

PRE-SCHOOL EDUCATION.

No. 18 of 1973.

AN ACT to establish the Pre-School Education Board of Western Australia, to provide for the dissolution of the Kindergarten Association of Western Australia, Incorporated, and for the discharge of the former functions of that Association, to make provision for the maintenance and extension of pre-school education facilities, to regulate the conduct of pre-school education centres, and for incidental and other purposes.

[Assented to 6th June, 1973.]

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. This Act may be cited as the *Pre-School Education Act, 1973.* Short title.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation after the annual general election of the members of the board of management of the Kindergarten Association of Western Australia Incorporated, next following the enactment of this Act in accordance with clause twenty-three of the Constitution of that Association.

Interpreta-
tion.

3. In this Act, unless a contrary intention appears—

“Council” means a Council of Delegates convened in accordance with section 30;

“Director-General” means the person holding or acting in the office of Director-General of Education under section 7 of the Education Act, 1928;

“member” means member of the Board and includes both a nominated member and a representative member;

“Minister” means the Minister for Education;

“nominated member” means a member nominated under subsection (5) of section 7;

“pre-school education centre” means an assembly at appointed times of three or more children over the age of three years but under the normal age of admission to a State primary school for the education, guidance and care of those children, but does not include an assembly of children all of whom are members of the same family or of not more than two families;

“representative member” means a member elected as a representative under subsection (4) of section 7;

“section” means section of this Act;

“the Board” means the Western Australian Pre-School Education Board established by section 5;

“the Public Service Board” means the Public Service Board established under the Public Service Act, 1904.

4. On the coming into operation of this Act—

Statutory
vesting,
and dissolu-
tion of the
Association.

- (a) all the right, title and interest in and to any property which was immediately prior thereto vested in the body known as the Kindergarten Association of Western Australia, Incorporated, is by force of this Act transferred to and vested in the Board for the purposes of this Act;
- (b) all rights, obligations, and liabilities of the Kindergarten Association of Western Australia, Incorporated, existing immediately prior thereto are by force of this Act vested in or imposed on the Board;
- (c) a reference to the Kindergarten Association of Western Australia, Incorporated, shall be read as a reference to the Board in any contract, agreement, or other instrument to which that body had been a party; and
- (d) the Kindergarten Association of Western Australia, Incorporated, shall be deemed to have been dissolved.

5. (1) There is hereby established a body to be known as the Western Australian Pre-School Education Board.

Establish-
ment of
Board.

(2) The Board—

- (a) is a body corporate with perpetual succession and shall have an official seal;
- (b) may, in its corporate name, acquire, hold and dispose of real and personal property;
- (c) is capable of suing and being sued in its corporate name;
- (d) has, subject to the Minister, the general administration of this Act.

(3) All courts, judges, and persons acting judicially shall take notice of the seal of the Board affixed to a document and shall presume that it was duly affixed.

Functions
of Board.

6. (1) The functions of the Board are—
- (a) to take over and carry on such of the activities previously conducted by the Kindergarten Association of Western Australia, Incorporated, as the Board thinks fit;
 - (b) to advise the Minister in relation to all matters pertaining to pre-school education;
 - (c) to implement the scheme established by this Act for the approval of pre-school education centres;
 - (d) to co-ordinate, direct, subsidise and support the activities in the field of pre-school education conducted by bodies approved under this Act, to represent the views and interests of those bodies in that field, and to provide assistance and facilities for those bodies;
 - (e) to administer and maintain educational courses in, and to disseminate knowledge of, the proper guidance, teaching and care of the pre-school child and the conduct of pre-school education centres;
 - (f) to endeavour to elevate the status of pre-school education and to advance the welfare of the pre-school child;
 - (g) to work towards the objective of general availability of pre-school educational facilities for all children without cost to the parent; and
 - (h) such other functions as are entrusted to the Board by the Minister in the administration of this Act.

(2) Subject to the Minister, the Board may do all things necessary or convenient to be done for or in connection with the performance of its functions, including the raising of charges, by way of contributions or otherwise.

(3) In the performance of its functions the Board shall have regard to the standards and recommendations of the Australian Pre-School Association, and shall ensure that regard is had to those standards and recommendations in pre-school education centres.

7. (1) Subject to subsection (2) of this section the membership of the Board consists of thirteen persons, appointed by the Governor, of whom—

Member-
ship of the
Board.

- (a) seven persons, to be known as representative members, shall be selected for appointment in accordance with the provisions of subsection (4) of this section; and
- (b) six persons, to be known as nominated members, shall be selected for appointment in accordance with the provisions of subsection (5) of this section.

(2) Until a date to be fixed by the Minister, which shall not be later than two years after the date on which this Act came into operation, the Chairman of the Board shall be appointed by the Governor on the recommendation of the Minister, but where at the time of such appointment the person so appointed is not a member of the Board he is by force of his appointment to the office of Chairman of the Board thereby appointed to be a member of the Board for so long as he continues to hold office as Chairman.

(3) After the expiration of the period of two years from the date of the coming into operation of this Act, or at such earlier time as the Minister determines in accordance with subsection (2) of this section, the members of the Board shall elect one of their number to be the Chairman of the Board.

(4) The persons who are to be appointed as representative members of the Board shall be elected—

- (a) on the occasion of the first appointments to be made to the Board, by and from amongst the persons who immediately prior to the coming into operation of this Act comprised

the membership of the board of management of the Kindergarten Association of Western Australia, Incorporated; and

- (b) on each subsequent occasion when a vacancy occurs or is about to occur in the office of a representative member, in accordance with section 11.

(5) The persons who are to be appointed as nominated members of the Board shall comprise—

- (a) five persons nominated by the Minister, of whom—
 - (i) one shall be an officer of the Education Department having experience and academic qualifications in teaching;
 - (ii) one shall be a person who is a graduate in the field of pre-school education of an institution which provides teacher training in that field in a manner that is approved by the Australian Pre-School Association, and who is elected by and from amongst the persons who are pre-school teacher graduates of the institution or institutions of that kind recognised by the Minister for the purposes of this Act, according to the preferential system of voting and in the prescribed manner;
 - (iii) one shall be a person who possesses academic qualifications in the field of early childhood education or guidance, whether as a teacher or otherwise, and has had practical experience likely to be relevant to the purposes of this Act;
 - (iv) one shall be a paediatrician, or a person who has professional expertise in child health or child care, nominated after consultation with

the Minister administering the Community Welfare Department and the Minister administering the Health Act, 1911; and

- (v) one shall be nominated with the approval of the Under Treasurer of the State to represent the interests of the Treasury; and
- (b) a person nominated to represent the interests of local authorities by the Minister administering the Local Government Department.

8. (1) The Minister responsible for the nomination of a member may appoint a person to act as the deputy of that nominated member.

*Deputies
and acting
members.*

(2) On the occasion of the first appointments to the Board, and thereafter if no more than one nomination is received in relation to any vacancy, the Minister may appoint such person as he considers appropriate to be the deputy of a representative member, but where a ballot is held for any vacancy in the office of a representative member the person obtaining the next largest number of votes to that member shall be appointed as his deputy.

(3) Where—

- (a) the Minister is satisfied that any member is incapacitated by illness, absence, or other reasonable cause, from performing the duties of his office; and
- (b) there is a casual vacancy in the office of deputy member, or for any reason the deputy of the member is unable or unwilling to act,

the Minister may appoint a person to act in the place of that member during the period of incapacity or until the vacancy is filled.

(4) A person appointed as the deputy of, or to act in the place of, a member is, in the event of the absence from a meeting of the Board of that member, entitled to attend that meeting and, when so attending, is deemed to be a member.

(5) In this Act a reference to a member shall be read as including a reference to a deputy or an acting member taking the place of that member.

(6) No appointment of an acting member and no act done by him shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

Tenure of
office and
casual
vacancies.

9. (1) Of the representative members who are first appointed under paragraph (a) of subsection (4) of section 7, as designated by the Governor at the time of their appointment, three shall be appointed to hold office until a date to be fixed by the Minister, which shall not be less than six nor more than eighteen months after the date on which this Act came into operation, and four shall be appointed to hold office until one year after the date fixed by the Minister.

(2) After the appointment of the first representative members each subsequent appointment of a representative member, other than an appointment occasioned by the occurrence of a casual vacancy, shall be for a period of two years.

(3) If a casual vacancy in the office of representative member occurs, the vacancy shall be filled in accordance with the provisions of section 11 but a person appointed to a casual vacancy holds office only for the remainder of the period for which the person who ceased to hold office was appointed.

(4) A representative member may resign his office by writing under his hand addressed to the Minister.

(5) A representative member who ceases to hold office is, subject to the provisions of section 10, eligible for re-appointment.

(6) A nominated member holds office until his nomination is revoked.

10. If a representative member—

Disqualifi-
cation.

- (a) is an incapable person within the meaning of section 5 of the Mental Health Act, 1962;
- (b) is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (c) is convicted of an indictable offence; or
- (d) has his appointment terminated by the Governor for inability, inefficiency or misbehaviour,

his office becomes vacant and he is not eligible for re-appointment.

11. (1) Not less than forty-two days prior to the expiry of the term of appointment of each representative member, or where a casual vacancy in the office of representative member occurs, the Minister shall give notice to every body approved under this Act that the vacancy is about to occur, or has occurred, and shall invite the nomination of candidates for election.

Election of
representa-
tive
members.

(2) Regulations may prescribe that candidates shall represent different interests, or the interests of different parts of the State.

(3) A candidate for election as a representative member must be nominated in the prescribed manner, and if nominations are received from more candidates than there are vacancies a postal ballot of every body approved under this Act shall be conducted, according to the preferential system of voting, in the prescribed manner.

(4) Where no candidate is nominated, or if fewer candidates are nominated than there are vacancies, the Minister may submit to the Governor the name of such person or persons as he considers appropriate.

(5) An appointment made pursuant to subsection (4) of this section shall be valid and effective for the purposes of this Act.

(6) No person shall be eligible for nomination as a candidate for election as a representative member unless—

- (a) he is a parent of, or stands *in loco parentis* to, a child under the normal age of admission to a State primary school; or
- (b) he is a person who holds office in a body approved under this Act or who, not being a teacher employed at the centre, otherwise actively assists in the conduct or administration of a pre-school education centre.

Validity of proceedings.

12. (1) A vacancy among the membership shall not invalidate the proceedings of any meeting.

(2) All acts done at any meeting shall, notwithstanding it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member, be as valid as if that defect had not existed.

Leave of absence.

13. The Minister may grant leave of absence to a member upon such terms and conditions as the Minister determines.

Quorum.

14. The quorum to constitute a meeting of the Board shall be such as the Board may from time to time determine but shall not be less than seven persons of whom three shall be nominated members and three shall be representative members.

Meetings.

15. (1) The Board shall hold such meetings as are necessary for the performance of its functions.

(2) The Minister or the Chairman may at any time convene a meeting of the Board and a meeting shall be convened by the Chairman within seven days of the receipt by him of a written request signed by four or more members of the Board specifying the business in respect of which the meeting is to be convened.

16. (1) The Chairman shall convene the first meeting of the Board as soon as practicable after the coming into operation of this Act and shall preside at all meetings of the Board at which he is present. Person
presiding
at meet-
ings.

(2) The Minister may appoint one of the members to be the Deputy Chairman of the Board and when and as often as the Chairman is absent or temporarily unable to perform the duties of his office the Deputy Chairman shall preside at all meetings of the Board at which he is present and while so presiding has all the powers of the Chairman.

(3) The Minister may nominate a member to preside at any meeting of the Board from which both the Chairman and the Deputy Chairman of the Board are absent, and a member so nominated has all the powers of the Chairman while so presiding.

(4) Where the Chairman, the Deputy Chairman and any person nominated in accordance with subsection (3) of this section are all absent from a meeting of the Board the members present at the meeting shall elect one of their number to preside at that meeting and while so presiding that member has all the powers of the Chairman.

17. (1) Each member not being the Chairman Voting. has a deliberative vote at any meeting of the Board.

(2) A Chairman who—

- (a) has been appointed under subsection (2) of section 7, and who was at the time of such appointment already a member of the Board; or

(b) was elected under subsection (3) of section 7,

has a casting vote only at any meeting of the Board.

(3) A Chairman who has been appointed under subsection (2) of section 7 and who was not at the time of such appointment already a member of the Board has a deliberative vote but no casting vote at any meeting of the Board.

(4) Where there is an equality of votes cast on any question arising at a meeting of the Board the question shall be declared to be negatived.

Records.

18. A record of the proceedings of every meeting shall be kept in such manner as the Minister may direct or approve, and shall be certified as correct by the member presiding at that or the next succeeding meeting.

Conduct of proceedings.

19. Subject to this Act, and to any direction which may be given by the Minister, the proceedings may be regulated in such manner as the members think fit.

Remuneration, etc.

20. A member shall be entitled to such remuneration, travelling and other allowances as the Minister determines.

Disputes.

21. In all cases of dispute, doubt or difficulty, respecting or arising out of matters of procedure or order, then, subject to the Minister, the decision of the member presiding shall be final and conclusive.

22. (1) The Board may, and if directed by the Minister shall, set up committees to investigate and advise the Board on any aspect of its functions or to implement any decision of the Board but the delegation by the Board to a committee of any power or duty of the Board does not relieve the Board of the responsibility for the decision of that committee. Committees.

(2) Subject to any direction given by the Minister, a committee of the Board may consist of such persons as the Board determines, whether members or persons who are not members, but so that in every case the chairman of the committee shall be a member.

(3) The provisions of this Act, except in so far as the Minister may otherwise direct or approve, apply, subject to such modifications as may be necessary, to a committee of the Board and to a person appointed to serve on a committee as they apply to the Board or to a member.

23. A person who is or has been a member of the Board or a committee of the Board is not liable for anything done or omitted to be done, in good faith, by him as such a member or by the Board or a committee of the Board. Protection
for members,
etc.

24. (1) The Board may, with the consent in writing of the Minister, in relation to any matter or class of matters, or in relation to any activity or function of the Board, by resolution, delegate any of the powers or duties conferred or imposed upon it by this Act, except this power of delegation, to any person or organisation. Delegation
by Board.

(2) The Board may, by resolution, revoke a delegation given under this section and a delegation so given does not prevent the exercise or discharge by the Board of any of its powers or duties.

Secretary of
the Board.

25. (1) The Board shall designate a person to act as the Secretary of the Board and a person so designated—

- (a) shall be the chief executive officer of the Board;
- (b) shall be entitled to attend all meetings of the Board and may speak in relation to any matter; but
- (c) shall not be entitled to vote at any meeting.

(2) The Secretary of the Board has such powers and duties as are conferred upon him by resolution of the Board and, unless otherwise expressly provided, may delegate any of those powers or duties, except this power of delegation, to any person or organisation.

Co-operation
and assis-
tance.

26. (1) The Board shall, on matters relevant to the purposes of this Act, confer and collaborate with departments of the Commonwealth and the States of the Commonwealth and other bodies or instrumentalities of the Commonwealth or States of the Commonwealth having to do with pre-school education.

(2) The Board has power, subject to the approval of the Minister and on such terms and conditions as the Minister may determine, to invite any person to act in an advisory capacity to the Board in relation to any or all aspects of the functions of the Board.

(3) The Minister may, on the request of the Board, enter into arrangements with—

- (a) a Minister of the Crown of any State of the Commonwealth, a Minister of State of the Commonwealth, a department or an instrumentality of the Commonwealth or any State of the Commonwealth; or

- (b) a university or other tertiary educational institution; or
- (c) any other organisation or person,

with respect to any financial responsibility, investigation, research, training or other activity that may be necessary or desirable for the purposes of this Act.

27. (1) Subject to the provisions of this Act and to the approval of the Minister, the Board may engage under contract of service a Secretary and such officers, teaching staff, and other employees, as may be necessary to enable the Board to carry out effectively its functions under this Act. ^{Staff.}

(2) A person engaged under the provisions of subsection (1) of this section is not a person appointed under the Public Service Act, 1904, and subject to this Act and to any award or agreement in force under the Industrial Arbitration Act, 1912, the Board may effect, suspend, and terminate the engagement subject to such terms and conditions as the Board thinks fit.

(3) Where a person so engaged was, immediately prior to his engagement, in the service of a department of the Public Service of the State or the Education Department, he retains any rights that may have accrued to him under the Act pursuant to which he was then serving and, in particular, his rights, if any, under the Superannuation and Family Benefits Act, 1938.

(4) A person so engaged shall be appointed at such salary and other remuneration, travelling allowance and leave entitlement as may be approved by the Public Service Board.

(5) The Board may request the Minister to whom the administration of the Superannuation and Family Benefits Act, 1938, is committed to recommend that the Board be included as a corporate body in the term "department" for the purposes of that Act, and the Treasurer may, on such recommendation and upon the Board complying with the requirements of that Act, approve of the Board as, and the Board shall thereupon be deemed to be, a department for the purposes of that Act.

(6) A member of the staff or other employee of the Board is not obliged to become a contributor under the Superannuation and Family Benefits Act, 1938.

Co-option
and
secondment.

28. (1) With the consent of the Minister administering the department of the Public Service of the State in which that person is employed, the Board may co-opt the services, whether of an administrative, technical, or other nature, of any person or request the secondment of any person, upon such terms as may be agreed between that Minister and the Board and approved by the Public Service Board.

(2) With the consent of the Minister administering the Education Department the Board may make use of the services of any person employed in that department, upon such terms as may be agreed between that Minister and the Board and approved by the Public Service Board.

(3) Where the services of any person are used or co-opted, or a person is seconded, under the provisions of this section, it does not prejudice that person's existing or accruing rights under the Public Service Act, 1904, or under any other Act applying to him as a public servant, and his service with the Board under this Act shall be regarded as service in the Public Service of the State for the purposes of determining those rights.

29. (1) If a body of persons, or corporate body, that conducts or intends to conduct activities in the field of pre-school education in Western Australia— ^{Approval.}

- (a) desires to take advantage of the assistance and facilities offered by the Board;
- (b) is prepared to pay the charges prescribed or required by the Board in relation to the grant of that assistance or those facilities; and
- (c) considers it can meet the requirements of the Board,

it may make application to the Board in the prescribed form for approval under this Act.

(2) The Board, upon being satisfied—

- (a) that the constitution and rules of an applicant body are acceptable to the Board;
- (b) that the premises and equipment provided are or will be suitable;
- (c) as to the provision and competence of the staff, management and administration;
- (d) as to the payment of fees, and the financial resources available to, or to be arranged by, the applicant body; and
- (e) that the activities of the applicant body are or will be conducted in a manner acceptable to the Board,

shall grant to that body a certificate of approval under this Act.

(3) A certificate of approval under this Act shall be deemed to have been granted upon the coming into operation of this Act to the governing body of every kindergarten, kindergarten group or kindergarten committee that was immediately prior thereto affiliated to the Kindergarten Association of Western Australia, Incorporated.

(4) Subject to this Act, the approval of a body under this Act continues in force from the date of issue of the certificate until—

- (a) cancelled by not less than three months' notice given in writing by that body to the Board to take effect at the end of the pre-school term then next ensuing; or
- (b) revoked by notice in writing given by the Board to that body to take effect at the end of the pre-school term then next ensuing.

(5) The Board shall refuse to approve, and shall revoke the approval of, any body which does not comply with the requirements of the Board or with any standard that is prescribed.

(6) Where the Board refuses an application for approval, or revokes an approval, the notification of the decision shall be given in writing accompanied by a statement in writing of the grounds upon which the decision was made.

(7) Regulations may prescribe the requirements to be met and the standards to be maintained by an approved body, and the conditions subject to which approval was granted.

(8) Regulations may prescribe that a body shall be approved as conducting—

- (a) a pre-school education centre;
- (b) a group of pre-school education centres;
- (c) a committee formed with the intent of establishing a pre-school education centre;
or
- (d) such other activity in the field of pre-school education as is referred to in the certificate of approval.

(9) Where an applicant body is aggrieved by a decision of the Board given under this section, it may, within twenty-eight days of receiving from the Board the notification of the decision, appeal in writing to the Minister setting out in the appeal the reasons on which the appeal is made.

(10) The Minister shall consider every appeal made to him in accordance with subsection (9) of this section and may confirm, vary or set aside the decision of the Board, and the decision of the Minister is final and not subject to any appeal.

30. (1) Not less than twice in each year the Board shall give notice in the prescribed manner to every body approved under this Act of the holding of a Council of Delegates to discuss matters related to pre-school education, and shall invite each body to appoint two persons to attend as delegates at the next ensuing Council.

Council of
Delegates.

(2) If ten or more bodies approved under this Act give notice in writing to the Board requesting the holding of a Council of Delegates in relation to any matter the Board shall within fourteen days give notice in the prescribed manner convening a Council to discuss that matter and the purpose of the meeting shall be stated in that notice.

(3) The Minister may nominate a person to preside at any meeting of a Council of Delegates, but where no such person is nominated, or if nominated is not present, the delegates who are present may elect one of their number to preside at that meeting.

(4) Subject to this Act, and to any direction that may be given by the Minister, the proceedings at the meetings of a Council may be regulated in such manner as the delegates think fit.

Financial provisions.

31. (1) The funds available to the Board for the purpose of enabling it to exercise its functions, powers, and duties under this Act are—

- (a) moneys from time to time appropriated by Parliament for the purpose, or advanced by the Treasurer in any case where the moneys otherwise standing to the credit of the Board would be insufficient for the purposes of this Act;
- (b) moneys received by the Board under the provisions of section 4;
- (c) fees and charges payable to the Board under this Act;
- (d) the proceeds of investment of any moneys standing to the credit of the Board;
- (e) moneys received by the Board by way of gifts, bequests, or otherwise; and
- (f) any other moneys made available to the Board for the purposes of this Act.

(2) The moneys referred to in subsection (1) of this section shall be paid into, and placed to the credit of, an account at the Treasury or at a bank approved by the Treasurer to be called the "Western Australian Pre-School Education Board Account".

(3) All expenditure incurred by the Board for the purposes of giving effect to this Act shall be paid from the account referred to in subsection (2) of this section.

(4) The amount of any advance made to the Board by the Treasurer, to the extent to which such advance is for the time being not repaid, is a charge on the assets of the Board.

(5) The funds of the Board shall be controlled by the Board and, subject to the approval of the Minister, may be administered and dealt with in such manner as the Treasurer may authorize and when not immediately required for the purposes of this Act may be invested in any investment authorized by law for the purpose of the investment of trust funds.

(6) Any moneys received from the Commonwealth by the Board shall be used and applied for the purposes which may be specified by the Commonwealth in relation thereto.

(7) Gifts, devises and bequests made for the purposes of this Act or so much of the assets of the Board as represents their proceeds on realisation shall be used and applied in accordance with the conditions upon which they were made.

(8) The Board shall cause to be kept proper records relating to operations on the Western Australian Pre-School Education Board Account in such manner and form as the Treasurer approves.

(9) The accounts of the Board shall be audited once at least in every year by the Auditor General who shall have, in respect of the accounts of the Board, all the powers conferred on him by any law for the time being in force relating to the audit of public accounts.

32. (1) The Board shall cause to be prepared and submitted to the Treasurer, under such headings and in such manner as the Treasurer directs, annual estimates of the revenue and expenditure of the Board in connection with the carrying out of the functions of the Board.

Annual
estimates
of Board.

(2) Before the annual estimates referred to in subsection (1) of this section are submitted to the Treasurer as required by that subsection, they shall be submitted to, and approved by, the Minister.

33. (1) The Board shall, in each year, as soon as practicable after the completion of the audit, submit to the Minister a report of the activities of the Board during the year ending on the preceding thirtieth day of June, containing a full account of the income and expenditure of the Board for that period and a statement of the financial position of the Board at the close of that year, audited by the Auditor General, and the report, if any, of the Auditor General thereon.

Reports and
audit.

(2) The Minister shall cause a copy of every report received by him pursuant to subsection (1) of this section to be laid before each House of Parliament.

Permits.

34. (1) This section applies—

- (a) to every pre-school education centre notwithstanding that children over the normal age of admission to a State primary school are also admitted to or attending it; and
- (b) whether or not the centre is conducted by a body approved under this Act.

(2) A person shall not 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 pre-school education centre unless the conducting or carrying on of that centre is authorized by a permit issued by the Minister under this section.

Penalty: Two hundred dollars or imprisonment with or without hard labour for a period not exceeding six months.

(3) An application for a permit under this section shall be made in writing in the prescribed form to the Board and shall be supported by such other particulars or information as is prescribed or as the Board requires.

(4) The Minister may, on the recommendation of the Board—

- (a) grant or refuse a permit to conduct or carry on a pre-school education centre under this section; or
- (b) cancel any permit granted by him under this section if the conditions on which the permit was granted are, in the opinion of the Minister, not being observed.

(5) Every pre-school education centre conducted or carried on under the authority of this section is subject to inspection by any officer of the Education Department appointed by the Director-General for that purpose.

(6) Any person aggrieved by any decision made under the authority of this section may within twenty-eight days of receiving notification of the decision, appeal in writing to the Minister setting out in the appeal the reasons on which the appeal is made.

(7) The Minister shall consider every appeal made to him in accordance with subsection (6) of this section and may confirm, vary or set aside any such decision.

35. (1) The Governor may make such regulations, not inconsistent with this Act, as he considers necessary and desirable for the proper administration of this Act or for achieving the objects and purposes of this Act. Regulations.

(2) The regulations may—

- (a) impose differing requirements or prohibitions depending upon circumstances;
- (b) require that any information, account, document or form required to be given or furnished thereunder shall be verified by statutory declaration;
- (c) impose upon any person or class of person a discretionary authority;
- (d) prescribe fees to be paid in relation to the grant, amendment, or renewal of a certificate of approval, the charges that shall be payable in relation to other matters under this Act, the persons liable and the method of recovery of amounts not duly paid; and
- (e) prescribe penalties not exceeding a fine of two hundred dollars in respect of a breach of any of the regulations.