



Western Australia.

ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

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No. III.

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

[Assented to, 5th October, 1899.]

BE it enacted by the Queen'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:—

1. THIS Act may be cited as the Public Education Act, 1899, and shall be read with the other Acts relating to public education.

Short title and incorporation.

2. THE Act of the Fifty-eighth year of Her now Majesty, numbered thirty, is hereby repealed.

Repeal of 58 Vict., 30.

3. IN this Act, save so far as the context otherwise requires,—

Interpretation.

“Compulsory Officer” means a person employed by the Minister to secure the attendance of children at school.

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“Efficient Schools” are schools certified by the Minister to be efficient for the purposes of this Act.

“Government School” means any school established under the Elementary Education Act, 1871, or any Act amending that Act.

“Justice” means a Justice of the Peace.

“Minister” means the member of the Executive Council appointed by the Governor to administer this Act.

“Parent” includes guardian and every person who is liable to maintain or has the actual custody of any child.

“Teacher” includes assistant teacher, or any person forming part of the educational staff of a school.

Education *gratis*  
to children under 14  
years of age.

4. NO fees shall be paid by or for children between six or fourteen years of age attending any Government elementary school.

Scale of fees after  
14.

5. THE Minister may authorise and determine a scale of fees to be paid by—

(a.) The parent of any child who has attained the age of fourteen years, and whose parent desires that such child should be instructed in a Government school beyond the compulsory age for such instruction; and

(b.) Any person for his or her own instruction in any Government school other than Government elementary school.

Fees, to whom payable, and how recoverable.

57 Vict., 16, s. 17.

All such fees for instruction shall be paid to and received by the several persons authorised in that behalf by the Minister, and may be recovered summarily by the person so authorised, before a Court of summary jurisdiction; and the production of a document, in writing, purporting to be signed by the Minister, authorising any person to collect such fees, or a copy of the *Government Gazette* containing published therein a notice to that effect, shall be *primâ facie* proof that such person is so authorised.

Compulsory attendance.

6. UNLESS some reasonable excuse for non-attendance is shown—

(1.) 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 two miles of such child's

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residence measured by the nearest road, cause such child to attend such school on such days as the school shall be open ;

- (2.) 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 three miles of such child's residence measured by the nearest road, cause such child to attend such school on the days on which the school is open ;

Provided always, that a continuous attendance of two hours for secular instruction by any such child shall count as half-a-day's attendance.

7. ANY of the following reasons shall be deemed a reasonable excuse :—

*Reasonable excuse.*

*Ibid., s. 5.*

- (1.) That the child is under efficient instruction at home or elsewhere ; and whether such instruction is efficient or not shall be a matter for the decision of the Minister, who may require the report of an inspector of schools thereon.
- (2.) That the child has been prevented from attending school by sickness, danger of infection, temporary or permanent infirmity, or any unavoidable causes ; but such excuse shall not be entertained unless the parent has given the teacher notice thereof, in writing, within seven days after the occurrence of such prevention. A medical certificate must be produced if required by the Minister.

8. THE Minister may, at his discretion, excuse from attendance children who are required to help in the fields at harvest time, or other special periods of the year.

*Minister may excuse certain children at certain times.*

9. THE Minister may from time to time appoint officers whose duty it shall be to enforce the attendance required by this Act, and the officers so appointed shall be empowered to accost in the streets or other public places, and obtain the names and addresses of children of school age who are apparently not in attendance at school.

*Truant officers may accost children in public places.*

10. THE parent of any child of not less than six nor more than fourteen years of age, who, without reasonable excuse, neglects to cause such child to attend a Government or other efficient school, may be summoned, in the name of the Minister, before a Court of summary jurisdiction, and shall be guilty of an offence against this Act, punishable upon conviction before such Court, and shall be liable to pay a penalty not exceeding Five shillings for the first offence,

*Penalties for neglect.*

*58 Vict., 30, s. 6.*

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and not exceeding Twenty shillings for every subsequent offence: And for the purposes of this section the Minister may be represented in any such Court by a compulsory officer or inspector, without such representative being obliged to produce any special authority therefor further than the *prima facie* evidence of his appointment to such office.

Onus of proof.

And the allegations that the proceedings are authorised by the Minister, and that a child is not less than six nor more than fourteen years, and that the parent thereof neglects to cause such child to attend such school without reasonable excuse as aforesaid, shall be deemed *prima facie* evidence of the fact until the contrary is proved, and in every case the parents of a child may be witnesses.

Certificate of attendance or non-attendance.

**11.** A CERTIFICATE purporting to be under the hand of the principal teacher of a Government or efficient school stating that a child is or is not attending such school, or stating the particulars of attendance of a child at such school, shall be evidence of the facts stated in such certificate.

Employment of children of compulsory age.

**12.** A PERSON shall not, after the commencement of this Act, take into his employment during school hours any child who by reason of his age is not exempt from school attendance. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction before a Court of summary jurisdiction, to a penalty not exceeding Forty shillings. A parent who employs his child in any labour exercised by way of trade or for the purpose of gain is to be deemed, for the purposes of this Act, to take the child into his employment.

The Minister may, at his discretion, give special exemption for children between the ages of twelve and fourteen, in case of poverty or sickness of the parents.

Children beyond control of parents.

**13.** IF a Justice is satisfied by the parent or guardian that he has used all reasonable efforts to cause the child to attend school, but that the child is beyond his control, the Justice may, without inflicting a penalty, order the child to be sent to a certified Industrial School till the age of fourteen. The parent, or other person for the time being legally liable to maintain the child, shall, if of sufficient ability, contribute to his maintenance and training therein a sum not exceeding Ten shillings a week, the exact amount to be assessed by the Justice at the time of the committal of such child: Provided that a Court of summary jurisdiction may from time to time vary the amount in accordance with the means of the person so ordered to contribute, but so as his contribution shall not exceed Ten shillings a week.

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After a detention of not less than two months children may be given a license to live out of the school, but the license shall be conditional upon the child attending regularly some school named in the license being a Government or efficient school. The license can be revoked by direction of the Minister whenever the child ceases to attend regularly, and the teacher in charge of the school to which the child is licensed shall notify to the Department weekly the attendance of the child.

14. THE Minister may refuse the admission of any child to any Government school if accommodation has been provided for such child in another Government school nearer to his dwelling place, or if there is more suitable accommodation in some other Government school within the prescribed distance.

Minister may refuse admission to Government school in certain cases.

15. THE Minister, from time to time, may cause an educational census to be taken of all children within any area, and upon notice of such census appearing in the *Government Gazette* the Minister shall appoint some person to call at every house within such area, and every householder shall thereupon give such information to such person as enables him to fill up the form of return in the Schedule hereto; or, if from any cause such information is not then given, such person may thereupon leave at the house of any householder neglecting to give such information a copy of such form of return, and after the expiration of seven days call for the same; and every householder at whose house such form of return has been left shall, within seven days, fill up the same or cause it to be filled up, and return it when called for; and whenever and as often as any householder neglects to fill up such form of return or cause the same to be filled up, and to return the same when called for, or wilfully fills the same up with an untrue statement, or gives false information to such person aforesaid, the householder shall be guilty of an offence against this Act, and summarily punishable upon conviction before a Court of summary jurisdiction and shall be liable to pay a sum not exceeding Five pounds for every such offence, and in default of the payment thereof he shall be liable to a term of imprisonment not exceeding one month.

Census may be taken.

Schedule.

16. THE proprietor, headmaster, or principal teacher of any school, not being a Government school, may apply to the Minister, in writing, to have such his school found "efficient" for the purposes of this Act; and upon such application being made, the Minister shall forthwith cause such school to be inspected by an inspector of schools; and if, upon inspection, such school is found to be efficient as to the instruction given in reading, writing, arithmetic, spelling, and geography as required by this Act or the Regulations, the Minister shall cause such school to be included in a list of schools

All schools other than a Government school may be found efficient.

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which have been inspected and found efficient, or certified to be efficient as hereinafter mentioned, for the purposes of this Act; and the Minister shall cause a copy of such list, with the names of the proprietors, headmasters, or principal teachers of all schools therein included, to be published from time to time, at intervals of not more than twelve months, in the *Government Gazette*; and the Minister may from time to time cause any school included in such list to be inspected by an inspector of schools, and remove from the list any school that at any time is found on inspection not to be efficient as aforesaid; and any school so removed from the list shall thereupon cease to be efficient for the purposes of this Act: Provided always, that the Minister may, if he is satisfied that any school is efficient as aforesaid, certify that such school is efficient without inspection, and upon any school being so certified the Minister shall include such certified school in the list.

Schools other than Government to keep registers of attendance and supply information.

**17.** THE proprietor, headmaster, or principal teacher of any school not being a Government school established under an Act relating to public education, shall keep a register or list of attendances of all scholars attending his school, in a form approved by the Minister of Education, which shall be open to inspection at such times in every year as may be mutually agreed upon by an inspector of schools, compulsory officer, or other person duly authorised by the Minister, and such proprietor, headmaster, or principal teacher shall furnish, when required, to an inspector of schools, compulsory officer, or other person duly authorised by the Minister, either in writing or verbally, any information concerning the attendance of any scholar entered on the roll of his school, and shall allow the said inspector of schools, compulsory officer, or other person duly authorised by the Minister, to inspect and make copies from the said register.

Penalty for disturbance.

**18.** ANY person who wilfully disturbs any State or other school established under any of the Acts relating to public education, or who upbraids, insults, or abuses any teacher in the presence or hearing of the pupils assembled in such school, shall be guilty of an offence against this Act, summarily punishable upon conviction before a Court of summary jurisdiction, and shall be liable to a penalty not exceeding Forty shillings and not less than Ten shillings.

Regulations as to examinations for certain bursaries and scholarships.

**19.** ALL bursaries and scholarships granted by the Governor out of the public funds shall be open for competition among children being educated at any Government or other efficient school; and the Governor may, from time to time, make regulations for the conduct of, and subjects for, the examinations for such bursaries and scholarships.

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**20.** SECTIONS A, C, F, G, and H of the Second Schedule to the Interpretation Act, 1898, are incorporated with this Act.

Sections of Schedule  
2 of Interpretation  
Act incorporated.

In the name and on behalf of the Queen I hereby assent  
to this Act.

GERARD SMITH, Governor.

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Section 15.

### SCHEDULE.

PUBLIC EDUCATION ACT, 1899.

*Return of Children below the Age of Fourteen Years.*

No.	Name of each child in full.	Sex.	Age.	Where under instruction, showing whether at home, or at private or other school.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

I, \_\_\_\_\_ of \_\_\_\_\_, certify the above to be a true return concerning all children below the age of fourteen years, now residing in this dwelling house.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 1 \_\_\_\_\_.

(Signature or mark, with witness thereof, of person certifying.)

To \_\_\_\_\_, residing at \_\_\_\_\_

TAKE NOTICE that this return will be called for on or after the \_\_\_\_\_ day of \_\_\_\_\_, 1 \_\_\_\_\_, and that any householder neglecting to fill it up by that day, and return it when called for, or wilfully filling it up with an untrue statement, or giving false information to the person leaving the same, is liable on conviction to a penalty not exceeding Five pounds, or in default to one month's imprisonment.