

WESTERN AUSTRALIA

EDUCATION AMENDMENT ACT

No. 36 of 1990

AN ACT to amend the *Education Act 1928*.

[Assented to 26 October 1990.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Education Amendment Act 1990*.

Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Education Act 1928** is referred to as the principal Act.

*[*Reprinted as approved 19 July 1984 and amended by Acts Nos. 94, 118 and 121 of 1984, 98 of 1985, 63 of 1986, 113 of 1987 and 7 of 1988.]*

Section 9B inserted

4. After section 9A of the principal Act the following section is inserted—

Government schools—school fund
and bank account

“ 9B. (1) Each Government school shall have a fund for the purposes of this section to be called the “(name of the school) Fund”.

(2) The chief executive officer shall for each Government school designate—

(a) a person who is to have management of the Fund;
and

(b) at least 2 persons who are to jointly operate the account referred to in subsection (5) (b).

(3) The chief executive officer may amend, revoke or replace a designation under subsection (2).

(4) There shall be credited to the Fund—

(a) moneys from time to time allocated to the school from funds appropriated by Parliament;

(b) grants and advances to the school from government and private sources;

(c) fees and charges levied for the purposes of the school;

(d) donations and voluntary contributions for the purposes of the school;

- (e) the proceeds of any investment under subsection (5) (c);

and

- (f) other moneys properly receivable into the Fund for the purposes of the school.

(5) Moneys forming part of the Fund—

- (a) may only be expended by or with the authority of the person designated under subsection (2) (a) and in accordance with—

- (i) the prescribed instructions; and

- (ii) any directions (not being inconsistent with the prescribed instructions) issued by the chief executive officer either generally or in any particular case;

- (b) shall be paid into an account at a bank approved by the chief executive officer which may be operated only by the persons designated under subsection (2) (b); and

- (c) may, until required to be paid out under paragraph (a), be invested in the name of the school by the person designated under subsection (2) (a) in the manner in which certain public moneys may be invested under section 38 of the *Financial Administration and Audit Act 1985*.

(6) If a school is closed or amalgamated with another school—

- (a) moneys in the Fund shall be dealt with as the chief executive officer may direct; and
- (b) the bank account for the Fund may be operated by the chief executive officer for the purpose of giving effect to such a direction.

(7) This section has effect notwithstanding sections 6 and 34 of the *Financial Administration and Audit Act 1985*, but nothing in this section shall be read as affecting the responsibilities of the chief executive officer as accountable officer under that Act in respect of moneys referred to in subsection (4).

(8) In this section—

“bank” means—

- (a) a bank as defined in section 5 of the *Banking Act 1959* of the Commonwealth; and
- (b) a bank authorized under an Act of the State to carry on banking business if—
 - (i) the liabilities of the bank are guaranteed by the State; or
 - (ii) the repayment of all moneys deposited with the bank and all securities issued or backed by the bank are guaranteed by the State;

“Fund” means the Fund referred to in subsection (1);

and

“prescribed” means prescribed by the Minister by order published in the *Government Gazette*. ”.
