

EDUCATION ACT, 1915-1935.

BEING

EDUCATION ACT, 1915, No. 1223 OF 1915 [ASSENTED TO
23RD DECEMBER, 1915.]

AS AMENDED BY

EDUCATION ACT AMENDMENT ACT, 1916, No. 1268 OF 1916
[ASSENTED TO 16TH NOVEMBER, 1916.]

EDUCATION ACT FURTHER AMENDMENT ACT (No. 2), 1919, No. 1371
OF 1919 [ASSENTED TO 20TH NOVEMBER, 1919.]

EDUCATION ACT FURTHER AMENDMENT ACT, 1923, No. 1554 OF 1923
[ASSENTED TO 11TH OCTOBER, 1923.]

EDUCATION ACT AMENDMENT ACT, 1924, No. 1658 OF 1924
[ASSENTED TO 8TH JANUARY, 1925.]

EDUCATION ACT AMENDMENT ACT, 1925, No. 1673 OF 1925
[ASSENTED TO 12TH NOVEMBER, 1925.]

EDUCATION ACT, 1929, No. 1932 OF 1929 [ASSENTED TO 12TH
DECEMBER, 1929.]

AND

STATUTE LAW REVISION ACT, 1935, No. 2246 OF 1935
[ASSENTED TO 19TH DECEMBER, 1935.]

An Act to consolidate and amend the law relating to
public education.

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows:

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "Education Act, 1915-1935." Short title.

2. This Act shall come into force on a day to be fixed by
the Governor by proclamation published in the *Government*
Gazette, which day is in this Act referred to as the commence-
ment of this Act. Commence-
ment.

s. 2. This Act was proclaimed to commence on the 13th day of January, 1916: *Gazette*
13th January, 1916, p. 43.

PART I.

Arrangement.

3. The provisions of this Act are arranged as follows:—

PART I.—Preliminary (Sections 1-5).

PART II.—Administration (Sections 6-28)—

DIVISION I.—The Minister (Sections 6-14):

DIVISION II.—Officers and teachers; and classification of teachers' (Sections 15-18):

DIVISION III.—The Advisory Council of Education (Sections 19-23):

DIVISION IV.—Public School Committees and Councils (Sections 24-27):

DIVISION V.—Courses of Instruction (Section 28).

PART III.—Schools and other means of public education (Sections 29-38).

PART IV.—Training of teachers (Sections 39 and 40).

PART V.—Attendance at school (Sections 41-51).

PART VI.—Provisions as to schools other than public schools (Sections 52-59)—

DIVISION I.—Provisions for ensuring an English education (Sections 52-56):

DIVISION II.—Rolls and returns and voluntary inspection (Sections 57-59).

PART VII.—Regulations (Sections 60 and 61).

PART VIII.—Miscellaneous (Sections 62-82).

Interpretation.
Cf. U.K.
11 & 12
Geo. 5 c. 51,
s. 170.

4. In this Act, unless the subject-matter or context shows that a different construction is intended—

“court” means any special magistrate or two justices of the peace:

“head teacher” means the principal, head master, head teacher, or other person in charge of a school:

“high school” means a public school which has been declared a high school:

“inspector” means inspector of schools, and includes the chief inspector, the assistant chief inspector, and an assistant inspector of schools:

“justice” means justice of the peace for the said State:

“Minister” means the Minister of Education, or the Minister of the Crown for the time being discharging the duties of the Minister of Education:

“parent” of a child, in sections 25, 41, 42, and 43, means the person who has the actual custody of the child, whether as father, mother, guardian, or otherwise

howsoever, or with whom the child resides. In the other provisions of this Act, "parent" of a child includes the father, mother, and guardian of the child, and every person who is liable to maintain, or has the actual custody of, the child:

"prescribed" means prescribed by this Act or by regulation:

"primary school" means a primary public school, and includes any other public school, the course of instruction at which includes the course of instruction for the time being at the primary public schools:

Amended by
1873, 1925,
s. 2.

"private school" means any school which is not a public school, and at which the following subjects (whether they are or are not the only subjects) are taught, namely: reading, writing, and arithmetic, and such (if any) other subjects as are prescribed for the purposes of this definition:

"proclamation" means proclamation by the Governor published in the *Government Gazette*:

"public school" means any school established under the authority of any Act hereby repealed or of this Act:

"qualifying certificate" means certificate qualifying a child for admission to a high school:

"regulation" means regulation made under, or continued in force by, this Act:

"schoolhouse" includes the school building and any teacher's residence on the same or adjoining premises, and all other buildings used in connection with or for the purposes of the school or such teacher's residence:

"superintendent" means the superintendent of primary education, the superintendent of secondary education, the superintendent of technical education, the superintendent of agricultural education, or the superintendent of any other branch of education appointed under this Act:

"technical education" includes instruction in the principles and practice of any science or art as applied to any industry or industries, or in subjects connected with or preparatory to any industrial, commercial, agricultural, mining, or domestic pursuit or pursuits:

"technical school" means a public school established or carried on as provided by section 33 or 34:

“the classification board” means the Public School Teachers Classification Board:

“the Council” means the Advisory Council of Education:

“this Act” includes the regulations continued in force by, or made under, this Act.

Repeal and
saving provi-
sions.

5. (1) The Acts mentioned in the first schedule are hereby repealed.

(2) Except in so far as may be necessary to give effect to this Act, or to anything lawfully done under this Act, such repeal shall not—

- i. affect the operation of any of the said Acts, or alter the effect of the doing, suffering, or omission of **any**-thing, prior to such repeal; or
- ii. affect any right interest title, power or privilege created, acquired, accrued, established, or exercisable prior to such repeal; or
- iii. affect any duty, obligation, or liability imposed, created, or incurred, or any penalty, forfeiture, or punishment incurred or imposed or liable to be incurred or imposed, prior to such repeal; or
- iv. affect any investigation, legal proceedings, or remedy in respect of any such right, interest, title, power, privilege, duty, obligation, liability, penalty, forfeiture, or punishment as aforesaid.

(3) Any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed and enforced, as if this Act had not been passed.

(4) All other acts, matters and things commenced or in progress under any of the said Acts may, in so far as they are consistent with this Act, be continued and completed under this Act.

(5) All regulations made under any of the said Acts, which are in force at the commencement of this Act, shall, except in so far as they are inconsistent with this Act, continue in force, without alteration, or as altered by regulations made under this Act, until repealed by regulation made under this Act: Provided that any such regulation, though not expressly repealed, shall be deemed to be repealed in so far as it is inconsistent with this Act, or with any regulation made under this Act.

PART II.

ADMINISTRATION.

DIVISION I.—THE MINISTER.

6. This Act shall be administered by the Minister of Education, who shall have power to do all such matters and things as may be necessary or expedient for the purposes of this Act, and is entrusted with the expenditure, subject to the provisions of this Act, of all moneys provided by Parliament for the purposes of this Act.

7. The Governor may from time to time appoint such Minister of the Crown as he deems proper to the office of Minister of Education.

8. The Minister Controlling Education in office at the commencement of this Act, and his successors in office, shall, for the purposes of this Act continue, without change of corporate entity or otherwise, to be a body corporate, but under the name of the "Minister of Education," with perpetual succession and a common seal; and by that name shall be capable of suing and being sued, proving and compounding debts, acquiring, holding, leasing, and alienating real and personal property of all kinds, and of doing and suffering all such other acts and things as may be necessary or expedient for carrying out the purposes of this Act, or for the exercise and performance of any powers and duties conferred upon him by any other Act.

9. (1) All lands, tenements, and hereditaments, moneys, chattels, goods, and choses in action, and all other property of whatsoever estate, interest, or kind at the commencement of this Act vested in the Minister controlling education, shall continue to be vested in the Minister.

(2) All property of whatsoever estate, interest, or kind which may be acquired for the purposes of this Act shall be conveyed, transferred, assigned, or delivered to the Minister, and shall thereupon vest in the Minister.

(3) The trustees, or a majority of the trustees, holding any land upon any trust for school or educational purposes (not being sectarian or denominational purposes), may, unless the alienation thereof is expressly restrained, transfer or convey such land to the Minister, and such land shall thereupon vest in the Minister.

(4) All property vested in the Minister shall be held by him in trust for the purposes of this Act, and for and on account of the Crown.

PART II.

DIVISION I.

Act to be administered by Minister.

11, 1875,
s. 6.
122, 1878
s. 1.

Appointment of Minister.
122, 1878,
s. 1.

Minister a body corporate.
122, 1878,
s. 1.

Property vested in Minister.
11, 1875,
s. 5.
122, 1878,
s. 1.

PART II.
DIVISION I.Power to take
lands.11, 1875,
s. 5.Subsec. (2)
amended by
S.L.R. Act,
1935.Of U.K.
11 & 12
Geo. 5 c. 51,
Part IX.

10. (1) The Minister may take and acquire either by agreement or compulsorily, any lands and other property which may be required for the purposes of this Act.

(2) For the purposes of such taking and acquisition the Compulsory Acquisition of Land Act, 1925, is incorporated with this Act, and the Minister shall be the promoter of an undertaking within the meaning of that Act and the exercise of any of his powers under this Act shall be an undertaking within the meaning of that Act.

Lease of
buildings for
schools.11, 1875,
s. 5.

11. In addition to the powers conferred by section 10, the Minister may take on lease, or may hire, any buildings and other premises which he deems suitable for school buildings or otherwise for the purposes of this Act.

Power to sell
or let
property not
required.11, 1875,
s. 5.

12. (1) The Minister may sell or otherwise dispose of any lands or other property vested in him which are not required for the purposes of this Act; and may grant leases or other rights over any such lands or property which are not for the time being required for such purposes.

(2) All moneys received by the Minister by the exercise of the powers conferred by this section shall be delivered to the Treasurer for the public uses of the said State.

Accounts to
be kept and
audited.

13. (1) The Minister shall cause books to be kept and true and regular accounts to be entered therein—

(a) of all moneys received and paid by him, and all moneys owing to or by him, and of the several purposes for which such moneys are received, paid, or owing; and

(b) of all costs and liabilities of the Minister.

Amended by
S.L.R. Act,
1935.

(2) The Auditor-General shall audit such books and accounts, and for the purposes of auditing the same shall have all the powers conferred on him by the Audit Act, 1921.

Reports on
schools and
financial
statement to
be laid before
Governor and
Parliament.
11, 1875,
s. 19.

14. (1) On or before the thirty-first day of March in every year a report by the Minister on the condition of the public schools, and a general statement of accounts up to the thirty-first day of December then next preceding, shall be laid before the Governor.

(2) Copies of such report and statement of accounts shall be laid before both Houses of Parliament within one month after they are laid before the Governor, if Parliament is sitting, and if Parliament is not sitting, then within one month after the commencement of the next ensuing session thereof.

DIVISION II.—OFFICERS AND TEACHERS; AND CLASSIFICATION OF
TEACHERS.

DIVISION II.

15. (1) The Governor may from time to time appoint a Director of Education, superintendents of such branches of education as he thinks proper (such as primary, secondary, technical, and agricultural education), a registrar of the Council, and such inspectors of schools and other principal officers as he deems necessary for the purposes of this Act.

Appointment
of officers.
11, 1875,
s. 6.

(2) The Minister may appoint such other officers and teachers as he deems necessary for the purposes of this Act, and, on the recommendation of the Director, may transfer any teacher from one school to another school, or promote any teacher, either on transfer as aforesaid or otherwise, or dismiss any teacher.

(3) All persons holding office under or for the purposes of the Acts hereby repealed shall continue in office until removed therefrom under this Act.

16. (1) There shall be a board, to be called the "Public School Teachers Classification Board", for the personal classification of the teachers; and the said board shall prepare and maintain a classified roll of teachers.

Teachers
Classification
Board.

(2) The Classification Board shall, subject as hereinafter provided, consist of the Superintendent of Primary Education (who shall be the chairman), the Superintendent of Technical Education, the Superintendent of Agricultural Education, and two other members appointed by the Governor, one being an inspector selected by the Minister, and the other a headmaster of the highest grade of primary schools, nominated in the prescribed manner by teachers of the prescribed grades: Provided that the Superintendent of Technical Education shall be a member of the said board only when it is dealing with teachers of technical schools other than schools principally for instruction in agriculture, horticulture, and kindred subjects, and that the Superintendent of Agricultural Education shall be a member of the said board only when it is dealing with teachers of schools principally for instruction in agriculture, horticulture, and kindred subjects.

(3) No person, except the chairman, shall hold office on the Classification Board for a longer period than three years without reappointment.

(4) A majority of the Classification Board shall be a quorum thereof: Provided that if at any meeting only two members are present, and such members differ in opinion

PART II.
DIVISION II.

upon any matter, the determination thereof shall be postponed until all the members are present.

(5) The Classification Board shall, in addition to the functions mentioned in subsection (1) hereof, discharge such (if any) other duties and functions, and may exercise such (if any) other powers, as are prescribed.

Appeals from
decisions of
the Classification
Board.

17. (1) Any person claiming to be affected by any exercise by the Classification Board of its functions under subsection (1) of section 16 may, in the prescribed manner and within the prescribed time, appeal to the Public Service Commissioner, or, if at the time of commencing the appeal there is no such officer, then to such person as is appointed by the Minister to hear and determine such appeals.

(2) The decision of the said Commissioner, or of the person so appointed, on any such appeal shall be absolutely final.

Appeal from
dismissal or
disabling.
1223, 1915,
s. 18.

18. (1) Any teacher who is dismissed from service, or is reduced in class, shall have the right to appeal, in the prescribed manner and subject to any regulations as to such appeals, to the Public Service Commissioner, or, if at the time of commencing the appeal there is no such officer, then to such person as is appointed by the Minister to hear and determine such appeals.

(2) The said Commissioner or the person so appointed (as the case may be) shall have power to hear and determine all such appeals, and the Minister shall give effect to his determinations thereon.

(3) For the purpose of any appeal under this section, the said Commissioner or the person so appointed (as the case may be) shall have, with respect to the summoning and attendance of witnesses, the examination of witnesses upon oath or affirmation, and the allowance of fees and expenses to witnesses, all the powers which justices of the peace would have or might exercise in any case under the Acts in force for the time being relating to summary proceedings of justices.

(4) In case any appeal is determined in favour of the appellant, the said Commissioner or the person so appointed (as the case may be) may recommend that the appellant's reasonable expenses in connection with the appeal, or any part of such expenses (the amount recommended being specified in the recommendation), be paid by the Minister. Such recommendation shall be sufficient authority for the payment by the Minister of the amount recommended.

18a. Notwithstanding anything contained in the Acts relating to the Public Service the provisions of those Acts as to the granting of long leave by the Governor to persons in the employ of the Government of the State shall not apply to any teacher appointed under this Act.

PART II.
DIVISION II.

Non-application of leave provisions of Public Service Acts.

Inserted by
S.L.R. Act,
1935.

DIVISION III.—THE ADVISORY COUNCIL OF EDUCATION.

DIVISION III.

19. (1) The Governor may appoint a Council to be called the "Advisory Council of Education."

Constitution
of the Council.

(2) The Council shall consist of the following members:—

- i. six officers of the Education Department, namely, the Director, the superintendents of primary, secondary, technical, and agricultural education, and the principal medical officer;
- ii. four representatives of private schools, who shall be nominated by the Minister;
- iii. two representatives of the University of Adelaide, to be nominated by the Council of that University in manner prescribed;
- iv. one representative of technical schools within ten miles of the General Post Office in the City of Adelaide, to be nominated by the Minister;
- v. one representative of other technical schools, to be nominated by the Minister;
- vi. one representative of education in music, to be nominated by the Minister;
- vii. one member to be nominated by the South Australian Chamber of Manufactures, Incorporated, in manner prescribed;
- viii. one member to be nominated by the South Australian Employers' Federation in manner prescribed;
- ix. two members to be nominated by the United Trades and Labour Council of South Australia, in manner prescribed;
- x. one representative of agriculture to be nominated by the Advisory Board of Agriculture in manner prescribed; and
- xi. one member to be nominated by the South Australian Public School Teachers' Union in manner prescribed.

(3) No person, not being a member *ex officio*, shall hold office on the Council for a longer period than three years without reappointment.

(4) The members of the Council shall be paid such expenses, incurred in connection with the exercise of their functions, as are prescribed.

PART II.
DIVISION III.
Chairman of
the Council.

20. (1) The Director shall be the chairman of the Council, and the members of the Council may elect one of the members to be the vice-chairman thereof.

(2) At any meeting of the Council the chairman, or in his absence the vice-chairman, or in the absence of both the chairman and the vice-chairman a member elected for the purpose by the members present, shall preside. The person presiding shall not have a vote except in case of equality of votes, in which case the matter shall be decided by his casting vote.

Power to
remove mem-
bers and to
fill vacancies.

21. (1) The Governor may at any time remove any member of the Council from office.

(2) If any member of the Council is absent from four consecutive meetings of the Council, without leave granted by the Council, his office shall thereupon become vacant.

(3) When the office of any member of the Council becomes vacant, the Governor may fill the vacancy: Provided that—

- i. if such member was a nominated member, the new member shall be appointed after nomination by the authority or body who or which nominated the member in whose place he is appointed:
- ii. if the vacancy occurs otherwise than by effluxion of time, the term of office of the new member shall be computed from the beginning of the term of office of the member in whose place he is appointed.

Council may
act during
vacancy.

22. During any vacancy on the Council the remaining members may act as if no vacancy existed.

Functions of
the Council.

23. (1) The Council shall report, and make such recommendations as they think fit, to the Minister—

- (a) upon methods of or developments in public education, which in the opinion of the Council it is desirable to introduce into this State:
- (b) upon any matters connected with public education which are referred to the Council by the Minister:
- (c) on or before the thirty-first day of March in each year, as to the operations of the Council during the year ended on the next preceding thirty-first day of December, and generally upon questions relating to the development and general administration of public education in the State and the due co-ordination of all branches of public education.

(2) A copy of the annual report of the Council shall be laid before both Houses of Parliament within one month after it is presented to the Minister, if Parliament is sitting, and if Parliament is not sitting, then within one month after the commencement of the next ensuing session thereof.

(3) The Council shall also discharge such (if any) other duties and functions, and may exercise such (if any) other powers, as are prescribed.

DIVISION IV.—PUBLIC SCHOOL COMMITTEES AND COUNCILS.

DIVISION IV.

24. The school districts constituted, and the boards of advice appointed and elected, under the Acts hereby repealed are hereby abolished.

Abolition of
school districts
and boards of
advice.

25. (1) A school committee may be constituted for any school, or, in cases where the Minister considers it desirable, for any group of schools.

School com-
mittees.
11, 1875,
s. 17.
507, 1891,
s. 8.

(2) A school committee shall consist of such number of members, not being more than seven, as is from time to time fixed by the Minister in respect of the particular committee.

(3) The members of a school committee shall be elected, in manner prescribed, by the parents of the children attending the school or group of schools (as the case may be).

(4) Each member of a school committee shall be elected for a term of two years: Provided that—

- i. the Governor may at any time remove any such member from office, in which case the vacancy shall be filled by election as aforesaid:
- ii. any member whose office has expired by effluxion of time may be re-elected.

(5) The term of office of a member elected to fill a vacancy occurring otherwise than by effluxion of time shall be computed from the beginning of the term of office of the member in whose place he is elected.

(6) During any vacancy on a school committee, the remaining members may act as though no vacancy existed.

26. (1) The Governor may appoint a council, for any high school or technical school.

Councils for
high and
technical
schools.

(2) Such council shall consist of such number of members, not being less than six, as is from time to time fixed by the Minister in respect of the particular council.

(3) The members of a council shall be appointed for such term as is prescribed, or as is determined in respect of the particular council by the Governor: Provided that the Governor may at any time remove any such member.

PART II.
DIVISION IV.

Powers and
duties of com-
mittees and
councils.

DIVISION V.

How courses
of instruction
to be deter-
mined.
1223, 1915,
s. 28.

27. The powers and duties of school committees and councils respectively shall be such as are prescribed.

DIVISION V.—COURSES OF INSTRUCTION.

28. (1) The Director shall determine the courses of instruction for each branch of education in the public schools.

(2) For the purpose of assisting the Director to determine the course of instruction in primary education there shall be a board, to be called the "Advisory Curriculum Board."

(3) Such Board shall consist of—

(a) the Superintendent of Primary Education, who shall be the chairman;

(b) two inspectors appointed by the Governor, on the nomination of the Minister; and

(c) two teachers appointed by the Governor, after nomination in the prescribed manner by head teachers of the prescribed grades.

(4) No person, except the chairman, shall hold office on the Advisory Curriculum Board for a longer period than three years without reappointment.

PART III.

PART III.

SCHOOLS AND OTHER MEANS OF PUBLIC
EDUCATION.

General power
to establish
schools and
means of
education.
11, 1875,
ss. 6, 11.
Of U.K.
11 & 12
Geo. 5 c. 51,
s. 17.

29. The Minister may, subject to this Act, continue and maintain and carry on any public schools in existence at the commencement of this Act; and establish and maintain and carry on such other schools, and such other means of instruction, as he deems necessary or convenient for public education and the purposes of this Act.

When a
primary school
may be
established.

30. The Minister shall not establish a primary school unless there is, in his opinion, satisfactory evidence that there will be an average annual attendance thereat of at least six children between the ages of five and fourteen years.

Educational
provision for
scattered dis-
tricts.
11, 1875,
s. 10.

31. Notwithstanding the provisions of section 30, the Minister may, for the benefit of localities where it is not practicable for him to establish schools with an annual average

attendance of at least six children between the ages of five and fourteen years—

- (a) appoint itinerant teachers, under regulations made in that behalf;
- (b) establish part-time schools, which, for the purposes of Part V. and Part VI. shall be deemed to be public schools; or
- (c) grant such assistance as is prescribed for education in sparsely populated districts.

32. The Minister may—

- (a) by notice in the *Government Gazette*, declare that any public school then existing as a primary school shall also be a high school, in which case such school may thereafter be carried on as a high school as well as a primary school: Provided that this power shall not be exercisable in respect of any school unless there is, in the Minister's opinion, satisfactory evidence that there will be an average annual attendance thereat of at least twenty pupils qualified for admission to a high school; and
- (b) establish and maintain and carry on separate schools as high schools: Provided that no such school shall be established unless there is, in the Minister's opinion, satisfactory evidence that there will be an average annual attendance thereat of at least forty pupils qualified for admission to a high school, who will attend the school for at least a two years' course of instruction.

Schools for
higher
education.
11, 1875,
s. 12.
Of. U.K.
11 & 12
Geo. 5 c. 51,
Part VI.

33. (1) The Minister may establish and maintain and carry on technical schools of the following kinds:—

- I. schools for elementary technical education, including preparatory trade schools,
- II. schools for elementary instruction in domestic arts,
- III. schools for advanced technical education, including trade schools,
- IV. schools principally for instruction in agriculture, horticulture, and kindred subjects,
- V. schools principally for advanced instruction in domestic arts, and
- VI. schools of such (if any) other kinds as are prescribed.

The Minister may also maintain and carry on existing schools of any of the abovementioned kinds.

Schools for
technical
education.
11, 1875,
s. 12.
Of. U.K.
55 & 56
Viet. c. 29.

PART III.

(2) Elementary technical schools and elementary domestic arts schools may be established either as separate institutions or in connection with any other public schools.

Certain existing schools to be technical schools under the Minister.

34. (1) From a date to be fixed by proclamation, not being earlier than the thirtieth day of June, nineteen hundred and sixteen, the institutions, known as schools of mines, existing at the commencement of this Act at Gawler, Kapunda, Moonta, Mount Gambier, and Port Pirie respectively—

(a) shall be under the control and management of the Minister;

(b) shall be known as technical schools; and

(c) shall be public schools, and may be maintained and carried on as public schools.

(2) From the date fixed as mentioned in subsection (1) of this section the council of the School of Mines and Industries of South Australia constituted by the School of Mines and Industries Act, 1892, may, if approved by the Minister, grant certificates and diplomas in respect of the schools mentioned in subsection (1) of this section.

Continuation classes.

35. The Minister may establish and maintain and carry on continuation classes in connection with any public school.

Power to erect school-houses and buildings.
11, 1875,
s. 18.

36. The Minister may, subject to this Act, erect and maintain schoolhouses and such other buildings and works as he deems necessary for the purposes of this Act, upon any land vested in him, and may remove any such schoolhouses, buildings, or works.

Where school-houses may be erected.
11, 1875,
s. 8.
Cf. U.K.
11 & 12
Geo. 5 c. 51,
s. 19, s. 28.

37. The Minister shall not erect a schoolhouse in any locality unless there is, in his opinion, satisfactory evidence of the permanence of settlement of population in such locality, and that there will be a permanent annual average attendance thereat of not less than twenty children between the ages of five and fourteen years: Provided that the Minister may erect temporary structures for schools in any other localities where he deems it advisable so to do.

Grant or loan in aid of school building.
11, 1875,
s. 18.

38. (1) The Minister may make a grant in aid of the erection of a building for school purposes in a locality where, owing to the provisions of section 37, he has not power to erect a schoolhouse: Provided that no such grant shall be made until the site whereon the building is to be erected has been vested in the Minister.

PART III.

(2) The Minister may make a loan, not exceeding two hundred and fifty pounds, on such terms as may be arranged, in aid of the erection in such a locality as mentioned in subsection (1) of this section, of a district hall, to be available for use by the Minister for school purposes: Provided that such loan is secured by a first mortgage on the premises.

Amended by
1871, 1919,
s. 3.

PART IV.TRAINING OF TEACHERS.

39. The Minister may continue and maintain the Training College for the education of teachers existing at the commencement of this Act, or may establish and maintain another college or other colleges for that purpose; and may establish and maintain such other institutions and make such other provisions as he deems advisable for that purpose.

PART IV.

Education of
teachers.
11, 1875,
s. 12.

40. The Minister may also establish and maintain hostels or other places for the board and lodging of teachers in training at such college or colleges or institutions; and may permit the holders of scholarships granted by the Government and tenable at other institutions to be accommodated at such hostels and places.

Provision for
board and
lodging of
students.

PART V.ATTENDANCE AT SCHOOL.

41. (1) Subject to subsection (6) of this section, the parent of any child who is not under six but is under seven years of age shall, if there is a primary school within a distance of one mile of such child's residence, enrol such child—

PART V.

Of. U.K.
11 & 12
Geo. 5 c. 51,
Part IV.
Duty to
enrol children
at schools.
Of. U.K.
11 & 12
Geo. 5 c. 51,
s. 42.

(a) at a primary school, or

(b) at a private school.

(2) Subject to subsection (6) of this section, the parent of any child who is not under seven but is under nine years of age shall, if there is a primary school within a distance of two miles of such child's residence, enrol such child—

(a) at a primary school, or

(b) at a private school.

(3) Subject to subsections (4) and (6) of this section, the parent of any child who is not under nine but is under fourteen years of age shall, if there is a primary school within a distance of three miles of such child's residence, enrol such child—

(a) at a primary school, or

(b) at a private school, or

PART V.

Inserted by
1673, 1925,
s. 3.

(c) at a high school, provided that such child has obtained the qualifying certificate, or

(c1) at a public school the course of instruction at which is of a higher standard than the course of instruction at primary schools, or

(d) at a technical school, provided that such child is not under thirteen years of age, or has obtained the qualifying certificate, or

(e) at such (if any) other school as is approved in writing by the Director in the case of such child.

(4) Notwithstanding anything in subsection (3) but subject to subsection (6) of this section, the parent of any child who is not under thirteen but is under fourteen years of age shall—

(a) if such child has not obtained the qualifying certificate and there is a technical school within three miles of such child's residence, enrol such child at a technical school, if the Director, by notice in writing to the parent, requires such child to be so enrolled:

Amended by
1673, 1925,
s. 3.

(b) if such child has obtained the qualifying certificate and there is a high school or a technical school or any other public school the course of instruction at which is of a higher standard than the course of instruction at primary schools within three miles of such child's residence, enrol such child—

i. at a high school, or

ii. at a technical school, or

Inserted by
1673, 1925,
s. 3.

iii. at any other public school the course of instruction at which is of a higher standard than the course of instruction at primary schools, or

iv. at a private school, or

v. at such (if any) other school as is approved in writing by the Director in the case of such child.

(5) A child shall be deemed to be enrolled at a school when his parent has supplied the head teacher of such school with the name, age, and place of residence of the child.

When a child is enrolled at any school he shall be deemed to be enrolled thereat until he is enrolled at some other school, in accordance with the provisions of this section.

(6) This section shall not apply in respect of any child—

- (a) who is at the time receiving efficient instruction, having regard to the age and capability of such child, at home or elsewhere: Provided that whether such instruction is efficient or not shall be a matter for the decision of the Minister (who may, if he deems it necessary, obtain a report thereon by an Inspector authorised by him in that behalf), and the Minister's decision shall be conclusive; or
- (b) who is not under thirteen years of age and has obtained the qualifying certificate except in the circumstances mentioned in subdivision (b) of subsection (4) of this section; or
- (c) in respect of whom section 47 applies.

(7) For the purposes of this section, the distance of a child's residence from a school shall be measured by the shortest road or other available route.

(8) If any child in respect of whom this section applies is at any time not enrolled as required by this section, the parent of such child shall be liable to a penalty not exceeding five pounds.

42. (1) Except on occasions as to which one or more of the excuses mentioned in sections 43, 45, and 46, is shown, the parent of any child who is by section 41 required to be enrolled shall cause such child to attend the school at which he is enrolled on every occasion when such school is open for instruction.

Compulsory attendance at school.
507, 1891,
s. 4.
Of. U.K.
11 & 12
Geo. 5 c. 51,
s. 42;
26 Geo. 5 and
1 Edw. 8
c. 41, s. 1.

(2) If on any occasion, except as aforesaid, any child does not attend school as required by this section, the parent of such child shall be liable, for a first offence, to a penalty not exceeding five shillings, and for any subsequent offence, in respect of the same or any other child, to a penalty not exceeding two pounds.

(3) For the purposes of this section morning and afternoon shall each count as a separate occasion.

(4) Except in so far as otherwise prescribed, a child shall not be deemed to attend a school on any occasion unless he is present at the time prescribed for marking the attendance in the roll-book and remains present until the close of the session.

(5) If on any occasion any child does not attend the school at which he is enrolled, as required by this section, the parent

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of such child shall, within three days after such occasion, by a statement in writing signed by such parent, inform the head teacher of such school of the reason for the non-attendance, and in default thereof shall be liable, for a first offence, to a penalty not exceeding five shillings, and for any subsequent offence, in respect of the same or any other child, to a penalty not exceeding two pounds.

Reasonable
excuses for
non-atten-
dance.

Cf. U.K.
11 & 12
Geo. 5 c. 51,
s. 49.

43. For the purposes of section 42, the following reasons shall be sufficient excuses for non-attendance:—

(a) That the child was prevented from attending school on the occasion in question by his sickness, danger of being affected by infectious or contagious disease, or temporary or permanent infirmity, or by any other unavoidable or sufficient cause: Provided that—

I. no such reason shall be a sufficient excuse unless the parent of the child has given the head teacher of the school notice thereof in writing within three days after the beginning of the non-attendance;

II. whether any alleged cause is or is not unavoidable or sufficient shall be a matter for the decision of the Minister or any person authorised by him to decide as to the sufficiency of excuses for the purposes aforesaid, and such decision shall be conclusive; and

III. a medical certificate of the existence of any such reason must be produced, if required by the Minister or any person so authorised by him;

(b) That the child was prohibited by regulation from attendance at school on the ground that he was suffering from an infectious or contagious disease, or that his presence might be injurious to the health or welfare of other children attending school.

Children of
other ages
may attend.
507, 1891,
s. 4.

44. Nothing in this Act shall be deemed to disentitle a child who is not between the ages of six and fourteen years to attend a public school, unless prohibited by regulation from attendance.

Exemption by
Minister.
Cf. U.K.
26 Geo. 5 and
1 Edw. 8
c. 41, ss. 2, 5.

45. (1) Notwithstanding anything contained in this Act, the Minister, or any person authorised by him to grant exemptions under this section, may, by writing under his

hand, exempt any child from attendance at school during such period as is specified in such writing, if in his discretion he deems it necessary so to do by reason of the poverty or sickness of any parent of such child or other pressing necessity.

(2) Such exemption shall be a sufficient excuse for the purposes of section 42.

46. (1) Subject to subsection (3) of this section, no person shall employ, or cause or permit to be employed, any child who is by section 41 required to be enrolled—

Employment
of children of
compulsory
age.

Of. U.K.
11 & 12
Geo. 5 c. 51,
s. 90, s. 92.
Of. U.K.
22 & 28
Geo. 5 c. 46,
s. 49 (2),
(3);
23 Geo. 5
c. 12, s. 18.

(a) during the ordinary school hours, in any labour or occupation; or

(b) during any time of the day or night, in any labour or occupation which by reason of the nature, duration, time, or place thereof, is such as to be calculated to prevent such child from profitably taking part in the school lessons on the day of the employment or the following day.

(2) A parent who employs his child in any labour or occupation exercised by way of trade or for the purpose of gain shall be deemed to employ such child in such labour or occupation within the meaning of this section.

(3) The Minister, or any person authorised by him to grant exemptions under this section, may, by writing under his hand, grant exemption from all or any of the provisions of subsection (1) of this section in respect of any child, if in his discretion he deems it necessary so to do by reason of the poverty or sickness of any parent of such child, or other pressing necessity. Such exemption, if for employment during the ordinary school hours, shall also be a sufficient excuse for the purposes of section 42.

(4) Any person who employs any child, or causes or permits any child to be employed, in contravention of this section shall be liable to a penalty not exceeding ten pounds.

47. (1) It shall be the duty of every parent of a blind, deaf, mute, or mentally defective child, from the time such child attains the age of six years until he attains the age of sixteen years, to provide efficient and suitable education for such child.

Blind, deaf,
mute, and
mentally
defective
children.
Of. U.K.
11 & 12
Geo. 5 c. 51,
ss. 51, 53.

(2) If the parent having the actual custody of any such child is unable to provide such education, he shall give notice in writing to the Minister of such inability, and shall, from such date as is specified by the Minister, send the child to

such (if any) institution as the Minister directs, and shall pay such sum or sums towards the cost of the maintenance thereof of the child as is or are agreed between such parent and the Minister.

(3) If no such agreement is made, then, upon the complaint of the Minister, or of any person authorised in that behalf by the Minister, a court may, if satisfied that such parent is able to contribute towards the maintenance of such child, make an order that such parent shall pay such periodical sums, not exceeding ten shillings a week, towards the maintenance of such child as such court deems proper and are specified in such order.

(4) If such parent—

(a) fails to provide efficient and suitable education for such child, as required by subsection (1), and fails to give notice of inability as required by subsection (2) of this section; or

(b) fails to send such child to such (if any) institution as the Minister directs under the said subsection (2);

such parent may be summoned in the name of the Minister, or of any person authorised in that behalf by the Minister, to attend before a court, at a time and place mentioned in the summons, to show cause why such child should not be sent to an institution.

(5) Upon the hearing of such summons the Court may, if of opinion that the application should be granted, either—

(a) order that such child be sent to an institution specified by the court, or

(b) commit such child to an institution so specified.

(6) If the court orders that the child be sent to an institution, such parent shall cause such child to attend the specified institution on every occasion on which it is open for instruction, and in default thereof shall, unless one of the excuses mentioned in sections 43, 45, and 46 is shown, be liable, for a first offence, to a penalty not exceeding five shillings, and for any subsequent offence, to a penalty not exceeding two pounds.

(7) If the court commits the child to an institution, the mandate of commitment shall state the period of detention, which period shall terminate not later than the time when

s. 47 (7). "Mental Defectives Act, 1935," substituted for "Mental Defectives Act, 1913," pursuant to Acts Republishing Act, 1934, s. 4.

the child will attain the age of sixteen years: Provided that if the child is mentally defective no period need be stated, in which case the child shall be deemed to be committed until—

- (a) the child attains the age of twenty-one years, or
- (b) the mandate is discharged, upon the complaint of any person, by the order of a court, made on medical evidence showing to the satisfaction of such court that the child is mentally fit to be admitted to intercourse with the general public, or
- (c) the mandate is discharged by order of the Supreme Court or a Judge thereof, or
- (d) a reception order in respect of such child is made under the Mental Defectives Act, 1935,

No. 1122 of
1913.

whichever first happens.

(8) A court may, at any time, on the application of the Minister, or of any person authorised in that behalf by the Minister, commit any child who has been committed to an institution under this section, to another institution to be kept therein for the remainder, or any part, of the period for which such child was committed to the first-mentioned institution.

(9) Upon the hearing of the summons under subsection (4) of this section the court, or at any time thereafter, upon the complaint (which may be made at any time) of the Minister or of any person authorised by him in that behalf, the same or another court, if satisfied that any parent of the child committed as aforesaid is able to contribute towards the maintenance of such child, may, subject to subsection (11) of this section, make such an order as mentioned in subsection (3) of this section against such parent.

(10) Upon the complaint (which may be made at any time) of the Minister or of any person authorised by him in that behalf, or of any parent who has, by an order made under any provision of this section, been ordered to make payments, a court may, from time to time, according to the ability of such parent, or the respective abilities of such parent and any other parents of the child, make a further order—

- (a) varying the sums to be paid by virtue of the first-mentioned order, or
- (b) continuing or varying such sums and distributing the liability to pay the same amongst several parents, or
- (c) suspending or renewing the operation of any such order or further order,

but so that such sums shall not exceed ten shillings a week.

PART V.

(11) No person shall, by any order made under this section, be ordered to make any payment unless the summons, or a notice of the hearing of the complaint whereon the order is to be made, has been served on him, or he has had such other notice of the hearing as the court deems reasonable.

(12) For all the purposes of this section, and in any proceedings under this section—

(a) a certificate, purporting to be signed by a legally qualified medical practitioner, certifying that in his opinion the sight, hearing, speech, or mind of the child therein mentioned is so defective as to render such child unfit to be educated except by special means, shall be *prima facie* evidence that such child is blind, deaf, mute, or mentally defective, according to the nature of the certificate:

(b) whether efficient and suitable instruction is being provided for a blind, deaf, mute, or mentally defective child or not, shall be a matter for the decision of the Minister (who may, if he deems it necessary, obtain a report thereon by an Inspector or some other person authorised by him in that behalf), and the Minister's decision shall be conclusive.

(13) In this section, "institution" means an institution for the education of blind, deaf, mute, or mentally defective children.

Habitual
truants.
Amended by
S.L.R. Act,
1935.

48. (1) If any child, whose parent is by or under this Act required to cause such child to attend a school, is habitually absent from such school, the parent having the actual custody of such child may be summoned in the name of the Minister, or of any person authorised in that behalf by the Minister either for the particular occasion or generally, to attend before a court at a time and place mentioned in such summons, to show cause why such child should not be sent to an institution under the care, control, or supervision of the Children's Welfare and Public Relief Board.

(2) Upon the hearing of the summons the court may, unless satisfied that one or more of the excuses mentioned in sections 43, 45, and 46 exist for the child's habitual absence, commit such child to an institution specified by the court to be there detained for a term not exceeding six months: Provided that if a child so committed attains the age of fourteen years before the expiration of the term for which he is committed, the said term shall be deemed to expire on his attaining that age.

(3) Upon the hearing of the summons, if the court is satisfied by the parent that he has used all reasonable efforts to cause the child to attend school regularly and that he cannot control such child, the court may commit such child to an institution to be specified by the court to be there detained until he attains the age of fourteen years, or for such shorter term as the court thinks sufficient.

(4) The Children's Welfare and Public Relief Board may, from time to time, in its discretion, remove any child who has been committed to an institution under this section, to another institution, and detain such child therein, or may release such child to his parents if the said Board is satisfied that the child will thereafter regularly attend school as required by this Act.

(5) Upon the hearing of the summons under subsection (1) of this section the court, or at any time thereafter, upon the complaint of an officer of the Children's Welfare and Public Relief Board, the same or another court, if satisfied that any parent of the child committed as aforesaid is able to contribute towards the maintenance of such child may, subject to subsection (7) of this section, make an order that such parent shall pay such periodical sums, not exceeding ten shillings a week, towards the maintenance of such child as the court deems proper and are specified in such order.

(6) Upon the complaint (which may be made at any time) of an officer of the said Board or of any parent who has, by an order made under this section, been ordered to make payments, a court may, from time to time, according to the ability of such parent, or the respective abilities of such parent and any other parents of the child, make a further order—

(a) varying the sums to be paid by virtue of the first-mentioned order, or

(b) continuing or varying such sums and distributing the liability to pay the same amongst several parents, or

(c) suspending or renewing the operation of any such order or further order,

but so that such sum shall not exceed ten shillings a week.

(7) No person shall, by any order made under this section, be ordered to make any payment unless the summons, or a notice of the hearing of the complaint, whereon the order is to be made, has been served on him, or he has had such other notice of the hearing as the court deems reasonable.

(7A) If any child has been committed to an institution pursuant to this section, the Children's Welfare and Public

Inserted by
1673, 1925,
s. 4.

Relief Board may, for the whole or any portion of the period for which the child has been committed as aforesaid, place out the child—

- (a) to reside and board with any relative of the child, or with a suitable person approved by the Board; or
- (b) with some suitable person willing to receive the child for adoption or service, and who, in the opinion of the Board, is able to provide for and is suitable to be entrusted with the care of the child.

Subject to the provisions of this section, all the provisions of the Maintenance Act, 1926, shall apply, *mutatis mutandis*, to every child placed out as aforesaid and to every person with whom the child is placed out as aforesaid.

(8) Any proceedings under this section shall be without prejudice to any proceedings against the same or any other parent of the child for any offence under section 41 or section 42.

(9) In this section—

“institution” means any institution within the meaning of the Maintenance Act, 1926, except a reformatory school:

“Children’s Welfare and Public Relief Board” means the Board bearing that name and constituted under the Maintenance Act, 1926.

Mandate for
detention of a
child com-
mitted to an
institution.
Amended by
S.L.R. Act,
1935.

49. (1) Whenever a child is committed to an institution under section 47 or 48, the court committing such child shall issue a mandate in duplicate for the taking of such child to such institution, and for his detention therein during the period specified in such mandate.

(2) Such mandate shall be executed and obeyed by all persons to whom it is directed and delivered, and shall be sent with the child to the superintendent or matron of or other person conducting the institution, and shall be a sufficient warrant for the taking, reception, and detention of the child mentioned therein, according to the tenor thereof, and no other warrant or authority for such taking, reception, or detention shall be necessary.

(3) Such mandate shall contain a statement of the age and religion of the child, as nearly as known to the court: Provided that—

- (a) if there is not sufficient evidence or information as to the age of the child the court may, on view, determine his age to the best of its ability, and shall insert in the mandate the age so determined:

(b) if the age or the religion of the child is not stated in the mandate, either or both (as the case may require) may be indorsed thereon by the Director if the committal is made under section 47, or by the Secretary of the Children's Welfare and Public Relief Board if the committal is made under section 48, acting in either case to the best of his information and belief.

(4) The statement in or indorsed on such mandate that the child is of a certain age or of a certain religion shall, for the purposes of this Act, and of the Maintenance Act, 1926, be deemed to be true, unless within six months from the date of such mandate, the Minister if the committal is made under section 47, or the Children's Welfare and Public Relief Board, if the committal is made under section 48, is satisfied to the contrary, and indorses on the mandate what he or it believes to be the correct age or religion (as the case may be), in which case the last-mentioned indorsement shall, for all such purposes, be deemed to be true.

(5) A certificate indorsed on or annexed to such mandate, and signed by the superintendent or matron of or other person conducting the institution in which such child is detained, stating that such child was duly received into such institution, and was, at the time of the signing of such certificate detained therein, shall, in all proceedings whatsoever be *prima facie* evidence of the facts stated in such certificate, and of the identity of the child therein named.

50. Any order or further order made under subsection (3), (9), or (10) of section 47 or subsection (5) or (6) of section 48 shall be deemed to be a maintenance order under section 48 of the Maintenance Act, 1926, and may be enforced in the same manner in all respects as if it were such a maintenance order.

How maintenance order enforced.

Amended by S.L.R. Act, 1935.

51. When any inspector or any other person is authorised by the Minister to furnish a report as to any child, as mentioned in subsection (6) of section 41 or subsection (12) of section 47, or any person is authorised by the Minister to furnish a report as to an alleged unavoidable and sufficient cause of the non-attendance of a child at school, as mentioned in section 43, every parent of such child shall give all information and assistance in his power for the purpose of supplying the information for making such report, and in default thereof shall be liable to a penalty not exceeding two pounds.

Facilities for reporting as to efficiency of instruction or cause of non-attendance.

PART VI.

PART VI.

PROVISIONS AS TO SCHOOLS OTHER THAN PUBLIC SCHOOLS.

DIVISION I.

DIVISION I.—PROVISIONS FOR ENSURING AN ENGLISH EDUCATION.

Application
of this
Part.

52. In this Division the term “school” means an assembly at appointed times of three or more persons between the ages of six years and fourteen years for the purpose of their being instructed, by a teacher or teachers, in all or any of the following subjects, namely:—

Reading,	English or other Language,
Writing,	Mathematics,
Arithmetic,	Any Natural or Experimental
Grammar,	or Applied Science,
Geography,	Shorthand,
History,	Book-keeping,
	Physical Culture;

but does not include—

- (a) the University of Adelaide, or
- (b) an assembly of persons, all of whom are members of the same family or of one or other of not more than two families, or
- (c) any public school.

Declaration
to be made
that teaching
is in the
English
language.

Cf. U.K.
11 & 12
Geo. 5 c. 51,
s. 153, s. 155.

Substituted
by 1932,
1929, s 3.

53. (1) Every head teacher of a school shall, within the first seven days of every month, furnish the Minister with a statutory declaration in the prescribed form that, for at least four hours during each day, or at least two hours during each half day, on which such school was open for instruction during the preceding month, the instruction given therein was given through the medium of the English language.

(2) Except in cases where the Minister directs to the contrary, any time occupied in teaching any foreign language which may be prescribed in that behalf, or the literature thereof, shall not, for the purpose of this section, be reckoned as time during which instruction is given through the medium of the English language.

(3) If the head teacher of any school fails to comply with the provisions of this section, such head teacher and every proprietor of such school shall be liable to a penalty not exceeding fifty pounds.

PART VI.
DIVISION I.

54. (1) The Minister shall, from time to time, conduct an inquiry as to any school, for the purpose of ascertaining whether all the children attending such school are being instructed through the medium of the English language to the extent mentioned in section 53.

Inquiry into compliance with objects of this Division.

Of. U.K.
11 & 12
Geo. 5 c. 51,
s. 134.

(2) For the purposes of such inquiry, or preliminary thereto, any person authorised by the Minister may, at any time, with or without notice, enter the building in which the school is conducted and the premises thereof, and make such investigations as may to him appear necessary.

Subsec. (1) amended by 1268, 1916, s. 3; 1932, 1929, s. 4.

(3) Every proprietor, and the head teacher, of such school shall afford all such facilities as they respectively are able, for any investigation authorised by this section; and no such proprietor or head teacher shall in any way interfere with or obstruct any person in the exercise of any power under this section.

Any proprietor or head teacher who is guilty of any contravention of this subsection, whether by omission or commission, shall be liable to a penalty not exceeding fifty pounds.

55. For the purposes of any inquiry, the Minister shall have, with respect to the summoning and attendance of witnesses, the examination of witnesses upon oath or affirmation, and the allowance of fees and expenses to witnesses, all the powers which a justice would have or might exercise in any case under the Acts in force for the time being relating to the summary jurisdiction of justices.

Powers of Minister in aid of functions under this Division.

56. If any person wilfully makes or causes to be made, any false statement in any declaration furnished under this Division, or in connection with any inquiry under this Division, he shall be guilty of a misdemeanour, and shall be liable to a penalty not exceeding one hundred pounds or to be imprisoned for a term not exceeding twelve months.

Penalty for falsification or false representation.

Substituted by 1932, 1929, s. 6.

* * * * *

Section 56a repealed by 1932, 1929, s. 7.

DIVISION II.—ROLLS AND RETURNS AND INSPECTION.

DIVISION II.

57. (1) The head teacher of any private school shall keep a roll in a form approved by the Minister, showing accurately, and marked in ink, the attendances, on all occasions that the school is open, of all scholars attending such school who are not under six but are under fourteen years of age.

Private schools to keep rolls and furnish information as to attendance.

Of. U.K.
11 & 12
Geo. 5 c. 51,
s. 153.

(2) Except in so far as otherwise authorised by the Minister or by regulation, such roll shall be marked at or within

PART VI.
DIVISION II.

such times as are prescribed; and only those children who are present at the time when such roll is so marked shall be shown therein as present.

(3) Such roll shall be kept in the school, and shall be open at all times to inspection by any inspector, attendance officer, or other person authorised in writing by the Minister.

(4) Every head teacher of such school shall, upon the request, either verbal or in writing, of any inspector or attendance officer, or of any person authorised in writing by the Minister in that behalf, furnish such inspector, officer, or person with any information so required concerning the attendance of any scholar attending or enrolled at such school who is not under six but is under fourteen years of age; and shall allow such inspector, officer, or person to inspect the roll mentioned in subsection (1) of this section, and to make any extracts therefrom.

(5) Any head teacher who fails to comply with any provision of this section, or knowingly makes or causes or permits to be made, any false entry in any roll by this section required to be kept, shall be liable to a penalty not exceeding ten pounds.

Private
schools to
make monthly
returns.
Of U.K.
11 & 12
Geo. 5 c. 51,
s. 153.

58. (1) The head teacher of any private school shall, within the first seven days of every month, furnish the Minister with—

- i. a return in the form No. 1 in the second schedule, or in a prescribed form, and stating accurately the particulars indicated therein, concerning all scholars attending or enrolled at the school during the preceding month who were then not under six but were under fourteen years of age, and did not attend the school on all occasions when it was open for instruction during such preceding month:
- ii. a return in the form No. 2 in the second schedule, or in a prescribed form, and stating accurately the particulars indicated therein, of all scholars (if any) not under six but under fourteen years of age, who left the school during such preceding month.

(2) The head teacher of any private school shall in each year, not later than the twenty-first day of January, furnish the Minister with a return in the form No. 3 in the second schedule, or in a prescribed form, and stating accurately the particulars indicated therein, of the number of children not under six but under fourteen years of age who attended the school during the preceding year, and the average attendance thereat of such children during such year.

(3) Any head teacher who fails to comply with any provision of this section, or knowingly makes any false statement in any return furnished under this section, shall be liable to a penalty not exceeding ten pounds.

59. The Minister may, on the request of any proprietor, or head teacher, of any private school, cause such school to be visited by an inspector for the purpose of inspecting the school or the scholars thereat, or for advisory purposes, or by a public school medical or dental officer, health inspector, or nurse for the purpose of the medical or dental examination of such scholars, or for advisory purposes.

Inspection of
private
schools on
request.
1223, 1915,
s. 59.
Of. U.K.
11 & 12
Geo. 5 c. 51,
s. 133.

PART VII.

PART VII.

REGULATIONS.

60. (1) In addition to any power by any other section of this Act conferred on the Governor to make regulations as to any matter (which power shall in every case be implied for the purposes of any section in which regulations are referred to, or in which the word "prescribed" is used), the Governor may make any regulations which may be necessary or convenient for carrying out any of the provisions of this Act, or for better effecting the objects of this Act, and in particular (without limiting the effect of this section) for all or any of the following purposes, namely:—

Governor
may make
regulations.
11, 1875,
s. 6.
1554, 1923,
s. 3.

- i. for prescribing the manner in which teachers are to nominate members of the Classification Board, and the manner in which head teachers are to nominate members of the Advisory Curriculum Board, and the grades of head teachers by whom the last-mentioned nominations may be made:
- ii. for prescribing the manner of and times for appeals from decisions of the Classification Board, and the manner of and times for appeals under section 18:
- iii. for imposing and conferring additional duties, functions, and powers on the Classification Board:
- iv. for prescribing the manner in which members of the Council are to be nominated:
- v. for prescribing the expenses to be paid to members of the Council; and imposing and conferring additional duties, functions, and powers on the Council:
- vi. for fixing the times for holding the meetings of the Council, the manner of calling such meetings, and

the conduct thereof; and for fixing the number of members necessary to constitute a quorum of the Council:

- vii. for prescribing and defining the powers and duties of school committees and councils; for fixing the times for holding the meetings of such committees and councils, the manner of calling such meetings, and the conduct thereof; and for fixing the numbers of members necessary to constitute a quorum thereof:
- viii. for prescribing the persons who shall be entitled to vote at elections of school committees, and the time and manner of holding such elections; and any other provisions which may be necessary or convenient for the purposes of or in connection with such elections:
- ix. for the appointment of such officers as may be required for carrying out the provisions of this Act:
- x. for prescribing the powers and duties of officers under this Act:
- xi. for prescribing the powers and duties of inspectors, and for regulating the inspection and examination of public schools and continuation classes, and the scholars thereof:
- xii. for prescribing the powers and duties of public school medical and dental officers, health inspectors, and nurses:
- xiii. for providing for the establishment, maintenance, and effective control of the various kinds of public schools, and continuation classes, and for prescribing the conditions under which the various kinds of public schools, and continuation classes, may respectively be established:
- xiv. for prescribing the qualifications for admission of pupils to high schools and the various kinds of technical schools and continuation classes, respectively, and the fees (if any) to be paid by pupils thereat respectively:
- xv. for prescribing courses of instruction of the various kinds of public schools, and continuation classes, and the school books to be used:
- xvi. for regulating the discipline to be observed and enforced in public schools, the ordinary school hours, and the modes of teaching:

Of. U.K.
11 & 12
Geo. 5 c. 51,
s. 80.

- xvii. for providing for the establishment of scholarships and prescribing the conditions connected therewith: Cf. U.K. 11 & 12 Geo. 5 c. 51, s. 24.
- xviii. for prohibiting the attendance at school of children suffering from any infectious or contagious diseases, or whose presence might be injurious to the health or welfare of other children attending school: Cf. *ibid.* s. 87.
- xix. for providing means for compelling parents of children to furnish any information required by the Minister as to the names of such children and of their parents, the dates of births and residences of children, and the schools last attended by them:
- xx. for regulating the salaries or other remuneration to be paid to teachers of the various kinds of public schools and continuation classes:
- xxi. for providing for and regulating the training, examination, appointment, dismissal, resignation, leave of absence (including leave of absence for the purpose of or on account of recreation, sickness, illhealth, or pressing necessity, and also accumulated and long leave of absence), discipline, classification, and duties of teachers: Amended by 1554, 1923, s. 3.
- xxii. for providing for the occasional use of school rooms and premises for other purposes when not in use for school purposes.

(2) Any regulation may impose a penalty not exceeding ten pounds for any breach of that or any other regulation.

61. (1) Every regulation made under this Act—

Publication and effect of regulations.

- (a) shall be published in the *Government Gazette*;
- (b) shall, subject to subsection (2) hereof, take effect from the date of such publication, or from a later date fixed by the order making such regulation; and
- (c) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

(2) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such

PART VII.

House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen days, or some of them, do not occur in the same session or Parliament as that in which the regulation is laid before it.

(3) Notice of the passing of any such resolution shall be published in the *Government Gazette*.

PART VIII.

PART VIII.

MISCELLANEOUS.

Only secular instruction to be given.
11, 1875,
s. 9.
Cf. U.K.
32 & 33 Vict.
c. 56, s. 15;
11 & 12
Geo. 5 c. 51,
s. 27 (1);
26 Geo. 5 and
1 Edw. 8
c. 41, ss. 12,
13.

62. (1) Subject to subsection (3) of this section, in no public school shall any instruction other than secular instruction be given.

(2) In every primary public school four and a half hours at least shall be set apart during each school day for secular instruction only.

(3) Any primary public school may be open in the morning before the time fixed for commencing secular instruction, for the purpose of reading portions of the Holy Scriptures in the Authorised or Revised or Douay version, or any other version approved by the Governor: Provided that—

(a) the attendance of no child at such reading shall be compulsory; and

(b) no sectarian or denominational religious teaching shall be allowed in any public school.

School fees.
507, 1891,
s. 1.
Cf. U.K.
11 & 12
Geo. 5 c. 51,
s. 37.

63. (1) No fees shall be payable for the education of any child at any public school, except such (if any) as are prescribed; and no fees shall be prescribed for attendance in compliance with the provisions of this Act as to compulsory attendance.

(2) All fees received shall be delivered to the Treasurer to be paid into the general revenue of the said State.

Provision for boarding and lodging of children.
11, 1875,
s. 11.

64. By the authority of the Minister, provision may be made for the boarding or lodging, or both, either daily or weekly, of such children as, by reason of the remoteness of their homes, would not otherwise be able to attend at any public school.

65. If there are two or more primary schools in a neighbourhood, the Minister may, if he deems it advisable, divide such neighbourhood into areas for such schools respectively; and may direct that only children whose homes are in the area defined for a specified school may attend such school, in which case a child shall not be enrolled at or attend such school except in accordance with the Minister's direction.

Child may be required to attend nearest school.
507, 1891, s. 6.

66. The Minister may appoint such persons (to be called attendance officers) as he deems necessary, to assist in enforcing the attendance of children at school as required by this Act, and perform such other duties as are prescribed, or as are imposed by the Minister.

Attendance officers and their duties.

Cf. U.K.
11 & 12
Geo. 5 c. 51,
s. 149.

67. (1) Any attendance officer or any member of the police force may, in any road, street, or other public place, accost any child who appears to such officer or member to be not under six but under fourteen years of age, and may require and obtain from such child his name and address for the purpose of ascertaining the cause of his non-attendance at school.

Powers of attendance and police officers.

(2) Any such officer or member may, at any time during the day-time, call at any dwelling-house, and request any person found therein to furnish him with the following information, namely:—

(a) the full names of all children, not under six but under fourteen years of age, residing therein, and

(b) the schools (if any) at which such children respectively are enrolled pursuant to section 41;

and if any person fails to furnish such officer or member with such information as to any such child within seven days after being so requested, or furnishes any false information in reply to any such request, he shall be liable to a penalty not exceeding ten pounds.

68. Every health officer appointed under the Health Act, 1898, or any Act amending or substituted for that Act, and the secretary or any other officer of any public hospital or any hospital or dispensary to which a grant or subsidy is paid by the Government of the said State, shall, whenever called upon so to do by the Minister or by an attendance officer, furnish to the Minister or such officer, a certificate, free of charge, as to any cause within his cognizance of the absence on any occasion of any child from school.

Health officers and others to furnish reports as to cause of non-attendance of children.

s. 68. The Health Act, 1898, has been repealed and superseded by the Health Act, 1935.

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Medical
examination of
pupils.

Cf. U.K.
11 & 12
Geo. 5 c. 51,
s. 80.

69. The Minister may appoint such persons as he thinks proper to be public school medical and dental officers, health inspectors, or nurses for the medical and dental examination of pupils attending public schools and the protection of their health; and such officers, inspectors, and nurses shall have such powers and duties as are prescribed, or as are directed by the Minister.

Census of
school district,
122, 1878,
s. 5.

70. (1) The Minister may at any time, by notice in the *Government Gazette*, direct that an educational census be taken in the area specified in such notice.

(2) For the purpose of taking such census the Minister may appoint some person or persons to call at every dwelling-house within the area and collect information.

(3) Every occupier of a dwelling-house in the area shall, upon the request of any person appointed as aforesaid, give him such information as will enable him to fill up a return in the form of the third schedule, or in a prescribed form.

(4) If from any cause such information is not supplied when a person appointed as aforesaid calls at any dwelling-house to obtain the same, a copy of the said form of return may be left at the house.

(5) The occupier of the house at which such copy is left shall, within seven days thereafter, fill up the same with the said information, and return it, so filled up, to a person appointed as aforesaid when he calls for the same, after the expiration of such seven days.

(6) If any occupier of a dwelling-house—

(a) fails to comply with any of the provisions of subsection (5) of this section, or

(b) wilfully supplies any false information for the purpose of the filling up of any such form, or

(c) wilfully makes any false statement in a copy left at his house as aforesaid,

he shall be liable to a penalty not exceeding ten pounds.

Summary
recovery of
school
premises.
11, 1875,
s. 23.
Cf. U.K.
4 & 5 Vict.
c. 38, s. 18.

71. (1) If any teacher, inspector, or officer of or under the Minister, refuses, neglects, or fails to vacate any premises vested in the Minister, or to give and deliver up possession of any such premises to any person appointed by the Minister to enter into possession thereof, at such time as the Minister directs, the Minister may issue a warrant under his seal to any bailiff of a local court, commanding him to enter into such premises and give possession thereof to the Minister or his officer or agent.

(2) Such warrant may and shall be enforced in the same manner and with the same protection as a warrant under section 224 of the Local Courts Act, 1926, or under any legislative provision substituted for that section.

Amended by
S.L.R. Act,
1935.

72. No teacher of any school shall be summoned to serve as a jurymen on any jury, whether civil or criminal, or at any inquest or inquiry.

Teachers not
liable to
serve as
jurors.
507, 1891,
s. 7.

73. Any person who wilfully disturbs, in any manner, any public or private school, or who in any manner on the premises of any public or private school, upbraids, insults, or abuses any teacher or any inspector in the presence, or within the hearing or sight, of any pupil of such school, shall be liable to a penalty not exceeding twenty pounds.

Penalties for
disturbance of
school or
insulting
teacher.
11, 1875,
s. 22.

74. Any person who in any way, whether by commission or omission, contravenes any provision of this Act, shall be liable to a penalty, which, except in cases where the penalty is specified, shall be a sum not exceeding ten pounds.

General
penalty for
contravention
of the Act.

75. A certificate, purporting to be signed by any head teacher of a public school or private school, stating that any child is or is not attending such school or did or did not attend such school on the occasion or occasions therein specified, or a return in the form of the fourth schedule, or in a prescribed form, so signed, shall be *prima facie* evidence of the matters stated in such certificate or return.

Certificate as
to attendance.
11, 1875,
s. 11.
Of U.K.
11 & 12
Geo. 5 c. 51,
s. 142.

76. In any proceedings under this Act, the allegation, whether in writing or verbal—

Evidence.
11, 1875,
s. 21.

i. that a specified person is the parent, or a parent, of a specified child:

ii. that at a specified time a specified child was not under, or was under, a specified age:

Of U.K.
11 & 12
Geo. 5 c. 51,
ss. 135, 141.

iii. that at a specified time there was a primary school, or a technical school, or a high school, or a public school the course of instruction at which is of a higher standard than the course of instruction at primary schools, within a specified distance of a specified child's residence, measured by the shortest road or other available route:

Amended by
1673, 1925,
s. 5.

iv. that at a specified time a specified child was not enrolled, as required by section 41, or was enrolled at a specified school:

PART VIII.

Cf. U.K.
11 & 12
Geo. 5 c. 51,
s. 142.

v. that the parent of a specified child, on a specified occasion, did not cause such child to attend the school at which he was enrolled:

vi. that a specified child is habitually absent from school:

vii. that a specified child was employed in labour or occupation at a specified time: or

viii. that a specified person is the head teacher of a specified school:

ix. that at a specified time a specified school was open for instruction:

shall be deemed proved in the absence of proof to the contrary.

Added by
1873, 1925,
s. 5.

Persons
authorised to
conduct pro-
ceedings.

Cf. U.K.
11 & 12
Geo. 5 c. 51,
s. 145.

77. When the information for an offence against this Act, or any complaint under this Act, is laid or made by the Minister, or an attendance officer, or a person authorised by the Minister, the proceedings may be conducted by any person appointed by the Minister either to conduct the proceedings in the particular case or to conduct proceedings in cases under this Act generally.

Evidence of
appointment
to lay
informa-
tion or con-
duct pro-
ceedings.
996, 1909,
s. 10.

78. The production of a document purporting to be signed by the Minister or to be under his seal, appointing a person therein named—

(a) to lay an information or to lay informations generally, or

(b) to take out or issue a summons, or to take out or issue summonses generally, or

(c) to make a complaint or an application, or to make complaints or applications generally, or

(d) to do any other thing under this Act, or

(e) to conduct the proceedings in any cases or in cases generally under this Act,

shall be sufficient evidence that such person has been duly appointed by the Minister for the purpose stated in such document, and shall be *prima facie* evidence that the person producing such document is the person thereby appointed.

Procedure for
offences.
Amended by
S.L.R. Act,
1935.

79. Except where otherwise prescribed proceedings in respect of any offence against this Act, not being an indictable offence, shall be by complaint laid by the Minister, an attendance officer or some person authorised in writing by the Minister to lay complaints either for the particular case or generally, and all such proceedings shall be disposed of summarily.

PART VIII.

* * * * *

Sections 80
and 81
repealed by
S.L.R. Act,
1935.

82. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for such purposes.

Moneys for
purposes of
Act.
11, 1875,
s. 6.

SCHEDULES.

THE FIRST SCHEDULE.

Section 5.

Acts Repealed.

Number of Act.	Title of Act.
No. 11 of 1875	The Education Act, 1875.
No. 122 of 1878	The Education Amendment Act, 1878.
No. 154 of 1879	The Education Further Amendment Act, 1879.
No. 507 of 1891	The Education Acts Amendment Act, 1891.
No. 892 of 1905	The Education Acts Amendment Act, 1905.

Section 58.

THE SECOND SCHEDULE.

FORM No. 1.

The Education Act, 1915.

Monthly Return of Irregular Attendance of Children between the Ages of Six and Fourteen Years (1).

School (2).

Name of Parent or Guardian. (Christian names in full.)	Parent's or Guardian's Postal Address.	Distance of Residence from School (state whether within one, two, or three miles).	Names of Children. (Christian names in full.)	Age on the First Day of Month.		Class.	Week ending—				Total.	Remarks.
				Yrs.	Mths.		(3) Number of Occasions School was Open in each Week.					
							Attendance of Child during each Week.				Total.	

I certify the above return to be correct in every particular.

Head Teacher.

Dated the _____ day of _____ 19 .

(1) This return is required—

- (a) with respect to a child under seven, only if there is a primary public school within one mile of the child's residence :
 - (b) with respect to a child not under seven but under nine, only if there is a primary public school within two miles of the child's residence :
 - (c) with respect to a child not under nine, only if there is a primary public school within three miles of the child's residence.
- (2) State the name (if any) and the situation of the school.
- (3) Morning and afternoon sessions of the school are to be counted as separate occasions.

FORM No. 2.

The Education Act, 1915.

Return of Children between the Ages of Six and Fourteen Years who have left this School during the Calendar Month ended

19 .

School (1).

Names of Children. (Christian names in full.)	Age on First Day of Month.	Date of Leaving.	(2) Number of Occasions in Month Attended before Leaving.	School now Attended, if known.

I certify the above return to be correct in every particular.

Head Teacher.

Dated _____ day of _____, 19 .

- (1) State the name (if any) and the situation of the school.
- (2) Morning and afternoon sessions of the school are to be counted as separate occasions.

FORM No. 3.

The Education Act, 1915.

Return of Children between the Ages of Six and Fourteen Years attending a School during the Year ended 31st December, 19 .

School (1).

(2) Total Number of Children who Attended the School during the Year 19 .	(3) Number of Occasions on which the School was Open.	(4) Gross Number of Attendances.	(5) Average Attendance during the Year.

I declare the above to be a correct return, and that the figures here given have been checked by me, and correspond in every particular with those in the school roll for the year ended 31st December, 19 .

Head Teacher.

Dated the day of , 19 .

(1) State the name (if any) and the situation of the school.

(2) This number is to include children who have attended, whether during the whole or any part of the year.

(3) Morning and afternoon sessions of the school are to be counted as separate occasions.

(4) Attendances at morning and afternoon sessions are to be counted as separate attendances.

(5) This average is to be ascertained by dividing the gross number of attendances stated in this return by the number of occasions stated in this return, working out the result to one place of decimals.

THE THIRD SCHEDULE.

Section 70.

The Education Act, 1915.

Return of all Children under the Age of Fourteen Years.

No.	Name of each Child in Full.	Sex.	Age.	Where under Instruction. (Show whether at public or private school or by an efficient instructor at home.)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

I, [name in full], of , certify the above to be a true return as to all children under the age of fourteen years now residing in this dwelling-house.

Dated the day of , 19 .

[Sign here]

Witness [if a marksman].

To , residing at .

TAKE NOTICE that this return will be called for on or after the day of , 19 , and that if the occupier of the house fails to fill it up by that day, and return it when called for, or wilfully makes any false statement in this return, or wilfully supplies any false information to the person leaving the same, he will be liable to a penalty not exceeding Ten Pounds.

THE FOURTH SCHEDULE.

Section 75.

The Education Act, 1915.

Return showing the Attendances of [Christian and Surname in full] from the.....day of.....19....
to the.....day of.....19....

Name of Child in Full.	Age at Present.		Name of Parent in Full.	Address of Parent.	Attendance during—																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
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I,Head Teacher of the.....School, do hereby certify that the above return is correct.

Dated the.....day of.....19....

.....Head Teacher.

Regulations.

The following regulations were in force under this Act on the 22nd March, 1937:—

GENERAL REGULATIONS—

Gazette—21st February, 1929, p. 405.

AMENDING REGULATIONS—

Gazette—19th September, 1929, p. 700.

24th October, 1929, p. 955.

4th June, 1931, p. 923.

1st October, 1931, p. 614.

18th February, 1932, p. 308.

22nd December, 1932, p. 1189.

1st June, 1933, p. 934.

22nd June, 1933, p. 1056.

14th December, 1933, p. 1172.

3rd January, 1935, p. 35.

22nd August, 1935, p. 373.

12th March, 1936, p. 593.

30th July, 1936, p. 157.

5th November, 1936, p. 1055.