

TASMANIA.

THE EDUCATION ACT, 1932.

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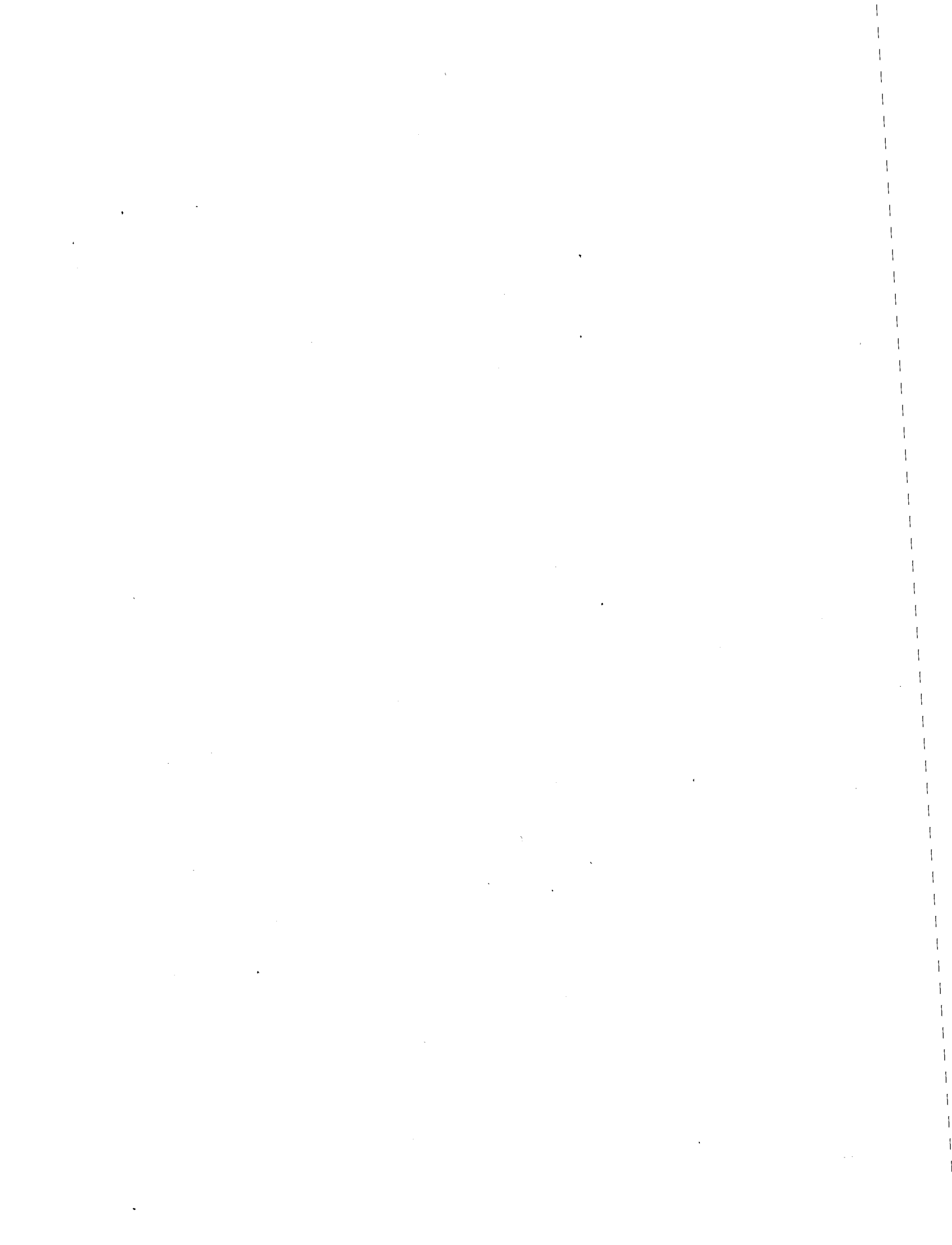
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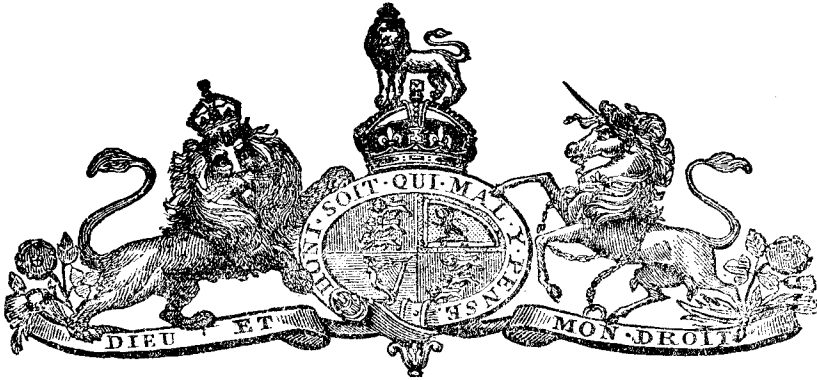
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TASMANIA.



1932.

ANNO VICESIMO TERTIO

GEORGII V. REGIS.

No. 22.

AN ACT to consolidate and amend the Law
relating to Education and to provide for
and regulate the Granting of Bursaries and
the Registration of Teachers and Schools.

A.D.
1932.

[29 November, 1932.]

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:—

PART I.

PRELIMINARY.

- 1 This Act may be cited as “The Education Act, 1932.” Short title.
- 2 The Acts enumerated in Schedule (1) are hereby repealed. Repeal.

Education.

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Interpretation.

3 In this Act, unless the contrary intention appears—

“Department” means the Education Department:

“Director” means the Director of Education:

“Parent” includes—

I. The guardian of a child:

II. A person having the custody and control of a child or who is liable for his maintenance: and

III. The occupier of a dwelling in which the child resides:

“State school” means a school established and maintained by the State.

PART II.

STATE EDUCATION.

The Department.

4—(1) The Governor may appoint a Director of Education and such inspectors, teachers, instructors, and other officers as he may think necessary for the purposes of this Act.

(2) The Director and the clerical staff of the Department shall be appointed under, and be subject to, the provisions of the Public Service Act, 1923.

(3) All other officers shall be appointed and removed at the Governor's pleasure.

State schools.

5—(1) Subject to this Act, the Minister may establish, set up, and maintain such State schools and in such places as he may think necessary for the purposes of this Act.

(2) All State schools established under any Act hereby repealed and in existence at the commencement of this Act shall be deemed to have been established under this Act.

(3) State schools may be of such grades, kinds, and classes as may be prescribed, and may be established and maintained for the purpose of providing instruction and tuition in such subjects and to such classes of pupils respectively as may be prescribed, either generally or in respect of particular schools or classes of schools.

(4) The Minister may close any State school at any time, either temporarily or permanently, if, in his opinion, the circumstances so require.

Education.

6—(1) In all State schools the teaching shall be strictly non-sectarian. A.D. 1932.

(2) Not less than four hours in each school day shall be devoted to secular instruction exclusively. Nature of instruction in State schools.

(3) A clergyman or other religious teacher of any particular persuasion may attend a school at a time arranged as prescribed with the head teacher of such school, and may impart religious instruction to children who are of such persuasion during such time, not exceeding one hour in each week, as may be so arranged, but not more than one such clergyman or teacher shall so attend any school on the same day.

(4) The children receiving such religious instruction shall be separated from the other pupils of the school while such instruction is given.

(5) No child shall be compelled to attend such religious instruction if his parents object to his so doing.

(6) If, on any day so arranged, such clergyman or teacher fails to attend, the time set apart as aforesaid for instruction by him shall be devoted to secular teaching.

7—(1) No fees shall be charged or payable for instruction in primary State schools. Fees.

(2) In State schools, other than primary schools, fees shall be payable in such cases and at such rates respectively, and subject to such exemptions and discriminations, as may be prescribed.

(3) For the purposes of this Section, every State school, other than a high school or a technical school, shall be deemed to be a primary school.

8—(1) The parents of every child over the age of seven years and under the age of fourteen years shall cause such child to attend at a primary State school during the whole of each school-day in every week in each year, except when such child is exempted or excused from so attending in accordance with this Act. Compulsory attendance at primary schools.

(2) A child shall be exempted from attendance at a primary State school if—

- I. He is receiving regular and efficient instruction elsewhere:
- II. He is thirteen years of age and has been educated up to the prescribed standard: or
- III. There is no such school within a distance of three miles, by the nearest practicable route, from his residence and no conveyance provided by the Minister for the conveyance of children to any such school passes within a distance of one mile, by the nearest practicable route, from such residence.

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A.D. 1932.

(3) A child shall be excused from attendance at a primary State school—

- I. For a period not exceeding in the aggregate two school days in any one week if his parents require his assistance at home or in providing for the support of the family:
- II. If he is prevented from so attending by sickness, danger of infection, temporary or permanent infirmity, or other unavoidable cause: or
- III. While excused as prescribed by the Board of Advice for the district in which he resides.

(4) For the purposes of this section—

- I. "School-day" means any day on which the school, in relation to which the term is used, is open for the instruction therein of its pupils, but comprises only the hours during which such school is so open: and
- II. A child who has attended school for not less than four hours on any school-day shall be deemed to have attended for the whole of such day.

(5) No child shall be excused from attendance, as provided by Paragraph I. of Subsection (3) hereof, unless the Director, on the recommendation of the Chairman of the Board of Advice for the district, shall have approved of his absence, at the relevant time, for the purpose for which such excuse is claimed.

(6) For the purposes of this section a school in respect of which any subsidy is granted by the Department shall be deemed to be a primary State school.

Offences.

9—(1) No person, being the parent of any child over the age of seven and under the age of fourteen years, shall neglect to send such child to school as and when required by this Act.

Penalty.—For a first offence: Five Shillings.

For a second offence: Ten Shillings.

For a third or subsequent offence: One Pound or seven days' imprisonment.

(2) No person shall be imprisoned for non-payment of any penalty or costs payable in respect of an offence against this section unless he has been twice previously convicted of a like offence.

(3) Proceedings in respect of an offence against this section shall be taken only by some person authorised in writing to take the same by the Minister or by the Board of Advice for the district in which the same are taken.

(4) Such authority may be endorsed upon the complaint made in such proceedings or may be contained in a separate document, and shall be signed by the Minister or by the Chairman or Secretary of the Board of Advice.

Education.

10—(1) In any proceedings under this Part, a certificate under the hand of the teacher in charge of any school— A.D. 1932.

- I. That on any specified day a child therein named did not attend such school or attended the same only for a time therein specified: or
- II. That an amount therein specified is due and owing for fees payable in respect of a child therein named—

Evidence and
procedure.

shall be evidence of the facts so certified.

(2) If any teacher shall fail or refuse to give up possession of any school, or of any house provided for him as such teacher, or of any land appertaining thereto respectively, as and when required, in writing, by or on behalf of the Minister, any police magistrate, on the application of the Minister, may issue a warrant to all constables to enter such premises as aforesaid to give possession thereof to the Minister, and such warrant shall be of the like effect as a warrant issued under the Recovery of Possession of Tenements Act, 1901, and may be in the form prescribed by that Act, with such modification as may be necessary. 1 Ed. VII.
No. 20.

(3) No court fees shall be charged or payable in respect of any proceedings under this Part.

(4) Any unpaid school fees may be recovered summarily in manner prescribed.

11—(1) Except as otherwise provided, no greater number of pupils shall be received at, or be permitted to attend, a State school than such maximum as the Minister from time to time may determine in respect of such school. Maximum
number of
pupils.

(2) Where the number of children attending, and applying to attend, any particular State school exceeds such maximum as aforesaid—

- I. All children residing nearer to such school than to any other State school shall have priority over all others: and
- II. A child whose residence is nearer to such school shall have priority over a child whose residence is more remote therefrom, unless there is available to the former some other State school which is nearer to his residence than any State school, other than the school in relation to which the question arises, is to the residence of the latter—

but this provision shall not take effect to compel the removal from a school of a child over the age of ten years who has attended such school for a period of two years continuously,

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(3) Such maximum as aforesaid may be temporarily exceeded for such period as the Minister may determine for the purpose of permitting the attendance of a child, if there is no other State school within five miles of the residence of such child.

Information as to children of school age,

12—(1) The Minister may cause to be delivered, or sent by post, to the parent of any child a notice, in the prescribed form, requiring such parent to supply such information in respect of all children of such parent as may be indicated in such notice.

(2) The like notice as aforesaid may be delivered or sent as aforesaid by the Board of Advice for any district to the parent of any child within such district.

(3) Any parent receiving such notice shall fill in therein the information thereby required, and shall transmit the same, as thereby directed, to the Minister or Board of Advice, as the case may be.

Penalty: One Pound.

Education of blind, deaf, and mute children.

13—(1) It is the duty of the parent of any child that is blind, deaf, mute, or otherwise defective, between the ages of seven and sixteen years, to provide efficient and suitable education for such child if he is able to do so.

(2) Any such parent who is unable at any time to provide such education as aforesaid for such child shall give notice thereof to the Minister.

(3) The Minister thereupon may direct that such child shall be sent to an institution for the education of blind, deaf, mute, or otherwise defective children, and such parent shall cause such child to be sent thereto accordingly.

(4) Such parent shall contribute to the cost of the maintenance and education of such child such periodical sum as may be agreed between such parent and the Minister.

(5) If any such parent fails to comply with any of the foregoing provisions of this section or to enter into an agreement with the Minister, as hereinbefore provided, any person authorised in writing in that behalf by the Minister may make a complaint against such parent under the Justices Procedure Act, 1919.

(6) Upon the hearing of any such complaint the Court may make all or any of the following orders—

I. That the child shall be sent to such institution as the Minister may direct:

II. That the parent shall contribute towards the maintenance and education of the child a weekly sum of Ten Shillings, or, if the parent satisfies the court of his inability to pay that amount, such smaller weekly sum, if any, as the circumstances require—according to the circumstances of the case.

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(7) Any such order for the payment of any moneys shall direct how, when, and to whom the same shall be payable, and such moneys shall be recoverable by the payee either summarily or by action of debt. A.D. 1932.

(8) In any such proceedings as aforesaid, proof that a child is receiving efficient and suitable education, or is not between the ages of seven and sixteen years, shall lie upon the defendant.

14—(1) The council of every municipality established under the Local Government Act, 1906, shall be the Board of Advice in and for such municipality. Boards of Advice.

(2) The Governor, by proclamation, may appoint a Board of Advice for any city, or may direct that the municipal council thereof shall be the Board of Advice in and for such city.

15 The powers and duties of a Board of Advice under this Act shall be— Powers and duties of Boards of Advice.

- 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 assist teachers in settling minor 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 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:
- VII. With the consent of the Minister, to excuse any child from attendance at school for any period not exceeding four consecutive weeks at any one time:
- VIII. To grant to any school, as and when prescribed, a holiday or half-holiday:
- IX. 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 prescribed terms and conditions; and such fees as may be

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received for the use of any school buildings under this section may be disposed of in such manner as may be prescribed:

- x. 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: Provided that the total amount to be expended by any such Board in any one year shall not exceed an amount to be prescribed.

Minister to hold property.

16—(1) All property held at the commencement of this Act under and for the purposes of the Education Act, 1885, or hereafter acquired by the Minister for the purposes of this Act, shall be vested in and held by the Minister under and for the purposes of this Part.

(2) The Minister, with the consent of the Governor, may sell or otherwise dispose of any real estate held as aforesaid, and may do and execute all such acts, deeds, and assurances as may be necessary for that purpose.

(3) All moneys, the proceeds of any such sale or disposition, shall be paid into the Treasury to the credit of an account kept for that purpose.

(4) The Minister may cause any personal property vested in him under this Act to be sold or disposed of as he may think fit, and the proceeds thereof shall be applied as may be prescribed.

Acquisition of land.

17—(1) The Governor may purchase, acquire, and take such land as he may think necessary for the purposes of this Act.

1 Geo. V. No. 11.

(2) In the application of the Lands Resumption Act, 1910, to any purchase, acquisition, or taking of land for the purposes of this Act, the provisions of Section Twenty-four of that Act shall be construed to authorise the exercise of the powers thereby conferred upon or in relation to any land, although such land is not within the description contained in Paragraph I. of that section.

Erection, extension, and maintenance of school buildings.

18—(1) The Governor, on the recommendation of the Minister, may cause school buildings to be erected, extended, improved, repaired, and maintained, but where the estimated cost of erecting any school building shall exceed One thousand Pounds the same shall not be erected without the approval of Parliament.

(2) The cost of erection of school buildings and of the purchase or acquisition of any land required for the purposes of this Act shall be defrayed out of the moneys standing to the credit of the account mentioned in Section Sixteen, together with any moneys provided by Parliament for those purposes.

Education.

(3) No State school shall be erected unless the Minister is satisfied that not less than twenty children between the ages of five and fourteen years will regularly attend such school. A.D. 1932.

19 The Minister shall furnish to the Governor, not later than the month of May in each year, a report upon the condition and progress of the several classes of schools established and maintained under this Part, together with a detailed statement of the expenditure thereon, and copies of such report shall be laid before both Houses of Parliament within one month after the next ensuing session thereof. Annual report by Minister.

PART III.

BURSARIES.

20—(1) The Bursaries Board (in this Part called “the Board”), constituted under the Bursaries Act, 1915, is hereby continued for the purposes of this Part, as a body corporate having perpetual succession and a common seal, and with all the powers and attributes usually incident to a corporate body. The Board.
6 Geo. V. No. 13.

(2) The persons acting as members of the Board at the commencement of this Act shall be deemed to have been appointed thereunder as at the date of such commencement, and shall hold office, subject to this Act, for a term of three years from that date.

(3) The members of the Board shall be appointed by the Governor every three years, but, if in any case the period between such appointments exceeds three years, the members of the Board shall hold office until the appointment of their successors.

(4) The Board shall consist of—

- I. Three members appointed to represent the Department:
- II. Two members appointed to represent schools registered as provided by this Act: and
- III. One member appointed from the teaching staff of the University of Tasmania.

(5) The Governor shall appoint a Chairman of the Board, who shall be a member representing the Department.

(6) The Chairman, if present, shall preside at all meetings of the Board, and shall have a deliberative vote and also, where the voting is equal, a casting vote.

(7) In the absence of the Chairman at any meeting the Board shall elect one of its members as Chairman for that meeting.

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(8) At any meeting of the Board three members shall constitute a quorum.

(9) The Board may function notwithstanding any vacancy on the Board if a quorum is present.

(10) Subject to this Act, the Board may regulate its own procedure.

Secretary.

21—(1) The Board, on the recommendation of the Public Service Commissioner and with the approval of the Minister, may appoint a Secretary to the Board, who may be an officer of the Department.

(2) The Secretary shall keep complete and correct records of the Board's proceedings and perform such other duties as the Board may direct.

(3) There shall be paid out of the Fund to the Secretary such remuneration as the Board may determine, and it shall be lawful for the secretary to receive and retain the same in addition to his salary as an officer of the Department.

The Fund.

22—(1) The Bursaries Fund established under the Bursaries Act, 1915 (in this Part called "the Fund"), shall be held and applied by the Board for the purposes of this Part.

(2) There shall be paid into the Fund—

- I. All moneys paid to the Board by the Public Trustee, in pursuance of this Part:
- II. Moneys from time to time appropriated by Parliament for the purposes of this Part:
- III. Moneys from time to time donated or bequeathed for the purposes of the Fund:

(3) The Fund shall be exempt from all taxation whatsoever.

Grant and payment of bursaries.

23—(1) The Board shall grant and pay out of the Fund annually, in accordance with this Act, such and so many bursaries as the state of the Fund from time to time shall permit and the Board in each year shall determine.

(2) Such bursaries shall be classed as senior bursaries and junior bursaries respectively.

(3) Every bursary shall be tenable, at the option of the bursar, at a State school approved by the Director or at a registered secondary school approved by the Board.

(4) A junior bursary shall be tenable, subject to this Act, for three years and a senior bursary for two years respectively from the date of award.

(5) The numbers of senior and junior bursaries respectively to be granted in any year shall be in such proportion as may be prescribed.

Education.

(6) The Board may grant a prescribed number or proportion of junior bursaries, tenable at schools approved by the Board, for instruction in agriculture or some similar or allied primary industry. A.D. 1932.
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(7) Where a senior bursary holder, at the end of the two years for which his bursary was tenable, has secured a pass, approved by the Board, at the Leaving Examination held by the University of Tasmania, and desires to enter a university, the Board may extend the term during which his bursary shall be tenable for a further period of one year.

24—(1) Bursaries shall be granted only to children who are under the ages— Qualification
for bursaries.

I. In the case of junior bursaries, of thirteen: and

II. In the case of senior bursaries, of sixteen—

years respectively at the first day of January next following the examination upon the results of which the same are granted and who, in the opinion of the Board, are permanently resident in this State.

(2) Junior bursaries shall be granted upon the results of the prescribed examination to be held annually by the Department; and senior bursaries upon the results of the Intermediate Examination of the University of Tasmania.

(3) The granting of bursaries shall be based upon such results as aforesaid in manner prescribed.

25—(1) The holder of every bursary shall be entitled— What a bur-
sary com-
prises.

I. To an allowance of Four Pounds per annum towards the cost of purchasing necessary text-books: and

II. If he is attending—

(a) A State school, to free tuition at such school:
or

(b) A secondary school, to an allowance of Ten Pounds per annum towards the payment of fees at such school.

(2) Where the permanent home of a bursary-holder is so situated that, in the opinion of the Board, it is necessary for him to live away from home in order to attend an approved school, he shall be entitled to a boarding allowance of Twenty Pounds per annum so long as his home is so situated.

(3) A bursary-holder to whom the provisions of Subsection (2) hereof do not apply shall be entitled to such travelling allowance, if any, as the Board may think necessary, not exceeding a rate of Five Pounds per annum, to enable him to travel to and from the approved school so long as the necessity therefor continues.

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(4) Where the home of a bursary-holder is changed, the Board may vary or discontinue his allowance for travelling as the circumstances may require or may substitute for the allowance which he is receiving the allowance appropriate to the altered conditions.

Payment of bursaries.

26—(1) All bursaries shall be payable to such persons, at such times, and in such manner as may be prescribed.

(2) The head teacher of any school at which any bursary-holder is a pupil shall give to the Board, as and when prescribed, all such particulars relating to such pupil as may be prescribed.

Conditions in respect of bursaries.

27—(1) The grant of every bursary shall be subject to the satisfactory work, attendance at school, and conduct of the holder as shown in the reports of the head teacher of the school at which the same is held.

(2) The Board, in such cases and under such circumstances as may be prescribed, may declare any bursary forfeited or may suspend payment of any allowance thereunder, pending compliance with the prescribed conditions.

Gifts to the Fund.

28—(1) Any person may give or bequeath any sum of money or may give or devise any property to the Board for the purposes of the Fund.

(2) Any such money or property, or the proceeds thereof, shall be applied for the purposes of this Act, and the regulations may provide for the setting aside of any such money or property for the establishment of a special bursary, as may be prescribed, if the donor so desires and the Board approves.

Report by the Board.

29—(1) In the month of July in each year the Board shall prepare and submit to the Auditor-General a statement showing details of—

I. All moneys and property received by the Board during the financial year and the source whence the same were obtained:

II. All expenditure of the Board—

during the then preceding financial year, together with any other information which the Minister may direct, and such statement shall be audited by the Auditor-General.

(2) The Board shall, immediately upon receipt of such statement, certified by the Auditor-General, forward the same to the Minister, together with a general report of its proceedings, and with particulars of all bursaries allotted and held and a summary of the work and progress of the bursary-holders, as shown in the reports thereon received by the Board.

Education.

30—(1) All property vested in the Public Trustee under or by virtue of the Bursaries Act, 1915, shall be held by him as trustee under and for the purposes of this Part. A.D. 1932.

Property of
the Board.

(2) The Public Trustee may exercise in relation to such property, or any part thereof, all or any of the powers conferred upon him by the Public Trust Office Act, 1930, without obtaining an order of a judge of the Supreme Court, but shall not exercise in relation thereto any of the powers conferred upon him by Paragraphs I., II., V., and XV. of Subsection (1) of Section Thirty-two of that Act, without the consent of the Governor. 21 Geo. V. No. 61.

(3) Subject to this Part and the terms of any special trust affecting the same, all such property as aforesaid and all real and personal estate hereafter vested in, granted, devised, bequeathed, or given to the Public Trustee for the purposes of this Part, shall be held by him upon trust to pay out of rents, issues, incomes, and profits arising therefrom (all and every of which are hereinafter called income)—

I. To the State Sinking Fund Commissioners, the sinking fund payments prescribed by this Act:

II. To the Treasurer—

(a) The interest payable to him as provided by this Part: and

(b) Any balance of such income then remaining in the hands of the Public Trustee up to an amount not exceeding One thousand Pounds, in any one year, for and towards the redemption of any unredeemed loan granted to the Public Trustee by the Governor for the purposes of this Part: and, subject thereto,

III. To the Board, the balance of the income then remaining in his hands.

(4) The Public Trustee, with the consent of the Governor, may apply any moneys held by him for the purposes of this Part—

I. In building upon, or otherwise improving, any land held by him for the purposes of this Part, or in altering or adding to any buildings on any such land:

II. In furnishing or fitting up any premises held by him for the purposes of this Part.

(5) The Public Trustee may charge and retain, out of the gross income received by him from all property at any time held by him for the purposes of this Part, commission at the rate of Two Pounds Ten Shillings per centum of such income

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for his services as trustee of such property, and the same shall be in lieu of any fees prescribed in that behalf under the Public Trust Office Act, 1930.

Interest and sinking fund on moneys borrowed.

31.—(1) The interest payable by the Public Trustee in respect of any moneys borrowed by him from the Governor under any Act hereby repealed and secured by any mortgage to the Treasurer of the lands described in Schedule (3) shall be calculated and paid at the rate of Five Pounds Ten Shillings per centum per annum.

(2) The Public Trustee shall pay to the State Sinking Fund Commissioners, by way of sinking fund, in respect of the moneys so borrowed, a sum equal to One Pound per centum per annum of the moneys so borrowed, and the same shall be payable half-yearly, at the rate aforesaid, on the first day of January and the first day of July in each year until such moneys are fully redeemed.

(3) Every mortgage executed and given by the Public Trustee to the Treasurer in respect of any such moneys as aforesaid shall be read and construed in accordance with the provisions of this Part, and any covenant, condition, or proviso contained in any such mortgage which is inconsistent with those provisions shall, to the extent of such inconsistency, cease to have effect.

By-laws.

32.—(1) The Board, with the approval of the Minister, may make by-laws under and for the purposes of this Part, prescribing all matters and things required to be prescribed under this Part or which may be found necessary or convenient for giving effect to its provisions.

(2) Any such by-laws may include provision for the carrying out by the Board of any special trust in relation to any property or sum of money for the purpose of giving effect to the wishes of the donor thereof; and for vesting such property or money in the Public Trustee for the purposes of such trust.

PART IV.

REGISTRATION OF TEACHERS AND SCHOOLS.

Application of this Part.

33 The provisions of this Part shall not apply in respect of any—

- I. State school:
- II. School or college controlled by the Department:
- III. School which is an assembly of children belonging collectively to not more than two families:

Education.

IV. School which is situated in a part of the State which the Governor, by order-in-council, has declared to be a sparsely populated district for the purposes of this Part— A.D. 1932.

or in respect of the University of Tasmania or any college affiliated therewith, but, save as aforesaid, this Part shall apply to every assembly of three or more children, at appointed times, for the purpose of their being instructed in all or any of the following subjects:—

Reading,
Writing,
Arithmetic,
Grammar,
Geography,
Political history,
English or other language,
Mathematics—

and every such assembly shall be deemed to be a school.

34—(1) The Teachers and Schools' Registration Board, constituted under the Registration of Teachers and Schools Act, 1906, shall be styled the Teachers and Schools' Registration Board (in this Part referred to as "the Registration Board"). Registration Board.
6 Ed. VII. No. 15.

(2) The several persons constituting such Board at the commencement of this Act shall be deemed to have been appointed, in pursuance of this Part, as members of the Registration Board for the unexpired period of the term for which they were appointed under the said Act.

(3) The Registration Board shall consist of eight members appointed by the Governor, of whom—

Two shall be representatives of the Department:

Three shall be representatives of the principals of schools other than State schools:

One shall be nominated by the Council of the University of Tasmania: and

Two shall be representatives of the assistant teachers of schools other than State schools.

(4) Every member of the Registration Board shall be appointed for a term of three years, but, in the event of a casual vacancy occurring, the person appointed to fill the same shall be appointed for the unexpired period of the vacating member's term.

(5) The Registration Board may function, notwithstanding any vacancy thereon, so long as a quorum is present.

(6) Four members of the Registration Board shall constitute a quorum.

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(7) The Registration Board shall elect one of its members as Chairman, and he shall preside at all meetings of the Board at which he is present, and shall have a deliberative vote, and also, where the voting is equal, a casting vote.

(8) In the absence of the Chairman from any meeting the members present shall appoint one of their number to act as Chairman for that meeting.

(9) If any member of the Registration Board is absent without leave of such Board from three consecutive meetings thereof, his seat shall become vacant.

(10) The Registration Board, with the approval of the Governor, may appoint some officer of the Department as Registrar of Teachers and Schools (hereinafter called "the Registrar"), who shall keep complete and correct records of its proceedings and perform such other duties as the Board may direct.

(11) The Registrar shall be paid such remuneration as the Registration Board may determine, and it shall be lawful for the Registrar to receive and retain the same in addition to his salary as an officer of the Department.

Powers and
duties of
Board.

35—(1) The Registration Board shall hear and determine all applications for registration under this Part.

(2) The Registration Board shall cause to be recorded and kept registers of—

- I. Teachers: and
- II. Schools—

respectively in the prescribed forms.

(3) The registers of teachers and schools respectively existing at the commencement of this Act shall be deemed to be registers kept as provided by this Part.

(4) A certificate, signed by the Chairman of the Registration Board and by the Registrar, stating that any teacher therein named or any school therein specified is or is not, as the case may be, registered under this Part shall be evidence in any legal proceeding of such fact as so stated.

(5) The Registration Board may appoint examiners for the purposes of this Part, and may provide for the remuneration of any person so appointed.

Registration
of schools.

36—(1) For the purposes of this Part, every school shall be classified as a—

- I. Kindergarten:
- II. Sub-primary:
- III. Primary:

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- IV. Intermediate: or
V. Secondary—

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school or as a school combining any two or more of such classes.

(2) It shall not be lawful for a school of any such class to be carried on unless the same is registered as a school of that class under this Part.

37—(1) For the purposes of this Part every teacher shall be classified as a— Registration
of teachers.

- I. Kindergarten teacher:
II. Sub-primary teacher:
III. Primary teacher:
IV. Intermediate teacher:
V. Secondary teacher: or
VI. Teacher in one or more special subjects—

or as a teacher of any two or more of such classes.

(2) No person shall be registered as a teacher of any class unless he satisfies the Registration Board as prescribed of his fitness to teach in that class.

(3) Any applicant for registration may be required to pass a prescribed examination.

(4) Except as otherwise specially provided, it shall not be lawful for any person to engage, or be employed, as a teacher of any class, in any school unless—

- I. Such teacher is registered as a teacher of such class:
and
II. Such school is registered as a school of the corresponding class—

under this Part.

(5) The Registration Board may give authority, in such form and subject to such conditions as may be prescribed, to any person—

- I. To teach or be employed: or
II. To employ any specified person or person of a specified class—

as a temporary teacher or student teacher of a specified class or as a monitor respectively, although such person is not registered under this Part or is not so registered as a teacher of that class, as the case may be.

(6) Where any person has been, for a period of not less than twelve months immediately prior to the commencement of this Act, engaged in teaching, the Registration Board, upon being satisfied as to his competency as a teacher in the class in which he has been so engaged, may grant a licence to such person to teach in that class, although such person is not registered as a teacher of that class.

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Applications
for registra-
tion.

38—(1) Every application for registration of a school or of a teacher shall be in the prescribed form, and shall contain the prescribed particulars, and shall be lodged with the Registrar, together with the prescribed fee.

(2) The Registration Board may require such evidence in support of any statement in any such application as it may think necessary to enable it to determine whether such application should be granted or refused, or in what class the school or the applicant, as the case may be, should be registered.

Registration
under
previous Act.

39 Any teacher who, or school which, at the commencement of this Act is registered under any Act hereby repealed, shall be deemed to be registered under this Act as a teacher or school, as the case may be, of the class in which such teacher or school appears on the register.

Cancellation of
registration.

40—(1) Upon being satisfied, upon such evidence as the Registration Board considers sufficient, that any teacher registered under this Part has been convicted of any crime or has been guilty of any grave misconduct, the Registration Board may call upon such teacher to show cause before it why his name should not be removed from the register.

(2) If such teacher fails to show cause as aforesaid, to the satisfaction of the Registration Board, such Board may direct his name to be removed from the register, and thereupon his registration shall cease to have effect, subject, however, to his right of appeal as hereinafter provided.

Appeal.

41—(1) Any person who is aggrieved by any decision or determination of the Registration Board may appeal therefrom to a judge of the Supreme Court.

(2) Every such appeal shall be made within two months after the decision or determination affected is communicated personally, or sent by post, to the person concerned, and notice in writing of such appeal, setting forth the grounds thereof, shall be served upon the Registrar ten days at least before the summons is taken out.

(3) Upon the hearing of such appeal the judge may make such order as he may think just.

Schools to be
deemed pub-
lic buildings
for certain
purposes.3 Ed. VII. No.
37.

42—(1) Every school registered under this Part shall be deemed to be a public building for the purposes of the Public Health Act, 1903.

(2) The Director of Public Health or the local authority under the said Act, by notice in writing, may require the proprietor or head teacher of any such school to provide proper access, drainage, light, ventilation, or sanitary conveniences for such school, or to effect repairs to the premises in which

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the same is held, and, in default of compliance with such notice to the satisfaction of such Director or local authority within one month after the service of such notice, it shall not be lawful to hold such school in such premises. A.D. 1932.

43 All fees received and all penalties recovered under this Part shall be paid to the Registration Board, and shall be applied, together with any moneys provided by Parliament for that purpose, in defraying the expenses of administering this Part. Appropriation.

44—(1) The Director, at the request of the Registration Board, if, in his opinion, it is desirable so to do, may cause an inspection to be made by an officer of the Department of any school registered under this Part. Inspection.

(2) The Registration Board may cause an inspection to be made of any such school by any person authorised in that behalf by such Board.

45 The Registration Board, with the approval of the Governor, may make by-laws under and for the purposes of this Part, and, in particular, may prescribe— By-laws.

- I. The mode of classifying teachers and schools respectively:
- II. The course of study and training required and the examinations to be passed to entitle any person to registration as a teacher of each class respectively, and the fees to be paid in respect of any such examination where the same is held by the Board:
- III. The holding of examinations by the Board and the conditions and procedure to be observed in relation thereto:
- IV. The conditions to be fulfilled for the registration of a school in each class respectively:
- V. The recognition of certificates of registration of other countries and the conditions precedent thereto:
- VI. The granting and issue of certificates of registration of teachers and schools respectively:
- VII. The form and method of keeping of registers:
- VIII. The procedure of the Board.

46 No person shall—

- I. Teach, or be employed as a teacher of, any class unless he is registered under this Part as a teacher of that class or is authorised by the Registration Board in pursuance of this Part so to do:

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- II. Keep, conduct, or carry on a school of any class unless the same is registered under this Part as a school of that class: or
 - III. Employ any person to teach in contravention of this Part:
 - IV. Hold any school in contravention of Section Forty.
- Penalty: Ten Pounds.

PART V.

MISCELLANEOUS.

Regulations.

47—(1) The Governor may make regulations under and for the purposes of this Act, and any such regulations may include the provision for, and regulation of—

- I. The establishment, maintenance, staffing, and classification of such schools, teachers' colleges, and practising schools and classes as may be prescribed:
- II. The salaries and allowances of officers not subject to the provisions of the Public Service Act, 1923, and the appointment, classification, promotion, transfer, removal, and retirement of such officers; and their holidays, vacations, and leave of absence, and the conditions relating thereto respectively:
- III. The courses of instruction in all State schools, colleges, and classes respectively and the maintenance of discipline therein:
- IV. The times and duration of terms, and hours of attendance at State schools, colleges, and classes respectively, generally, and in particular cases; and the granting of school holidays:
- V. The training and examination of teachers and the granting of scholarships and allowances to student teachers:
- VI. The books and materials to be used in the several classes of State schools, colleges, and classes respectively; the mode of supply thereof; and the application of any moneys received therefor:
- VII. The medical and dental inspection of children attending State schools:
- VIII. The measures and precautions to be taken for the prevention and limitation of disease amongst children attending State schools and for the protection of such children therefrom, including the exclusion

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from such schools of children affected, or suspected to be infected, with any specified disease or recently exposed to infection therefrom, and the closing of any such school during an outbreak of any such diseases: A.D. 1932.

- IX. The conveyance of children to State schools and the granting of railway passes, and the provision of vehicles for that purpose, and prescribing to what extent and in what cases the travelling expenses of any pupil to and from any school may be paid, and by whom the same shall be paid:
- X. The physical training and drilling of children attending State schools:
- XI. The inspection of State schools:
- XII. The taking of an educational census periodically or when directed by the Minister:
- XIII. The holding of periodical examinations in State schools and colleges and the grant and issue of certificates upon the results thereof:
- XIV. The use of school premises for purposes other than school purposes: and
- XV. The establishment of a tribunal of one or more persons to hear and determine appeals by inspectors, teachers, and other officers against the recommendations of the Director to the Minister with regard to such matters as shall be specified in such regulations; and the procedure to be followed on such appeals, and the powers, jurisdiction, and duties of such tribunal.

(2) The decision of any tribunal established as provided by Paragraph xv. of Subsection (1) hereof shall be binding upon the Minister, the Director, and all officers, persons, and bodies affected thereby.

48 The proprietor, principal, head master, or principal teacher of every school for the education of children, not being a State school or Sunday school, shall record in a permanent register, to be supplied by the Department, the daily attendance of each child who attends his school, and such record shall be open to the inspection of any officer authorised by the Minister to inspect such records; and any such proprietor, principal, head master, or principal teacher who neglects to keep such record, or refuses to permit such officer to inspect such record, shall be guilty of an offence against this Act, and may be proceeded against by any person authorised by the Minister.

Returns in respect of private schools.

Penalty: Five Pounds.

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SCHEDULES.**(1)**

Regnal Year and Number.	Title of Act.
49 Vict. No. 15	The Education Act, 1885
62 Vict. No. 37	The Education Act, 1898
5 Ed. VII. No. 32	The Education Act, 1905
8 Ed. VII. No. 17	The Free Education Act, 1908
3 Geo. V. No. 14	The Education Act, 1912
8 Geo. V. No. 20	The Education Act, 1917
10 Geo. V. No. 52	The Education Amendment Act, 1919
11 Geo. V. No. 64	The Education Amendment Act, 1920
14 Geo. V. No. 66	The Education Act, 1924
18 Geo. V. No. 60	The Education Act, 1927
22 Geo. V. No. 37	The Education Act, 1931
6 Geo. V. No. 13	The Bursaries Act, 1915
16 Geo. V. No. 37	The Bursaries Act, 1925
16 Geo. V. No. 85	The Bursaries Act, 1926
17 Geo. V. No. 48	The Bursaries Act (No. 2), 1926
19 Geo. V. No. 57	The Bursaries Act, 1928
21 Geo. V. No. 44	The Bursaries Act, 1930
6 Ed. VII. No. 15	The Registration of Teachers and Schools Act, 1906
6 Geo. V. No. 57	The Registration of Teachers and Schools Amendment Act, 1915
15 Geo. V. No. 37	The Registration of Teachers and Schools Act, 1924
20 Geo. V. No. 43	The Registration of Teachers and Schools Act, 1929

(2)**PROCEEDINGS OF BOARD OF ADVICE.**

1. The Board shall meet for the despatch of business, and shall from time to time make such by-laws with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the Board, as they think fit, subject to the following conditions:—

- (a) The first meeting shall be held not later than the third Thursday after the appointment of the Board, and if not held on or before that day shall be held on some day to be fixed by the Minister:
- (b) Not less than one ordinary meeting shall be held in each month:
- (c) An extraordinary meeting may be held at any time on the written requisition of any two members of the Board addressed to the chairman:
- (d) The quorum to be fixed by the Board shall consist of not less than three members:
- (e) Every question shall be decided by a majority of votes of the members present and voting on that question:
- (f) The names of the members present, as well as of those voting upon each question, shall be recorded.

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2. The Board shall, at their first meeting, and afterwards from time to time at their first meeting in each year, appoint some person to be chairman for the ensuing year. A.D. 1932.

3. If any casual vacancy occurs in the office of chairman, the Board shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their members to fill such vacancy, and every such chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened.

4. If at any meeting the chairman is not present at the time appointed for holding the same, the members present shall choose some one of their number to be chairman of such meeting.

5. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

6. All proceedings of the Board shall be entered in a book to be kept by the Board for that purpose, and be signed by the chairman of the meetings at which such proceedings are, from time to time, had, or by the chairman of any subsequent meeting; and every such book shall at all reasonable times be open to inspection by an inspector of schools.

(3)

CITY OF HOBART.

OA. OR. 19 16/10P.

Bounded on the north-east by 104ft. 0 $\frac{1}{4}$ in. south-easterly along Elizabeth-street commencing at the south-east corner of land belonging to the Bank of New South Wales on the south-east by 58ft. 7in. south-westerly along land belonging to the English Scottish and Australian Bank Limited on the south-west by 100ft. 1 $\frac{1}{2}$ in. north-westerly along the lastmentioned land and on the north-west by 46ft. 0 $\frac{1}{2}$ in. north-easterly along land belonging to the aforesaid Bank of New South Wales to the point of commencement. Excepting and reserving in respect of the portion of the said land which is comprised in an indenture of conveyance dated the twentieth day of June one thousand nine hundred and twelve and registered No. 12/7604 from the Commercial Bank of Tasmania Limited to the State Scholarship Board a certain drainage easement in favour of the owners of the adjoining land recently belonging to the Commercial Bank of Tasmania Limited as the said easement is more particularly described and shown in the beforementioned indenture and the plan endorsed thereon.

