

PUBLIC EDUCATION.

17° GEO. V., No. XXX.

No. 30 of 1926.

AN ACT to amend the Law relating to Public Elementary Education.

[Assented to 8th December, 1926.]

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

Short title.

1. This Act may be cited as the *Public Education Acts Amendment Act, 1926*.

Amendment of sec.
10 of 63 Vic. No. 2.

2. Section ten of the Public Education Act, 1899, is hereby amended as follows:—

- (a) By omitting the words "in the name of the Minister" in the first paragraph, and inserting after the words "Court of summary jurisdiction" the words "on the complaint of a compulsory officer or an inspector, or of any other person authorised in that behalf by the Minister";
- (b) By omitting all the words in the first paragraph after the words "subsequent offence" to the end of that paragraph; and
- (c) By omitting the words "that the proceedings are authorised by the Minister" in the second paragraph, and inserting in place thereof "in the complaint that the complainant is a compulsory officer or inspector, or a person authorised in that behalf by the Minister."

Amendment of sec.
3 of No. 6 of
1905.

3. Section three of the Public Education Amendment Act, 1905, is hereby amended by omitting the words "in

the name of the Minister ” in subsection one and inserting in place thereof the words “ on the complaint of a compulsory officer or an inspector or of any other person authorised in that behalf by the Minister.”

4. Section four of the Public Education Amendment Act, 1905, is hereby amended as follows:—By inserting in line two of subsection one thereof, after the word “ elementary,” the words “ or secondary ”; and by inserting in line seven of paragraph (a) of the said subsection one after the word “ and,” the words “ a list of all scholars between those ages who have been admitted, with the date of admission, and the name of the last school attended, and a list.”

Amendment of sec. 4 of Act No. 6 of 1905.

5. Section two of the Public Education Amendment Act, 1907, as amended by the Public Education Acts Amendment Act, 1919, is hereby further amended as follows:—

Amendment of sec. 2 of Act No. 2 of 1907.

(1) In paragraph (d) thereof the words “ there is a Government or efficient school within six miles of such child’s residence and ” are omitted, and the words “ to a Government or efficient school ” are inserted after the word “ conveyance ” in line five.

(2) In paragraph (e) thereof the words “ there is a Government or efficient school within eight miles of such child’s residence and ” are omitted, and the words “ to a Government or efficient school ” are inserted after the word “ conveyance ” in line five.

(3) A proviso is added to the section as follows:—

Provided also that, subject to the regulations, a grant at a prescribed rate per day may be made to the parent or guardian of a child who rides to school, in lieu of the provision by the Minister of any other means of conveyance ; and in such case the Minister shall be deemed to have provided a satisfactory means of conveyance, within the meaning of paragraphs (d) and (e) of this section.

6. (1) Any teacher in the service of the Education Department who, for alleged misconduct or breach of the regulations, is—

Teachers’ Appeal Board.

(a) fined any amount in excess of fifteen shillings ;

- (b) transferred at his own expense ;
- (c) reduced to a lower class or grade ;
- (d) reduced from any position to a position carrying a lower salary ; or
- (e) dismissed ;

may appeal to an Appeal Board constituted as hereinafter provided.

(2) The Appeal Board shall consist of the following persons :—

- (a) A Police or Resident Magistrate to be appointed by the Governor, and to be the Chairman of the Board.
- (b) A representative of the Director of Education, to be appointed by him.
- (c) The representative of the teachers, or his deputy for the time being, on the Public Service Appeal Board constituted under the Public Service Appeal Board Act, 1920.

(3) Notice of appeal to the Board shall be given to the Director of Education within one month after receipt of the notification of the decision appealed against, and the appeal shall be heard as soon as practicable after the date of the notice being so given. The sum of two pounds shall be deposited by appellant as security for costs.

(4) The decision of any two members of the Board shall be the decision of the Board.

(5) On any such appeal the following provisions shall apply :—

- (a) The Board may admit evidence taken at any departmental inquiry at which the appellant was present and had an opportunity of hearing the evidence and of giving evidence.
- (b) Evidence of witnesses resident more than twenty miles from the place of the sitting of the Board may be taken by affidavit or otherwise, as prescribed by the Board.
- (c) All evidence shall be taken on oath.
- (d) The teacher may conduct his case in person or by an agent, but no legal practitioner shall appear on behalf of the appellant or the department.

- (e) The Board may regulate its own procedure and shall have the same powers as to witnesses, papers, and documents as the Public Service Appeal Board constituted under the Public Service Appeal Board Act, 1920.
- (f) The Board may confirm, modify, or reverse any decision, determination, or finding appealed against, and the decision of the Board shall be final and be given effect to.
- (g) The Board may, in its discretion, fix the costs of any appeal, and direct by whom and in what manner the costs shall be paid.
- (h) Any costs awarded against an appellant shall be recoverable as a debt due to the Crown.
- (i) Any costs awarded to an appellant shall be payable by the Department.

(6) An appeal shall not be heard in public, unless for some special reason the Board deems it advisable that it should be so heard.

7. All copies of the Public Education Act, 1899, hereafter printed by the Government Printer shall be printed as amended, under the supervision of the Clerk of Parliaments. In such reprint section two of the Public Education Amendment Act, 1907, as amended, shall be inserted in place of the repealed section six, and sections three and four of the Public Education Amendment Act, 1905, shall be inserted in place of the repealed section thirteen and as section seventeen A respectively, and the words "the Interpretation Act, 1918," shall be substituted for the words "the Interpretation Act, 1898," in section twenty, and the schedules to the Public Education Amendment Act, 1905, when inserted shall be numbered the Second and Third Schedules.

Act of 1899 to be
reprinted as
amended.