

EDUCATION.

(63 Vict., No. 3.)

(As amended to 31st December, 1926, by Acts No. 6 of 1905, No. 2 of 1907, No. 55 of 1919, and No. 30 of 1926.)

AN ACT to amend the Law relating to Public Elementary Education.

[Assented to 5th October, 1899.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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 *Public Education Act*, 1899, and shall be read with the other Acts relating to public education. Short title and in corporation.
2. The Act of the fifty-eighth year of Her now Majesty, numbered thirty, is hereby repealed. Repeal of 58 Vict., 30.
3. In this Act, save so far as the context otherwise requires— Interpretation.
 - “Compulsory Officer” means a person employed by the Minister to secure the attendance of children at school.
 - “Efficient Schools” are schools certified by the Minister to be efficient for the purposes of this Act.
 - “Government School” means any school established under the Elementary Education Act, 1871, or any Act amending that Act.
 - “Justice” means a justice of the peace.
 - “Minister” means the member of the Executive Council appointed by the Governor to administer this Act.
 - “Parent” includes guardian and every person who is liable to maintain or has the actual custody of any child.
 - “Teacher” includes assistant teacher, or any person forming part of the educational staff of a school.

Education *gratis* to children under 14 years of age.

4. No fees shall be paid by or for children between six or fourteen years of age attending any Government elementary school.

Scale of fees after 14.

5. The Minister may authorise and determine a scale of fees to be paid by—

- (a) the parent of any child who has attained the age of fourteen years, and whose parents desire that such child should be instructed in a Government school beyond the compulsory age for such instruction; and
- (b) any person for his or her own instruction in any Government school other than Government elementary school.

Fees, to whom payable, and how recoverable.

All such fees for instruction shall be paid to and received by the several persons authorised in that behalf by the Minister, and may be recovered summarily by the person so authorised, before a court of summary jurisdiction; and the production of a document, in writing, purporting to be signed by the Minister, authorising any person to collect such fees, or a copy of the *Government Gazette* containing published therein a notice to that effect, shall be *prima facie* proof that such person is so authorised.

Compulsory attendance.
No. 2 of 1907, s. 2.

6. Unless some reasonable excuse for non-attendance is shown—

- (a) the parent of every child of not less than six nor more than nine years of age shall, if there is a Government or efficient school within two miles of such child's residence measured by the nearest road or other reasonable means of access, cause such child to attend such school on such days as the school is open;
- (b) the parent of every child of not less than nine nor more than fourteen years of age shall, if there is a Government or efficient school within three miles of such child's residence measured by the nearest road or other reasonable means of access, cause such child to attend such school on the days on which the school is open;
- (c) the parent of every child of not less than nine nor more than fourteen years of age shall, if there is a Government or efficient school within twelve miles of such child's residence, and there is a suitable railway service whereby the distance to be travelled by the child on foot shall not exceed two

miles, cause such child to attend such school on the days on which the school is open; but no railway service shall be deemed suitable which does not enable the child to leave and return to his residence between sunrise and sunset on the days on which the school is open.

- (d) the parent of every child of not less than six nor more than nine years of age shall, if satisfactory means of conveyance to a Government or efficient school is provided by the Minister so that the distance to be travelled by the child on foot does not exceed one mile, cause such child to attend such school on the days on which the school is open. The Minister shall be sole judge of the question whether the means of conveyance is satisfactory; No. 55 of 1919, s. 3.
No. 30 of 1926, s. 5.
- (e) the parent of every child of not less than nine nor more than fourteen years of age shall, if satisfactory means of conveyance to a Government or efficient school is provided by the Minister so that the distance to be travelled by the child on foot does not exceed two miles, cause such child to attend such school on the days on which the school is open. The Minister shall be sole judge of the question whether the means of conveyance is satisfactory; Ibid.

Provided always, that a continuous attendance of two hours for secular instruction by any child shall count as half a day's attendance; but this proviso shall not justify the absence of a child during any portion of the prescribed time for attendance, or the withdrawal of a child before the prescribed time for closing the school:

Provided also that, subject to the regulations, a grant at a prescribed rate per day may be made to the parent or guardian of a child who rides to school, in lieu of the provision by the Minister of any other means of conveyance; and in such case the Minister shall be deemed to have provided a satisfactory means of conveyance, within the meaning of paragraphs (d) and (e) of this section. No. 30 of 1926, s. 5.

7. Any of the following reasons shall be deemed a reasonable excuse— Reasonable excuse.

- (1) That a child is under efficient instruction at home or elsewhere; and whether such instruction is efficient or not shall be a matter for the decision of the Minister, who may require the report of an inspector of schools thereon.

- (2) That the child has been prevented from attending school by sickness, danger of infection, temporary or permanent infirmity, or any unavoidable causes, but such excuse shall not be entertained unless the parent has given the teacher notice thereof, in writing, within seven days after the occurrence of such prevention. A medical certificate must be produced if required by the Minister.

Minister may excuse certain children at certain times.

8. The Minister may, at his discretion, excuse from attendance children who are required to help in the fields at harvest time, or other special periods of the year.

Truant officers may accost children in public places.

9. The Minister may from time to time appoint officers whose duty it shall be to enforce the attendance required by this Act, and the officers so appointed shall be empowered to accost in the streets or other public places, and obtain the names and addresses of children of school age who are apparently not in attendance at school.

Penalties for neglect.

No. 55 of 1910, s. 4.

No. 30 of 1926, s. 2.

10. The parent of any child of not less than six or more than fourteen years of age, who, without reasonable excuse, neglects to cause such child to attend a Government or other efficient school, in accordance with this Act, may be summoned before a court of summary jurisdiction, on the complaint of a compulsory officer or an inspector, or of any other person authorised in that behalf by the Minister, and shall be guilty of an offence against this Act, punishable upon conviction before such court, and shall be liable to pay a penalty not exceeding five shillings for the first offence, and not exceeding twenty shillings for every subsequent offence.

Onus of proof.

No. 30 of 1926, s. 2.

And the allegations in the complaint that the complainant is a compulsory officer or inspector, or a person authorised in that behalf by the Minister, and that a child is not less than six nor more than fourteen years, and that the parent thereof neglects to cause such child to attend such school without reasonable excuse as aforesaid, shall be deemed *prima facie* evidence of the fact until the contrary is proved, and in every case the parents of a child may be witnesses.

Certificate of attendance or non-attendance.

11. A certificate purporting to be under the hand of the principal teacher of a Government or efficient school stating that a child is or is not attending such school, or stating the particulars of attendance of a child at such school, shall be evidence of the facts stated in such certificate.

12. A person shall not, after the commencement of this Act, take into his employment during school hours any child who by reason of his age is not exempt from school attendance. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction before a court of summary jurisdiction, to a penalty not exceeding forty shillings. A parent who employs his child in any labour exercised by way of trade or for the purpose of gain is to be deemed, for the purposes of this Act, to take the child into his employment.

Employment of children of compulsory age.

The Minister may, at his discretion, give special exemption for children between the ages of twelve and fourteen, in case of poverty or sickness of the parents.

13. (1.) If a child is constantly and habitually absent from school, the parent of such child may be summoned on the complaint of a compulsory officer or an inspector, or of any other person authorised in that behalf by the Minister, before a court of summary jurisdiction, to show cause why such child should not be sent to an industrial school.*

Habitual truants.

No. 6 of 1905, s. 3.

No. 30 of 1926, s. 3.

(2.) Upon the hearing of the summons the court may, without prejudice to any proceedings against the parent for an offence against section ten of this Act, order such child to be sent to a certified industrial school for not exceeding six months.

(3.) If the court is satisfied by the parent that he has used all reasonable efforts to cause the child to attend school but that the child is beyond his control, the court may, without inflicting a penalty, order the child to be sent to a certified industrial school till the age of fourteen.

(4.) The parent or other person for the time being legally liable to maintain the child shall, if of sufficient ability, contribute for the maintenance and training of the child in such industrial school a sum not exceeding ten shillings a week, the amount to be assessed by the court at the time of the committal of the child: Provided that the court may, from time to time, vary the amount in accordance with the means of the person so ordered to contribute, but so that the contribution shall not exceed ten shillings a week.

14. (1.) It shall be the duty of every parent of a blind, deaf, or mute child, from the time such child attains the age of six years until he attains the age of sixteen years, to provide efficient and suitable education for such child.

Blind, deaf and mute children.

No. 55 of 1919-s. 2

Instructions for such children.

(2.) If the parent having the actual custody of any such child is unable to provide such education, he shall give notice in writing to the Minister of Education of such inability, and shall, from such date as is specified by the Minister, send the child to such (if any) institution as the Minister directs, and shall pay such periodical sum or sums towards the cost of the education or maintenance and education thereof of the child as is or are agreed between such parent and the Minister.

Maintenance.

(3.) If no such agreement is made, then, upon the complaint of the Minister, or of any person authorised in that behalf by the Minister, a court may, if satisfied that such parent is able to contribute towards the education or maintenance and education of such child, make an order that the parent shall pay such periodical sums, not exceeding ten shillings a week, towards the cost of the education or maintenance and education of the child as the court deems proper and are specified in the order.

Proceedings on failure to provide education

(4.) If such parent—

(a) fails to provide efficient and suitable education for such child, as required by subsection (1); and fails to give notice of inability as required by subsection (2) of this section; or

(b) fails to send such child to such (if any) institution as the Minister directs under the said subsection (2),

such parent may be summoned in the name of the Minister, or of any person authorised in that behalf by the Minister, to attend before a court, at a time and place mentioned in the summons, to show cause why such child should not be sent to an institution.

Order of Court.

(5.) Upon the hearing of such summons, the court may, if of opinion that the application should be granted, either—

(a) order that such child be sent to an institution specified by the court; or

(b) commit such child to an institution so specified.

Duty of parent if ordered to send child to an institution.

(6.) If the court orders that the child be sent to an institution, such parent shall cause such child to attend the specified institution on every occasion on which it is open for instruction, and in default thereof shall, unless reasonable excuse is shown, be liable, for a first offence, to a penalty not exceeding five shillings, and for any subsequent offence to a penalty not exceeding two pounds.

(7.) If the court commits the child to an institution, the order of commitment shall state the period of detention, which period shall terminate not later than the time when the child will attain the age of sixteen years.

When child committed to an institution.

(8.) A court may, at any time, on the application of the Minister, or of any person authorised in that behalf by the Minister, commit any child who has been committed to an institution under this section to another institution to be kept therein for the remainder, or any part of the period for which such child was committed to the first-mentioned institution.

Removal to another institution.

(9.) Upon the hearing of the summons under subsection (4) of this section the court, or at any time thereafter, upon the complaint (which may be made at any time) of the Minister or of any person authorised by him in that behalf, the same or another court, if satisfied that any parent of the child committed as aforesaid is able to contribute towards the maintenance of such child, may, subject to subsection (11) of this section, make such an order as mentioned in subsection (3) of this section against such parent.

Cost of maintenance at institution.

(10.) Upon the complaint (which may be made at any time) of the Minister or of any person authorised by him in that behalf, or of any parent who has, by an order made under any provision of this section, been ordered to make payments, a court may, from time to time, according to the ability of such parent, or the respective abilities of such parent, and any other parent of the child, make a further order—

Variation of maintenance order.

- (a) varying the sums to be paid by virtue of the first-mentioned order; or
 - (b) continuing or varying such sums and distributing the liability to pay the same amongst several parents; or
 - (c) suspending or renewing the operation of any such order or further order;
- but so that such sums shall not exceed ten shillings per week.

(11.) No person shall, by any order made under this section, be ordered to make any payments unless the summons, or a notice of the hearing of the complaint whereon the order is to be made, has been served on him, or he has had such other notice of the hearing as the court deems reasonable.

Notice of application for maintenance.

Evidence.

(12.) For all the purposes of this section, and in any proceedings under this section—

- (a) a certificate, purporting to be signed by a legally qualified medical practitioner, certifying that in his opinion the sight, hearing, or speech of the child therein mentioned is so defective as to render such child unfit to be educated except by special means, shall be *prima facie* evidence that such child is blind, deaf, or mute, according to the nature of the certificate;
- (b) whether efficient and suitable instruction is being provided for a blind, deaf, or mute child or not shall be a matter for the decision of the Minister (who may, if he deems it necessary, obtain a report thereon by an inspector or some other person authorised by him in that behalf), and the Minister's decision shall be conclusive.

Meaning of "Institution" and "Court."

(13.) In this section "institution" means an institution for the education of blind, deaf, or mute children, and "court" means a court of summary jurisdiction.

Minister may refuse admission to Government school in certain cases.

15. The Minister may refuse the admission of any child to any Government school if accommodation has been provided for such child in another Government school nearer to his dwelling-place, or if there is more suitable accommodation in some other Government school within the prescribed distance.

Census may be taken.

16. The Minister, from time to time, may cause an educational census to be taken of all children within any area, and upon notice of such census appearing in the *Government Gazette* the Minister shall appoint some person to call at every house within such area, and every householder shall thereupon give such information to such person as enables him to fill up the form of return in the first schedule hereto; or, if from any cause such information is not then given, such person may thereupon leave at the house of any householder neglecting to give such information a copy of such form or return, and after the expiration of seven days call for the same; and every householder at whose house such form of return has been left shall, within seven days, fill up the same or cause it to be filled up, and return it when called for; and whenever and as often as any householder neglects to fill up such form of return or cause the same to be filled up, and to

1st Schedule.

return the same when called for, or wilfully fills the same up with an untrue statement, or gives false information to such person aforesaid, the householder shall be guilty of an offence against this Act, and summarily punishable upon conviction before a court of summary jurisdiction, and shall be liable to pay a sum not exceeding five pounds for every such offence, and in default of the payment thereof he shall be liable to a term of imprisonment not exceeding one month.

17. The proprietor, head-master, or principal teacher of any school, not being a Government school, may apply to the Minister, in writing, to have such his school found "efficient" for the purposes of this Act; and upon such application being made, the Minister shall forthwith cause such school to be inspected by an inspector of schools; and if, upon inspection, such school is found to be efficient as to the instruction given in reading, writing, arithmetic, spelling, and geography, as required by this Act or the Regulations, the Minister shall cause such school to be included in a list of schools which have been inspected and found efficient, or certified to be efficient as hereinafter mentioned, for the purpose of this Act; and the Minister shall cause a copy of such list, with the names of the proprietors, head masters, or principal teachers of all schools therein included, to be published from time to time at intervals of not more than twelve months, in the *Government Gazette*; and the Minister may from time to time cause any school included in such list to be inspected by an inspector of schools, and remove from the list any school that at any time is found on inspection not to be efficient as aforesaid; and any school so removed from the list shall thereupon cease to be efficient for the purposes of this Act: Provided always, that the Minister may, if he is satisfied that any school is efficient as aforesaid, certify that such school is efficient without inspection, and upon any school being so certified the Minister shall include such certified school in the list.

All schools other than a Government school may be found efficient.

18. The proprietor, head-master, or principal teacher of any school not being a Government school established under an Act relating to public education, shall keep a register or list of attendances of all scholars attending his school, in a form approved by the Minister of Education, which shall be open to inspection at such times in every year as may be mutually agreed upon by an inspector of schools, compulsory officer, or other person duly authorised by the Minister; and such proprietor, head master, or principal teacher shall furnish, when required, to an inspector of schools, compulsory

Schools other than Government to keep registers of attendance and supply information.

officer, or other person duly authorised by the Minister, either in writing or verbally, any information concerning the attendance of any scholar entered on the roll of his school, and shall allow the said inspector of schools, compulsory officer, or other person duly authorised by the Minister, to inspect and make copies from the said register.

Proprietors of private schools to make monthly and quarterly return of attendances.

19. (1.) The proprietor, headmaster, or principal teacher of every elementary or secondary school, not being a Government school established under an Act relating to public education—

No. 6 of 1905, s. 4,
No. 30 of 1926, s. 4.

- (a) shall forward to the Education Department in Perth, within the first seven days of every month, a return in the form of the Second Schedule of this Act, giving the names of all scholars between the ages of six and fourteen years who have not made at least four-fifths of the possible half-day attendances during the preceding month, and a list of all scholars between those ages who have been admitted, with the date of admission, and the name of the last school attended, and a list of all the scholars who have left during the preceding month; and
- (b) shall forward to the Education Department in Perth, within seven days after the close of every school quarter, a quarterly summary of attendance in the form of the Third Schedule to this Act;
- (c) for the purposes of this section "elementary school" means any school which has not been placed on the list of secondary schools of the Education Department.

(2.) If the provisions of this section, or of section eighteen, are not duly complied with, the proprietor shall be liable to a penalty not exceeding forty shillings.

Penalty for disturbance.

20. Any person who wilfully disturbs any State or other school established under any of the Acts relating to public education, or who upbraids, insults, or abuses any teacher in the presence or hearing of the pupils assembled in such school, shall be guilty of an offence against this Act, summarily punishable upon conviction before a court of summary jurisdiction, and shall be liable to a penalty not exceeding forty shillings and not less than ten shillings.

21. All bursaries and scholarships granted by the Governor out of the public funds shall be open for competition among the children being educated at any Government or other efficient school; and the Governor may, from time to time, make regulations for the conduct of, and subjects for, the examination for such bursaries and scholarships.

Regulations as to examinations for certain bursaries and scholarships.

22. Sections A, C, F, G, and H of the Second Schedule to the Interpretation Act, 1918, are incorporated with this Act.

Sections of Schedule 2 of Interpretation Act incorporated.

FIRST SCHEDULE.

Section 10.

PUBLIC EDUCATION ACT, 1899.

Return of Children below the age of Fourteen Years.

No.	Name of each Child in full.	Sex.	Age.	Where under instruction, showing whether at home, or at private or other schools.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

I, _____, of _____ certify the above to be a true return concerning all children below the age of fourteen years now residing in this dwelling house.

Dated the _____ day of _____, 1 _____.

(Signature or mark, with witness thereof, of person certifying.)

To _____ residing at _____

TAKE NOTICE that this return will be called for on or after the _____ day of _____, 1 _____, and that any householder neglecting to fill it up by that day, and return it when called for, or wilfully filling it up with an untrue statement, or giving false information to the person leaving the same, is liable, on conviction, to a penalty not exceeding Five pounds, or in default, to one month's imprisonment.

Education.

SECOND SCHEDULE.

WESTERN AUSTRALIA.

PUBLIC EDUCATION ACT, 1899.

(As reprinted with Amendments to 31st December, 1926.)

COMPULSORY FORM.

Names of all scholars between the ages of six and fourteen who have not made four-fifths of the possible half-day attendances during the month of.....

This Form to be made up and forwarded to the Education Department, Perth, within the first seven days of every month.

Name of child.	Age and Stand-ard.	Name and full address of parents.	No. of half-days school was opened.	No. of half-days attend-ed.	Reason ten-dered for absence, if any.	Result of Compulsory Officer's inquiry.

School.....

Date.....

Proprietor [or Headmaster,
or Principal Teacher.]

THIRD SCHEDULE.

WESTERN AUSTRALIA.

PUBLIC EDUCATION ACT, 1899.

(As reprinted with amendments to 31st December, 1926.)

Quarterly Summary of Attendance to be forwarded to the Education Department within seven days after the close of school quarter.
(Quarter closes on the last Friday in March, June, September, and December.)

School.....
Address in full.....
Hours of Instruction:—Morning from.....to..... Afternoon from.....to.....
Enrolment at end of preceding quarter.....

Week ending Friday.	Admitted.	Left.	Enrolment.	Total number of half-day attendances made.	Number half-days school open.	Average Attendance.
Results for Quarter ...						

Average Attendance for Quarter (1).....	Number of pupils under 6 years of age.....
	6 and under 14.....
	14 and under 16.....
	16 and over.....
Average Enrolment for Quarter (2).....	Number of Teachers (1) Males.....Females.....

INSTRUCTIONS.

- To find *Average Attendance* for the Quarter, divide the total number of Attendances by the total number of Half-days the School has been opened. Any remainder above one-half counts as a unit.
- To find *Average Enrolment* for the Quarter, add together the number of Boys and Girls on Roll for weeks School was open and divide by number of weeks open. Remainder same as for Average Attendance.
- No blanks must be left. The full Quarter to be shown on this Return. If the School has been closed for a week or weeks during the quarter, for holidays or other causes, the date of closing should appear in regular order.
- Teachers not actually on the staff, such as visiting teachers of music or painting, are to be disregarded in the compilation of this return.

Summary of attendance, etc., certified correct.
....., 19

.....
Proprietor [or Headmaster,
or Principal Teacher.]