

## EDUCATION.

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No. 91 of 1969.

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**AN ACT to amend the Education Act, 1928-1968, so as to make provision therein for the establishment of a Board of Secondary Education, and for purposes connected therewith.**

*[Assented to 17th November, 1969.]*

**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, 1969.* Short title and citation.

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1964, 17 and  
61 of 1965,  
37 of 1966,  
12 and 48 of  
1967 and  
23 of 1968.

(2) In this Act the Education Act, 1928-1968, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Education Act, 1928-1969.

S. 1A  
amended.

2. Section 1A of the principal Act is amended by adding after the passage, "PART V.—ATTENDANCE AT SCHOOLS.", the passage, "PART VA.—BOARD OF SECONDARY EDUCATION." .

S. 3 amended.

3. Section 3 of the principal Act is amended by adding after the interpretation, "Welfare Officer", the following interpretation—

"Board" means the Board of Secondary Education constituted under Part VA of this Act; .

S. 8 amended.

4. Section 8 of the principal Act is amended by substituting for the words, "this Act" in lines three and four, the passage, "the provisions of this Act, other than the provisions of Part VA".

Heading and  
s. 21C added.

5. The principal Act is amended by adding immediately after section 21B the following heading and section—

PART VA.—BOARD OF SECONDARY EDUCATION.

Establish-  
ment of  
Board of  
Secondary  
Education.

21C. (1) For the purposes of this Part, there shall be a Board to be called the Board of Secondary Education to be constituted in accordance with the provisions of this Part.

(2) The Board shall consist of three ex-officio members, namely—

(a) the Director-General of Education;

(b) The Director of Catholic Education;  
and

- (c) the person appointed under section 21F of this Act to be Director of the Board of Secondary Education,

and of sixteen other members to be appointed by the Minister.

(3) Of the members of the Board to be appointed by the Minister—

- (a) four shall be officers of the administrative staff of the Education Department nominated by the Director-General;
- (b) four shall be teachers representing Government secondary schools, of whom three shall be nominated by the Union and one by the Director-General;
- (c) four shall be persons representing the non-Government secondary schools, nominated by the Association of Independent Schools of Western Australia;
- (d) one shall be a person representing the University of Western Australia, nominated by the Senate of the University;
- (e) one shall be a person representing the Western Australian Institute of Technology, nominated by the Council of that Institute; and
- (f) two shall be persons representing the interests of the community in secondary education.

(4) An ex-officio member of the Board, other than the Director of the Board, may, by writing addressed to the Minister, appoint a person to be his deputy at any meeting of the Board at which the ex-officio member is not present, and any person so appointed has, at any meeting of the Board which he attends as deputy of the ex-officio member, all the powers and functions of that member.

S. 21D added.

6. The principal Act is amended by adding a section as follows—

Term of  
office, etc.,  
of appointed  
members.

21D. (1) Each member of the Board appointed by the Minister shall be appointed for a term of three years and is eligible for re-appointment.

(2) If a member referred to in subsection (1) of this section—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) is an incapable person within the meaning of the Mental Health Act, 1962;
- (d) is an undischarged bankrupt or has his affairs under liquidation by arrangement with his creditors;
- (e) is absent without leave of the Board from four consecutive meetings of the Board; or
- (f) ceases to hold any qualification required for his becoming or being a member,

his office shall become vacant and be filled in accordance with the provisions of subsection (3) of this section.

(3) Where a casual vacancy occurs in the office of a member, the Minister may appoint a person to the vacant office, and the person so appointed—

- (a) shall have the like qualification, if any, that was required of the member whose office has become vacant; and
- (b) shall, subject to this Act, hold office as member for the residue of his predecessor's term of office.

7. The principal Act is amended by adding the following section— S. 21E added.

21E. (1) The Director-General shall preside at any meeting of the Board at which he is present. Proceedings of Board, etc.

(2) At any meeting of the Board at which the Director-General is not present, the Deputy Director-General of Education shall, if he is a member of the Board and is present at the meeting, preside thereat, but if the Deputy Director-General of Education is not a member or is a member but is not present at that meeting, the members present at the meeting shall elect a member to preside thereat.

(3) At a meeting of the Board—

- (a) ten members form a quorum; and
- (b) a question arising at the meeting shall be determined by a majority of the votes of the members present.

(4) The members of the Board may be paid such fees and allowances as the Minister determines.

(5) No act or thing done by the Board is invalidated, prejudiced or affected by reason of any vacancy in the membership of the Board, or any defect in the appointment of any member, so long as a quorum of the Board remains.

8. The principal Act is amended by adding the following section— S. 21F added.

21F. (1) The Minister may appoint a person to be the Director of the Board of Secondary Education. Director of Board.

(2) The Director of the Board shall, in addition to being an ex-officio member of the Board, be the chief executive officer thereof.

(3) The Director of the Board shall hold office as such for such period and on such terms and conditions as the Minister determines.

(4) Where a person who has been appointed Director of the Board was, immediately before he was so appointed, employed under the Public Service Act, 1904 or the provisions of this Act, other than this Part, he is, upon ceasing to hold office as Director of the Board, entitled to hold office as Director of the Board, entitled to be re-appointed under the Public Service Act, 1904 or those provisions, as the case requires, to a position of no less status than that enjoyed by him immediately prior to his appointment as Director of the Board. .

S. 21G added.

9. The principal Act is amended by adding the following section—

Staff of the Board.

21G. (1) The Board may, subject to any award or agreement made or in force under the Industrial Arbitration Act, 1912, appoint, suspend and terminate the appointment of, a member of the staff or other employee of the Board.

(2) Subject to subsection (1) of this section, the terms and conditions of service of any employee of the Board shall be as determined by the Board with the approval of the Minister.

(3) Where the Director or any member of the staff or employee of the Board was, immediately prior to his being appointed Director or becoming such member of the staff or an employee, as the case requires, employed under the provisions of the Public Service Act, 1904 or the provisions of this Act other than this Part, his service as Director, member of the staff or employee of the Board, as the case requires, shall, for the purpose of determining all his existing and accruing rights, be counted as service under the Public Service Act, 1904 or those provisions of this Act. .

10. The principal Act is amended by adding a section as follows— S. 21H added.

21H. The Board may—

Functions of  
the Board.

- (a) approve of courses of study for secondary schools and other bodies and institutions conducting courses of secondary education;
- (b) establish and carry into effect procedures for the purposes of—
  - (i) assisting schools and other bodies and institutions in the assessment of students undertaking courses of secondary study; and
  - (ii) ensuring the comparability of assessments of students made by those schools and other bodies and institutions;
- (c) having regard to the recommendations of the schools and other bodies and institutions at which students have undertaken courses of secondary study approved by the Board, issue certificates of achievement to those students; and
- (d) carry out such other functions as, in the opinion of the Board, are necessary or desirable for the proper fulfilment of the functions set out in paragraphs (a), (b) and (c) of this section. .

11. The principal Act is amended by adding the following section— S. 21I added.

21 I. The funds necessary for the administration of this Part shall be provided out of the moneys that may from time to time be appropriated by Parliament for the purpose. . Funds for  
administra-  
tion of this  
Part.