

LEGISLATIVE ASSEMBLY

Read 1° 30 October 1984

(Brought from the Legislative Council)

(No. 2)

A BILL

for

An Act to amend the *Education (Amendment) Act* 1983 by repealing or amending in section 11 of that Act sub-sections (2) to (19), and to amend the *Education Act* 1958.

5 BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

Short title.

1. This Act may be cited as the *Education (Amendment) Act* 1984.

Commencement.

10 2. The several provisions of this Act shall come into operation on a day or the respective days to be fixed by the proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*.

Principal Act.

15 3. In this Act, the *Education Act* 1958 is referred to as the Principal Act.

Principal Act
No. 6240.
Reprinted to
No. 9428.
Subsequently
amended by Nos.
9351, 9424,
9427, 9582,
9595, 9699,
9709, 19902, 9993
and 10089.

Change of name—regional councils to be called regional boards.

4. (1) In paragraphs (a) to (d) of section 12D (1) of the Principal Act, for the word “council” (wherever occurring) there shall be substituted the word “board”.

(2) In section 12D (2) of the Principal Act, for the word “council” there shall be substituted the word “board”. 5

(3) In sections 12D (3), 12D (4) and 12D (5) of the Principal Act, for the words “regional council” (wherever occurring) there shall be substituted the words “regional board”.

(4) In section 12D (6) of the Principal Act for the word “council” there shall be substituted the word “board”. 10

(5) In section 12E of the Principal Act—

(a) for the words “regional council” (wherever occurring) there shall be substituted the words “regional board”; and

(b) for the words “regional councils” (wherever occurring) there shall be substituted the words “regional boards”. 15

New section 34IA.

5. After the Heading to Part III. of the Principal Act, there shall be inserted the following section:

Interpretation of prescribed subjects in section 35. 20

“34IA. A reference in this Part to subjects prescribed for the purposes of section 35 is a reference to the following subjects:

- English,
- Language Studies,
- Any Natural Experimental or Applied Science, 25
- Mathematics,
- Social Sciences,
- Art,
- Music (other than instrumental teaching),
- Business Studies—including bookkeeping, shorthand, 30
- accounting,
- Technical subjects,
- Physical Education.”.

Amendment of section 35.

6. In section 35 of the Principal Act, for the words, “the undermentioned subjects” and all words and expressions up to and including the word “Accountancy”, there shall be substituted the words “the subjects prescribed for the purposes of this section”. 35

Amendment of section 37.

7. In section 37 of the Principal Act—

(a) in sub-section (1) (a) the words “in the form or to the effect of the Third Schedule” shall be repealed;

5 (b) in sub-section (1) (b) the words “in the form or to the effect of the Fourth Schedule” shall be repealed; and

(c) for paragraph (d) of sub-section (3) there shall be substituted the following paragraph:

10 “(d) defining what schools shall for the purposes of this Part be primary, secondary or special schools (as the case may be);”.

Registration of teachers.

8. For sub-sections (2) and (3) of section 39 of the Principal Act there shall be substituted the following sub-section:

15 “(2) The Board may determine to register a teacher as a primary, secondary, special or technical teacher, or as a teacher of only one or more (not being all) of the subjects prescribed for the purposes of section 35.”.

New section 40.

20 9. For section 40 of the Principal Act there shall be substituted the following section:

Information to be supplied to the Registered Schools Board.

“40. Every person applying to be registered as a teacher shall give to the Board sufficient information to determine whether—

25 (a) the person should be registered as a primary, secondary, special or technical teacher or as a teacher of only one or more specified subjects; and

(b) the school (if any) where the person is or was employed is or was a primary, secondary or special school.”.

30 Amendment of section 41.

10. In section 41 of the Principal Act, for the words “felony or of misdemeanour” there shall be substituted the words “an indictable offence”.

Amendment of section 42.

11. (1) In section 42 of the Principal Act, for sub-section (1) there shall be substituted the following sub-sections:

Registration of schools and approval for opening of schools.

“(1) Every school shall be registered in the register of schools as a primary school, secondary school or special school, or as a school which is a combination of all or any two of such schools.

(1A) For the purposes of registering a school as a secondary school, the Board shall determine the year levels for which the school shall be registered.

(1B) The proprietor or head teacher of every school shall at least six months before the opening of the school make application in the prescribed form for approval to open the school.

(1C) No school shall be opened if the Board has refused approval for its opening.

(1D) If the Board has refused to grant approval for the opening of a school, the proprietor or head teacher of the school may apply in writing to the Minister who may grant or refuse to grant approval for the opening of the school, and where the Minister grants that approval the school may be opened.”.

(2) In sub-section (3) of section 42 of the Principal Act—

(a) in paragraph (a), the word “or” between sub-paragraphs (i) and (ii) shall be repealed;

(b) in paragraph (a), after sub-paragraph (ii) there shall be inserted the following expression and sub-paragraph:

“or

(iii) the premises at which the school is to be conducted do not comply with the provisions of the *Health Act* 1958 or any regulations under that Act or that the premises are otherwise unsatisfactory as regards drainage, light or ventilation or sanitary or other conveniences or the safety of pupils.”; and

(c) in paragraph (b), for the words “special subject” there shall be substituted the words “single subject or in relation to any bilingual education programme approved by the Board”.

Amendment of section 43.

12. (1) In section 43 (1) (d) of the Principal Act, after the word “conveniences” there shall be inserted the words “or the safety of pupils”.

(2) In section 43 (2) of the Principal Act, before the word “cancellation” there shall be inserted the word “intended”.

(3) In section 43 (5) of the Principal Act—

(a) the words “or teaches in” shall be repealed; and

(b) for the expression “\$100” there shall be substituted the expression “10 penalty units”.

5 Amendment of section 44.

13. (1) In section 44 (1) of the Principal Act the words “or teach in” shall be repealed.

(2) At the foot of section 44 (1) of the Principal Act there shall be inserted the following expression:

10 “Penalty: 10 penalty units.”.

(3) In section 44 (2) of the Principal Act—

(a) for the expression ‘mentioned in the interpretation of “school” in this Part’ there shall be substituted the expression “prescribed for the purposes of section 35”; and

15 (b) in paragraph (b) for the words “be employed temporarily as a teacher” there shall be substituted the word “teach”.

(4) In section 44 (3) (b) of the Principal Act, for the words “be employed temporarily as a teacher” there shall be substituted the word “teach”.

20 (5) After sub-section (3) of section 44 of the Principal Act there shall be inserted the following sub-sections:

“(4) Sub-sections (2) and (3) do not apply to or in relation to any person who immediately before the commencement of the *Education (Amendment) Act 1984*—

25 (a) was a teacher in a school; and

(b) was not registered and was not required to be registered as a teacher under this Part as in force immediately before that commencement.

30 (5) Where a person to or in relation to whom sub-section (4) applies ceases to be a teacher in any school for a period of more than three months or for such longer period as the Board in any particular case determines—

(a) that person shall before recommending to teach in a school comply with sub-section (2); and

35 (b) no proprietor or head teacher of a school shall employ that person as a teacher in the school until that person has complied with sub-section (2).”.

New section 46.

14. For section 46 of the Principal Act there shall be substituted the following section:

Returns by proprietors of registered schools.

“46. (1) The proprietor or head teacher of every registered school shall furnish to the Registrar of the Board on or before 31 July in each year a return in or to the effect of the form determined by the Board. 5

(2) Every proprietor or head teacher of a registered school who wilfully makes any false entry in a return under this section shall be liable to a penalty of not more than 5 penalty units.”. 10

Amendment of section 47.

15. (1) In section 47 (1) of the Principal Act—

(a) for the words “marked in ink” there shall be substituted the word “recorded”; and

(b) for the word “Minister” there shall be substituted the word “Board”. 15

(2) In section 47 (4) of the Principal Act for the expression “\$40” there shall be substituted the expression “1 penalty unit”.

Amendment of section 48.

16. (1) in section 48 (1) of the Principal Act, the words “a teacher or” and the words “teacher or” shall be repealed. 20

(2) For sub-sections (2) and (3) of section 48 of the Principal Act there shall be substituted the following sub-section:

“(2) With each application for registration of a school there shall be deposited with the accountant to the Education Department a fee of \$200 which shall be paid into the Consolidated Fund.”. 25

Amendment of section 52.

17. In section 52 of the Principal Act, for the expression “\$200” there shall be substituted the expression “10 penalty units”.

Repeal of Schedules 3, 4 and 5.

18. The Third, Fourth and Fifth Schedules to the Principal Act shall be repealed. 30

Amendment of section 11 of the *Education (Amendment) Act 1983*.**19. In section 11 of the *Education (Amendment) Act 1983*—**

(a) for sub-sections (2), (3) and (4) there shall be substituted the following sub-sections:

5 ‘(2) After section 42 (3) of the Principal Act there shall be inserted the following sub-sections:

 “(4) The Board shall not register a secondary school unless the average enrolment for the year levels for which the school is to be registered is ten or more.

10 (5) Notwithstanding the provisions of section 35, where a primary school in a rural area or a special school has an enrolment of more than ten but less than twenty persons of not less than six nor more than eighteen years of age the Board may register that school under this Part.

15 (6) Where a school has been registered pursuant to sub-section (5), the provisions of this Part shall apply to and in relation to that school in all respects as if that school were a school within the meaning of section 35.”.

20 (3) In section 43 (1) of the Principal Act, for the expression “(1) The” there shall be substituted the expression “(1) Subject to sub-section (1A), the”.

25 (4) After section 43 (1) of the Principal Act there shall be inserted the following sub-section:

 “(1A) The Board shall not cancel the registration of any school by reason only that—

30 (a) where the school is a primary school in a rural area or a special school the enrolment is less than the minimum prescribed by section 42 (5);

 (b) in any other school the enrolment is less than the minimum prescribed by section 35; or

35 (c) where the school is a secondary school the average enrolment for the year levels for which the school is registered is less than the minimum prescribed by section 42 (4)—

40 where the Board is satisfied that the low enrolment is the result of special circumstances of a temporary nature.”.’;

(b) sub-sections (5) to (13) shall be repealed;

(c) for sub-section (14) there shall be substituted the following sub-section:

45 “(14) On and from the commencement of this section, all schools registered under Part III. of the Principal Act

immediately before that commencement shall continue subject to the Principal Act as amended by this section to be registered.”;

(d) sub-section (17) shall be repealed;

(e) for sub-section (18) there shall be substituted the following sub-section: 5

“(18) Where any school was immediately before the commencement of the *Education (Amendment) Act 1984* registered under Part III. of the Principal Act as a technical school, section 42 (4) of the Principal Act as amended by this Act shall not apply to that school.”; 10

and

(f) sub-section (19) shall be repealed.

Continuation of office of members of registration boards.

20. A person who, at the date of commencement of this Act, holds office as a member of the Primary Teachers Registration Board, the Secondary Teachers Registration Board or the Technical Teachers Registration Board shall, notwithstanding anything to the contrary in the instrument by which the person was appointed to the office and notwithstanding that the person will thereby hold the office for more than three years, but otherwise subject to Part IIIA. of the Principal Act— 15
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(a) hold the office until 31 December 1985; and

(b) hold office for such further period if any, but not exceeding twelve months, as the Minister orders. 25

Transitional and savings.

21. (1) On and from the commencement of this Act, all teachers and all schools registered under Part III. of the Principal Act immediately before that commencement shall continue subject to the Principal Act as amended by this Act to be registered. 30

(2) For the purposes of sub-section (1), the Registered Schools Board shall determine—

(a) in respect of each teacher registered under Part III. of the Principal Act immediately before the commencement of this Act, whether that teacher should be registered as a primary, secondary, special or technical teacher or as a teacher of one or more specified subjects; and 35

(b) subject to sub-section (3), in respect of each school registered under Part III. of the Principal Act immediately before the commencement of this Act, whether that school should be registered as a primary, secondary or special school and in 40

the case of a school to be registered as a secondary school
the year levels for which it should be registered—

and shall cause the registers of teachers and schools under section 37 of
the Principal Act to be revised accordingly.

5 (3) Where any school was immediately before the commencement
of this Act registered under Part III. of the Principal Act as a technical
school—

10 (a) that school shall notwithstanding the amendments made to
section 42 of the Principal Act by this section continue to
be registered as a technical school; and

(b) Part III. of the Principal Act (other than section 42 (1A)) as
amended by this Act shall apply to and in relation to that
school in all respects as if it were registered as a secondary
school.

15 (4) On and from the commencement of this Act, any permission
given under section 44 of the Principal Act as in force immediately
before that commencement to a person to be employed temporarily as
a teacher in a school shall be deemed to be permission to teach in the
20 school, given under section 44 of the Principal Act as amended by this
Act.