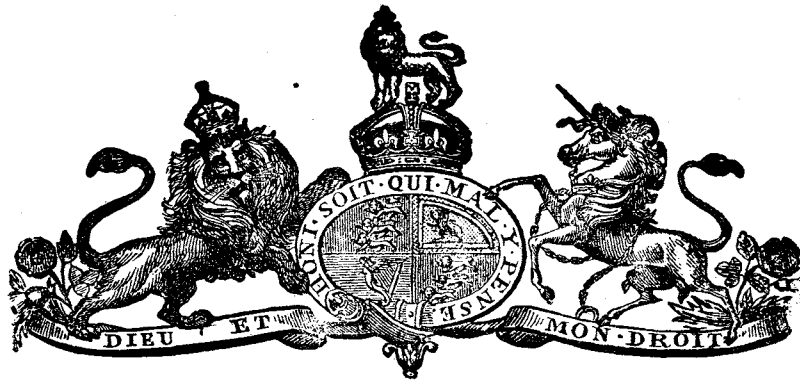


TASMANIA.



1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 32.

AN ACT to further amend "The Education Act, 1885," to amend "The Education Act, 1898," and for other purposes. A.D. 1905.

[20 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Education Act, 1905," and shall be incorporated and read with "The Education Act, 1885" (hereinafter referred to as the Principal Act), and "The Education Act, 1898." Short title and incorporation.

2 Section Fourteen of the Principal Act is hereby repealed, and the following is hereby enacted and may be cited in lieu thereof :—

"**14** In all schools fees shall be charged to the parents of children attending school in accordance with a scale to be fixed by Regulations to be made by the Governor under this Act ; such fees shall be paid into and form part of the Consolidated Revenue Fund ; and all such fees may be recovered in a summary way before any Justice of the Peace, in the name of the Minister or of any person authorised by him in that *6d.*" Repeal and re-enactment of Section 14 of the Principal Act.

Education Amendment.

A.D. 1905.

School fees.

behalf: Provided that nothing in this Section contained shall preclude the Minister, or the Board of Advice if authorised by the Minister, from reducing the fees prescribed or granting exemption from the payment of fees in respect of children whose parents are unable to pay the prescribed rates; and provided further that nothing in this Section contained shall preclude the Minister from prescribing that schools with an average attendance of less than Twelve children shall be Assisted Schools, and that the teachers of such schools shall be entitled to the fees in addition to their salaries."

Repeal and re-enactment of Section 24 of the Principal Act. Powers and duties of Boards of Advice defined.

3 Section Twenty-four of the Principal Act is hereby repealed, and the following is hereby enacted and may be cited in lieu thereof:—

"**24** The powers and duties of every such Board of Advice shall be—

- " I. To advise the Minister in all matters connected with the education of the children of the District :
- " II. To exercise general supervision over the schools in the District, and to visit such schools from time to time :
- " III. To protect the teachers of the District from frivolous complaints :
- " IV. To suspend any teacher for misconduct in cases not admitting of delay, and to report immediately the cause of such suspension to the Minister :
- " V. To appoint, during pleasure, one or more qualified persons, whether members of the Board or not, as Special Visitors to each school within the District, to advise the Board in reference to any matters mentioned in this Section :
- " VI. To alter from time to time, subject to the provisions of this Act, the radius within which parents are by this Act required to cause their children to attend school whenever special circumstances render an alteration desirable :
- " VII. To use every endeavour to induce parents to send their children regularly to school, and, subject to the provisions of this Act, to institute legal proceedings in the name of the Minister against parents who neglect to cause their children to be regularly and efficiently instructed :
- " VIII. To allow the school buildings vested in the Minister to be used for other than school purposes after the children are dismissed from school, or on days when no school is held therein, subject to the terms and conditions prescribed by the Regulations made under this Act; and such fees as may be received for the use of any school buildings under this Section may be disposed of in such manner as the Minister shall from time to time direct :
- " IX. To cause any necessary petty repairs to schoolhouses vested in the Minister to be effected, and to undertake such other expenditure as may be prescribed by the Regulations from time to time: Provided that the total

Education Amendment.

expenditure for such petty repairs, and such other work as may be prescribed, shall not exceed in any one year an amount to be fixed by the Minister : A.D. 1905.

“ x. To recommend to the Minister the reduction of school fees or exemption from the payment of school fees in cases in which, in the opinion of the Board, parents are unable to pay, and to recommend to the Minister the remission of arrears of school fees when the circumstances of the parents, in the opinion of the Board, justify such remission :

“ xi. To grant exemption from attendance at school to any child for any period not exceeding Four consecutive weeks, and from time to time to grant to any school a holiday for the whole day, or for half a day, in accordance with the Regulations.”

4 Sub-section (1.) of Section Thirty-six of the Principal Act is hereby repealed, and the following is hereby enacted and may be cited in lieu thereof :— Repeal of Sub-section (1.) of Section 36 of Principal Act.

“ **36**—(1.) The Governor may from time to time make and rescind Regulations for all or any of the following purposes :—

“ i. Regulating the establishment, maintenance, and classification of State schools, kindergartens, training colleges for teachers, practising schools, manual training schools, domestic economy schools, night schools, continuation schools, technical schools and classes, schools for the blind, the deaf, the dumb, and other defectives, truant schools, and such other schools as the Minister recommends : Regulations.

“ ii. The appointment, promotion, and removal of inspectors, teachers, and other officers, in any case where the Act for the time being regulating the Public Service does not apply, and in any such case prescribing the duties, classification, and salaries of all such persons :

“ iii. Prescribing the length of the school months for which salaries shall be paid and returns of attendance shall be made :

“ iv. Prescribing the days and the hours during which all schools and institutions under the Minister shall be open, the holidays, the vacations, and the conditions on which leave of absence may be granted to teachers and other officers (subject to the provisions of any Act for the time being in force regulating the Public Service, and which may be applicable) :

“ v. Prescribing the methods of training teachers and their examination :

Education Amendment.

A.D. 1905.

- “ VI. Prescribing the secular and religious instruction to be given in each school :
- “ VII. Prescribing physical training for children :
- “ VIII. Prescribing the course of instruction in all schools and classes :
- “ IX. Prescribing the inspection and examination of schools :
- “ X. Prescribing the number of teachers to be allotted to each school according to attendance, and the removal of teachers in excess of such allotment when the attendance does not justify their employment :
- “ XI. Prescribing the books and materials to be used in schools, the method of supplying such books and materials, and the disposal from time to time of the profits (if any) of the sale thereof :
- “ XII. Prescribing the scale of fees to be paid by parents, and the exemption of parents from the payment of fees :
- “ XIII. Prescribing the method of collecting and forwarding the fees :
- “ XIV. Prescribing the granting of railway passes to children who live beyond the radius within which parents are by this Act required to cause their children to attend school :
- “ XV. Prescribing the terms and conditions upon which school-rooms may be used for other than school purposes :
- “ XVI. Prescribing the mode of taking an educational census from time to time :
- “ XVII. Prescribing the mode of enforcing the provisions of this Act compelling attendance of children at school :
- “ XVIII. Prescribing the discipline to be enforced and observed in all schools :
- “ XIX. The establishment of scholarships open to be competed for by scholars at State or other schools :
- “ XX. Prescribing the medical inspection and examination of children in schools, or of particular classes of children, or of children individually :
- “ XXI. Prescribing the means to be taken by teachers and others for the protection of the health of children while attending State Schools and other schools, and for the prevention and limitation of disease amongst such children :
- “ XXII. Providing for the exclusion from schools of children and others suffering from or suspected to be suffering from any specified disease or diseases, or recently exposed to infection from such diseases :
- “ XXIII. Providing for all other matters or things which are not otherwise provided for by the Principal Act, or by this or any other Act amending the same, and which are necessary for carrying the provisions of the said Acts into effect.”

In the construction of this Section general words shall not be limited or controlled by particular words.

Education Amendment.

5 Section Eight of "The Education Act, 1898," is hereby repealed, and the following is hereby enacted and may be cited in lieu thereof:—

"**8** For the purpose of ascertaining the extent to which the provisions of the said Act are being complied with, it shall be lawful for the Minister of Education or for any Board of Advice to cause to be posted to the ordinary address of, or to be left with, the parent or any other person having the custody of any child or children resident within any District, a notice in such form as may be prescribed, and such parent or other person shall fill up and supply in such form the information therein applied for, and shall return such form to the Minister or Board of Advice by post or otherwise as may be directed within the time appointed therein.

"Any person neglecting or refusing to supply such information, or wrongfully filling in such form, or neglecting or refusing to return such form in the manner therein directed, shall, on conviction, forfeit and pay a sum not exceeding One Pound, to be enforced by distress only, and not by imprisonment."

6 Any person who wilfully disturbs any school, or upbraids, insults, or abuses any teacher in the presence or hearing of the pupils assembled in school shall be guilty of an offence against this Act, and shall, on summary conviction, be liable to a penalty not exceeding Two Pounds and not less than Ten Shillings.

7 The teacher's occupation of the schoolhouse and land attached thereto, and of the teacher's house, if one be provided, is hereby declared to be an occupancy by sufferance only.

8 In case a teacher shall refuse or neglect to deliver up possession of the schoolhouse and land attached, or of the house, as the case may be, after demand in writing made by or on behalf of the Minister, any Police or Stipendiary Magistrate, to whom the Minister applies in writing therefor (setting forth the facts of the case), shall issue a warrant addressed to all constables, commanding them to enter into the premises and give possession of the same to the Minister; and such warrant may and shall be enforced in like manner, and with the like protection, as a warrant issued under "The Recovery of Possession of Tenements Act, 1901," and the form of warrant set forth in the Schedule to that Act may be altered for the purposes of this Section.

A.D. 1905.

Repeal and re-enactment of Section 8 of "The Education Act, 1898," 62 Vict. No. 37. Minister or Board of Advice may require information.

Penalty for disturbance, &c. Cf. 38 & 39 Vict. No. 11, s. 22 (S.A.), & 63 Vict. No. 3, s. 18 (W.A.).

The Education Act, 1877, s. 96 (N.Z.). Teacher occupies by sufferance.

Cf. *ibid.* (N.Z.), s. 49, and *ibid.* (S.A.), s. 28.

Procedure in case teacher neglects to give up possession.

1 Ed. VII. No. 20.

Education of Blind, Deaf, and Mute Children.

9—(1.) It shall be the duty of the parent of any blind, deaf, or mute child between the ages of Seven and Sixteen years to provide efficient and suitable education for such child.

(2.) If the parent of any such child is unable to do so, he shall give notice to the Minister of his inability, and thereafter shall send the child to such institution for the education of blind, deaf, or mute children as the Minister may direct, and shall contribute to the cost of

Cf. The School Attendance Act, 1901, s. 21 (N.Z.).

Compulsory education of blind, deaf, and mute children,

Education Amendment.

A.D. 1905.
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the maintenance and education thereof of the child as may be agreed between such parent and the Minister.

(3.) If no such agreement is made, then a Police or Stipendiary Magistrate or any Two Justices of the Peace may, on application in that behalf, make an order directing the parent to pay the sum of Ten Shillings per week towards the maintenance and education of the child ; but if the parent proves to the satisfaction of the Magistrate or Justices that he is unable to pay so much, the Magistrate or Justices may make an order for the payment of any less sum than Ten Shillings a week, unless the parent prove to the satisfaction of the Magistrate or Justices that he is unable to pay any sum whatever.

(4.) If the parent of the child fails to provide efficient and suitable education for such child, or to give notice to the Minister that he is unable to do so or to send such child to such institution for blind, deaf, or mute children as the Minister directs, he may be brought before a Police or Stipendiary Magistrate or any Two Justices of the Peace, who may make an order directing such child to be sent to such institution, and may also make an order directing such parent to contribute to the cost of maintenance and education of the child in the manner provided by the last preceding Sub-section. In any information or complaint the allegations that the child is between the ages of Seven and Sixteen years, and that the parent is failing to provide efficient and suitable education for such child, shall be deemed sufficient *prima facie* evidence of the fact until the contrary is proved ; and in every case the parent of the child may be a witness.

(5.) The Magistrate or Justices, on making an order for payment under this Section, shall direct to whom and at what times the moneys payable under the order shall be paid.

(6.) If the person by whom moneys are payable under any such order does not pay the moneys which he may be ordered to pay at the times stated in the order, then such moneys may be recovered in a summary way before any Justice of the Peace, or as a debt in any Court of competent jurisdiction, by the person or persons entitled thereto, or to whom the same are payable.