

PART I.

PRELIMINARY.

1. (1) This Act shall be construed with the Public Instruction Act of 1880, and may be cited as the "Public Instruction (Amendment) Act, 1912." Incorporation and short title.

This Act shall commence on the _____ day of _____, one thousand nine hundred and _____.

(2) This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY.

PART II.—ATTENDANCE AT SCHOOL.

PART III.—CONTINUATION SCHOOLS.

PART IV.—REGISTRATION OF SCHOOLS AND TEACHERS

PART V.—DEAF AND BLIND INSTRUCTION.

PART VI.—GENERAL AND SUPPLEMENTAL.

Definitions.

2. In this Act, unless the context otherwise requires,—

"Continuation school" means school established by the Department under the provisions of this Act to provide for the continued instruction of boys and girls up to sixteen years of age. Interpretation.

"Continuation school district" means the area defined under this Act in which attendance at continuation schools is compulsory.

"Part" means Part of this Act.

"Prescribed" means prescribed by this Act or by any regulations made thereunder.

"Registered school" means any school other than a State school registered under the provisions of this Act.

"Registered teacher" means a person who has become eligible to teach in a registered school through having satisfied the requirements of the Schools Registration Council as provided in this Act.

"Schedule" means Schedule to this Act.

"State school" means school established under the Principal Act, or declared to be a public school under that Act.

"The Board" means the Bursary Endowment Board constituted under the Bursary Endowment Act, 1912.

"The Court" means the children's court established under the Neglected Children and Juvenile Offenders Act, 1905, and includes a magistrate or justices exercising the jurisdiction of a children's court. "The

- “The Minister ” means the Minister of Public Instruction.
“The Principal Act ” means the Public Instruction Act of 1880.
“Uncontrollable child ” means child whom his parent or guardian cannot control.

Repeal.

3. Sections twenty, twenty-one, and thirty-five of the Principal Act are repealed.

PART II.

ATTENDANCE OF CHILDREN AT SCHOOL.

4. (1) Every child between the ages of six and fourteen years shall attend a school on such half-days as the school is open, and the parent or guardian of the child shall cause him to so attend school. Compulsory attendance at school.

(2) If the parent or guardian of a child fails to cause such child to attend a school on such half-days as aforesaid, he shall be liable to a penalty not exceeding *ten* shillings for the first offence and not exceeding *forty* shillings for every subsequent offence in respect of the same child, unless he proves—

- (a) that at the time of the committing of the alleged offence the child was under six or over fourteen years of age ; or
- (b) that at the time aforesaid the child was of the age of thirteen years or more, and had received a certificate in the form of Schedule One, and that such certificate was in force ; or
- (c) that the Minister had granted an exemption certificate under this Act in respect of the child, and that at the time aforesaid the certificate was in force ; or
- (d) that at the time aforesaid there was not a school within three miles by the nearest practicable route of such child's residence, or that the child was less than eleven years of age, and there was not a school within two miles by the nearest practicable route of such child's residence :

Provided that the above shall not be a defence if it appears—

- (i) that means had been provided under the authority of the Minister for conveying children to the school, unless the defendant proves that the child resided more than two miles by the nearest practicable route from a road or stream traversed by such means of conveyance ; or
- (ii)

- (ii) that the school was within twelve miles of the residence of the child, and that all except two miles, or less, of that distance might have been travelled by such child on a free pass by railway on which there is a train service which would enable the child to leave and return to his residence between sunrise and sunset.
- (e) that the child was prevented from attending school by sickness, danger of infection, temporary or permanent infirmity, or other reasonable or unavoidable cause, and that within seven days after the date on which such sickness, danger, infirmity, or cause occurred or arose the defendant gave or caused to be given notice thereof in writing to the teacher of the school which the child attended immediately prior to such date: Provided that if at the hearing of an information under this section the defendant states that he relies wholly or partly on sickness or temporary or permanent infirmity the court may, in its discretion, on the request of the informant, and if it is not satisfied that the child was prevented from attending school for the reason stated by the defendant, require the defendant to produce a certificate from a legally qualified medical practitioner in support of such matter of excuse, and in such case the matter of excuse shall not be taken to be proved unless such certificate is produced ;
or
- (f) that the child is an uncontrollable child.

(3) An attendance of two hours on any half-day shall constitute attendance on such half-day, but any child having received the teacher's sanction to leave school on any half-day before the completion of two hours' attendance shall be deemed to have attended on such half-day.

Register of attendances.

- 5.** The proprietor or principal teacher of any school at which there are scholars between the ages of six and fourteen years shall—
- (a) keep a register in a form approved by the Minister of the attendance of such scholars at his school ;
 - (b) at the request of an inspector of schools, attendance officer, or other person authorised by the Minister, produce to him such register and allow him to inspect and make extracts from the same ;
 - (c) on request furnish the Minister with a return in the form of Schedule Two, and also furnish, when required, any information concerning the attendance of scholars which the Minister may deem necessary in order to secure compliance with the provisions of this Part.

If

If any such proprietor or teacher fails to carry out any of the provisions of this section, or falsifies any such register or return, he shall be liable to a penalty not exceeding *ten* pounds.

Exemption certificates.

6. The Minister may grant an exemption certificate exempting a child from the attendance at school required by this Part where he is satisfied—

Minister may grant exemption certificates.

- (a) that the child is under efficient instruction at its home or elsewhere ; or
- (b) that such conditions of poverty or such other conditions exist as make it necessary or desirable that such certificate should be granted.

A certificate granted under this section shall be in force for the period mentioned in the certificate and no longer.

7. When it is proved to the satisfaction of an inspector that a child is educated up to the standard of education required by the Principal Act, and is of the age of thirteen years, and will be given regular employment or occupation, such child shall receive a certificate in the form of Schedule One.

Certificate to child. Schedule One.

Where a child has received a certificate as aforesaid, and is found not to be in regular employment or occupation, the certificate may be cancelled by an inspector in the manner prescribed, and thereupon it shall cease to be in force.

Employment of school children.

8. Every person (including the parent) who employs any child in any labour by way of trade, or for the purpose of gain during school hours, shall be liable to a penalty not exceeding *forty* shillings, unless he proves—

Children not to be employed.

- (a) that the child is more than fourteen years of age ; or
- (b) that the Minister has granted an exemption certificate under this Act in respect of the child, and that such certificate is in force ; or
- (c) that the child has received a certificate in the form of Schedule One. Schedule One, and that such certificate is in force.

Nothing in this section shall affect the operation of the Factories and Shops Act of 1896, or any Act amending it.

Persistent truants.

9. (1) If in any prosecution under this Part for failing to cause a child to attend a school, the court is satisfied that the child is a persistent truant, it may order the child to be sent to an institution set apart by the Minister for treatment of cases of the kind.

Justice may order child to an institution.

(2)

(2) A child sent to any such institution in pursuance of any such order shall be there detained until it reaches the age of fourteen years :

Provided that the Minister may cause a child to be transferred from one to another such institution :

Provided also that where a child has, in pursuance of this section, been detained in such an institution for any period deemed sufficient by the Minister, he may grant a license under which the child may live out of the said institution.

(3) Any such child living out of an institution in pursuance of such license shall regularly attend a State or such other school as may be specified in the license, and the teacher in charge of such school shall, if the child is absent from such school on any occasion, report to the Minister. If in the opinion of the Minister the child is not attending the school regularly, he may withdraw the license and order the child to be again sent to any such institution as aforesaid.

10. (1) If it appears to the court on complaint by or on behalf of the Minister, that any parent is of ability to maintain or to contribute to the maintenance and training of his child during its detention as a persistent truant in an institution in pursuance of this Part, the court may order the parent to pay to the Minister or to such person as he appoints a reasonable sum not exceeding ten shillings per week for or towards the maintenance and training of such child in such institution. Recovery of cost of maintenance of child in an institution.

(2) Any order made under this section shall be enforced, and may be appealed from, quashed, confirmed, or varied in the same manner in all respects as an order made under the Infant Protection Act, 1904, or any Act amending the same.

PART III.

CONTINUATION SCHOOLS.

Continuation schools.

11. In addition to the several classes of schools defined in section six of the Principal Act, continuation schools may be established and maintained under the said Act and any Acts amending it for the purpose of giving boys and girls preparatory instruction suitable for commercial, industrial, and domestic occupations. Establishing of continuation schools.

Such schools may be for boys or girls or for boys and girls.

12. A continuation school shall provide not less than six hours instruction weekly for not less than thirty-six weeks in each year, in such subjects as the Minister may from time to time determine, but such instruction shall not extend beyond seven o'clock in the evening of any one day: Provided that the Minister may temporarily close any school for holidays or other similar purposes. Instruction at such schools.

Continuation

Continuation school districts.

13. Where continuation schools are established in any locality, the Governor, by notification in the Gazette, may proclaim and define the boundaries of an area within three miles or less than three miles of such schools which shall be a continuation school district for the purposes of this Act, and may alter the boundaries of such district.

Compulsory attendance.

14. When any such district has been so proclaimed all boys or all girls or all boys and girls (according as the continuation schools in such district are established for boys only, or for girls only, or for both boys and girls) resident within such district who reach the age of fourteen years after the date of such proclamation, or who, being under that age, have received certificates in the form of Schedule One, and are not otherwise receiving efficient and regular instruction, are hereby required to attend a continuation school for not less than six hours in each week during which the school is open, until they reach the age of sixteen years.

15. The parent or guardian of any such boy or girl shall cause him or her to attend a continuation school as aforesaid, and if he fails so to do he shall be liable to a penalty not exceeding *two* pounds and not less than *five* shillings, unless he proves—

- (a) that the Minister has granted a certificate that the boy or girl is receiving efficient and regular instruction in some other manner;
- (b) that the boy or girl is prevented from attending by sickness, temporary, or permanent infirmity, or some other unavoidable cause;
- (c) that sanction to absence has been granted by the Minister;
- (d) that the boy or girl has obtained the intermediate certificate of the Department of Public Instruction, or holds some certificate of educational attainment deemed by the Minister to be equivalent thereto; or
- (e) that the boy or girl is an uncontrollable child.

16. The head teacher of a continuation school shall—

- (a) keep a register of all pupils in attendance at such school, showing the age of the pupil in years and months, the occupation of the pupil, the name and address of the pupil's employer (if any), and the name and address of the pupil's parent;
- (b) furnish to the employer of each such pupil, or to the parent if such pupil is not in employment, a monthly report showing the attendance of such pupil at the school, and the pupil's progress in the studies of the school.

17.

17. (1) Any person (including the parent) who knowingly employs in any trade, business, work, or occupation carried on for purposes of gain any boy or girl whose attendance at a continuation school is required under this Part shall allow such boy or girl to be absent from his employment for a time sufficient to enable him or her to attend any such school during any period notified to him in writing by the head teacher of such school.

If such person contravenes or fails to comply with any of the above provisions of this section, he shall be liable on conviction to a penalty not exceeding *two* pounds, and in the case of a second or subsequent offence to a penalty not exceeding *five* pounds, and not less than *two* pounds for every such offence.

(2) Where a boy or girl is employed in a factory as defined in the Factories and Shops Act of 1896, the time during which he or she attends a continuation school in any week in pursuance of the requirements of this Part, shall, for the purposes of section thirty-seven of the said Act, be deemed to be time in which the boy or girl is employed in the factory.

PART IV.

REGISTRATION OF SCHOOLS AND TEACHERS.

Definition.

18. In this Part—

Definition.

“School” means an assembly of four or more children at appointed times between eight o’clock in the morning and six o’clock in the evening for the purpose of being instructed by a teacher in all or any of the following subjects: reading, writing, arithmetic, grammar, geography, mathematics, history, English or other language but does not include a school established under the Minister nor any assembly of children for the instruction of whom public money is granted by the State.

Inspectors.

20. The Minister may appoint one or more inspectors of schools who shall act under the direction of the board.

The registration of schools.

20. (1) The board shall make and keep a register of schools in the form prescribed.

(2) Registration and classification of schools.

(2) The board shall within twelve months after the commencement of this Act cause all schools to be inspected by inspectors appointed under this Act, and upon the report of such inspectors shall classify schools as primary or secondary, or primary and secondary, or as special schools, and register such of the schools as it finds to be efficient.

It shall register under this Act all schools registered under the Bursary Endowment Act, 1912.

(3) If any school established at the commencement of this Act is not found by the board to be an efficient school, the board may extend the period within which the school may qualify for registration, but such extended period shall not exceed two years from the commencement of this Act.

21. The registration of any school under this Act shall hold good for one year. Period for which registration holds good.

The board may cause any registered school to be inspected in order to determine whether such school should be again registered. Such inspection may be made from time to time as the board may see fit, but every school shall be inspected at least once in every two years.

22. The board shall, in the month of December in the year one thousand nine hundred and thirteen, publish in the Gazette a list of all registered schools for the following year, and shall thereafter publish in the same manner in December of each year the list of schools registered for the succeeding year. Publication of list of registered schools.

23. If a school is established after the publication of the annual list, the board may, after due inquiry, register and publish the registration of such school for the balance of the year in which such school is established. Interim registration.

Inspection of school premises.

24. (1) The board, or any inspector or medical officer appointed by the board, may at any time and without previous notice enter any building or premises in which a school is held for the purpose of ascertaining whether such building or premises are provided with proper access, drainage, light, ventilation and sanitary conveniences. Inspection of school premises.

(2) If the board considers that such building or premises are not so provided as aforesaid or are in disrepair, it may give the proprietor or head-teacher notice to provide proper access, drainage, light, ventilation, or sanitary conveniences, or to place the building or premises in proper repair; and if within one month or such further time as the board may direct such notice is not complied with to the satisfaction of the board, it shall be unlawful to conduct a school in such building or premises, and the registration of such school may be cancelled by the board.

Registration of teachers.

25. (1) The board shall determine the qualifications required in teachers employed in registered schools, and shall make and keep a register on which shall be entered the names of all teachers whom it deems qualified to teach in such schools. Qualifications for teachers in registered schools.

(2) There shall be recorded in such register the kind of school for which each teacher is qualified, and the nature of the qualifications held by such teacher.

26. The board, with the consent of the Governor, may remove from the register the name of any teacher who, after he has had the opportunity of being heard in defence, is proved to the satisfaction of the board to have been guilty of conduct unbecoming a teacher. Removal of names from register.

27. Teachers who are employed in schools at the commencement of this Act may within twelve months after such commencement cause their names to be entered on the register kept in pursuance of this Act: Extension of time for teachers to qualify.

Provided that, if any such teacher should fail through lack of the necessary qualifications or other cause to become registered within the said twelve months, the board may in its discretion allow an extended time to enable him to gain the necessary qualifications, but such extension of time shall not exceed two years from such commencement.

28. After the expiration of twelve months from the commencement of this Act a teacher shall not be employed in a registered school unless his name is entered on the register of teachers, except in the case of any teacher who has, under the last preceding section, been allowed an extension of time to qualify for registration, in which case he may be so employed until the expiration of such time:

Provided that teachers newly trained, and not previously employed, may be employed as unregistered teachers, on probation, for twelve months.

29. A school in which any unregistered teacher is employed, in contravention of the express provisions of this Part, shall not be registered under this Act.

Miscellaneous provisions.

30. Unless otherwise expressly authorised, the name of a registered school and its classification shall be posted up as prescribed. a Name of school to be posted up.

31. Teachers or proprietors of registered schools shall furnish returns to the Minister in the form prescribed. Returns by schools.

32. The board, for the purpose of making any investigation required for the purpose of this Part, may take evidence on oath. Power to take evidence on oath.

33. The board shall each year submit to the Minister a report of its proceedings under this Part. Such report shall be laid before both Houses of Parliament.

34.

34. The board may make regulations prescribing the conditions for the registration of schools and the registration of teachers under this Part, and generally for carrying out the provisions of this Part.

Such regulations, on being approved by the Governor, shall be published in the Gazette and laid before both Houses of Parliament without delay.

PART V.

DEAF AND BLIND INSTRUCTION.

Preliminary.

35. In this Part—

- “Blind” means too blind to be able to read the ordinary school books used by children. Interpretation. 56 & 57 Vic., c. 42, s. 15.
- “Deaf” means too deaf to be taught in a class of hearing children.
- “Efficient school” means school certified as efficient for the purposes of this Part.

Efficient schools and attendance.

36. (1) The Minister may certify any school, not being a school conducted for private profit, to be efficient for the purposes of this Part. Certification of efficient schools.

(2) Such certificate shall remain in force, subject to the provisions of the next following section, for one year from the date on which it was granted, and may be renewed in the manner prescribed.

(3) Where a school is certified to be efficient, the Minister shall so notify in the Gazette.

37. An inspector of schools or other person duly authorised by the Minister shall, when directed by the Minister, inspect any efficient school. If, on the report of such inspection, the Minister is satisfied that the school has ceased to be efficient for the purposes of this Part, he shall so notify in the Gazette, cancel the certificate, and the school shall thereupon cease to be an efficient school. Inspection of such schools and cancellation of certificates.

38. It shall be compulsory on the parents or guardians of a deaf or blind child, as soon as possible after the said child reaches the age of seven years, to take steps to provide for the elementary education of the said child, either by efficient private tuition or by placing and keeping it in an efficient school for the deaf or the blind as the case may be. Obligations of parents or guardians as to children who are deaf or blind. cf. 56 and 57 Vic., c. 42, s. 1.

39.

39. It shall be the duty of the police of the district in which a deaf or blind child between the ages of seven and fourteen years resides, to take the necessary steps to compel the parents or guardians of the said child to comply with the provisions of this Part. Method of compulsion.

40. Any child certified by the medical officer attending the school to be suffering from a loathsome, contagious, or infectious disease, or mental incapacity, and any child of such immoral conduct as may be dangerous to other inmates, shall not be allowed to enter or, if entered, to remain in an efficient school, and the parent or guardian of such child shall be exempted from the provisions of this Part so far as attendance at school is concerned. Exemptions.

Fees.

41. The parent or guardian of a child shall pay to the authorities of the school in which it is being taught such amount of fees as may be mutually agreed upon by the said authorities and by the said parent or guardian, or, if a State child as defined in the State Children Relief Act, 1901, by the Minister, or, if the parties fail to agree, as may, on the application of either party, be settled by any two justices in petty sessions. The amount of any fees so agreed on or settled may, without prejudice to any other remedy, be recovered by the authorities of the school summarily as a debt. School fees. 56 and 57 Vic., c. 42, s. 9.

Any sum received by the authorities of a school under this section may be applied in aid of the general expenses of the said school.

The settlement of any amount of fees under this section may be revoked or varied by any two justices in petty sessions.

42. Children whose parents or guardians are unable to pay any fee shall be received by the New South Wales Institution for the Deaf and Dumb and the Blind, and provided with education, maintenance, and clothing free, on an order from the Minister. Free pupils.

43. In the case of children residing in the country districts, the cost of passage to and from school will be provided by the Government, if required, on an application in writing being made to the Minister. Passages to and from school.

Miscellaneous.

44. Where a child is required, in pursuance of this Part, to attend any school, the child shall not be compelled to receive religious instruction contrary to the written wishes of the parent, and shall, so far as practicable, have facilities for receiving religious instruction and attending religious services conducted in accordance with the parent's religion, which shall be duly registered on the child's admission to the school. Provisions as to religious instruction. *Ibid.*, s. 8.

45.

45. The Minister shall annually lay before both Houses of Parliament a report relating to matters under this Part, and in that report shall give a list of the schools to which he has granted and refused certificates under this Part during the next preceding year, with his reasons for each such refusal. Report to be laid before Parliament. 56 and 57 Vic., c. 42, s. 14.

46. Whosoever contravenes any of the provisions of this Part shall be liable to a penalty not exceeding *ten* pounds, and such penalty may be recovered before, and offences against this Part or the regulations hereunder may be heard and determined by, a police or stipendiary magistrate, or any two justices in petty sessions. Penalty for non-compliance.

47. The Governor may make regulations prescribing all forms, and generally for carrying out the provisions of this Part, and in such regulations may impose a penalty not exceeding *ten* pounds for any breach thereof. Regulations.

All such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament is then in Session, and if not, then within fourteen days after the commencement of the next ensuing Session.

PART VI.

GENERAL AND SUPPLEMENTAL.

General provisions.

48. Where, in pursuance of this Act, notice in writing is given to a teacher that a child was prevented by any cause from attending school, such teacher shall file such notice for inspection by any inspector or officer authorised in that behalf by the Minister. Filing of excuses for absence of scholars.

49. For the purpose of obtaining names and addresses, any person authorised by the Minister in that behalf by writing, may accost and detain such children as are hereunder described who are apparently not in attendance at school as required by this Act or who are apparently employed contrary to the provisions of this Act:—

- (a) Any boy or girl not exceeding or apparently not exceeding the age of fourteen years who is apparently not attending a primary or other school.
- (b) Any boy or girl not exceeding or apparently not exceeding sixteen years who is apparently not attending a continuation or other school.

50.

50. An order made by the court or by the Minister under this Act that a child be sent to an institution shall be forwarded to the person having the chief immediate control of such institution, and shall be a sufficient warrant for the detention of the child pursuant to this Act. Orders sending children to an institution.

Regulations.

51. The Governor may make regulations for carrying out the provisions of this Act, and in particular— Regulations.

- (a) providing for the treatment of children sent to institutions in pursuance of this Act ;
- (b) prescribing the forms of orders, certificates, and other documents under this Act ; and
- (c) providing for the imposition of penalties not exceeding in any case *ten* pounds for the breach of any such regulation.

The provisions of the Principal Act in respect of regulations made thereunder shall apply in respect of regulations made under this Act.

Legal procedure.

52. In any proceedings under this Act a certificate purporting to be under the hand of the principal teacher of a State school, or the proprietor, headmaster, or principal of any other 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 prima facie evidence of the facts stated in such certificate. A certificate of teacher evidence in certain cases.

53. Every proceeding under this Act shall be taken in the name of the Minister by such person as he authorises in writing in that behalf. Proceedings.

54. Every complaint or information under this Act shall be heard and determined, and all penalties under this Act or the regulations thereunder may be imposed by the court. Hearing of offences.

SCHEDULES.

SCHEDULE ONE.

Certificate of a child being sufficiently educated.

I HEREBY certify that . . . has been educated up to the standard of education required by the Public Instruction Act of 1880.

Dated at . . . the . . . day of . . . A.D. 19 . . .

Inspector.

SCHEDULE TWO.

Return for the four school weeks ended

NAMES of all scholars, between the ages of six and fourteen, who have been absent over four days or eight half-days during this period, and of such other scholars for whose absence no satisfactory reason has been assigned.

Table with 6 columns: Child—Name in full, Age, Days absent, Parent or guardian (state if a widow). Name in full, Present address, Remarks.

School Date

Proprietor (or Principal Teacher).