



EDUCATION.

No. 17 of 1973.

ANALYSIS.

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AN ACT to amend the *Education Act 1932*. [20 June 1973.]

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—(1) This Act may be cited as the *Education Act 1973*.

(2) The *Education Act 1932*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) Sections two, six, seven, and eight commence on a date to be fixed by proclamation, and the other provisions of this Act commence on the date on which the Governor gives his assent to this Act.

Short title,
citation, and
commencement.

2 Section six of the Principal Act is repealed and the following section is substituted therefor:—

Religious
education in
State schools.

“6—(1) Education in matters of religion shall form part of the education provided in State schools, but no instruction shall be given in a State school that is distinctive of any particular denomination or sect.

“(2) No child shall be compelled to attend any instruction given in a State school in matters of religion if his parents object to his so doing.

“(3) Arrangements may be made with the concurrence of the principal of a State school to enable a person of a particular religious persuasion to hold meetings at the school outside ordinary teaching hours for the purpose of discussing matters of a religious nature with, or giving instruction in those matters to, pupils of the school who desire to attend the meetings.

“(4) At the request of a minister of religion, the head teacher of a State school shall allow him to visit the school once in a term at a time during ordinary teaching hours approved by the head teacher to meet pupils of the school who are of the same religious persuasion of that minister.”.

Enrolment of
children.

3 Section seven A of the Principal Act is amended—

- (a) by omitting from paragraph (e) of subsection (2) the words “three miles” and substituting therefor the words “five kilometres”;
- (b) by omitting from that paragraph the words “one mile” and substituting therefor the words “one and a half kilometres”; and
- (c) by omitting from paragraph (f) of that subsection the words “half a mile” and substituting therefor the words “one kilometre”.

Maximum
number of
pupils.

4 Section eleven of the Principal Act is amended by omitting from subsection (3) the words “five miles” and substituting therefor the words “eight kilometres”.

5 Sections fourteen and fifteen of the Principal Act are repealed and the following sections are substituted therefor:—

Establishment
of boards of
advice.

“14—(1) The Governor may, by order, establish a board of advice for any State school or any group of State schools, and make provision for its constitution and proceedings.

“(2) The council of a municipality shall be the board of advice for each State school in the municipality for which a board of advice is not established under subsection (1) of this section.

“15—(1) A board of advice for a school has the following Functions of board of advice. duties, that is to say:—

- (a) To maintain close contact with the school and its activities;
- (b) To advise the Minister in all matters connected with the education of children attending the school or residing in the area in which it is situated;
- (c) To use every endeavour to induce parents to send their children to school regularly;
- (d) To give assistance in such matters arising in connection with the school as the Minister may refer to the Board; and
- (e) To determine such matters in relation to the school as the Minister may authorize the board to determine.

“(2) Subject to this Act a board of advice may institute proceedings in the name of the Minister against parents who neglect to cause their children to be regularly and efficiently instructed.

“(3) A board of advice for a school may cause repairs and works of maintenance to be made to the school premises, but the total amount expended by a board under this section in any year shall not exceed an amount prescribed in relation to that board.

“(4) The board of advice for a school may allow the use of school premises for other than school purposes subject to such terms and conditions as may be prescribed, and the fees received from any such use may be disposed of in such manner as may be prescribed.

“(5) The powers of a board of advice under subsection (4) of this section shall not be exercised in such a manner as to interfere with the use of the school premises for the purposes of the school.

“(6) For the purpose of the exercise of its functions a board of advice shall arrange for regular visits to the school by its members or by other persons on its behalf.

“(7) A board of advice for a school in exercising its functions shall have regard to the views of the parents of the children attending the school and for that purpose shall maintain close contact with organizations of, or representing, those parents.

“(8) Subject to subsection (9) of this section, the expenses incurred by a board of advice shall be defrayed out of moneys provided by Parliament for the purpose.

“(9) The expenses of the council of a municipality under this section may be defrayed out of the municipal fund but shall be reimbursed to the municipality by the Minister out of moneys provided by Parliament for the purpose.”.

Application of
Part IV.

6 Section thirty-three of the Principal Act is amended by omitting paragraph (*ca*).

Registration of
schools.

7 Section thirty-six of the Principal Act is amended by omitting from paragraph (*a*) of subsection (1) the word “pre-school” and substituting therefor the word “kindergarten”.

Registration of
teachers.

8 Section thirty-seven of the Principal Act is amended by omitting from paragraph (*a*) of subsection (1) the word “pre-school” and substituting therefor the word “kindergarten”.

9 Section forty-six *j* of the Principal Act is repealed and the following section is substituted therefor:—

Special
bursaries.

“46J—(1) The Minister may, on the recommendation of the Director-General, award a bursary (in this section referred to as ‘a special bursary’) to a pupil who, by reason of special circumstances, he is satisfied needs financial assistance to enable him to continue his education.

“(2) The amount of a special bursary, and the conditions of its tenure, shall be determined by the Minister having regard to the circumstances of the pupil to whom it is granted.”.

Regulations.

10 Section forty-seven of the Principal Act is amended—

(*a*) by omitting paragraph (*l*) of subsection (1) and substituting therefor the following paragraphs:—

“(*l*) the conveyance to and from State schools of pupils and persons accompanying them (including the granting of passes and the provision of vehicles for that purpose);

“(*la*) the payment, in whole or in part, in specified cases, of the expenses incurred in the conveyance to or from any school of any pupil or person accompanying him;” and

(b) by inserting after subsection (6A) the following subsection:—

“(6B) The regulations may confer a discretion on the Minister with respect to the rates at which any scholarship, allowance, or other financial assistance is to be paid.”.

11 The second schedule to the Principal Act is repealed.

Proceedings
of boards of
advice.

12—(1) After the commencement of this section no further bursaries shall be granted under Part III of the Principal Act, but nothing in this subsection affects the bursaries granted before that commencement.

Discontinuance
of ordinary
bursaries.

(2) On the request of the Bursaries Board the Public Trustee shall realize any property vested in him as trustee under and for the purposes of Part III of the Principal Act and shall pay the proceeds thereof into the Bursaries Fund.

(3) When the Board has no further obligation to make any payments by way of bursary out of the Bursaries Fund the Treasurer may, by order, declare that fund to be wound up on such day as may be specified in the order, and any moneys then standing to the credit of the Fund form part of the Consolidated Revenue.

(4) Part III of the Principal Act expires on the day on which the Bursaries Fund is under subsection (3) of this section declared to be wound up.