

## Education (Preschools) Bill

### EXPLANATORY MEMORANDUM

- Clause 1 sets out the main purpose of the Act.
- Clause 2 provides for the commencement of the Act.
- Clause 3 inserts a definition of "preschool program" and "school council". For the purposes of the Act, the preschool programs are limited to children who are at least 3 years of age by 30 April in any year.
- Clause 4 amends section 8 of the **Education Act 1958** to enable the Minister for Education to delegate to school councils his powers under the Act relating to the provision of preschool programs.
- Clause 5 enables the Minister for Education to give directions or issue guidelines to a school council with respect to the provision of preschool programs.
- Clause 6 amends section 15B of the **Education Act 1958** to enable school councils to employ persons for preschool programs.
- Clause 7 amends section 15C of the **Education Act 1958** to enable school councils, with the approval of the Minister for Education, to construct or carry out building works to provide preschool programs.
- Clause 8 amends section 15CA of the **Education Act 1958** to enable school councils to delegate certain powers to members of a committee of management.
- Clause 9 amends section 15G of the **Education Act 1958** to enable the Minister for Education to act in place of a school council for any preschool program conducted by that council, in the event the school council is dissolved or otherwise ceases to exist.
- Clause 10 amends section 34A of the **Education Act 1958** to authorise the payment of compensation under the **Accident Compensation Act 1985** to persons who, without remuneration or reward, assist in the work of the preschool program provided by a Council of a

State school, and to be compensated if they suffer damage to their property.

Clause 11 inserts a new Part 5A in the **Education Act 1958**. Part 5A inserts new sections 67 to 71 relating to the provision of preschool programs by school councils.

Section 67 authorises councils of State schools offering primary education to provide preschool programs by one of the following options—

- (i) the council providing the program on school premises or on other premises under the control of the Minister for Education; or
- (ii) the council authorising a licensee or lessee to use part of the school premises or other premises under the control of the Minister; or
- (iii) the council entering into a joint arrangement with other school councils, or private providers.

Section 68 authorises the Minister for Education to acquire by agreement any estate or interest in land for preschool programs, and to grant leases, licences or otherwise dispose of any land acquired for the purposes of a preschool program. Crown Land reserved for education purposes may not be sold or disposed of in fee simple, but may be leased or licensed. School councils, if authorised by the Minister, are able to grant leases or licences over land to be used for preschool programs.

Section 69 authorises school councils to enter contracts for goods and services to provide preschool programs.

Section 70 authorises school councils to charge fees for preschool programs and other related services.

Section 71 requires school councils to ensure that any fees or money received for preschool programs are applied for the preschool programs unless the Minister otherwise directs, and that they keep separate accounts and financial records for the preschool programs.

- Clause 12 amends the **Health Act 1958** so that, until the **Children's Services Act 1996** comes into operation, school councils that wish to provide preschool programs must comply with the relevant provisions of the **Health Act 1958**.
- Clause 13 implements some minor statute law revision amendments to the **Education Act 1958**.

