

EDUCATION.

No. 27 of 1977

AN ACT to amend the Education Act, 1928-1976, to make provision therein for the regulation of care-centres and pre-school centres, to repeal the Pre-School (Education and Child Care) Act, 1973-1975, and for purposes connected therewith.

[Assented to 27th October, 1977.]

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, 1977.*

Short title
and
citation.

(2) In this Act the Education Act, 1928-1976, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Education Act, 1928-1977.

Commence-
ment.

2. This Act shall come into operation on a day to be proclaimed.

Section 1A
amended.

3. Section 1A of the principal Act is amended by inserting after the passage "PART VI.—PARENTS AND CITIZENS' ASSOCIATIONS.", the passage "PART VIA.—CARE-CENTRES AND PRE-SCHOOL CENTRES."

Section 3
amended.

4. Section 3 of the principal Act is amended—

(a) by inserting after the interpretation of the term "Board" a new interpretation as follows—

"care-centre" means an assembly at appointed times of three or more children over the age of three years, the majority of whom are more than one year below the minimum age for admission to year 1 of a Government primary school, for the care, guidance and education of those children, but does not include such an assembly—

(a) at a Government school; or

(b) where the children are members of the same family or of not more than two families; ;
and

- (b) by inserting after the interpretation of the term "Parent" a new interpretation as follows—

"pre-school centre" means an assembly at appointed times of three or more children over the age of four years, the majority of whom are one year or less below the minimum age for admission to year 1 of a Government primary school, for the education, guidance and care of those children, but does not include such an assembly—

- (a) at a Government school; or
 (b) where the children are members of the same family or of not more than two families; .

5. The principal Act is amended by inserting immediately after section 27 a new heading as follows—

New heading added.

PART VIA.—CARE-CENTRES AND PRE-SCHOOL CENTRES. .

6. The principal Act is amended by inserting after section 27 a new section, to stand as section 27A, as follows—

Section 27A added.

27A. (1) No person shall conduct or carry on or be employed or engaged or serve or engage, whether as principal, servant or agent, in the conducting or carrying on of a care-centre or pre-school centre unless the conducting or carrying on of that centre is authorised by a permit issued by the Minister under this Act.

Care-centres and pre-school centres to be authorised.

Penalty: Two hundred dollars or imprisonment for a period not exceeding six months.

(2) The conducting or carrying on of a pre-school centre approved pursuant to the scheme established by the Pre-School (Education and Child Care) Act, 1973-1975, shall be deemed to have been authorised by a permit issued by the Minister under this Act unless or until the Minister, by notice in writing, cancels that permit which he is hereby empowered to do in circumstances which would justify the cancellation of a permit issued pursuant to section twenty-seven B of this Act.

Section 27B
added.

7. The principal Act is amended by inserting after section 27 a new section, to stand as section 27B, as follows—

Permits.

27B. (1) An application for a permit to conduct or carry on a care-centre or a pre-school centre shall be made in writing in the prescribed form to the Minister and shall be supported by such other particulars or information as is prescribed or as the Minister requires.

(2) The Minister may—

- (a) grant a permit to conduct or carry on a care-centre or pre-school centre, either unconditionally or subject to such conditions as are prescribed or as may be specified in the permit;
- (b) refuse to grant a permit; or
- (c) cancel any permit at any time if, in the opinion of the Minister—
 - (i) the conditions subject to which the permit was granted are not being observed; or
 - (ii) the regulations made under this Act relating to that centre are contravened.

(3) Every care-centre or pre-school centre authorised to be conducted or carried on pursuant to this Act, or deemed to be so authorised,

is subject to inspection and supervision by any officer of the Education Department appointed by the Director-General for that purpose.

(4) The Director-General shall cause a list of all care-centres and pre-school centres for the time being authorised, or deemed to be authorised, under this Act to be published in the *Government Gazette* not less than once in each calendar year. .

8. The principal Act is amended by inserting after section 27 a new section, to stand as section 27C, as follows—

Section 27C
added.

27C. (1) The Minister may, out of such moneys as may be provided by Parliament for the purposes of this Act, render assistance to care-centres and to pre-school centres by way of—

Assistance.

- (a) subsidies or grants for capital or recurrent expenses;
- (b) teachers and teacher aides employed by the Education Department;
- (c) consultative and advisory services; and
- (d) equipment and supplies.

(2) Moneys representing assistance rendered pursuant to subsection (1) of this section may be paid at such times, in such manner and subject to such conditions as are prescribed. .

9. The principal Act is amended by inserting after section 27 a new section, to stand as section 27D, as follows—

Section 27D
added.

27D. (1) The Pre-School (Education and Child Care) Act, 1973-1975, is repealed.

Repeal and
transitional
provisions.

(2) All the right, title and interest in and to any property which immediately prior to the coming into operation of this section was vested in the body known as the Western Australian Pre-School Board established by the Pre-School (Education and Child Care) Act, 1973-1975, is by force of this section transferred to and vested in the Minister for the purposes of this Act, and all obligations and liabilities of that body existing immediately prior thereto are in like manner imposed on the Minister. .

Section 28
amended.

10. Section 28 of the principal Act is amended by inserting after paragraph (o) of subsection (1) a new paragraph as follows—

(o1) The general management of care-centres and of pre-school centres, and for all such other matters relating thereto as may be necessary to give effect to sections twenty-seven A to twenty-seven D of this Act. .
