8 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

15 Notification of cancellation or of closing of school

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

Section 15: amended, on 19 December 1998, by section 9 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

16 Disposal of assets on cancellation of integration agreement or closing of school

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

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

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

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

- (3) For the purposes of the Statutory Land Charges Registration Act 1928, notice of any charge under subsection (2), and any certificate releasing any such charge, may be signed by the Secretary.
- (4) In the case of any sale made pursuant to subsection (1), the money received shall be credited to a Crown Bank Account.
- (5) In the event of the cancellation of an integration agreement, or the closing of an integrated school, any unexpended money granted to the controlling authority of that school in respect of that school under the Education Act 1964 or under regulations made under that Act or under any other Act shall be credited to a Crown Bank Account.
- (6) When an integration agreement is cancelled, and the school that is the subject of that agreement is subsequently registered or deemed to be registered as a private school, the Secretary, in disposing of any furniture, equipment, or chattels in accordance with subsection (1), may (notwithstanding anything in the proviso to that subsection) sell or supply all or any of the furniture, equipment, or chattels to the proprietors of the said registered private school in accordance

with the scales, terms, and conditions of such supply to the proprietors of other registered private schools applying at the time of the registration of the said school.

- (7) Any payments or repayments required by or pursuant to subsection (2) or subsection (6) may be made by such instalments or otherwise over such period of time as the Minister (in the case of any payment to be made pursuant to subsection (2)) or the Secretary (in the case of any payment to be made pursuant to subsection (6)) may from time to time determine.
- (8) Subject to subsections (1) to (7), if an integration agreement is cancelled, or an integrated school is closed, any land, buildings, chattels, and other interests relating to the school that are vested in the proprietors remain vested in the proprietors.

Section 16(1): amended, on 19 December 1998, by section 10(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 16(1): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Section 16(2): amended, on 19 December 1998, by section 10(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 16(3): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Section 16(4): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 16(5): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 16(5): amended, on 19 December 1998, by section 10(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 16(6): amended, on 19 December 1998, by section 10(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 16(6): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Section 16(7): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Section 16(8): replaced, on 19 December 1998, by section 10(2) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

17 Restriction on cancellation of integration agreement or closure of school

No integration agreement shall be cancelled in accordance with section 11, and (notwithstanding anything in section 154 of the Education Act 1989) no integrated school shall be closed in accordance with section 12, solely on the ground that there is adequate accommodation for the pupils in an adjacent State school.

Section 17: amended, on 19 December 1998, by section 11 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 17: amended, on 1 January 1990, by section 15(6) of the Education Amendment Act 1989 (1989 No 156).

18 Compensation

In any case where an integration agreement is cancelled, or an integrated school is closed, no compensation of any kind shall be due or payable to the proprietors.

Section 18: amended, on 19 December 1998, by section 12 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

**Part 3
Central administration****19 Administration of integrated schools**

- (1) Save as provided by this Act, all the provisions of the Education Act 1964 and of any other Act relating to the education of the people of New Zealand in State schools shall apply to an integrated school.
- (2) Subject to the provisions of sections 3 and 4, when a private school is integrated it shall thereafter be required to be controlled and managed and to operate in all respects as if it were a State school established under Part 3 of the Education Act 1964.

20 Integration Standing Committee

[Repealed]

Section 20: repealed, on 19 December 1998, by section 18(2)(a) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

21 Tenure of office of members of Integration Standing Committee

[Repealed]

Section 21: repealed, on 19 December 1998, by section 18(2)(a) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

22 Meetings of Integration Standing Committee

[Repealed]

Section 22: repealed, on 19 December 1998, by section 18(2)(a) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

23 Fees and travelling allowances

[Repealed]

Section 23: repealed, on 19 December 1998, by section 18(2)(a) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

24 Functions and powers of Integration Standing Committee

[Repealed]

Section 24: repealed, on 19 December 1998, by section 18(2)(a) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Part 4

Administration of integrated schools

25 Control and management

- (1) *[Repealed]*
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) Every integrated school that is a special school shall be controlled and managed in accordance with regulations made pursuant to section 100 of the Education Act 1964.
- (5) Any such regulations made pursuant to section 87 or section 100 of the Education Act 1964 shall specify that, in the case of an integrated composite school or in the case of an integrated special school, as the case may be, the controlling authority shall, unless such a member has already been appointed, have at least 1 member who is appointed on the nomination of the proprietors of the school.
- (6) The powers of control and management of the controlling authority of an integrated school shall be exercised subject to the provisions of sections 3 and 4; and, to give effect to this requirement, the controlling authority of any integrated school that is a primary school or a composite school or a special school shall make provision for adequate consultation between the said controlling authority and the proprietors of that school.

Section 25(1): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 25(2): repealed, on 18 May 1989, by section 23(3)(a) of the School Trustees Act 1989 (1989 No 3).

Section 25(3): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 25(6): amended, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

26 School committees

[Repealed]

Section 26: repealed, on 1 October 1989, pursuant to section 141 of the Education Act 1989 (1989 No 80).

27 School districts

[Repealed]

Section 27: repealed, on 18 May 1989, by section 23(3)(a) of the School Trustees Act 1989 (1989 No 3).

28 Constitution of education boards

[Repealed]

Section 28: repealed, on 18 May 1989, by section 23(3)(a) of the School Trustees Act 1989 (1989 No 3).

Part 5

Provisions relating to the enrolment, conditions of attendance, and instruction of pupils at an integrated school

29 Preference of enrolment

- (1) Parents who have a particular or general philosophical or religious connection with an integrated school shall have preference of enrolment for their children at the school.
- (2) Subject to the provisions of subsection (1), no prospective pupil shall be refused enrolment at an integrated school on the grounds of religion, race, socio-economic background, or lack of willingness of the parent to make financial contributions to the school.
- (3) Notwithstanding anything in the foregoing provisions of this section, in any case where a child is considered by the Secretary, acting pursuant to section 114 of the Education Act 1964, to require special tuition, the provisions of the Education Act 1964 relating to special education shall apply, and the child shall not be enrolled at an integrated school unless the Secretary so approves.

Section 29(3): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

30 Participation in school programme

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

31 Instruction of pupils

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

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

32 Religious observances and religious instruction

- (1) Subject to the provisions of section 31, where religious observances and religious instruction form part of the education with a special character provided by an integrated school, these shall continue to form part of the school programme in accordance with the terms and conditions prescribed in the integration agreement relating to that school.
- (2) Where religious observances and religious instruction form part of the education with a special character provided by an integrated school, that school shall be responsive to the sensitivities of pupils and parents of different religious or philosophical affiliations, and shall not require any such pupil to participate in

religious observances and religious instruction concerned with particular observances if the parents of that pupil state at any time that they do not wish that pupil so to participate.

33 Integrated schools as contributing schools

- (1) Unless an integration agreement otherwise provides, no integrated primary school that at the time of integration provides education up to form 2 level shall be designated pursuant to section 150(1) of the Education Act 1989 to be a contributing school.
- (2) At any time subsequent to an integration agreement being concluded, if the Minister and the proprietors so agree, the terms of an integration agreement may be varied by a supplementary agreement to allow an integrated school to be designated a contributing school in accordance with the provisions of the Education Act 1989.

Section 33(1): amended, on 1 January 1990, by section 15(7)(a) of the Education Amendment Act 1989 (1989 No 156).

Section 33(2): amended, on 1 January 1990, by section 15(7)(b) of the Education Amendment Act 1989 (1989 No 156).

34 School transport assistance

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

Section 34: amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

35 Free education

- (1) Every pupil enrolled at an integrated school shall be given free education on the same terms and in accordance with the same conditions as pupils enrolled at a State school are given free education.
- (2) If the controlling authority of a State school is permitted by the Education Act 1964 or by regulations made under that Act to charge a fee for any course of tuition, the controlling authority of an integrated school may, subject to the prior approval of the Secretary for that course to be conducted in that school, charge for that course a fee no higher than that permitted in the case of a State school.

Section 35(2): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

36 Attendance dues

- (1) If the integration agreement in respect of the school so provides, the proprietors of an integrated school may enter into an agreement with the parents or other

persons accepting responsibility for the education of a child providing that, as a condition of the enrolment and attendance of that child at that school, the parents or other person shall pay attendance dues.

- (2) The said dues shall be established in respect of such school or group of schools, and at such rates, and subject to such conditions, as may be approved from time to time by the Minister, by notice in the *Gazette*.
- (3) Revenue received by the proprietors from attendance dues shall be used solely for the purpose of paying in respect of the school or group of schools in respect of which it is received for such improvements to the school buildings and associated facilities as may be required by any integration agreement or integration agreements pursuant to section 40(2)(c), or for such capital works as may be required by the Minister pursuant to section 40(2)(d), or for meeting debts, mortgages, liens, or other charges associated with the land and the buildings that constitute the premises of the school or schools.
- (4) No revenue received by the proprietors from attendance dues shall be used to provide or improve the school buildings and associated facilities to a standard higher than that approved from time to time by the Secretary as appropriate for a comparable State school.
- (5) Should any proprietor use any revenue from attendance dues for any purpose other than one permitted by this section, the Minister may, notwithstanding anything in the integration agreement, by notice in the *Gazette*, withdraw the right to charge attendance dues, and the controlling authority shall thereafter, while the withdrawal continues, be required to permit the attendance of children without the payment of attendance dues. The Minister may at any time, by notice in the *Gazette*, cancel any such withdrawal.
- (6) Should any parent or other person who has accepted the responsibility for the education of a child, and has pursuant to subsection (1) entered into an agreement to pay attendance dues, fail to make such payment, any payment not so made shall be recoverable from that parent or person in any court of competent jurisdiction as a debt due to the proprietors.
- (7) Any such failure to make payment shall constitute grounds for the principal of the school to suspend the child from attendance at that school and to remove his name from the school register:
provided that no child shall be so suspended and have his name removed from the school register until arrangements have been made to the satisfaction of the appropriate District Senior Inspector of Schools for the child to be enrolled at some other school.
- (8) Each proprietor who is permitted to charge attendance dues shall keep accounts in a manner approved by the Secretary showing total receipts of dues and the true disposition of the revenue. These accounts shall be balanced at a date each year approved by the Secretary, and shall be audited by a qualified auditor (within the meaning of section 35 of the Financial Reporting Act 2013). The

proprietor shall send a true copy of the accounts together with the auditor's report on them to the Secretary by a date to be approved by the Secretary.

Section 36(4): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Section 36(8): amended, on 1 July 2015, by section 17 of the Financial Reporting Amendment Act 2014 (2014 No 64).

Section 36(8): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

37 Financial contributions

- (1) In addition to the authority vested in them by section 36, the proprietors of any integrated school may conduct fund-raising activities within the school, inform the parents of the financial obligations of the proprietors in the prospectus and in other ways, and request the parents of pupils attending the school to make regular financial contributions to the proprietors for their benefit in meeting any debts, mortgage, lien, or other charge associated with the land and buildings that constitute the school premises or are associated with the school.
- (2) Financial contributions other than attendance dues shall be made on a voluntary basis and no pupil shall be refused enrolment because of the unwillingness of the parents to make such contributions.
- (3) No controlling authority of any integrated school, nor the principal nor any member of the staff (whether employed or retained as a teacher or in any other capacity), nor any pupil of the school shall take any part during normal school hours as such controlling authority, principal, or staff member, or pupil in any school activity directed to raising funds for the benefit of the proprietors in meeting any debts, mortgage, lien, or other charge associated with the land and buildings that constitute the school premises or are associated with the school.
- (4) The proprietors shall keep accounts of money raised by them and by a controlling authority, principal, staff member, or pupil pursuant to this section, and shall cause such accounts to be audited by a qualified auditor (within the meaning of section 35 of the Financial Reporting Act 2013) at least once in every period of 12 months, and shall make a true copy of the accounts and of the auditor's report on them available on request to the parents of pupils attending the school and to other contributors.

Section 37(4): amended, on 1 July 2015, by section 17 of the Financial Reporting Amendment Act 2014 (2014 No 64).

38 Fund raising

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

39 Use of school office

The school office of an integrated school may be used for the purpose of communication between the proprietors of the school and the parents of pupils enrolled at the school, and for other purposes related to the benefit of the school and the pupils.

Part 6

Proprietors of an integrated school

40 Powers and responsibilities of proprietors

- (1) The proprietors of an integrated school shall, subject to section 3, exercise such powers and accept such responsibilities as may be specified in any integration agreement to which they are a party.
- (2) Subject to the provisions of subsection (1), the proprietors of an integrated school—
 - (a) own, hold upon trust, or lease the land and buildings that are specified in the integration agreement as constituting the school premises; and
 - (b) shall accept and meet the liability for all mortgages, liens, and other charges upon the said land and buildings; and
 - (c) shall plan, pay for, and execute, over such period as may be specified in the integration agreement, such improvements to the school buildings and associated facilities, as may be required in accordance with the integration agreement to bring the said buildings and associated facilities up to the minimum standard laid down from time to time by the Secretary for State schools; and
 - (d) shall plan, execute, and pay for such capital works as may be approved or required, from time to time, by the Minister, with a view to replacing, improving, or enlarging the school, its buildings, and its associated facilities in order to maintain the school, its buildings, and its associated facilities at the minimum standard laid down from time to time by the Secretary for comparable State schools; and
 - (e) may own, hold upon trust, or lease and control, and maintain any land, buildings, and associated facilities that, although not part of the integrated school in terms of the integration agreement, are regarded by the proprietors as appropriate to maintain the special character of the school; and
 - (f) may, in conjunction with the controlling authority, make provision for the accommodation of pupils living away from home, including such provision for pupils attending primary schools; and

- (g) must insure all the buildings, chattels, and other assets owned, held upon trust, or leased by the proprietors for the purposes of the school against risks normally insured against in some reputable insurance office; and
- (h) shall arrange with their insurers that the policy of such insurance shall be endorsed to the effect that the benefit of the indemnity provided by the policy shall extend to the Minister in respect of any such buildings, chattels, and other assets paid for in whole or in part by loan or grant made out of money appropriated by Parliament:

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

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

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

provided that, subject to section 41, such right of access shall not give the proprietor the right to question the curriculum or the teaching methods adopted by the teachers, both of which shall, subject to the provisions of the Education Act 1964 and of this Act, be controlled by the principal of the school.

Section 40(1): amended, on 29 July 1977, by section 8 of the Private Schools Conditional Integration Amendment Act 1977 (1977 No 10).

Section 40(2)(a): amended, on 19 December 1998, by section 13(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 40(2)(c): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Section 40(2)(d): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Section 40(2)(e): amended, on 19 December 1998, by section 13(2) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 40(2)(g): replaced, on 19 December 1998, by section 13(3) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

40A Leases of land

- (1) The proprietors of an integrated school must obtain the prior consent of the Minister before entering into a lease relating to land that is used, or to be used, for the school.

- (2) If the proprietors fail to obtain the prior consent of the Minister to a lease, the lease is not affected, but the Minister may cancel the integration agreement under section 11.

Section 40A: inserted, on 19 December 1998, by section 14 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

41 Rights of proprietors in relation to special character of school

[Repealed]

Section 41: repealed, on 19 December 1998, by section 18(2)(a) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

42 Assistance to proprietors

- (1) The Minister may from time to time, with the concurrence of the Minister of Finance, approve the granting of loans out of such money as may from time to time be appropriated by Parliament for the purpose to the proprietors of any integrated school. The loans shall be made for such purposes and subject to such terms and conditions, including the provisional writing off of any amount repayable, as the Minister, with the concurrence of the Minister of Finance, determines.

- (2) *[Repealed]*

Section 42(2): repealed, on 1 January 1992, by section 2 of the Private Schools Conditional Integration Amendment Act 1991 (1991 No 140).

43 Accommodation of pupils

The controlling authority of an integrated school may, on the same conditions as apply in the case of State schools and in conjunction with the proprietors of the integrated school, make provision for the accommodation of pupils living away from home, including such provision for pupils attending primary schools.

44 Proprietors unable to meet obligations

- (1) In the event of the proprietors of an integrated school finding themselves unable to meet the financial or other commitments accepted by them under the integration agreement, they shall notify the Minister accordingly. Upon being so notified, the Minister may, in his discretion and after such consultation with the proprietors as he thinks necessary in any such case,—
- (a) cancel the integration agreement in accordance with section 11; or
 - (b) close the school pursuant to section 12; or
 - (c) arrange for the acquisition by the Crown, in accordance with the Public Works Act 1981, of any land, buildings, and chattels relating to the school that are owned or leased by the proprietors, and that the Minister considers appropriate for the purpose of establishing a State school.

- (2) When the Minister acts in accordance with paragraph (a) or paragraph (b) of subsection (1), the provisions of this Act relating to the cancellation of an integration agreement or to the closure of an integrated school, as the case may be, shall apply accordingly.
- (3) In any case where, in accordance with paragraph (c) of subsection (1), the land, buildings, and chattels relating to an integrated school that is a primary school have been acquired by the Crown, the education board of the education district in which that school is situated shall, on the direction of the Minister, establish that school as a State school.

Section 44(1)(a): amended, on 19 December 1998, by section 15(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 44(1)(c): replaced, on 19 December 1998, by section 15(2) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Part 7

Enrolment review committees for integrated schools

[Repealed]

Part 7: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

45 Primary Enrolment Review Committee

[Repealed]

Section 45: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

46 Secondary Enrolment Review Committee

[Repealed]

Section 46: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

47 Member to represent integrated school

[Repealed]

Section 47: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

48 Appointments in absence of nomination

[Repealed]

Section 48: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

49 Deputies of members

[Repealed]

Section 49: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

50 Tenure of office and procedure

[Repealed]

Section 50: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

51 Fees and allowances

[Repealed]

Section 51: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

52 Referral of difficulties to Secondary Enrolment Review Committee

[Repealed]

Section 52: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

53 Functions of Secondary Enrolment Review Committee

[Repealed]

Section 53: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

54 Referral of difficulties to Primary Enrolment Review Committee

[Repealed]

Section 54: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

55 Functions of Primary Enrolment Review Committee

[Repealed]

Section 55: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

56 Criteria for resolving difficulties

[Repealed]

Section 56: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

57 Decisions on enrolment

[Repealed]

Section 57: repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Part 8**Training, appointment, and employment of teachers***Colleges of education*

Heading: replaced, on 1 October 1989, pursuant to section 162(1)(b) of the Education Act 1989 (1989 No 80).

58 Integration in relation to State colleges of education

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

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

Section 58 heading: amended, on 1 October 1989, pursuant to section 162(1)(b) of the Education Act 1989 (1989 No 80).

Section 58(1): amended, on 1 October 1989, pursuant to section 162(1)(b) of the Education Act 1989 (1989 No 80).

Section 58(2): amended, on 1 October 1989, pursuant to section 162(1)(b) of the Education Act 1989 (1989 No 80).

59 Private colleges of education

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

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

(3) *[Repealed]*

(4) *[Repealed]*

(5) *[Repealed]*

(6) *[Repealed]*

(7) *[Repealed]*

(8) *[Repealed]*

(9) *[Repealed]*

Section 59 heading: amended, on 1 October 1989, pursuant to section 162(1)(b) of the Education Act 1989 (1989 No 80).

Section 59(2): amended, on 1 October 1989, pursuant to section 162(1)(b) of the Education Act 1989 (1989 No 80).

Section 59(3): repealed, on 19 December 1998, by section 16(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 59(4): repealed, on 19 December 1998, by section 16(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 59(5): repealed, on 19 December 1998, by section 16(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 59(6): repealed, on 19 December 1998, by section 16(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 59(7): repealed, on 19 December 1998, by section 16(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 59(8): repealed, on 19 December 1998, by section 16(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 59(9): repealed, on 19 December 1998, by section 16(1) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

60 Bonds for entry to teaching

- (1) Any student accepted for training as a teacher in accordance with section 58, and any such student as aforesaid awarded a bursary to enable him to pursue a course of study at a university as a prerequisite to or as part of his training as a teacher, may be required as a condition of that acceptance or award to sign a bond in a form to be determined by the Secretary requiring the student to pay to the Crown the sum therein specified if he makes default in the performance of any condition of the bond.
- (2) The Secretary may require that such a bond shall also be signed by a parent or by some other person approved by the Secretary as surety; and the parent or person who signs such a bond shall be jointly and severally liable thereon.
- (3) Every such bond shall be enforceable against the student and the surety who signs it notwithstanding anything in this Act or any other Act or any rule of law.

Compare: 1964 No 135 s 197; 1968 No 11 s 20

Section 60(1): amended, on 19 December 1998, by section 16(2) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

Section 60(1): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Section 60(2): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

*Appointment of primary teachers***61 Role of District Appointments Committee**

[Repealed]

Section 61: repealed, on 1 October 1989, by section 8(1) of the State Sector Amendment Act 1989 (1989 No 67).

62 Special considerations affecting transfer of teachers in integrated schools

- (1) When an education board is considering the transfer of a teacher from an integrated school to a State school, or from one integrated school to another integrated school, it shall have regard to the particular contribution the teacher makes, the nature of the community life shared by the teacher, and any other factors arising from the special character of the school or special situation of the teacher that are material to the desirability of the proposed transfer.
- (2) Where a teacher in an integrated primary school appeals against transfer in accordance with the provisions of Part 6 of the Education Act 1964, the Teachers Court of Appeal shall have regard to any considerations advanced relating to the special character of the school from which the teacher is to be transferred and the school to which he is to be transferred or the special situation of the teacher, in terms of subsection (1).
- (3) When an education board proposes to transfer a teacher in an integrated primary school whose salary is protected by the provisions of section 71 to a pos-

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

Appointment of secondary teachers

63 Requirements in respect of appointments

- (1) The controlling authority of an integrated school shall appoint teachers in that school in accordance with the provisions of the State Sector Act 1988.
- (2) When a controlling authority delegates to a committee the power to appoint a teacher or to recommend the appointment of a teacher, that committee must contain at least 1 of the persons appointed to the controlling authority by the proprietor.

Section 63: replaced, on 1 October 1989, by section 5 of the State Sector Amendment Act 1989 (1989 No 67).

Transfer of teachers in integrated schools

64 Transfer of teachers

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

Section 64: amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Appointments to special positions relating to character of school

65 Religious instruction

- (1) Subject to the provisions of this section, where religious instruction forms part of the special character of any integrated school,—
 - (a) if so provided by the terms of the integration agreement, an advertisement for the position of principal of that school shall state that a willingness and ability to take part in religious instruction appropriate to that school shall be a condition of appointment:
 - (b) if so provided by the terms of the integration agreement, the controlling authority of that school shall designate a position at that school as Director of Religious Studies, and shall state in any advertisement for that position that a willingness and ability to take part in religious in-

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

- (c) the controlling authority shall designate such other proportion of teaching positions in that school as may be provided for in the integration agreement as positions of importance carrying a responsibility for religious instruction, and shall state in advertisements for the positions that willingness and ability to take part in religious instruction appropriate to that school shall be a condition of appointment:
- (d) if—
 - (i) that school is a primary school; and
 - (ii) the person holding the position of deputy principal of that school or a position of assistant principal at that school has responsibility for supervising the junior classes at that school; and
 - (iii) it is so provided by the terms of the integration agreement of that school,—

the controlling authority of that school shall state in any advertisement for that position that a willingness and ability to take part in religious instruction appropriate to that school shall be a condition of appointment.

- (2) Where, in accordance with paragraphs (a), (b), (c), and (d) of subsection (1), an advertisement for a position states a requirement that willingness and ability to take part in religious instruction shall be a condition of appointment, any person appointed to that position shall accept that requirement as a condition of his appointment.
- (3) Except as provided in subsection (1), the appointment of a teacher to a position in an integrated school shall not be conditional on the willingness and ability of that teacher to take part in religious instruction, and no such teacher shall be required so to take part.

Section 65(1)(d): replaced, on 15 August 1986, by section 3 of the Private Schools Conditional Integration Amendment Act 1986 (1986 No 11).

66 Other special positions

- (1) Where an integration agreement records that any teaching position in the school concerned is a special position that requires particular capabilities on the part of the teacher holding it, an advertisement for that position shall require an appointee to possess those capabilities as a condition of appointment to that position.
- (2) Without limiting the generality of subsection (1), where any integration agreement relating to a primary school requires the person holding a position as assistant principal at that school (being a position the holder of which has respon-

sibility for supervising senior classes at that school) to maintain programmes and activities that reflect the special character of that school, an advertisement for that position shall require an appointee to maintain such programmes and activities as a condition of appointment to that position.

- (3) Where, in accordance with subsection (1) or subsection (2), an advertisement for a position makes any requirement a condition of appointment to that position, any person appointed to that position shall accept that requirement as a condition of his appointment to it.

Section 66: replaced, on 15 August 1986, by section 4 of the Private Schools Conditional Integration Amendment Act 1986 (1986 No 11).

67 Selection for appointment

In the case of an integrated primary school, the person to be appointed to any of the positions specified in paragraphs (a), (b), (c), and (d) of subsection (1) of section 65 or to any position specified in section 66 shall be selected in accordance with the provisions of section 68.

68 Requirements in respect of appointments

- (1) Before appointing any person to a position in an integrated primary school, being a position specified in section 65(1) or section 66, the controlling authority shall consult with the proprietor who shall report to the controlling authority the names of those applicants (if any) who, in terms of the special character of the school, or, in terms of the advertisement calling for applicants with particular capabilities, are acceptable for appointment.
- (2) On receipt of the report required by subsection (1), the controlling authority shall consider for appointment only those applicants who are stated in the report to be acceptable for appointment.

Section 68: replaced, on 1 October 1989, by section 6 of the State Sector Amendment Act 1989 (1989 No 67).

General provisions regarding appointment of teachers

69 Employment for special purposes

- (1) With the consent of the controlling authority, any retired teacher may undertake, in any integrated school, voluntary tasks relating to the beliefs and instruction that are the foundation of that school's special character.
- (2) Where religious instruction forms part of the education with a special character provided by an integrated school, the proprietors of that school may employ any person, whether as a chaplain or otherwise, for duties relating to that instruction. The salary of any such person shall not be paid by the controlling authority or be in any way a charge on money appropriated by Parliament. The proprietors shall notify the controlling authority the name of any persons so appointed.

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

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

Section 69(3): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

70 Loss of protection of salary and status as a teacher

- (1) Where a teacher in an integrated school whose salary and status as a teacher are protected by the provisions of section 71 applies for and is accepted for a position in another integrated school or in a State school, the protection afforded by the said section 71 shall lapse, and he shall be paid the salary appropriate to the position to which he is appointed in accordance with his service and qualifications:

provided that in such a case the salary to be paid in respect of the other position shall be calculated with reference to the total service of the teacher in State schools, integrated schools, and registered private schools, and in such other teaching service as may be recognised by the Secretary.

- (2) A teacher who takes up a position in an integrated school subsequent to integration shall be paid the salary appropriate to the position to which he is appointed in accordance with his service and qualifications.

Section 70(1): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Part 9 Transitional provisions

71 Appointment of teachers on integration

- (1) Where, in accordance with sections 7 and 8, an integration agreement is executed in respect of any private school,—
- (a) the contract of service as a teacher at that school of every teacher at that school shall be deemed to have been determined from the effective date of integration; and
 - (b) every such teacher as aforesaid shall, if he so wishes, be deemed to be in the employment of the controlling authority of the integrated school until he has been formally appointed to a teaching position in accordance with subsection (4), and the provisions of subsection (6) shall apply accordingly from the effective date of integration:

- (c) each teaching position at that school shall, within 60 days after the effective date of integration, be advertised as required by the Education Act 1964 and regulations made under that Act (if any).
- (2) Every such advertisement shall state that the teacher appointed to the position as at the effective date of integration shall, if he so wishes, have an absolute right of appointment to that position irrespective of the qualifications of any other applicant.
- (3) The teacher previously appointed to the position advertised pursuant to subsection (1) shall, if he wishes to continue in that appointment, apply in the manner prescribed by the Education Act 1964 and regulations made under that Act (if any) for appointment to that position.
- (4) A teacher who so applies shall be appointed to the position.
- (5) A teacher who does not so apply shall be deemed to have relinquished the position.
- (6) A teacher who is appointed to a teaching position pursuant to subsection (4) shall, notwithstanding the provisions of the Education Act 1964 and any regulations made under that Act, be paid out of money appropriated by Parliament for the purpose the same salary that a teacher with comparable service and qualifications would be paid for a comparable teaching position in a State school:

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

(7) *[Repealed]*

Section 71(1)(c): amended, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 71(3): amended, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 71(7): repealed, on 19 December 1998, by section 18(2)(a) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

72 Other employees

- (1) The contract of service of every person employed in an integrated school in a capacity other than that as a teacher, shall be deemed to have been determined from the effective date of integration.
- (2) If the position in which that person was employed has a parallel or close parallel in a State school, that person may be re-employed by the controlling authority in such parallel position and be paid out of money appropriated by Parliament for the purpose the same salary as he would be paid for comparable service in a State school.
- (3) The provisions of the Education Boards Employment Regulations 1958 and of any regulations in amendment thereof or substitution therefor shall apply to any such person whose conditions of employment are not for the time being

fixed by any award of the Arbitration Commission, or by any agreement registered under the Labour Relations Act 1987, or by any order made under section 13 of the Apprentices Act 1948, or by any order or determination made under the State Sector Act 1988.

(4) *[Repealed]*

Section 72(3): amended, on 1 April 1988, pursuant to section 90(a) of the State Sector Act 1988 (1988 No 20).

Section 72(3): amended, on 1 August 1987, pursuant to section 359(a) of the Labour Relations Act 1987 (1987 No 77).

Section 72(3): amended, on 1 August 1987, pursuant to section 359(f) of the Labour Relations Act 1987 (1987 No 77).

Section 72(4): repealed, on 19 December 1998, by section 18(2)(a) of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

73 **No compensation for determination of employment**

When a contract of employment of a teacher is deemed to have been determined pursuant to paragraph (a) of subsection (1) of section 71, or when the contract of employment of a person other than a teacher is deemed to have been determined pursuant to section 72, no compensation of any kind shall be payable to the teacher or to any person employed otherwise than as a teacher in respect of the determination of the contract of employment.

74 **Protection of teachers**

- (1) No religious or lay teacher permanently appointed to a teaching position in a private school before the integration of that school shall be removed from that position following integration on the grounds that the teacher's name is not registered in the Register of Teachers in accordance with section 131 of the Education Act 1964, or on the grounds that the teacher is not the holder of a Trained Teachers Certificate as required by section 142 of the said Education Act 1964, or on the grounds that the teacher has not been classified as a secondary teacher as required by section 148 of the Education Act 1964, as substituted by section 29 of the Education Amendment Act (No 2) 1974.
- (2) No religious or lay teacher permanently appointed to a teaching position in a private school that is a composite school or a school that provides special education shall, on the integration of that school, if he had been so appointed before the integration of the school, be removed from that position on the grounds that he does not possess the qualifications required by the Education Act 1964 and by regulations made under that Act for appointment as a teacher in such a school.
- (3) No religious or lay teacher permanently appointed to a teaching position in a private school before the integration of that school shall be removed from that position on the grounds that there are more teachers employed at the school on the effective date of integration than are permitted by regulations made under the Education Act 1964.

75 Security of tenure of teachers

- (1) A teacher who holds in a private school a position as a permanently appointed, or a provisionally appointed, or a temporary, or a relieving teacher, or some other category of tenure of appointment, and who on the integration of that school is appointed to the position he held previously to integration in accordance with subsection (4) of section 71, shall continue to hold that category of tenure of appointment or the nearest equivalent thereof in the integrated school as assessed by the Secretary.
- (2) A teacher who holds any such position and who is on leave on the effective date of integration shall continue on leave on terms the same as those on which that leave was granted, and on the expiry of that leave shall be entitled to return to the position he previously held or, if that position has been filled, to apply for another position in a State or integrated school, being a position that has a status and category of tenure no less than those of the position he previously held, and be afforded the same rights of appointment as are provided by section 14:

provided that in such a case the provisions of subsection (6) of section 71 shall not apply to that teacher until he takes up a teaching position.
- (3) After the integration of a private school, the security of tenure of office of a teacher to whom the foregoing provisions of this section apply shall be determined by the provisions of the Education Act 1964 and regulations made under that Act.
- (4) Notwithstanding anything in section 71, any teacher to whom the foregoing provisions of this section apply may be reduced in assessment or classification, or may be otherwise reduced in status as a teacher, or may be dismissed or disciplined in accordance with the Education Act 1964 and regulations thereunder.

Section 75(1): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

76 Certification, assessment, and classification of teachers in integrated schools

- (1) Any teacher appointed to a teaching position in a private school before the integration of that school shall, after the integration of the school, if he is sufficiently qualified and has not already been so recognised, be issued by the Secretary on the recommendation of a District Senior Inspector, with a Trained Teachers Certificate and have his name registered in the Register of Teachers.
- (2) Any such teacher who is a primary teacher shall, as soon as practicable after the integration of the school, be assessed in accordance with regulations relating to the assessment of primary teachers made pursuant to the Education Act 1964.
- (3) Any such teacher who is a secondary teacher shall, as soon as practicable after the integration of the school, be classified in accordance with regulations relat-

ing to the classification of secondary teachers made pursuant to the Education Act 1964.

- (4) Any teacher appointed to a teaching position in a private school before the integration of that school shall, if he is not sufficiently qualified to be issued an appropriate qualification at the time of integration of that school, be afforded by the Secretary such assistance, whether by way of training at a college of education in accordance with section 58 or in such other manner as the Secretary may approve, as may be necessary to enable the teacher if he wishes so to qualify.

Section 76(1): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Section 76(4): amended, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 76(4): amended, on 1 October 1989, pursuant to section 144(2) of the Education Act 1989 (1989 No 80).

Section 76(4): amended, on 1 October 1989, pursuant to section 162(1)(b) of the Education Act 1989 (1989 No 80).

77 Retirement of teachers in integrated schools

[Repealed]

Section 77: repealed, on 8 July 2000, by section 32 of the Education Amendment Act 2000 (2000 No 21).

Part 10 General provisions

78 Grants in aid to cease

- (1) As from the effective date (as defined in section 8) the proprietors of an integrated school shall cease to be eligible for any grant or other assistance provided for by section 192 of the Education Act 1964.
- (2) Notwithstanding the provisions of subsection (1), any obligation or other commitment of any kind whatever accepted or entered into by the governing body of a private school before the integration of that school, as a condition of a grant or other assistance under the said section 192, shall bind the proprietors of that school, whether or not the obligation or commitment is specified in the integration agreement.

79 Teacher's housing

- (1) When, in accordance with an integration agreement, a house provided wholly or partly from money appropriated by Parliament is made available to a teacher in an integrated school, the provisions of sections 199 and 200 of the Education Act 1964 shall apply.
- (2) When a house or other dwelling that forms part of the land and buildings owned, held upon trust, or leased by the proprietors of an integrated school is

made available to a teacher in an integrated school by the proprietors of that school, the terms and conditions of the tenancy of that house or other dwelling shall be a matter for negotiation between the teacher and the proprietors.

Section 79(2): amended, on 19 December 1998, by section 17 of the Private Schools Conditional Integration Amendment Act 1998 (1998 No 119).

80 Relationship between this Act and other enactments

- (1) Where this Act deals with the same or a similar subject matter as the Education Act 1964, the State Sector Act 1988, the School Trustees Act 1989, the Education Act 1989, or any regulations made under any of those Acts or under any enactment repealed by any of those Acts,—
 - (a) express provisions in this Act shall prevail in respect of integrated schools; but
 - (b) this Act shall be construed in a sense consistent with the other enactment or enactments concerned whenever such a construction is appropriate and reasonable.
- (2) Subject to sections 3, 4, and 82(2), where any matter concerning integrated schools is not dealt with by express provision in this Act, the appropriate provisions of the Education Act 1964, the State Sector Act 1988, the School Trustees Act 1989, the Education Act 1989, and all regulations made under any of those Acts or under any enactment repealed by any of those Acts, shall apply.

Section 80: replaced, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

81 Existing integration agreements

Nothing in this Act shall affect or in any way change the agreements entered into before the coming into force of this Act between Her Majesty the Queen and the St Stephen's and Queen Victoria Schools Trust Board and the Te Aute Trust Board Incorporated.

82 Regulations

- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
 - (a) prescribing a form of integration agreement:
 - (b) providing for the general control, management, organisation, finance, and conduct of integrated schools.
- (2) Where there appears to be a conflict between the provisions of regulations so made and regulations made pursuant to the Education Act 1964, the School Trustees Act 1989, the Education Act 1989, or any enactment repealed by any of those Acts, the provisions of the regulations made under this Act shall apply.

Section 82(2): amended, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

83 Consequential amendments

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) *[Repealed]*
- (3) *Amendment(s) incorporated in the Act(s).*
- (4) *[Repealed]*
- (5) *[Repealed]*
- (6) *[Repealed]*
- (7) *[Repealed]*
- (8)–(10) *Amendment(s) incorporated in the Act(s).*
- (11) *[Repealed]*
- (12) *Amendment(s) incorporated in the Act(s).*
- (13) *[Repealed]*
- (14) *Amendment(s) incorporated in the Act(s).*
- (15) *[Repealed]*
- (16) *[Repealed]*

Section 83(2): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 83(4): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 83(5): repealed, on 18 May 1989, by section 23(3)(a) of the School Trustees Act 1989 (1989 No 3).

Section 83(6): repealed, on 18 May 1989, by section 23(3)(a) of the School Trustees Act 1989 (1989 No 3).

Section 83(7): repealed, on 1 October 1989, by section 141 of the Education Act 1989 (1989 No 80).

Section 83(11): repealed, on 1 November 1976, by section 14(3)(b) of the Education Amendment Act 1976 (1976 No 42).

Section 83(13): repealed, on 20 July 1987, by section 23(3) of the Education Amendment Act (No 2) 1987 (1987 No 177).

Section 83(15): repealed, on 1 November 1976, by section 2(4)(d) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Section 83(16): repealed, on 23 December 1977, by section 84(1) of the State Services Conditions of Employment Act 1977 (1977 No 95).

Reprints notes

1 *General*

This is a reprint of the Private Schools Conditional Integration Act 1975 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Education (Update) Amendment Act 2017 (2017 No 20): section 159

Education Legislation Act 2016 (2016 No 72): Part 2 subpart 4

Financial Reporting Amendment Act 2014 (2014 No 64): section 17

Education Amendment Act 2000 (2000 No 21): section 32

Private Schools Conditional Integration Amendment Act 1998 (1998 No 119)

Private Schools Conditional Integration Amendment Act 1991 (1991 No 140)

Education Amendment Act 1990 (1990 No 60): section 50(1)

Education Amendment Act 1989 (1989 No 156): sections 15(6), (7)

Education Act 1989 (1989 No 80): sections 141, 144(2), 162(1)(b)

State Sector Amendment Act 1989 (1989 No 67): sections 5, 6, 8(1)

Public Finance Act 1989 (1989 No 44): section 83(7)

School Trustees Act 1989 (1989 No 3): section 23(3)(a)

State Sector Act 1988 (1988 No 20): section 90(a)

Education Amendment Act (No 2) 1987 (1987 No 177): section 23(3)

Labour Relations Act 1987 (1987 No 77): section 359(a), (f)

Constitution Act 1986 (1986 No 114): section 29(2)

Private Schools Conditional Integration Amendment Act 1986 (1986 No 11)

Private Schools Conditional Integration Act Commencement Order (No 2) 1981 (SR 1981/240)

Private Schools Conditional Integration Act Commencement Order 1981 (SR 1981/8)

State Services Conditions of Employment Act 1977 (1977 No 95): section 84(1)

Private Schools Conditional Integration Amendment Act 1977 (1977 No 10)

Education Amendment Act 1976 (1976 No 42): section 14(3)(b)

Government Superannuation Fund Amendment Act 1976 (1976 No 30): section 2(4)(d)

Private Schools Conditional Integration Act Commencement Order 1976 (SR 1976/225)