

EDUCATION.

1° Elizabeth II., No. XXX.

No. 30 of 1952.

AN ACT to amend the Education Act, 1928-1943.

[Assented to 5th December, 1952.]

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, 1952*. Short title and citation.

(2) In this Act the Education Act, 1928-1943, Act No. 33 of 1928 as amended by Acts Nos. 43 of 1929, 7 of 1930 and 30 of 1943, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Education Act, 1928-1952.

2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

3. Section three of the principal Act is amended by deleting the definition "Kindergarten" and substituting a definition as follows— S.3 amended.

"Kindergarten" means an assembly at appointed times of three or more children of not less than two nor more than six years of age for all or any of the following purposes: supervision, exercise, play, observation,

imitation and construction and includes a nursery school, play centre or any similar institution, but does not include an assembly of children, all of whom are members of the same family or of not more than two families.

S. 7 repealed
and
re-enacted.

4. Section seven of the principal Act is repealed and re-enacted as follows—

7. (1) The Governor may—

- (a) subject to the provisions of the Public Service Act, 1904-1950, appoint a Director of Education and such other officers as he deems necessary for the purposes of this Act; and
- (b) appoint or delegate to the Minister the appointment of teachers and other officers.

(2) The Minister may transfer any teacher from one school to another school, or promote any teacher, either on transfer or otherwise, subject to the regulations relating to the Board of Classifiers.

(3) Teachers are not subject to the Public Service Act, 1904-1950.

New s. 7A
added.

5. The principal Act is amended by adding after section seven a section as follows—

Conditions
under which
aliens
employed.

7A. (1) A person shall not be appointed permanently to the teaching staff of the Education Department unless he is a natural born or naturalised subject of Her Majesty.

(2) A person who is not a natural born or naturalised subject of Her Majesty may be appointed temporarily to the teaching staff of the Department.

S. 13
amended.

6. Section thirteen of the principal Act is amended by—

- (a) deleting paragraph (c) of subsection (1);
- (b) substituting for the words "provided by the Minister" in line four of paragraph (d) and paragraph (e) of subsection (1) the word "available";

- (c) deleting the second proviso to paragraph (e) of subsection (1) and substituting the following—

Provided also that where in accordance with the regulations a grant, at a prescribed rate per day is made to and accepted by the parent or guardian of a child who rides, drives or is conveyed to school, in lieu of a satisfactory means of conveyance being available, then in such case a satisfactory means of conveyance shall be deemed to be available within the meaning of paragraphs (d) and (e) of this section.

7. Section fourteen of the principal Act is amended by substituting for the words, "an inspector of schools" in the last line of paragraph (a) the words "a Superintendent of Education".

S. 14
amended.

8. Subsection (1) of section sixteen of the principal Act is amended by substituting for all the words in lines ten and eleven the words "penalty of not less than one pound nor exceeding five pounds"

S. 16
amended.

9. Section twenty of the principal Act is amended by—

S. 20
amended.

- (a) repealing subsection (1) and substituting the following subsection—

(1) It shall be the duty of a parent of a blind, deaf, mute, cerebrally palsied or mentally defective child—

Blind, deaf,
mute,
cerebrally
palsied and
mentally
defective
children.
Cf. No. 55 of
1919, s. 2.

(a) in the case of a deaf or mute child to notify the Minister in writing of the name and whereabouts of the child within one month after he attains the age of three years;

(b) in the case of a blind cerebrally palsied or mentally deficient child to notify the Minister in writing of the name and whereabouts of the child within one month after he attains the age of four years;

- (c) to provide efficient and suitable education for the child from an age to be determined in each case by the Minister, until he attains the age of sixteen years.;
- (b) inserting after the word "to" in line one of paragraph (a) of subsection (4) the words "give notice to the Minister or to";
- (c) deleting the word "or" in line three of paragraph (a) of subsection (12) and inserting after the word "speech" in that line the words "or mind";
- (d) deleting the word "or" in line seven of paragraph (a) of subsection (12) and inserting after the word "mute" the words "cerebrally palsied or mentally defective";
- (e) deleting the word "or" in line two of paragraph (b) of subsection (12) and inserting after the word "mute" the words "cerebrally palsied or mentally defective";
- (f) deleting the word "or" in line two of subsection (13) and inserting after the word "mute" the words "cerebrally palsied or mentally defective";
- (g) substituting for the figures "1907-1927" in lines three and four of subsection (13) the figures "1947-1950";
- (h) adding a new subsection as follows—

(14) The Minister or any person authorised by him to grant exemption under this section, may by writing under his hand grant exemption from all or any of the provisions of this section, in respect of a blind, deaf, mute, cerebrally palsied or mentally defective child, if by reason of the poverty or sickness of any parent of the child, or other pressing necessity he deems it necessary so to do.

Exemption
from this
section may
be granted.

S. 28
amended.

10. Section twenty-eight of the principal Act is amended by—

- (a) deleting paragraph (f) of subsection (1);
- (b) substituting for the word "inspectors" in line two of paragraph (i) of subsection (1) the words "Superintendents of Education";

(c) inserting after the word "admission" in line four of paragraph (n) of subsection (1) the words, "training, examination";

(d) inserting in subsection (1) after paragraph (p) a new paragraph as follows—

(pl) The terms, reservations and conditions upon which any property vested in the Minister under this Act may be leased to a teacher for living quarters. ;

(e) deleting subsections (3), (4) and (5).

11. Section twenty-eight A of the principal Act is repealed. S. 28A repealed.

12. Section thirty-two of the principal Act is repealed. S. 32 amended.

13. The principal Act is amended by adding after section thirty-two the following sections— Ss. 32A-32D added.

32A. (1) The proprietor, head master or principal teacher of any school which provides instruction up to and including the leaving certificate examination of the Public Examinations Board of Western Australia, shall apply to the Minister, within one month from the commencement of the Education Act Amendment Act, 1952, or the establishment of the school, to have the school registered in the register of efficient schools kept in the Education Department for the purpose. Power to inspect any school teaching to leaving certificate standard.

Penalty: Ten pounds.

(2) This section shall not apply to a school which on the commencement of the Education Act Amendment Act, 1952, is included in the latest list of schools, published in the *Gazette*, which have been inspected and found efficient or have been certified to be efficient for the purpose of this Act.

32B. (1) The Minister shall cause the school in respect of which application for registration under subsection (1) of section thirty-two A of this Act has been made to be visited by a Superintendent of Education for the purpose of Inspection of schools applying to be found efficient.

inspecting the school or the scholars attending the school, if upon inspection the school is found to be efficient as to the instruction given the Minister shall certify the school to be efficient for the purposes of this Act and shall cause the school to be included in the register of efficient schools.

List of efficient schools to be published.

(2) The Minister shall cause a copy of the list of schools which have been inspected and found efficient, together with the names of the proprietors, head masters or principal teachers of the schools to be published from time to time in the *Gazette*.

Removal of schools from list of efficient schools.

(3) The Minister may from time to time cause a school included in the register of efficient schools to be inspected by a Superintendent of Education and may remove from the register a school that at any time is found on inspection not to be efficient and a school which is so removed from the register thereupon ceases to be an efficient school.

Teaching to be in English language except instruction in prescribed foreign language and literature.

32C. (1) It shall be the duty of a head teacher of a school to ensure that for the whole of the period of time in each week that the school is open for instruction, except any time occupied in teaching a prescribed foreign language or the literature thereof, the instruction given at the school is given through the medium of the English language.

(2) If the head teacher of a school fails to comply with the provisions of this section, the head teacher and the proprietor of the school shall be liable to a penalty not exceeding twenty-five pounds and in the case of continuing offence to a further fine of ten pounds for each week during which the offence continues.

32D. (1) For the purpose of ascertaining whether all the children attending a school are being instructed through the medium of the English language, to the extent required by section thirty-two C of this Act, a 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.

(2) A proprietor, and head teacher of a school shall afford all such facilities as they respectively are able, for any investigation authorised by this section, and a person shall not in any way interfere with or obstruct any person in the exercise of any power under this section.

Penalty: One hundred pounds.

14. Section thirty-three of the principal Act is amended by— S. 33
amended.

- (a) substituting for the words “an inspector of schools” in lines seven and ten the words “a Superintendent of Education”;
- (b) substituting for the words “inspector of schools” in line fourteen the words “Superintendent of Education”.

15. Section thirty-four of the principal Act is amended by substituting for the words “a quarterly summary of attendance in the form of the Fourth Schedule to this Act”, in lines three and four of paragraph (b) of subsection (1) the words “such statistical information as may be prescribed”. S. 34
amended.

16. The Fourth Schedule to the principal Act is repealed. Fourth
Schedule
repealed.

17. Section thirty-four A of the principal Act is amended by substituting for the word “inspectors” in lines three and six of paragraph (a) of subsection (9) the words “Superintendents of Education”. S. 34A
amended.

18. The principal Act is amended by adding after section thirty-seven the following sections— Ss. 37A and
37B added.

37A. Where an agreement in the form prescribed by the regulations is entered into between the Minister and a student either alone or with others, setting out the terms and conditions upon which the student is admitted to the teachers college, if the parent or guardian of the student, or if he has no parent or guardian, Student
bound by
agreement.

a stipendiary magistrate, endorses his consent to the execution by the student of the agreement, the student and all other parties to the the agreement shall notwithstanding that the student was under the age of twenty-one years when he executed the agreement, be bound by each and every term and condition expressed therein to be binding upon him or them.

37B. Notwithstanding the provisions of section thirty-seven A of this Act or any other Act or law or rule or practice of law—

- (a) where before the commencement of the Education Act Amendment Act, 1952, an agreement in writing has been made, between the Minister and a student either alone or with others, setting out the terms and conditions upon which the student was admitted to the teachers college, the student and all other parties to the agreement, shall notwithstanding that the student was under the age of twenty-one years when he executed the agreement, be bound by each and every term and condition expressed therein to be binding upon him or them;
- (b) a bond entered into before the commencement of the Education Act Amendment Act, 1952, whether jointly or severally by a party to the agreement or by any person not being a party to the agreement, conditioned on the due performance and observance by the student of the terms and conditions on his part to be performed and observed and contained in the agreement shall if the student has accepted any financial assistance under the agreement, be deemed to be valid and binding on that party or that person on and from the date thereof;
- (c) if at any time before or after the commencement of the Education Act Amendment Act, 1952, the student does not perform or observe the terms and

Bonds entered into and agreements made by students and others before passing of Education Act Amendment Act, 1952, valid.

conditions on his part to be performed, observed and contained in the agreement, a person who entered into a bond conditioned on the due performance or otherwise of the terms and conditions by the student, shall be liable to pay the sum on which the bond is conditioned to Her Majesty or otherwise as the bond provides.
