

No. , 1914.

A BILL

To amend the Public Instruction Act of 1880; to provide for the establishing of continuation schools; to provide for the certifying of schools other than State schools as efficient schools; to enforce the attendance of children at schools, and for dealing with truancy; to provide for the education of the deaf and blind; to amend certain other Acts; and for purposes consequent thereon or incidental thereto.

[MR. CARMICHAEL;— , 1914.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

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PART I.

PRELIMINARY.

Incorporation
and short
title.

1. (1) This Act shall be construed with the Public Instruction Act of 1880, and may be cited as the "Public Instruction (Amendment) Act, 1914," herein referred to as the Principal Act.

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. 15

PART II.—ATTENDANCE AT SCHOOL.

PART III.—CONTINUATION SCHOOLS.

PART IV.—CERTIFIED SCHOOLS.

PART V.—DEAF AND BLIND INSTRUCTION.

PART VI.—GENERAL AND SUPPLEMENTAL. 20

*Definitions.*Interpreta-
tion.

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

"Certified school" means any school other than a State school certified as efficient under the provisions of this Act. 25

"Continuation school" means school established by the Department under the provisions of this Act to provide for the continued instruction of boys and girls after completing primary school course. 30

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

"Part"

Public Instruction (Amendment).

“Part” means Part of this Act.

“Prescribed” means prescribed by this Act or the Principal Act or by any regulations made thereunder.

5 “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.

10 “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.

15 “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.

20 *Repeal.*

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 Sections twenty, twenty-one, and thirty-five of the Repeal Principal Act are repealed.

PART II.

ATTENDANCE OF CHILDREN AT SCHOOL.

25 4. (1) Every child between the ages of six and four-teen years shall attend a State or certified 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)

(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—

Schedule One.

- (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;
- (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

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 during the hours for which school is open, but not less than 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 the hours appointed shall be deemed to have attended on such half-day.

Definition of half-day's attendance.

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—

Certified register to be kept and information to be given as to attendance of scholars.

(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.

Schedule Two.

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

Exemption certificates.

Minister may
grant exemp-
tion certifi-
cates.

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

- (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.

Certificate
to child.
Schedule
One.

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.

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.

Children not
to be
employed.

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—

- (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, and that such certificate is in force.

Schedule
One.

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

Persistent

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) 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 :

10 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.

Establishing
of continu-
ation 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, domestic and other occupations. **5**

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

Instruction
at such
schools.

12. A continuation school shall provide not less than six hours instruction weekly for not less than thirty-three 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. **15**

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. **25**

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, 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.**

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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* 5 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 ;
- 10 (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 ;
- 15 (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.

20 **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 ;
- 25 (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, the pupil's progress in the studies of the school, and such other information as the Minister may from time to time direct.

35 **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
40 from his employment for such time as may be prescribed by regulations for the purpose of enabling him or her to attend any such school. If

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. 5

(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. 10

PART IV.

CERTIFIED SCHOOLS.

15

Certification
of schools.

18. (1) Upon application by the proprietor or principal teacher of any school (other than a State school) attended by children between six and fourteen years of age, the Minister may cause such school to be inspected by an Inspector of Schools, and upon being satisfied that efficient and regular instruction is given at such school, may issue a certificate to that effect, and thereupon such school shall be a certified school: 20

Provided that until the Minister shall have determined in the first instance whether such school shall be certified as efficient it shall be deemed to be efficient for the purposes of this Act. 25

(2) The Minister may take such measures as he may deem necessary to determine whether such certificate ought to issue: 30

Provided

Provided that if after the inspection of a school the Minister is not satisfied that a certificate should be issued, he may, if he thinks fit, determine a time within which the school may be certified as efficient, and such school shall meanwhile be deemed to be efficient for the purposes of this Act, but such period of time shall not exceed twelve months.

(3) Such certificate shall be in the prescribed form, and shall be in force for a period of one year, but may be cancelled by the Minister for any breach of this Act by the proprietor or principal teacher of the school.

(4) The Minister shall cause to be kept a list of certified schools, and shall from time to time publish such list in the Gazette.

15 **19.** (1) Any inspector or medical officer appointed by the Minister 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 Minister considers that such building or premises are not so provided as aforesaid or are in disrepair, he 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 Minister may direct such notice is not complied with to the satisfaction of the Minister, it shall be unlawful to conduct a school in such building or premises, and such school, if certified, shall cease to be a certified school.

20. Teachers or proprietors of certified schools shall furnish returns to the Minister in the form prescribed.

Returns by schools.

PART V.

DEAF AND BLIND INSTRUCTION.

Preliminary.

Interpretation.
56 and 57 Vic.,
c. 42, s. 15.

21. In this Part—

“Blind” means too blind to be able to read the ordinary school books used by children. 5

“Deaf” means too deaf to be taught in a class of hearing children.

Efficient schools and attendance.

Certification
of efficient
schools.

22. (1) The Minister may certify any school, not 10
being a school conducted for private profit, to be efficient
for the purposes of this Part.

(2) Such certificate shall remain in force, sub-
ject to the provisions of the next following section, for
one year from the date on which it was granted, and 15
may be renewed in the manner prescribed.

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

Inspection of
such schools
and cancella-
tion of
certificates.

23. An inspector of schools or other person duly
authorised by the Minister shall, when directed by the 20
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 certi-
ficate, and the school shall thereupon cease to be an 25
efficient school.

Obligations of
parents or
guardians as to
children who are
deaf or blind.
cf. 56 and 57 Vic.,
c. 42, s. 1.

24. 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, 30
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.

Method of
compulsion.

25. It shall be the duty of the police of the district
in which a deaf or blind child between the ages of 35
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.

26.

26. Any child certified by the medical officer Exemptions. 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 5 dangerous to other inmates, shall not be allowed to enter, or, if entered, to remain in a school certified for the purposes of this Part, 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.

10 *Fees.*

27. The parent or guardian of a child shall pay to School fees. the authorities of the school in which it is being taught 55 and 57 Vic., c. 42, s. 9. such amount of fees as may be mutually agreed upon by the said authorities and by the said parent or 15 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, 20 without prejudice to any other remedy, be recovered by the authorities of the school summarily as a debt.

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.

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

28. Children whose parents or guardians are unable Free pupils. to pay any fee shall be received by the New South 30 Wales Institution for the Deaf and Dumb and the Blind, and provided with education, maintenance, and clothing free, on an order from the Minister.

Miscellaneous.

29. Where a child is required, in pursuance of this Provisions as to religious instruction. Ibid. s. 8. 35 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

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.

Report to be laid before Parliament. 56 and 57 Vic., c. 42, s. 14.

30. 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 of efficiency under this Part during the next preceding year, with his reasons for each such refusal. 5

Penalty for non-compliance.

31. 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. 10 15

Regulations.

32. 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.

PART VI.

20

GENERAL AND SUPPLEMENTAL.

General provisions.

Filing of excuses for absence of scholars.

33. 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. 25

Form of return to be filled in by parent.

34. At such times and in such localities as the Minister directs, some person appointed for the purpose shall leave at each dwelling-house a form of return as set out in Schedule Three or to the like effect, and shall, within ten days, call for the same. 30

Schedule Three.

A parent or guardian of any child or children between the ages of six and sixteen years residing in such house, shall, within the said ten days, fill in such form of return with regard to such child or children. 35
Any

Any such parent or guardian who—

- (a) fails, refuses, or neglects to fill in or cause to be filled in such form of return with respect to any such child; or
- 5 (b) wilfully makes any false statement on such form of return

shall be liable, on conviction, to a penalty not exceeding five pounds.

35. For the purpose of obtaining names and ad-
 10 dresses, 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
 15 Act:—

Persons authorised by Minister may accost children.

- (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.
- 20 (b) Any boy or girl not exceeding or apparently not exceeding sixteen years who is apparently not attending a continuation or other school.

36. An order made by the court or by the Minister
 under this Act that a child be sent to an institution
 25 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.

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

35 *Regulations.*

38. 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;
- 40 (b) prescribing the forms of orders, certificates, and other documents under this Act;
- (c)

- (c) providing for the imposition of penalties not exceeding in any case *ten* pounds for the breach of any such regulation; and
- (d) providing for the maintenance of discipline in continuation schools. 5

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

Legal procedure.

A certificate of teacher evidence in certain cases.

39. 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. 10 15

Proceedings.

40. 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. 20

Hearing of offences.

41. 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.

SCHEDULES. 25

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. 30

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

Inspector.

SCHEDULE

Public Instruction (Amendment).

SCHEDULE TWO.

Return for the four school weeks ended

5 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.

Child— Name in full.	Age.	Days absent.	Parent or guardian (state if a widow). Name in full.	Present address.	Remarks.

10 School
Date

Proprietor (or Principal Teacher).

SCHEDULE THREE.

Return of children between the ages of six and sixteen years.

15 20 Num- ber.	Name and sur- name of each child in full.	Sex— M, or F.	Age last birthday.	Date of birthday.	If at school, showing what school, or whether in- structed at home.	If in employment, state what employ- ment, name of employer (if any), and place of employ- ment.
1						
2						
3						
4						
25 5						
6						
7						
8						

30 The foregoing is a true statement as to all children between the ages of six and sixteen years residing in this dwelling-house on

*

(Signature of Parent or Guardian.)

Occupation

Date

19 .

35

* Date to be specified.