

WESTERN AUSTRALIA

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# EDUCATION AMENDMENT ACT

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No. 53 of 1988

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AN ACT to amend the *Education Act 1928*.

[Assented to 8 December 1988]

The Parliament of Western Australia enacts as follows:

## Short title

1. This Act may be cited as the *Education Amendment Act 1988*.

## Commencement

2. The provisions of this Act shall come into operation on such day or days as is, or are, respectively, fixed by proclamation.

**Principal Act**

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

[\*Reprint 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 3 amended**

4. Section 3 of the principal Act is amended—

(a) by inserting after the section designation “3.” the following—

“ (1) ”; and

(b) by inserting the following subsection—

“ (2) A reference in this Act or any regulation made under this Act to the chief executive officer shall, with respect to any person, matter or thing relating to technical and further education under this Act, be read and construed as a reference to the officer designated as the designated officer under section 8 (2). ”.

**Section 8 amended**

5. Section 8 of the principal Act is amended—

(a) by inserting after the section designation “8.” the following—

“ (1) ”; and

(b) by inserting the following subsections—

“ (2) The Minister may by notice published in the *Government Gazette* designate the senior officer of the department having responsibility with respect to technical and further education under this Act to be the designated officer for the purposes of section 3 (2).

(3) A designation for the purposes of subsection (2) may be made by reference to the holder of any office specified in the notice and any designation so made includes the person acting for the time being in that office.

(4) A notice under this section may be revoked or amended by the Minister by notice published in the *Government Gazette*. ”.

**Section 23 amended**

6. Section 23 of the principal Act is amended—

- (a) by inserting after the section designation “23.” the subsection designation “(1)”; and
- (b) by inserting the following subsection—

“ (2) Except as expressly excluded by resolution of the association, an association shall in addition to the objects referred to in subsection (1) be deemed to have among its objects the object of participating in the formulation of the educational policy and operations of the school or schools in relation to which it is formed to the extent prescribed by regulations made for the purposes of this section. ”.

**Section 27 repealed and a section substituted**

7. Section 27 of the principal Act is repealed and the following section is substituted—

Participation of associations  
in school activities

- “ 27. An association shall be deemed to have such functions and powers as are necessary or convenient for the purposes of carrying out the objects conferred on it under this Act but nothing in this section enables an association to exercise any power or authority over the teaching staff of the school or schools in relation to which it is formed. ”.

**Section 28B inserted**

8. After section 28A of the principal Act the following section is inserted—

“ Administrative instructions

28B. (1) To the extent that it is practicable to do so the chief executive officer may issue administrative instructions not inconsistent with this Act or any regulations made under this Act for the purposes of facilitating the administration of this Act.

(2) Administrative instructions issued under subsection (1) are subsidiary legislation but section 42 of the *Interpretation Act 1984* does not apply to or in relation to them.

(3) Notwithstanding anything in section 41 of the *Interpretation Act 1984* administrative instructions issued under subsection (1) shall be published in the manner approved by the Minister and shall take effect on the date of publication or on such later date as is specified in them.

(4) This section expires 3 years from the date on which it came into operation and any extant administrative instructions remain in force. ”.

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