
EDUCATION AMENDMENT ACT 1980

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EDUCATION AMENDMENT

No. 35 of 1980

AN ACT to amend the Education Act 1932 so as to vary the provisions governing the description of the various forms of education and institutions that may be provided by the Minister under the Act, to provide for the establishment by the Minister of advisory councils and for the abolition of the Board of Technical Education, to alter the classification in which teachers and schools may be registered, and to make provision for related matters, including amendments of the Education Act 1973.

[Royal Assent 21 May 1980]

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 Amendment Act 1980*. Short title.

2—(1) This section and section 1 shall commence on the date Commencement of assent to this Act.

(2) Except as provided in subsection (1), the several provisions of this Act shall commence on such date or dates as may be fixed by proclamation.

Principal Act.

3—In this Act, the *Education Act* 1932* is referred to as the Principal Act.

Amendment of section 3 of Principal Act (Interpretation).

4—Section 3 of the Principal Act is amended by omitting subsection (2) and substituting therefor the following subsection:—

(2) In this Act “primary” and “secondary” used in relation to education and schools and other educational institutions refer to progressive stages of education ordinarily required by individuals as they grow up, and a reference in this Act to post-primary education shall be construed as a reference to any secondary or other education appropriate to the needs of persons who have passed beyond the stage of primary education.

Amendment of section 4 of Principal Act (The Department).

5—Section 4 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:—

(5) Nothing in subsection (4) affects the operation of Parts V and VI of the *Public Service Act* 1973 or any of the powers or authorities conferred by that Act on the Public Service Arbitrator.

Insertion in Principal Act of new section 4B.

6—After section 4A of the Principal Act the following section is inserted:—

Power of Minister to establish advisory councils.

4B—(1) The Minister may, from time to time, by instrument under his hand, establish such committees, councils, or other bodies, under such names as he may specify in that behalf, for the purpose of advising or assisting him in the performance or exercise of his functions, duties, and powers under this Act, and any such committee, council, or other body is referred to in this section as an “advisory council”.

(2) An advisory council established under subsection (1) shall comprise such number of persons, holding such qualifications (if any), as the Minister may determine.

(3) A member of an advisory council—

(a) shall—

(i) be appointed by the Minister for such period as the Minister thinks fit; and

(ii) hold and vacate office in accordance with the terms of his appointment or reappointment;

* 23 Geo. V No. 22. For this Act as amended to 1970, see Appendix B of the Annual Volume of Statutes for 1971. Subsequently amended by No. 56 of 1971, Nos. 10 and 69 of 1972, Nos. 17, 48, and 81 of 1973, No. 13 of 1974, No. 47 of 1975, Nos. 20 and 28 of 1976, No. 42 of 1977, and No. 51 of 1978.

(b) may be removed from office by the Minister by notice in writing addressed and delivered to that member; and

(c) may at any time resign his office by notice in writing addressed and delivered to the Minister.

(4) A person who is a member of an advisory council shall not, by virtue of being such a member, be regarded as being an employee within the meaning of the *Retirement Benefits Act 1970*, the *Superannuation Act 1938*, or the *State Employees (Long-Service Leave) Act 1950* or as an officer of the Public Service or a person holding office under this Act, but an officer of the Public Service or a person holding office under this Act may hold office as a member of an advisory council in conjunction with his office in the Public Service under this Act, as the case may be.

(5) The Minister shall appoint one of the members of an advisory council to be its chairman and may, if he thinks fit, appoint another of those members to be its deputy chairman.

(6) On the expiration of any period of appointment or reappointment, a member of an advisory council may be reappointed for a further period.

(7) If a member of an advisory council is unable for any reason to carry out his duties as such a member for any period, the Minister may appoint a person who, in his opinion, is suitably qualified to act in place of that member during that period, and that person shall, for that period, be deemed to be a member of that advisory body.

(8) Each member of an advisory council is entitled to receive such remuneration and allowances as may be prescribed or, if no such remuneration or allowances are for the time being prescribed, as may be determined by the Governor, but a member of an advisory council who is an officer of the Public Service is not entitled to receive remuneration under this subsection, and is not entitled to receive an allowance under this subsection, if he has received an allowance in respect of the same matter by virtue of his being such an officer.

(9) The holding of office as a member of an advisory council shall be deemed not to be the holding of an office of profit or emolument within the meaning of section 32 of the *Constitution Act 1934*, but a Member of Parliament is not entitled to receive any remuneration or allowances under this section

as a member of an advisory council except by way of remuneration for expenditure incurred by him in carrying out his functions as such a Member.

(10) Meetings of an advisory council shall be held in accordance with such directions as may be given by the Minister.

(11) The Minister may delegate to the chairman of an advisory council any of the powers conferred on the Minister in respect of that council.

(12) Subject to any directions given by the Minister, an advisory council may regulate its own procedure.

Amendment of section 7A of Principal Act (Enrolment of children).

7—Section 7A of the Principal Act is amended—

(a) by omitting from subsection (1) “primary or post-primary”;

(b) by omitting from subsection (2) (a) “primary or post-primary school registered under Part IV” and substituting “school registered under Part IV otherwise than as a kindergarten only”.

Repeal of Part IIA of Principal Act (Technical Education).

8—Part IIA of the Principal Act is repealed.

Amendment of section 33 of Principal Act (Application of Part IV).

9—Section 33 of the Principal Act is amended by omitting paragraph (ca).

Amendment of section 36 of Principal Act (Registration of schools).

10—Section 36 of the Principal Act is amended—

(a) by omitting paragraph (a) of subsection (1) and substituting the following paragraph:—

(a) a kindergarten;

(b) by omitting paragraph (b) of that subsection.

Amendment of section 37 of Principal Act (Registration of teachers).

11—Section 37 of the Principal Act is amended by omitting subsection (1) and substituting therefor the following subsection:—

(1) For the purposes of this Part every teacher shall be classified—

(a) as a general teacher;

(b) as a specialist teacher in one or more special subjects; or

(c) as a teacher of both those classes.

12—Section 46A of the Principal Act is amended—

Amendment of
section 46A of
Principal Act
(The Schools
Board of
Tasmania).

(a) by inserting after paragraph (b) of subsection (3) the following paragraph:—

(ba) one shall be a person nominated by the Director-General, being either the Director of Further Education or a person nominated by the Director of Further Education;

(b) by omitting from paragraph (g) of that subsection “women; and” and substituting “women.”;

(c) by omitting paragraph (b) of that subsection;

(d) by inserting after subsection (7) the following subsection:—

(7A) The member of the Schools Board first appointed under subsection (3) (ba) shall, notwithstanding anything in subsection (5), retire from office at the time that any member holding office under subsection (3) (b) immediately before the commencement of section 15 of the *Education Amendment Act 1980* would have had to have retired if that section had not been enacted.

13—Section 47 of the Principal Act is amended—

Amendment of
section 47 of
Principal Act
(Regulations).

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

(a) the use and definition of terms descriptive of various types or kinds of education or educational institutions;

(b) by inserting in paragraph (q) of that subsection “and the use or disbursement of any sums received for or in respect of any such use” after “school purposes”.

14—(1) Subsection (3) of section 1 of the *Education Act 1973* is amended by omitting “Sections two, six, seven, and eight commence” and substituting “Section 2 commences”.

Amendment of
Education Act
1973.

(2) Sections 6, 7, 8, and 12 of the *Education Act 1973* are repealed.

