

PUBLIC INSTRUCTION
(AMENDMENT) ACT.

Act No. 51, 1916.

George V, No. 51. An Act to amend the Public Instruction Act of 1880; to provide for certificates of efficiency to certain schools; to enforce the attendance of children at schools, and to deal with truancy; and for these purposes to amend certain Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 4th October, 1916.]

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:—

PART I.

PRELIMINARY.

Incorporation and short title. **1.** (1) This Act may be cited as the "Public Instruction (Amendment) Act, 1916."

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

PART I.—PRELIMINARY.

PART II.—ATTENDANCE OF CHILDREN AT SCHOOL.

PART III.—CERTIFIED SCHOOLS.

PART IV.—GENERAL AND SUPPLEMENTAL.

Definitions.

Definitions.

George V,
No. 51.

2. (1) In this Act, unless the context otherwise requires,— Interpretation.

“Certified school” means any school other than a State school certified as efficient under the provisions of this Act, and includes a school registered under this Act.

“Institution” means a special school for truants only.

“Principal Act” means the Public Instruction Act of 1880.

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

“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 Minister” means the Minister of Public Instruction, and includes any member of the executive council who may administer this Act.

“Truant” is a child who habitually disobeys the order of his parent or guardian to attend school.

(2) Where in this Act any other Act is referred to the reference shall be deemed to include any Act amending the Act referred to.

Repeal.

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 Sections twenty, twenty-one, and thirty-five of the Principal Act are repealed.

George V,
No. 51.

PART II.

ATTENDANCE OF CHILDREN AT SCHOOL.

Compulsory
attendance at
school.

4. (1) The parent or guardian of any child between the ages of seven and fourteen years shall cause him to attend regularly a State or certified school.

(2) Every parent or guardian of a child between the ages of seven and fourteen years who fails to cause him to attend a State or certified school, or fails to cause him to attend at the State or certified school in which such child is a scholar on any half-day when the school is open, and who fails to show to the satisfaction of the court that such non-attendance on any half-day is due to one or more of the causes mentioned in subsection (4) (a), (b), (c), (d), (e), (f), (g), or any other cause deemed by the court to be sufficient, shall be liable to a penalty not exceeding five shillings for the first offence, and not exceeding forty shillings for any subsequent offence in respect of the same child.

(3) In any prosecution under this section the statement on oath of the prosecutor that he believes the child to be of or about the age stated in the information shall be prima facie evidence of such age.

(4) It shall be a good defence to any such prosecution that at the date alleged in the information—

Schedule One.

- (a) the child was of the age of thirteen years or more, and had received a certificate in the form of Schedule One ; or
- (b) that the child was receiving regular and efficient instruction on at least eighty-five days in each half-year in his home, the onus of proof of which shall lie upon the parent or guardian ;
- (c) 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) there was not a school within three miles by the nearest practicable route of the place of residence of such child, or that the child was less than eleven years of age, and there was not a school within two miles by the nearest practicable

practicable route of his place of residence : Provided that in any case where the child may travel to school on a free pass by train, or by boat or other conveyance, this defence shall not be sufficient unless it be shown that the child would have to walk three miles, or if less than eleven years of age, two miles, in order to travel by such train, boat, or conveyance, such distance to be computed so as to include mileage to such train, boat, or conveyance, and also from the terminal point of the same to the school ;

George I,
No. 51.

- (e) the child was prevented from attending school by sickness, danger of infection, temporary or permanent infirmity, or other sufficient cause, and 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 ; or
- (f) the absence from school was by reason of the child's disobedience, and was not due to any neglect or default of the defendant ; or
- (g) the child had not been absent for more than six half-days during the three months during which the school had been open immediately preceding such half-day.

(5) An attendance for not less than two hours during the period for which school is open 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 certified school 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 scholars at his school ;
- (b)

George V,
No. 51.

(b) at the request of an inspector of schools, attendance officer, or other person authorised by the Minister, produce to him such register and permit him to inspect and make extracts from the same ;

Schedule
Two.

(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 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.

Minister may
grant exemp-
tion certifi-
cates.

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

- (a) that the child receives efficient instruction at home or elsewhere ; or
- (b) that such conditions exist as make it necessary or desirable that such certificate should be granted ; or
- (c) that there is not adequate school accommodation.

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, such child shall receive a certificate in the form of Schedule One.

Truants.

Justice may
order child to
an institution.

8. (1) If in any prosecution under this Part for failing to cause a child to attend a school there is evidence of the service of a notice on the parent or guardian that it is intended to charge that the child is

a truant, the court is satisfied that the child is a truant, it may order him to be sent to an institution selected by the Minister for the detention of truants.

George V,
No. 51.

(2) A child sent to any such institution in pursuance of any such order shall be there detained until he reaches the age of fourteen years and may be transferred by the Minister to any other institution.

Where a child has, in pursuance of this section, been detained in any such institution for any period deemed sufficient by the Minister, he may grant a license under which the child may leave such institution.

(3) Any child permitted to leave any such institution in pursuance of such license shall regularly attend a State or certified 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 institution that he may specify.

(4) Provided that in the selection of any institution under this section the Minister shall have regard to the expressed desire of the parent or guardian of such child as to the religious training of the child, or, in the absence of such expressed desire, to the desire of the authorities controlling an institution of the religious denomination to which the child belongs.

9. (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 his detention as a truant 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.

Recovery of
cost of main-
tenance 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.

George V,
No. 51.

PART III.

CERTIFIED SCHOOLS.

Registration
of schools.

10. (1) The proprietor or principal teacher of any school other than a State school, attended by children between the ages of seven and fourteen, may apply to the Minister for registration of the school under this section, and he shall cause it to be registered on a list to be kept for that purpose, and upon registration the school shall be a provisionally certified school from the time of registration to the thirty-first day of December next ensuing.

(2) Any person desirous of establishing any school, to be attended by children between the ages of seven and fourteen, other than a State school, after the date of the commencement of this Act may apply to the Minister for registration of such school, and if the Minister is satisfied from evidence submitted by the applicant that the premises in which it is proposed to conduct such school are provided with proper access, drainage, light, ventilation, and sanitary conveniences, and that the school will provide regular and efficient instruction, he shall cause it to be registered on a list to be kept for that purpose, and upon registration the school shall be a provisionally certified school for a period of six months dating from the time of registration.

Inspection of
schools.

(3) The Minister shall before the expiration of the period for which provisional registration has been given under the first or second subsection, cause every school so registered to be inspected by an inspector of schools, and where the inspector reports that efficient and regular instruction is being given in any school, the Minister may issue a certificate to that effect, and such school shall then be a certified school during a term to be stated in the certificate.

Inefficient
schools.

(4) If the inspector upon inspection of any school is of opinion that efficient and regular instruction is not being given he shall so inform the Minister, and shall state the reasons for his opinion. Notice shall be sent to the proprietor or principal teacher of such school informing him of the said reasons, and requiring him to make the changes necessary to the efficiency of his school. The inspector thereafter may make a further inspection,

inspection, and if he reports that efficient and regular instruction is then being given the Minister may issue the certificate mentioned in the next preceding subsection:

George V,
No. 51.

Provided that if at the expiration of that period the school has not obtained a certificate, the proprietor or principal teacher may appeal to the Bursary Endowment Board constituted under the Bursary Endowment Act, 1912, and if the Board advises the granting of a certificate such certificate shall issue.

(5) In any case where a school registered under the first or second subsection has not obtained a certificate under the third or fourth subsection, the Minister may extend to the thirtieth of June next ensuing the time for obtaining a certificate, and in such case the school shall until that date continue to be a provisionally certified school.

Extension of
registration.

(6) A school may be certified as being efficient for the instruction of all children, up to the standard of education required by the Public Instruction Act of 1880, or may be certified as efficient for the instruction of children up to certain ages only as may be prescribed, and any certificate issued may be recalled by the Minister upon report by an inspector that the age limit stated therein should be altered, and the Minister may thereupon issue a new certificate in accordance with such report.

Certificate
may be
limited.

(7) Certified schools may be by direction of the Minister inspected from time to time, and any certificate issued under this section may be cancelled by the Minister if he is satisfied upon inquiry and report that efficient and regular instruction is not being given in the school named in the certificate, or if the proprietor or principal teacher is guilty of any breach of this Act:

Cancellation
of certificate.

Provided that notice of the intention to cancel such certificate shall be given to the proprietor or principal teacher who may within one month of such notice appeal to the Bursary Endowment Board, and if the board advises the continuance of the certificate such certificate shall not be cancelled.

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

George V,
No. 51.

Inspection of
school
premises.

11. (1) Any inspector or medical officer appointed by the Minister may at any time enter any building and premises in which a school is held for the purpose of ascertaining whether such building and premises are provided with proper access, drainage, light, ventilation, and sanitary conveniences.

(2) If the Minister considers that such building or premises are not so provided 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 has not been 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:

Provided that such requirements of the Minister shall not be of a higher standard than those generally provided in a State school similarly situated and circumstanced.

Returns by
schools.

12. Teachers or proprietors of certified schools shall furnish returns to the Minister in the forms prescribed.

PART IV.

GENERAL AND SUPPLEMENTAL.

General provisions.

Filing of
excuses for
absence of
scholars.

13. 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.

Form of
return to be
filled in by
parent.

14. At such times and in such localities as the Minister directs, any person appointed for the purpose shall cause to be delivered at each dwelling-house by post or otherwise a form of return as set out in Schedule Three or to the like effect.

Schedule
Three.

A parent or guardian of any child between the ages of seven and fourteen years residing in such house shall, within the prescribed time, fill in such form of return with regard to such child, and cause same to be returned as prescribed.

Any

Any such parent or guardian who—

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

George V.
No. 51.

shall be liable to a penalty not exceeding one pound.

15. For the purpose of obtaining names and addresses, any attendance officer authorised by the Minister in that behalf by writing may during school hours accost any boy or girl apparently between the ages of seven and fourteen years who is apparently not in attendance at school as required by this Act, and may accompany such boy or girl to his or her home to verify the information.

Attendance officer authorised by Minister may accost children.

16. 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.

17. The Minister may refuse the admission of any child to any State school if there is accommodation for such child in another State school within the prescribed distance of the dwelling-place of such child.

Admission to school.

Regulations.

18. 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.

19. 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,

A certificate of teacher evidence in certain cases.

OR

Public Instruction (Amendment) Act.

George V, or principal of any other school, stating that a child is
No. 51. 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.

Proceedings. **20.** Every proceeding under this Act shall be taken in the name of the Minister by such person as he may authorise in writing in each case in that behalf.

Hearing of offences. **21.** 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.**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 seven 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.

School
Date

Proprietor (or Principal Teacher).

SCHEDULE

Public Instruction (Amendment) Act.

71

SCHEDULE THREE.

**George V,
No. 51.**

Return of children between the ages of seven and fourteen years.

Number.	Name and surname of each child in full.	Sex - M. or F.	Age last birthday.	Date of birthday.	If at school, showing what school, or whether instructed at home.	If in employment, state what employment, name of employer (if any), and place of employment.
1						
2						
3						
4						
5						
6						
7						
8						

The foregoing is a true statement as to all children between the ages of seven and fourteen years residing in this dwelling-house on .*

(Signature of Parent or Guardian.)

Occupation

Date

19 .

* Date to be specified.

SUPPLY