

Act No. 62

EDUCATION AND PUBLIC INSTRUCTION BILL 1987*

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Miscellaneous Acts (Education and Public Instruction) Repeal and Amendment Bill 1987 is cognate with this Bill.

The objects of this Bill are—

- (a) to continue the system of public school education established by the Public Instruction Act 1880 and to provide for a system of registration of non-government schools similar to the system of registration and certification in force under the Public Instruction (Amendment) Act 1916 and the Education Act 1961;
- (b) to abolish the school certificate and to provide instead for the grant of a certificate of secondary education; and
- (c) to constitute a Board of Secondary Education (in place of the Secondary Schools Board and the Board of Senior School Studies).

The proposed Act will replace the Public Instruction Act 1880, the Public Instruction (Amendment) Act 1916, the Free Education Act 1906 and the Education Act 1961, each of which will be repealed by the proposed Miscellaneous Acts (Education and Public Instruction) Repeal and Amendment Act 1987.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

* Amended in committee—see table at end of volume.

Education and Public Instruction 1987

Clause 3 contains definitions for the purposes of the proposed Act. In particular, the term "registered school" is defined to mean a non-government school that has been registered under Part 4 of the proposed Act.

PART 2—ATTENDANCE OF CHILDREN AT SCHOOL

Clause 4 provides for compulsory attendance at school by a child of or above the age of 6 and below the age of 15. The duty lies on the parent, guardian or other person having the custody or care of the child to send the child to school. A penalty of \$1,000 is provided for a failure to observe this duty.

Clause 5 makes it compulsory for registered schools to keep a register of enrolments and attendances, from which returns are to be forwarded periodically to the Minister.

Clause 6 allows the Minister to exempt children from attendance at school in appropriate cases.

PART 3—STATE SCHOOLS

Clause 7 sets out the main kinds of State schools, namely primary, secondary and composite.

Clause 8 empowers the Minister to establish, name and close schools.

Clause 9 provides that instruction in State schools shall be free of charge.

Clause 10 provides that education in State schools shall be non-sectarian.

Clause 11 regulates religious instruction in State schools.

Clause 12 provides for exemption of children from religious instruction.

Clause 13 allows the Minister to refuse a child admission to a particular State school if more convenient or appropriate accommodation is available at another State school.

Clause 14 gives the Minister power to control and regulate student discipline in State schools.

PART 4—REGISTRATION OF SCHOOLS

Clause 15 divides the responsibility for the registration of non-government schools between the Minister and the Board of Secondary Education. The Board is responsible for registration of schools in so far as they provide education to candidates for either or both of the secondary certificates (that is, the certificate of secondary education and the higher school certificate). The Minister is responsible for the registration of schools in so far as they provide other education.

Clause 16 provides for the initial registration of non-government schools.

Clause 17 provides for periodical inspection of schools to monitor their efficiency and to ascertain the condition of their buildings and premises.

Clause 18 provides for renewal of a school's registration. The registration authority may require changes to be made at a school to bring it to a standard appropriate to enable the continuation of its registration.

Education and Public Instruction 1987

Clause 19 describes the circumstances in which a school or part of a school becomes unregistered and provides for parents of children at the school to be notified if this should happen.

Clause 20 provides for cancellation of the registration of a school or part of a school on the ground that the school no longer provides efficient instruction for its students, that the educational facilities at the school have deteriorated to an unacceptable level or that its buildings and premises are unsatisfactory.

Clause 21 prohibits the conducting of an unregistered school and empowers the registration authority to obtain an injunction to close such a school.

Clause 22 requires a registered school's certificate of registration to be displayed in a conspicuous place.

Clause 23 requires notice to be given to the registration authority in the event that a registered school moves to new premises.

Clause 24 requires notice to be given to the registration authority in the event that the ownership of a registered school is transferred.

Clause 25 requires notice to be given to the registration authority in prescribed circumstances.

Clause 26 makes provision for an appellate tribunal before which appeals may be brought under proposed section 27.

Clause 27 provides for the making and hearing of appeals against decisions not to register a school or to cancel or refuse registration of a school.

Clause 28 requires the furnishing of periodic returns by registered schools.

PART 5—THE BOARD OF SECONDARY EDUCATION

Clause 29 constitutes the Board of Secondary Education.

Clause 30 specifies the Board's main functions. These include the determination or approval of school curricula, the granting of the secondary certificates and the provision of advice and guidance to schools, employers and the public.

Clause 31 enables the Board to employ casual staff for certain purposes.

PART 6—CERTIFICATES OF EDUCATION

Clause 32 provides for the grant of certificates of secondary education.

Clause 33 provides for the grant of higher school certificates.

Clause 34 makes provision with respect to candidates whose attendance or endeavours at examinations or other forms of assessment for one of the secondary certificates are prejudiced by illness or misadventure.

Clause 35 requires the Board to reconsider certain of its decisions on the request of persons affected by them.

PART 7—PARENTS AND CITIZENS AND KINDRED ASSOCIATIONS

Clause 36 provides for the constitution of parents and citizens and kindred associations and district councils.

Education and Public Instruction 1987

Clause 37 specifies the objects and functions of the associations and councils.

Clause 38 enables the associations and councils to make rules for their government.

PART 8—GENERAL

Clause 39 allows the Minister and the Board to delegate functions.

Clause 40 empowers inspectors of schools to enter premises to ascertain whether section 21 of the proposed Act (conducting of unregistered schools) is being contravened.

Clause 41 enables the granting of a search warrant for the purposes of proposed section 40 if the premises concerned are a dwelling.

Clause 42 permits attendance officers to investigate the case of any child apparently of school age who is not at school.

Clause 43 provides for the admissibility, as evidence in proceedings, of certain certificates by school principals as to the enrolment and attendance of children at school and for other evidentiary matters.

Clause 44 provides for proceedings for an offence under the proposed Act to be dealt with summarily in a Local Court.

Clause 45 provides for the acquisition of land by the Minister for educational and certain other purposes and enables the disposal of land.

Clause 46 enables the rescission of certain notices of resumption of land.

Clause 47 provides for the establishment of scholarships attached to State schools.

Clause 48 provides for the operation of the Act in certain respects in so far as it affects schools at which there is no principal teacher.

Clause 49 provides for the making of regulations in aid of the proposed Act.

Clause 50 enables the Board to make rules in connection with the carrying out of its functions.

Schedule 1 makes provision with respect to the constitution and procedure of the tribunal to be established by proposed section 26.

Schedule 2 makes provision with respect to the members of the Board.

Schedule 3 regulates the Board's procedure.
