



ANNO QUINTO

GEORGII VI REGIS.

A.D. 1941.

No. 43 of 1941.

An Act to amend the Education Act, 1915-1940.

[Assented to 27th November, 1941.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the " Education Act Amendment Act, 1941 ".

(2) The Education Act, 1915-1940, as amended by this Act, may be cited as the " Education Act, 1915-1941 ".

(3) The Education Act, 1915-1940, is hereinafter referred to as " the principal Act ".

Amendment of
principal Act,
s. 4—
Interpretation.

2. Section 4 of the principal Act is amended—

(a) by striking out the words " high school " in the definition of " qualifying certificate " and by inserting in lieu thereof the words " school the course of instruction at which is of a higher standard than that of a primary school " :

(b) by striking out the definition of " superintendent " therein.

Amendment of
principal Act,
s. 15—
Officers.

3. Section 15 of the principal Act is amended—

(a) by striking out the passage " superintendents of such branches of education as he thinks proper (such as primary, secondary, technical, and agricultural education) " and by inserting in lieu thereof the words " superintendents of such groups of schools as he thinks proper " ; and

(b) by inserting therein after subsection (3) thereof the following subsection:—

(4) A superintendent shall have and may exercise any powers given by this Act to an inspector.

4. Section 16 of the principal Act is amended by striking out subsections (2) and (3) thereof and by inserting in lieu thereof the following subsections:—

Amendment of
principal Act,
s. 16—
Teachers
Classification
Board.

(2) The Classification Board shall, subject as hereinafter provided, consist of the superintendents and two other members appointed by the Governor, one being an inspector selected by the Minister and the other a headmaster of the highest grade of primary schools, nominated in the prescribed manner by teachers of the prescribed grades. The chairman of the board shall be a superintendent appointed by the Minister. Superintendents other than the chairman shall be members of the board only when it is dealing with teachers of schools of the class of which they are superintendents.

(3) The chairman of the board and members of the board appointed by the Governor shall hold office for three years without re-appointment: Provided that any person appointed to a casual vacancy shall hold office without re-appointment for the balance of the term of office of the chairman or member, as the case may be, in whose place he is appointed.

5. Section 19 of the principal Act is amended by striking out paragraph I. of subsection (2) thereof, and by inserting in lieu thereof the following paragraph:—

Amendment of
principal Act,
s. 19—
Advisory
Council of
Education.

I. six officers of the Education Department, namely, the Director, the principal medical officer, and four principal officers to be nominated by the Minister;

6. Section 25 of the principal Act is amended—

Amendment of
principal Act,
s. 25—
School
committees

(a) by inserting after the word “any” in the first line thereof the word “primary”;

(b) by inserting after the word “of” in the third line thereof the word “primary”;

(c) by adding at the end of the proviso to subsection (4) thereof the following paragraph:—

III. of the members elected at the election held next after the passing of the Education Act Amendment Act, 1941, one half of the members to be decided by lot shall retire at the expiration of one year from their election and the balance of the members so elected shall retire at the expiration of two years from their election. For the purposes of this paragraph "one half" of the number of members shall, if the total number of members is uneven, mean the integer nearest to but more than half the total number of members.

Amendment of
principal Act,
s. 16—
High School
councils

7. Section 26 of the principal Act is amended—

- (a) by striking out the word "Governor" in the first line thereof and by inserting in lieu thereof the word "Minister";
- (b) by striking out the word "or" in the second line thereof;
- (c) by adding at the end of subsection (1) thereof the words "or school other than a primary school";
- (d) by striking out the word "Governor" occurring in the third and fourth lines of subsection (3) thereof and by inserting in lieu thereof in each case the word "Minister".

Amendment of
principal Act—

8. The principal Act is amended by inserting therein after section 26 the following sections :—

Welfare
associations.

26a. If the Minister is of opinion that, in the interests of any school of any kind mentioned in section 25 or 26 or of any division of any such school, it is desirable that any other body or association be constituted in connection with the school or division, he may authorize the constitution of any such body or association upon such terms and conditions as he thinks fit.

Examination
of accounts.

26b. The accounts of any committee, council, or body or association constituted under section 25, 26 or 26a for any school shall, at least once in every financial year, be examined by the inspector in whose district the school is situated.

Amendment of
principal Act,
s. 27—
Powers of
committee, etc.

9. Section 27 of the principal Act is amended by inserting after the word "councils" in the second line thereof the words "and bodies and associations constituted pursuant to section 26a".

10. Section 28 is amended by striking out subsections (2), (3) and (4) thereof and by inserting in lieu thereof the following subsections :—

Amendment of
principal Act,
s. 28—
Advisory cur-
riculum boards.

(2) For the purpose of assisting the Director to determine the course of instruction in primary schools, high schools, technical schools and other kinds of schools, there shall be appointed for each kind of schools an advisory curriculum board for that kind of schools.

(3) Each board shall consist of—

(a) the superintendent or superintendents of the kind of schools in question :

(b) two inspectors or other officers appointed by the Minister :

(c) two teachers appointed by the Minister, after nomination in the prescribed manner by teachers of the prescribed grades.

(4) A person appointed to a board shall hold office for three years without re-appointment.

(5) If only one superintendent is a member of the board, he shall be the chairman. If two or more superintendents are members of the board, one of the superintendents shall be appointed by the Minister as chairman. If there is no such superintendent, an officer appointed by the Minister shall be chairman and in that case the board shall consist of the officer so appointed in addition to the members mentioned in subsection (3). Any person appointed as chairman pursuant to this subsection shall hold office as chairman for three years without re-appointment.

(6) For the purpose of considering details of any separate subjects or group of subjects, a board may appoint a sub-committee of its members. Any such sub-committee may, with the approval of the Director, co-opt any additional members approved by the Director.

11. Section 31 of the principal Act is amended by striking out the words "benefit of localities where it is not practicable for him to establish schools with an annual average attendance of at least six children between the ages of five and fourteen years" and by inserting in lieu thereof the words "purpose of providing or improving the means of education in sparsely populated districts".

Amendment of
principal Act,
s. 31—
Education in
sparsely
populated
districts.

Amendment of
principal Act,
s. 32—

Establishment
of high schools.

12. Section 32 of the principal Act is amended—

- (a) by inserting after the word “school” second occurring in the sixth line thereof the words “and shall be known as a higher primary school”; and
- (b) by striking out the word “two” in the last line thereof and by inserting in lieu thereof the word “three”.

Amendment of
principal Act—

Area schools.

13. The principal Act is amended by inserting therein after section 32 the following section :—

32a. The Minister may close any two or more schools and may establish an area school to provide for the education of children previously educated at the schools so closed.

Amendment of
principal Act—

Transport of
children to
schools.

14. Part III. of the principal Act is amended by inserting therein after section 38 the following section :—

38a. The Minister may, in such manner and subject to such conditions as he thinks fit, provide or arrange for the transport of children to and from any public school or may pay the whole or any portion of the cost of transporting any children to or from any public school.

Amendment of
principal Act,
s. 39—

Education of
teachers.

15. Section 39 of the principal Act is amended by striking out the words “Training College for the education of teachers existing at the commencement of this Act” and by inserting in lieu thereof the words “Teachers College for the training and education of teachers”.

Amendment of
principal Act,
s. 41—

Enrolment at
school.

16. Section 41 of the principal Act is amended by adding at the end of subsection (7) thereof the words “and for the purposes of subsection (3) and (4) of this section a child’s residence shall be deemed to be within three miles of a school if the residence is within three miles by the shortest road or other available route of a means of transport to and from the school which pursuant to this Act is provided or is arranged to be provided by the Minister”.

Amendment of
principal Act,
s. 42—

Compulsory
attendance.

17. Section 42 of the principal Act is amended by inserting therein after subsection (4) thereof the following subsection :—

(4a) Except in so far as otherwise prescribed, if any manual training, domestic arts or other subject of a like nature is taught in connection with the regular curriculum of a school (whether taught at the school or at some other place) a child who is not present at the

place where such subject is taught and during the time provided by the curriculum for the teaching thereof to such child, shall not be deemed to have attended the school on the occasion during which the subject is taught.

18. Section 43 of the principal Act is amended by adding at the end thereof the following paragraph :—

Amendment of principal Act, s. 43—
Reasonable excuse for non-attendance at school.

(c) That the child was not mentally capable of receiving instruction in a school : Provided that—

I. such reason shall not be a sufficient excuse unless the parent of the child has given to the head teacher of the school notice thereof in writing ; and

II. a medical certificate or a certificate of a psychologist to the effect that the child is not mentally capable of receiving instruction in a school must be produced, if required by the Minister or any person authorized by him as aforesaid.

19. Section 46 of the principal Act is amended by inserting therein before the word "Subject" in the first line thereof the words "Notwithstanding the provisions of the Industrial Code, 1920, or any other Act but".

Amendment of principal Act, s. 46—
Employment of children.

20. Subsection (1) of section 60 of the principal Act is amended—

Amendment of principal Act, s. 60—
Regulations.

(a) by inserting after paragraph VIII. thereof the following paragraph :—

VIIIa. for prescribing and defining the powers and duties of bodies and associations constituted pursuant to section 26a ; for fixing the times for holding the meetings of such bodies and associations, the manner of calling such meetings, and the conduct thereof ; and for fixing the number of members necessary to constitute a quorum thereof :

(b) by adding at the end thereof the following paragraphs:—

XXIII. for providing transport or arranging for transport of children to and from any public school or for providing for the payment of the whole or any portion of the cost of transporting any children to and from any public school :

- xxiv. for providing for the establishment and maintenance of correspondence schools :
- xxv. providing for the enrolment of children in correspondence schools and prescribing conditions under which such enrolment shall be compulsory :
- xxvi. for the provision of equipment and materials for use in public schools :
- xxvii. for regulating the number of schools to be in each class of schools :
- xxviii. for regulating the maximum number of children to be in charge of one teacher :
- xxix. for regulating the schools to be attended for the purpose of any prescribed kind of instruction by children residing within any prescribed area.

Amendment of
principal Act,
s. 68—
Powers of
health officers.

21. Section 68 of the principal Act is amended by striking out the figures "1898" in the second line thereof and by inserting in lieu thereof the figures "1935".

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Deputy Governor,