



WESTERN AUSTRALIA.

ANNO TRICESIMO QUINTO

VICTORIÆ REGINÆ.

No. XIV.

AN ACT to provide for Public Elementary Education,
and to encourage voluntary efforts in support of Schools.

[Assented to, 17th August, 1871.]

WHEREAS it is expedient that the people should have a more
direct control in the management of the Public Elementary Preamble.
Educational System: Be it therefore enacted by His Excellency
the Governor of Western Australia and its Dependencies, by and
with the advice and consent of the Legislative Council thereof, as
follows:—

1 THIS Act may be cited as “The Elementary Education Short Title.
Act, 1871.”

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Definition of terms
 "parent" "elementary
 schools" and "District."

2 IN this Act:

The term "parent" includes guardian, and every person who is liable to maintain or has the actual custody of any child.

The term "elementary school" means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed twelve pence a week.

The term "district" means any locality from time to time designated and defined as such for the purposes of this Act by the Central Board of Education hereinafter mentioned, and, in the absence of such specially defined locality, shall mean any locality generally known as a Resident Magistrate's or Police Magistrate's district.

Central Board.

3 FOR the purposes of this Act there shall be a Board, to be called "The Central Board of Education," and such board shall consist of five members, all of whom shall be laymen, of whom the Colonial Secretary for the time being, or such other person as the Governor in Council shall appoint, shall be one, and shall be the chairman thereof; and the Governor in Council shall also appoint the other four members, who shall hold office for a period of three years only, unless the Governor in Council shall see fit to re-appoint them; provided, always, that no two of such four members shall belong to one and the same religious denomination.

Powers of Central Board.

4 IT shall be lawful for the Central Board of Education:

1. To exercise a general supervision over all schools receiving Government aid in secular instruction only, and a more special direction over purely Government schools, and to appoint and instruct an Inspector of Schools, and other necessary officers.
2. To make general by-laws and regulations, subject to the provisions and restrictions herein contained; and such general by-laws and regulations shall be approved by the Governor and be laid upon the table of the Legislative Council at its next sitting, and shall be binding if no objection thereto is made within thirty days from the commencement of such session.

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3. To apportion and distribute such funds as may from time to time be provided and set apart for educational purposes by the Legislature, subject to the conditions of such grants and the provisions herein contained.
4. To communicate with local boards upon the educational requirements of their districts; to confirm the appointments and dismissal of teachers for purely Government Schools, to assign them such salaries or remuneration as may be expedient, to consider complaints against such teachers and to decide on the same in accordance with the general rules of the public service and to any special engagement entered into with such teachers; to decide on all matters connected with the erection of school houses; the establishment of new schools; of new educational districts; of district boards; and of the endowment of schools under the provisions herein contained or such as may hereafter be enacted.
5. To fix a scale of fees to be paid and received for the attendance of children in purely Government schools; Provided, always, that such fees be not exacted in cases where the child or its parent, through absolute poverty, is unable to pay.

5 THE Inspector of Schools shall from time to time at convenient periods, under the instruction of the Central Board, examine and inspect all schools, both Government and assisted, in secular education only; and shall report upon the condition and the character of the secular instruction given in such schools. Provided that if the managers or teachers of any school refuse or neglect to fill up any such forms or returns as directed by the general by-laws or regulations of the Central or Local Boards of Education, or allow the Inspector to inspect or examine the scholars or school books or registers, or to take copies or extracts, such school shall not be taken into consideration among the schools to be supported or aided by public funds.

Duties of Inspector of Schools.

6 THE Central Board shall receive reports and collect statistical information, and shall in each year make a full report to the Governor, who shall lay the same before the Legislative Council at its then next ensuing Session.

Central Board to report yearly

7 IT shall be lawful for any member of the Central Board to resign, by letter addressed to the Governor.

Resignation of members of Central Board.

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District Boards.

8 THERE shall be a district board of education in each educational district now existing or which may hereafter be constituted.

District Board to consist of five members.

9 EACH district board shall consist of five members, who shall be elected in the manner hereinafter prescribed. Provided that no person shall be allowed to vote at any district election who does not habitually reside in such district.

Mode of Election. Qualification of voters.

10 SUCH five members as aforesaid shall be elected by persons who, having resided in the Colony for a period of at least six months, have their names on the electoral roll for the election of members of the Legislative Council; and in the event of an educational rate or tax hereafter imposed then also by all persons paying such rate or tax; and the presentation of a certificate from a Collector of taxes countersigned by a Justice of the Peace, setting forth the due payment of such rate or tax, shall be a sufficient warrant for the insertion of the names of such persons in a further educational roll to be kept for that purpose; And it is further provided that upon presentation of a certificate that any child has attended one hundred and ninety days in one year, then immediately preceding, at any school consisting of more than twelve pupils, such certificate to be signed by the manager or master of such school and countersigned by a Justice of the Peace, the name of the parent of such child shall be entered on such further roll, and such parent shall thereupon be entitled to vote at the election of members of the board.

Governor in Council to appoint officers, &c., and to frame regulations respecting electoral roll.

11 IT shall be lawful for the Governor in Council to appoint returning officers, clerks, and scrutineers for the purposes of the elections; and to make such regulations as may seem fit for the revision and custody of such further electoral roll, and for the conduct and management of elections; Provided, always, that a copy of such regulations be laid on the table of the Legislative Council within ten days after the commencement of the then next session of the said Council.

Manner of voting.

12 AT every election of a district board of education every voter shall be entitled to a number of votes equal to the number of the members of the board to be elected, and such votes may be given by proxy papers in the same manner as at elections for members of the Legislative Council.

Qualification of candidates.

13 EVERY person who shall have attained the age of twenty-one years, being a natural born subject or a naturalized subject of Her Majesty.

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Majesty, and who in no part of the British dominions hath been convicted of any treason or felony, unless he shall have obtained a free pardon thereof, or have undergone the sentence passed on him for such offence shall be qualified to serve as a member of any board under this Act.

14 THE members of a District Board shall hold their seats for a term of three years, when a new election shall take place, but retiring members shall be eligible for re-election. Absence of a member from the Colony for six months shall vacate his seat.

Members of Boards to be elected to serve three years.

15 SHOULD the electors of any educational district fail to elect a board, the Central Board shall nominate and appoint the members of such Board, or should any district board fail to carry out the general by-laws and regulations of the Central Board, such Central Board shall declare such district board to be in default, and direct that the members of such board shall vacate their seats, and shall thereupon nominate other persons in their stead who shall hold office until the board originally elected would have retired. Provided, always, that should any vacancy occur in any district board, whether by removal, resignation, death, or otherwise, such vacancy shall be filled up by the Central Board.

If District Board not elected, Central Board to appoint.

Also to declare District Board in default.

And to fill up vacancies.

16 IT shall be the duty of district boards, subject always to the general by-laws and regulations of the Central Board, vigilantly to inspect and supervise within the district all Government schools and all schools receiving aid in matters of secular instruction; to appoint and dismiss teachers of purely Government Schools, subject to the confirmation of the Central Board; and in all matters connected with such schools to communicate with the Central Board, forwarding from time to time all such recommendations and suggestions as may be deemed beneficial for such schools.

Powers of District Boards.

17 IT shall be lawful for members of any district board to resign by letter to the chairman of the Central Board.

Members of District Boards may resign by letter to chairman of Central Board.

18 ANY District School Board may delegate to such one or more persons as they may please any of their powers under this Act, so far as relates to the control or management of any school under their supervision, and such person or persons shall exercise those powers till withdrawn by such district board.

District Board to delegate powers.

19 ALL schools hitherto established, or that may hereafter be established

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established by Government under the provisions of this Act, shall be called Government schools, but all teachers now in receipt of fixed salaries shall not be disturbed in the enjoyment thereof, while employed in such schools.

Government schools, how supported.

20 GOVERNMENT Schools shall be supported out of a portion of the Government grant, not exceeding on the whole the sum of Two pounds fifteen shillings per head on children above the age of four years and under the age of sixteen, who have attended such schools not less than one hundred and eighty days in any one year; an attendance of less than four hours a day not to be reckoned.

To receive proportion of Grant, if any, for Books, &c.,

21 GOVERNMENT Schools shall receive a proportion of the public grant (if any) for books, maps, and other school appliances, not exceeding on the whole the sum of five shillings per head on the average attendance of children above the age of four years and under the age of sixteen, and such annual sum as may be voted for repairs of buildings or construction of new ones.

Regulations for conduct of Government Schools.

22 EVERY Government and assisted School shall be conducted in accordance with the following regulations (a copy of which regulations shall be conspicuously put up in every such school) namely:

1. It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday School, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs:
2. The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end or at the beginning and the end of such meeting, and shall be inserted in a time-table to be approved by the Central Board of Education, and to be kept permanently and conspicuously affixed in every school room; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school:

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3. The school shall be open at all times to the inspection of the Inspector of Schools, so, however, that it shall be no part of the duties of such Inspector to enquire into any instruction in religious subjects given at such school or to examine any scholar therein in religious knowledge, or in any religious subject or book:

23 NO religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in any Government school.

No religious formulary to be used in Government Schools.

24 THE instruction to be given in Government and assisted schools shall not be less than five hours a day, four hours of which shall be devoted to secular instruction.

Instruction in Government Schools for five hours a day.

25 ALL schools founded by voluntary efforts, not belonging to Government, but receiving Government aid, shall be called "assisted schools."

All schools, not Government schools, receiving aid, to be termed "assisted schools."

26 ANY elementary school may receive Government aid: provided always:

Any elementary school may receive Government aid under conditions herein.

1. That such grants-in-aid shall not commence before the first day of January, 1872, or be made in respect of any instruction on religious subjects.
2. It shall not be required that the school shall be in connection with a religious denomination, or that religious instruction shall be given in the school, and no preference or advantage shall be given to any such school on the ground that it is or is not provided by a school board, or by a religious denomination, or by an individual patron or promoter.
3. Such grant shall not for any one year exceed the income of the school for that year which was derived from voluntary contributions and from school fees and from any sources other than the Government grant, nor shall the grant-in-aid exceed the sum of one pound seven shillings and sixpence per head for each child above the age of four years and under the age of sixteen years who has attended such school not less than one hundred and eighty days in any one year, an attendance of less than four hours a day not to be reckoned. Provided, also, that no such grant-in-aid shall be given to any such school when the number of scholars is less than twenty.

Limitation of Grant to "assisted schools."

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School Buildings to be approved of by Central Board.

As to attendance of children at school.

27 ALL Elementary Schools shall be held in Buildings to be approved of by the Central Board.

28 EVERY district board may from time to time, with the approval of the Central Board, make by-laws for all or any of the following purposes:

1. Requiring the parents of children of such age, not less than six years nor more than fourteen years, as may be fixed by the by-laws, to cause such children (unless there is some reasonable excuse) to attend school, which children do not reside beyond three miles from a Government School:
2. Determining the time during which children are so to attend school; provided that no such by-law shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labor:
3. Imposing penalties for the breach of any by-laws:
4. Revoking or altering any by-law previously made.

Provided that any by-law under this section requiring a child between ten and fourteen years of age to attend school shall provide for the total or partial exemption of such child from the obligation to attend school if one of the Government Inspectors certifies that such child has reached a standard of education specified in such by-law.

Any of the following reasons shall be a reasonable excuse, namely,

- (1a.) That the child is under efficient instruction in some other manner:
- (2a.) That the child has been prevented from attending school by sickness or any unavoidable cause:
- (3a.) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the by-laws may prescribe.

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29 THE parents of any child compelled to attend school under the provisions of Clause No. 28 shall have the right of choice as to school, provided that such school shall be an Elementary School within the meaning of this Act.

In cases of compulsory attendance, parents to have choice of School.

30 EVERY school board may, if they think fit, appoint an officer or officers to enforce any by-laws under this Act with reference to the attendance of children at school, and any expenses incurred under this section may be paid out of the school grant.

Officer to enforce attendance at school.

31 NO Government school shall be supported and no school founded by voluntary efforts shall be aided by public funds when such two schools are within four miles of each other, unless the combined number of scholars attending such schools shall amount to forty.

Two Schools within 4 miles not to be aided by public funds when number of scholars under forty.

32 NO grant-in-aid for building purposes shall be made to any assisted school.

No grant-in-aid of building purposes to be made to "assisted schools."

33 IN case no Government elementary school exists in any district, any such assisted school therein shall be subject in all respects to the direct supervision of the board, and shall in all respects be subject to the rules and regulations of Government schools.

Where no Government school in a district any "assisted school" therein shall be subject in all respects to rules of Government schools.

34 THE owners, patrons, promoters, or managers of any elementary school not being a Government school and wishing to receive Government aid, shall apply through the Central Board to the Governor in Council, setting forth all information necessary to enable the Central Board to consider on the application; and such application shall be forwarded in a report with such remarks as may seem fit by the Central Board to the Governor, and such report shall set forth whether there are any funds available for the grant-in-aid applied for; And should such funds be available out of any provision that may be made by the Legislature for the purpose, then it shall be lawful for the Governor to issue under his hand a warrant for the payment of such aid.

How application for aid shall be made by "elementary schools."

35 IN Government Schools the Central Board shall fix such times as may be most convenient, before or after or before and after the four hours devoted to secular instruction, when the Bible and such religious books as may be approved by such board shall be read, without note or comment. Provided that in regard of any particular

Bible and approved religious books to be read.

Exceptions in certain cases.

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particular school the Central Board shall consider and determine upon any application made by any District Board, or by managers or parents, who may show special cause for exception of such school from the operation of this Clause in whole or in part.

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

FRED. A. WELD, Governor.