

EDUCATION.

6° Elizabeth II., No. LXXII.

No. 72 of 1957.

AN ACT to amend the Education Act, 1928-1955.*[Assented to 10th December, 1957.]*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Education Act Amendment Act, 1957.* Short title and citation.

(2) In this Act the Education Act, 1928-1955,

Act No. 33 of 1928 as reprinted with amendments to and including Act No. 44 of 1955 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938,

Approved for reprint, 14th June, 1957.

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Education Act, 1928-1957.

Part heading
and s. 1A
added.

2. The principal Act is amended by adding after section one the Part heading, "Part I.—Introductory Provisions.", and by adding the following section:—

Arrange-
ment.

1A. This Act is arranged as follows:—

PART I.—INTRODUCTORY PROVISIONS.

PART II.—ADMINISTRATION.

PART III.—SCHOOLS AND OTHER MEANS
OF PUBLIC EDUCATION.

PART IV.—TRAINING OF TEACHERS.

PART V.—ATTENDANCE AT SCHOOLS.

PART VI.—PARENTS AND CITIZENS' ASSO-
CIATIONS.

PART VII.—REGULATIONS.

PART VIII.—MISCELLANEOUS PROVISIONS.

FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE.

S. 3
amended.

3. Section three of the principal Act is amended—

- (a) by adding after the section designation, "3" the subsection designation, "(1)";
- (b) by substituting for the passage, " 'Compulsory Officer' means a person employed" in line three, the passage, " 'Welfare Officer' means a person appointed pursuant to section fifteen of this Act";

- (c) by adding before the interpretation, "Minister" the following interpretation—

"leaving age" means the age of fourteen years, or if and as often as a greater age is declared by proclamation made under subsection (2) of this section, means the age so declared. ; and

- (d) by adding the following subsection:—

(2) (a) The Minister may, from time to time whenever he thinks fit, recommend to the Governor that the leaving age be increased on and after a day specified in the recommendation, from fourteen years, or, as the case may be, from the age declared by proclamation, if any, made under paragraph (b) of this subsection next previously to the recommendation, to such greater age, not exceeding fifteen years, as the Minister specifies in the recommendation.

(b) The Governor may by proclamation declare that on and from the day specified in a recommendation made under paragraph (a) of this subsection the leaving age shall be increased to, and shall be, the greater age specified in the recommendation.

4. The principal Act is amended by adding before the heading, "Administration." preceding section four, the passage, "PART II." Heading amended.

5. The principal Act is amended by adding before the heading, "Schools and other means of Public Education." preceding section nine, the passage, "PART III." Heading amended.

6. The principal Act is amended by adding before the heading, "Training of Teachers." preceding section ten, the passage, "PART IV." Heading amended.

Heading
amended.

7. The principal Act is amended by substituting for the heading, "Attendance at Primary Schools." preceding section eleven, the following heading:—

PART V.—ATTENDANCE AT SCHOOLS.

S. 13
amended.

8. Section thirteen of the principal Act is amended—

(a) by substituting for the words, "nine nor more than fourteen years of age" in line two of each of paragraphs (b) and (e) of subsection (1), the words, "nine years of age nor more than leaving age"; and

(b) by repealing subsection (2).

S. 14
amended.

9. Section fourteen of the principal Act is amended by adding after the word, "Minister" being the last word in the section, the passage, ", or by a person authorised by the Minister to require production of it".

S. 15
amended.

10. Section fifteen of the principal Act is amended—

(a) by adding after the word, "appoint" in line two of subsection (1), the words, "persons as welfare";

(b) by substituting for the word, "enforce" in line two of subsection (1), the word, "secure";

(c) by adding after the word, "attendance" in line three of subsection (1), the words, "of children at school as";

(d) by adding after the word, "children" in line seven of subsection (1), the words, "who are apparently";

(e) by adding after the word, "age" in line eight of subsection (1), the passage, ", and";

- (f) by adding after the word, "school" being the last word in subsection (1), the passage, "and to escort any such child to the parent, or to one of the parents, of the child"; and
- (g) by substituting for the words, "an officer of the Education Department" in lines three and four of subsection (2), the words, "a welfare officer".

11. Section sixteen of the principal Act is ^{S. 16} amended—

- (a) by substituting for the words, "six or more than fourteen years of age" in line two of subsection (1), and again in lines four and five of subsection (2), the words, "six years of age nor more than leaving age";
- (b) by substituting for the words, "compulsory officer" in line seven of subsection (1), and again in line two of subsection (2), the words, "welfare officer";
- (c) by adding after the word, "and" in line nine of subsection (1), the passage, "subject to the provisions of subsection (1a) of this section,";
- (d) by adding after subsection (1), the following subsection:—

(1a) Where the court is satisfied that the parent has without reasonable excuse neglected to cause the child to attend a Government or other efficient school as required by this Act, the court, if, having regard to the circumstances of the case, it thinks fit to do so, may, instead of imposing a penalty under subsection (1) of this section, refrain from recording a conviction, if the parent gives security in such form as the court approves, to secure regular attendance at school by the child

as required by this Act for such period, not extending beyond attainment by the child of leaving age, as the court fixes. ; and

(e) by repealing subsection (5).

S. 17
amended.

12. Section seventeen of the principal Act is amended—

- (a) by adding after the word, “cause” in line two of subsection (1), the words, “or suffer or allow”;
- (b) by substituting for the words, “the age of fourteen years” in line three of subsection (1), the words, “leaving age”;
- (c) by adding after the word, “causes” in line two of subsection (3), the words, “or suffers or allows”;
- (d) by substituting for the words, “five pounds” in line five of each of subsections (3) and (5), the words, “twenty pounds”; and
- (e) by repealing subsection (6).

S. 17A
added.

13. The principal Act is amended by adding after section seventeen the following section:—

Truancy.

17A. (1) A child who, without a reason which is deemed a reasonable excuse under section fourteen of this Act, absents himself, although not constantly and habitually, from school when he should be attending school as required by this Act, commits the offence of truancy.

Cf. s. 18
as to
constant
and
habitual
absence.

(2) On complaint made by a welfare officer, or by an inspector, or by any other person authorised by the Minister to make complaints

of offences against this Act, that a child has committed the offence of truancy, the child may be summoned before a children's court under the Child Welfare Act, 1947, to be charged with the offence, and the parent of the child may be summoned to attend with the child before the court.

(3) If the court is satisfied that the charge is proved, the court

- (a) may record a conviction and may release the child on probation for such period, not extending beyond the attainment by the child of leaving age, as the court fixes, on such conditions as the court imposes, and in any event on condition that during the period of probation fixed by the court the child shall attend school as required by this Act; in which case the child shall be subject to the supervision of the Child Welfare Department under that Act, during the period of probation fixed by the court; or
- (b) if, having regard to the circumstances of the case it thinks fit to do so, the court may refrain from recording a conviction if the parent gives security in such form as the court approves, to secure regular attendance at school by the child as required by this Act for such period, not extending beyond the attainment by the child of leaving age, as the court fixes.

S. 18
amended.

14. Section eighteen of the principal Act is amended—

- (a) by adding after the word, “school” in line two of subsection (1), the words, “without a reason which is deemed a reasonable excuse under section fourteen of this Act”;
- (b) by substituting for the words, “compulsory officer” in lines three and four of subsection (1), the words, “welfare officer”;
- (c) by substituting for the passage, “1907-1927” in line seven of subsection (1), the figures, “1947”;
- (d) by substituting for the words, “till the age of fourteen” in lines five and six of subsection three, the passage, “for such period, not extending beyond the attainment by the child of leaving age as the court fixes”;
- (e) by repealing subsection (4); and
- (f) by repealing subsection (6).

S. 19
amended.

15. Section nineteen of the principal Act is amended by substituting for the words, “compulsory officer” in line five, the words, “welfare officer”.

S. 20
amended.

16. Section twenty of the principal Act is amended—

- (a) by substituting for the words, “twelve shillings” in line eight of subsection (3), and again in the second last and last lines of subsection (10), the words, “two pounds ten shillings”;
- (b) by substituting for the passage commencing, “, for a first offence” and ending with the words, “two pounds” in the last three lines of subsection (6), the passage, “to a penalty of not less than one pound and not more than five pounds”; and

- (c) by adding after subsection (7) the following subsections:—

(7a) Where under this section a child is committed by the court to an institution, the order of committal, or a copy of the order of committal certified by the clerk of the court to be a copy of the order, is valid and sufficient authority

(a) for a member of the Police Force, or for a welfare officer, to take charge of the child to whom the order relates and to deliver him to the person in charge of the institution named in the order; and

(b) for the person in charge of the institution to receive the child into, and to detain the child in, the institution in accordance with the order.

(7b) (a) Where under paragraph (b) of subsection (5) of this section a child has been committed to an institution and has been detained in the institution for not less than two months, the Minister, or the Director, may issue a Certificate of Conditional Release, authorising the person in charge of the institution to release the child from detention in the institution, and to give custody of the child to the person named in the certificate, and authorising the latter person to take and have custody of the child on such conditions as are specified in the certificate, including a condition that the latter person shall cause the child to attend the institution or a school named in the certificate regularly.

(b) A Certificate of Conditional Release so issued, or a copy certified by the Director to be a copy of a Certificate of Conditional Release so issued, has effect

according to its tenor, and is valid and sufficient authority for the person in charge of the institution to release the child from detention in the institution, and to give custody of the child to the person named in the certificate, and for the latter person to take and have custody of the child on the conditions specified in the certificate.

(c) If the person to whom the custody of the child is granted by the certificate does not observe any of the conditions imposed by the certificate to the satisfaction of the Minister or of the Director, the Minister or the Director may issue an Order of Cancellation of the certificate.

(d) An Order of Cancellation so issued revives the order of committal mentioned in subsection (7a) of this section, and the Order of Cancellation, or a copy certified by the Director to be a copy of the Order of Cancellation, is of the same validity and authority for a member of the Police Force, welfare officer, or person in charge of an institution to do any of the things mentioned in subsection (7a) of this section, as the order of committal or a copy of the order of committal.

S. 21A
added.

17. The principal Act is amended by adding after section twenty-one and before the heading, "Parents and Citizens' Associations." the following section:—

Power to
appoint
persons
to make
complaints
of, and
prosecute,
offences.

21A. (1) The Minister may appoint and authorise such persons as he thinks fit to make complaints, and conduct prosecutions, of offences alleged against any of the provisions of this Part.

(2) Production by a person named in it, of a written appointment and authorisation purporting to have been made and signed by the

Minister pursuant to subsection (1) of this section, is *prima facie* evidence that the person is duly appointed and authorised under that subsection to make complaints, and conduct prosecutions, of offences alleged against any of the provisions of this Part.

18. The principal Act is amended by adding before the heading, "Parents and Citizens' Associations." preceding section twenty-two, the passage, "PART VI." Heading amended.

19. The principal Act is amended by adding before the heading, "Regulations." preceding section twenty-eight, the passage, "PART VII." Heading amended.

20. The principal Act is amended by substituting for the heading, "Miscellaneous." preceding section twenty-nine, the following heading:— Heading amended.

PART VIII.—MISCELLANEOUS PROVISIONS.

21. Section thirty-three of the principal Act is amended by substituting for the words, "compulsory officer" wherever they appear, the words, "welfare officer". S. 33 amended.

22. Section thirty-four of the principal Act is amended— S. 34 amended

- (a) by substituting for the words, "ages of six and fourteen years" in lines five and six of paragraph (a) of subsection (1), the words, "age of six years and leaving age";
- (b) by substituting for the word, "quarter" in line three of paragraph (b) of subsection (1), the word, "term"; and
- (c) by repealing subsection (3).

S. 40
added.

23. The principal Act is amended by adding after section thirty-nine the following section:—

Jurisdiction
and powers
of children's
courts.

Cf. e.g.
s. 16 (1a)
and s. 17A
(3) (b)
of this Act.

40. (1) Where this Act requires any matter to be heard and determined by a children's court or confers any jurisdiction, power, or authority on a children's court, a children's court constituted under the Child Welfare Act, 1947, may, in respect of the matter, jurisdiction, power, or authority, exercise, without prejudice to any of the provisions of that Act, any jurisdiction, power, or authority, conferred upon it by that Act.

Cf. Child
Welfare Act,
1947-1956,
Reprint
7th May,
1957,
s. 20 (c)
and s. 30.

(2) Without prejudice to the generality of subsection (1) of this section, a children's court may exercise in respect of any security given under section sixteen or under section seventeen A of this Act, the powers conferred by section eighty of the Child Welfare Act, 1947, on the court in respect of any security mentioned in section eighty of that Act.
