

WESTERN AUSTRALIA

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# ACTS AMENDMENT (EDUCATION) ACT

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No. 7 of 1988

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AN ACT to amend the *Education Act 1928* and certain other Acts.

[Assented to 30 June 1988]

The Parliament of Western Australia enacts as follows:

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *Acts Amendment (Education) Act 1988*.

### Commencement

2. The provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

## PART 2—EDUCATION ACT 1928

**Principal Act**

3. In this Part the *Education Act 1928*\* is referred to as the principal Act.

[\*Approved for reprint 19 July 1984 and amended by Acts Nos. 94, 118 and 121 of 1984, 98 of 1985, 63 of 1986 and 113 of 1987.]

**Section 3 amended**

4. Section 3 of the principal Act is amended—

(a) by inserting after the definition of “care-centre” the following definition—

“ “chief executive officer” means the person holding or acting in the office of chief executive officer of the department; ”;

(b) by deleting the definition of “Department” and substituting the following definition—

“ “department” means the department of the Public Service principally assisting the Minister in the administration of this Act; ”; and

(c) by deleting the definition of “Director-General”.

**Section 4 repealed**

5. Section 4 of the principal Act is repealed.

**Section 7 amended**

6. Section 7 of the principal Act is amended—

(a) in subsection (1) by deleting “Director-General of Education” and substituting the following—

“ chief executive officer ”; and

(b) in subsection (3) by deleting “Director-General” and substituting the following—

“ chief executive officer ”.

**Section 8 repealed and a section substituted**

7. Section 8 of the principal Act is repealed and the following section is substituted—

Chief executive officer

“ 8. Subject to the Minister, the chief executive officer is responsible for the administration of this Act. ”.

**Section 9 amended**

8. Section 9 of the principal Act is amended by deleting “Department of Education” and substituting the following—

“ department ”.

**Section 9A repealed and a section substituted**

9. Section 9A of the principal Act is repealed and the following section is substituted—

Assistance in respect of students at  
non-government schools

“ 9A. (1) In this section unless the context otherwise requires—

“non-government school” means an efficient school conducted by a person, body or organization other than the Minister or the State;

“non-government school system” means a number of non-government schools that in the opinion of the Minister constitute a school system;

“prescribed scholar” means a scholar attending a non-government school who is a permanent resident in Australia.

(2) Subject to this section moneys appropriated by Parliament for the assistance of non-government schools and scholars attending non-government schools shall be applied with respect to prescribed scholars and, for the purpose of applying those moneys, the Minister may by notice published in the *Government Gazette* declare the purposes for which and the manner in which such moneys will be applied.

(3) The Minister may by notice published in the *Government Gazette* amend or repeal any notice under subsection (2).

(4) A notice under subsection (2) or (3) shall take effect on such day as is specified in the notice which may include a date earlier than the date on which the notice is published.

(5) Without derogating from the generality of subsection (2) a notice under this section may—

- (a) provide for any moneys payable under the notice to be made payable to a body or organization operating a non-government school system;
- (b) provide for guidelines to be issued by the Minister from time to time expressing the principles upon which assistance will be given;
- (c) provide for loans to be made to non-government schools or non-government school systems and for interest payable in respect of loans of moneys borrowed for the establishment, construction or acquisition of land, buildings, plant and equipment by non-government schools and non-government school systems to be subsidized and for repayments of such loans to be made on the terms fixed by the Minister;
- (d) provide that any moneys not applied to the purposes specified in the notice may, with the approval of the Minister, be applied to any other purpose approved by the Minister;
- (e) provide for any moneys or assistance provided under this section to be subject to such conditions, limitations or restrictions as are specified in the notice.

(6) Notwithstanding anything in this section, a notice under this section may provide that where the Minister considers that exceptional circumstances justify assistance being given to a scholar attending a non-government school who is not a prescribed scholar, the Minister may approve of moneys mentioned in subsection (2) being applied with respect to the scholar subject to such conditions, limitations or restrictions as the Minister thinks fit.

(7) The Minister may require any body or organization to whom or to which money or other assistance is provided under this section to furnish to the Minister a report as to the application of the moneys or assistance so provided and the benefits obtained by the scholars and may, where the Minister is of the opinion that any money or assistance has not been applied in accordance with a

notice under this section, or, where the body or organization fails or refuses to provide the report, as requested, or where any condition, limitation or restriction is not complied with, recover any such money or the amount of such assistance as a debt in any court of competent jurisdiction.

(8) The provisions of section 43 (7), (8) and (9) of the *Interpretation Act 1984* apply in relation to a notice as though a notice were subsidiary legislation. ”.

### Section 29 amended

10. Section 29 of the principal Act is amended in subsection (1) (b) by deleting “Director-General of Education” and substituting the following—

“ chief executive officer ”.

### General amendments

11. (1) The principal Act is amended in the provisions specified in the Table to this subsection by deleting “Education Department” wherever occurring and substituting in each case the following—

“ department ”.

#### TABLE

Sections 17A (3) (a), 26 (2), 27B (3), 27C, 28 (1) (d1), 32A (1), 34 (1).

(2) The principal Act is amended in the provisions specified in the Table to this subsection by deleting “Director-General” wherever occurring and substituting in each case the following—

“ chief executive officer ”.

#### TABLE

Sections 7C, 7D, 14 (a), 17B (1), 20G (4), 21B, 27B (3) and (4).

## PART 3—COLLEGES ACT 1978

**Colleges Act 1978 amended**

12. Section 11 of the *Colleges Act 1978\** is amended in subsection (2) (a)—

(a) by deleting “Education Department of Western Australia” and substituting the following—

“ department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act (in this paragraph referred to as “the department”); and

(b) by deleting “Education Department” and substituting the following—

“ department ”.

[\*Act No. 100 of 1978 as amended by Acts Nos. 36 of 1980, 51 of 1983, 98 of 1985 and 113 of 1987.]

PART 4—COUNTRY HIGH SCHOOL HOSTELS  
AUTHORITY ACT 1960**Country High School Hostels  
Authority Act 1960 amended**

13. Section 3 of the *Country High School Hostels Authority Act 1960\** is amended by deleting the definition of “Minister”.

[\*Approved for reprint 7 April 1971 and amended by Acts Nos. 62 of 1972, 75 of 1979, 98 of 1985 and 113 of 1987.]

PART 5—CURTIN UNIVERSITY OF TECHNOLOGY  
ACT 1966**Principal Act**

14. In this Part the *Curtin University of Technology Act 1966\** is referred to as the principal Act.

[\*Approved for reprint 2 September 1975 and amended by Acts Nos. 61 of 1977, 37 of 1981, 59 of 1982, 51 of 1983, 77 and 98 of 1985 and 96 of 1986.]

**Section 4 amended**

15. Section 4 of the principal Act is amended in subsection (1) by deleting the definition of “Minister”.

**Section 9 amended**

16. Section 9 of the principal Act is amended in subsection (1) by deleting paragraph (c) and substituting the following paragraph—

- “ (c) the person for the time being holding the office of chief executive officer of the department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act or a person nominated in writing to the Minister by the chief executive officer of that department; ”.

## PART 6—INDUSTRIAL RELATIONS ACT 1979

**Principal Act**

17. In this Part the *Industrial Relations Act 1979*\* is referred to as the principal Act.

[\*Reprinted as at 12 May 1985 and amended by Acts Nos. 42 and 98 of 1985 and 82 and 119 of 1987.]

**Section 73A amended**

18. Section 73A of the principal Act is amended in subsection (1)—

- (a) by inserting after the definition of “Chairman” the following definition—

“ “chief executive officer” means the chief executive officer of the Department; ”;

- (b) by deleting the definition of “Department” and substituting the following definition—

“ “Department” means the department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act; ”;

and

- (c) by deleting the definition of “Director-General”.

**General amendment**

19. The principal Act is amended by deleting “Director-General” wherever occurring in the provisions specified in the Table to this section and substituting in each case the following—

“ chief executive officer of the Department ”.

## TABLE

78 (1) (b) (i), 78 (1) (b) (ii), 78 (2) (a) (i), 78 (2) (b), 78 (2) (c), and 80 (2) (b).

PART 7—*LIBRARY BOARD OF WESTERN AUSTRALIA*  
*ACT 1951*

***Library Board of Western  
Australia Act 1951 amended***

20. Section 5 of the *Library Board of Western Australia Act 1951*\* is amended—

(a) in subsection (3) by deleting “Director-General of Education” and substituting the following—

“ chief executive officer of the department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act ”; and

(b) in subsection (9) (aa) by deleting “Department of Education” and substituting the following—

“ department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act ”.

[\*Approved for reprint 17 May 1984 and amended by Acts Nos. 98 of 1985 and 75 and 113 of 1987.]

## PART 8—LITTER ACT 1979

**Litter Act 1979 amended**

21. Section 9 of the *Litter Act 1979*\* is amended in subsection (1) (g) by deleting “Director-General of Education” and substituting the following—

“ chief executive officer of the department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act ”.

[\*Approved for reprint 20 July 1983 and amended by Acts Nos. 98 of 1985, 18 of 1986 and 113 of 1987.]

## PART 9—MURDOCH UNIVERSITY ACT 1973

**Murdoch University Act 1973\* amended**

22. Section 12 of the *Murdoch University Act 1973*\* is amended in subsection (1) by deleting paragraph (b) and substituting the following paragraph—

“ (b) the person holding or acting in the office of the chief executive officer of the department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act or a person appointed by that chief executive officer by notice in writing addressed to the Chancellor; ”.

[\*Act No. 20 of 1973 as amended by Acts Nos. 103 of 1975, 38 of 1976, 61 of 1977, 7 of 1978, 26 of 1980, 51 of 1983 and 98 of 1985.]

## PART 10—MUSEUM ACT 1969

**Museum Act 1969 amended**

23. Section 37 of the *Museum Act 1969*\* is amended in subsection (3) (b) by deleting “Director-General of Education” and substituting the following—

“ chief executive officer of the department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act ”.

[\*Act No. 90 of 1969 as amended by Acts Nos. 65 of 1973, 24 of 1984, 98 of 1985 and 75 and 113 of 1987.]

PART 11—PUBLIC EDUCATION ENDOWMENT  
ACT 1909

**Principal Act**

24. In this Part the *Public Education Endowment Act 1909\** is referred to as the principal Act.

[\*Reprinted as at 29 December 1987.]

**Section 1A amended**

25. Section 1A of the principal Act is amended by inserting before the definition of “purposes of public education” the following definition—

“ “chief executive officer of the department” means the chief executive officer of the department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act; ”.

**Section 2 amended**

26. Section 2 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting “the Minister of Education” and substituting the following—

“ the Minister charged with the administration of the *Education Act 1928* ”; and

(ii) by deleting “Director-General of Education” and substituting the following—

“ chief executive officer of the department ”; and

(b) in subsection (2)—

(i) by deleting “Minister of Education” and substituting the following—

“ Minister referred to in subsection (1) ”; and

- (ii) by deleting “Director-General of Education” and substituting the following—

“ chief executive officer of the department ”.

PART 12—*SECONDARY EDUCATION AUTHORITY*  
*ACT 1984*

**Principal Act**

**27.** In this Part the *Secondary Education Authority Act 1984\** is referred to as the principal Act.

[\*Act No. 118 of 1984 as amended by Acts Nos. 98 of 1985 and 113 of 1987.]

**Section 3 amended**

**28.** Section 3 of the principal Act is amended—

- (a) by inserting after the definition of “Authority committee” the following definition—

“ “chief executive officer of the department” means the chief executive officer of the department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act; ”;

- (b) by deleting the definition of “Director-General”; and

- (c) by deleting the definition of “secondary education institution” and substituting the following definition—

“ “secondary education institution” includes the department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928*; ”.

**Section 6 amended**

**29.** Section 6 of the principal Act is amended—

- (a) in subsection (2) (a) by deleting “Director-General” and substituting the following—

“ chief executive officer of the department ”; and

- (b) in subsection (3) (a) (i) by deleting “Director-General” and substituting the following—

“ chief executive officer of the department ”.

**Section 25 amended**

**30.** Section 25 of the principal Act is amended in subsection (3) (a) by deleting “Director-General” and substituting the following—

“ chief executive officer of the department ”.

PART 13—UNIVERSITY OF WESTERN AUSTRALIA  
ACT 1911

**University of Western Australia  
Act 1911 amended**

**31.** Section 10 of the *University of Western Australia Act 1911*\* is amended by deleting paragraph (e) and substituting the following paragraph—

- “ (e) The person holding or acting in the office of chief executive officer of the department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act or a person appointed by that person by notice in writing addressed to the Chancellor. ”.

[\*Approved for reprint 21 June 1971 and amended by Acts Nos. 58 of 1973, 40 of 1975, 37 of 1976, 61 of 1977, 62 of 1978, 51 of 1983 and 98 of 1985.]

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