

# PUBLIC EDUCATION.

10° GEO. V., No. XLIII.

No. 55 of 1919.

## AN ACT to further amend the Acts relating to Public Elementary Education.

[Assented to 17th December, 1919.]

**B**E 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, 1919*, and shall be read as one with the Public Education Act, 1899, and the other Acts relating to public elementary education.

Blind, deaf, and  
mute children.  
Cf. S.A. No.  
1223, s. 47.  
Vict., 2301,  
1911, s. 40.  
N.Z., 56, 1914,  
s. 127.

2. (1.) It shall be the duty of every parent of a blind, deaf, or mute 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.

Institutions for  
such children.

(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 Education 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 periodical sum or sums towards the cost of the education or maintenance and education thereof of the child as is or are agreed between such parent and the Minister.

Maintenance.

(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 education or maintenance and education of such child, make an order that the parent shall pay such periodical sums, not exceeding ten

shillings a week, towards the cost of the education or maintenance and education of the child as the court deems proper and are specified in the 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 reasonable excuse 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 order of commitment shall state the period of detention, which period shall terminate not later than the time when the child will attain the age of sixteen years.

(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.

Proceedings  
on failure to  
provide educa-  
tion.

Order of  
Court.

Duty of parent  
if ordered to  
send child to  
an institution.

When child  
committed to  
an institution.

Removal to  
another institu-  
tion.

Cost of main-  
tenance at in-  
stitution.

(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.

Variation of  
maintenance  
order.

(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 parent 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 per week.

Notice of appli-  
cation for main-  
tenance.

(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.

Evidence.

(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, or speech 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, or mute, according to the nature of the certificate.

- (b) whether efficient and suitable instruction is being provided for a blind, deaf, or mute 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, or mute children, and "court" means a court of summary jurisdiction. Meaning of "Institution," and "Court."

3. Section two of the Public Education Amendment Act, 1907, is hereby amended by the insertion of the following paragraphs immediately after paragraph (c) thereof, that is to say,— Amendment of Section 2 of the Public Education Amendment Act, 1907.

- (d) The parent of every child of not less than six nor more than nine years of age shall, if there is a Government or efficient school within six miles of such child's residence, and satisfactory means of conveyance is provided by the Minister so that the distance to be travelled by the child on foot does not exceed one mile, cause such child to attend such school on the days on which the school is open. The Minister shall be sole judge of the question whether the means of conveyance is satisfactory.

- (e) The parent of every child of not less than nine nor more than fourteen years of age shall, if there is a Government or efficient school within eight miles of such child's residence, and satisfactory means of conveyance is provided by the Minister so that the distance to be travelled by the child on foot does not exceed two miles, cause such child to attend such school on the days on which the school is open. The Minister shall be sole judge of the question whether the means of conveyance is satisfactory.

4. Section ten of the Public Education Act, 1899, is hereby amended by the insertion of the words "in accordance with this Act" immediately after the words "efficient school." Amendment of Section 10 of the Public Education Act, 1899.