

EDUCATION.

7^o GEO. VI., No. XXV.

No. 30 of 1943.

AN ACT to amend sections, three, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, twenty-eight and thirty-four of, and to make provision in relation to Kindergartens in the Education Act, 1928.

[Assented to 12th November, 1943.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Education Act Amendment Act, 1943*, and shall be read as one with the

Education Act, 1928 (No. 33 of 1928 as amended by the Act No. 43 of 1929), hereinafter referred to as the principal Act.

2. Section three of the principal Act is amended by inserting therein after the definition of "Government School" a definition as follows:—

Amendment
of s. 3.

"Kindergarten" means a school for children under six years of age conducted on the theory that education should be begun by gratifying and cultivating the normal aptitude for exercise, play, observation, imitation and construction.

3. Section thirteen of the principal Act is amended as follows:—

Amendment
of s. 13.

(a) by inserting after the figures "13" at the commencement of the section the figure and brackets as follows "(1)";

(b) by adding to the section, subsections as follows:—

(2) Notwithstanding anything to the contrary contained in subsection (1) of this section, the Governor may at any time on the recommendation of the Minister by proclamation extend the maximum age for compulsory attendance of children at a Government or efficient school from fourteen years to fifteen years, and while a proclamation issued under this subsection remains in force, wherever the words "fourteen years of age" appear in any of the paragraphs contained in subsection (1) of this section, the words "fifteen years of age" shall be substituted therefor, and the said paragraphs shall be read and construed and have effect as if the words "fifteen years of age" were stated therein instead of the words "fourteen years of age."

(3) Where the Minister is of the opinion that a child has been sent or is kept away from the place where his

parents or one of his parents reside or resides in order to avoid the compulsory provisions of this section the Minister may require the parents or parent of the child to send the child to a Government or other efficient school to which the parents or parent would have been obliged under this section to send the child if the child had resided with the parents or parent from whose place of residence the child has been sent or kept away.

Amendment
of s. 14.

4. Section fourteen of the principal Act is amended by inserting in paragraph (a) after the word "elsewhere" in line two of the said paragraph, the words "of which fact notice in writing has been given by the parents or parent to the Director not more than fourteen days after such instruction is commenced or not more than fourteen days after the date when the parents or parent would be in the ordinary course obliged under section thirteen of this Act to send the child to a Government or efficient school."

Amendment
of s. 15.

5. Section fifteen of the principal Act is amended as follows:—

(a) by deleting from subsection (1) the words "in the streets or other public places" in line four of the said subsection, and inserting in lieu thereof the words "in any place to which the public resort or are admitted whether on payment of a fee for admission or not."

(b) by deleting from subsection (2) the words "in a street or other public place" in lines one and two of the said subsection, and inserting in lieu thereof the words "in any place referred to in subsection (1) of this section."

(c) by adding to the section a new subsection as follows:—

(3) Every person shall permit the entry of any officer appointed under this section to any place referred to in subsection (1) of this section for the purpose of carrying out his duties and exercising his powers under this

section; and any person who hinders or obstructs any such officer in the carrying out of his duties or the exercise of his powers aforesaid shall be guilty of an offence.

Penalty—Ten pounds.

6. Section sixteen of the principal Act is amended as follows:— Amendment
of s. 16.

- (a) by deleting from subsection (4) all the words after the word “court” in line two of the said subsection;
- (b) by adding to the section a new subsection as follows:—

(5) Whenever in accordance with the provisions of subsection (2) of section thirteen of this Act the Governor has by proclamation extended the maximum age for compulsory attendance at a Government or efficient school from fourteen years of age to fifteen years of age, and whilst such proclamation continues in force, the words “fifteen years of age” shall be substituted for the words “fourteen years of age” wherever the latter appear in the foregoing subsections of this section, and the said subsections shall be read and construed and have effect as if the words “fifteen years of age” were stated therein instead of the words “fourteen years of age.”

7. Section seventeen of the principal Act is amended as follows:— Amendment
of s. 17.

- (a) by deleting subsection (4);
- (b) by adding to the section a new subsection as follows:—

(6) Whenever in accordance with the provisions of subsection (2) of section thirteen of this Act the Governor has by proclamation extended the

maximum age for compulsory attendance at a Government or efficient school from fourteen years of age to fifteen years of age and whilst such proclamation remains in force, the word "fifteen" shall be substituted for the word "fourteen" in subsection (1) of this section, and subsection (1) shall be read and construed and have effect as if the word "fifteen" were stated therein instead of the word "fourteen."

Amendment
of s. 18.

8. Section eighteen of the principal Act is amended by adding thereto a new subsection as follows:—

(6) Whenever in accordance with the provisions of subsection (2) of section thirteen of this Act the Governor has by proclamation extended the maximum age for compulsory attendance at a Government or efficient school from fourteen years to fifteen years and whilst such proclamation remains in force the word "fifteen" shall be substituted for the word "fourteen" in subsection (3) of this section, and subsection (3) shall be read and construed and take effect as if the word "fifteen" had been stated therein instead of the word "fourteen."

Amendment
of s. 28.

9. Section twenty-eight of the principal Act is amended by inserting in subsection (1) thereof after paragraph (m) a new paragraph as follows:—

(m1) Compelling the parent of a child to have the child medically treated or to have the child receive proper attention to cleanliness:

Provided that the regulations shall provide that the parent shall not be under any obligation to have the child medically treated if the parent is unable to afford the cost of such medical treatment and there is no free medical treatment available in such case within a reasonable distance of the place where the child is residing.

10. Section thirty-four of the principal Act is amended by adding thereto a subsection as follows:—

Amendment
of s. 34.

- (3) Whenever in accordance with the provisions of subsection (2) of section thirteen of this Act the Governor has by proclamation extended the maximum age for compulsory attendance at a Government or efficient school and whilst such proclamation continues in force the word "fifteen" shall be substituted for the word "fourteen" in line five of paragraph (a) of subsection (1) of this section and the said paragraph (a) shall be read and construed and have effect as if the word "fifteen" had been stated therein instead of the word "fourteen."

11. A section is inserted in the principal Act after section thirty-four as follows:—

New section.

34A. (1) This section shall apply to every kindergarten notwithstanding that children six years of age or over that age are admitted to or are attending such kindergarten.

Kindergar-
tens.

(2) No person shall conduct or carry on or be employed or engaged or serve or engage, whether as principal servant or agent, in the conducting or carrying on of a kindergarten unless the conducting or carrying on of such kindergarten is authorised by a permit issued by the Minister under this section.

(3) A permit to conduct or carry on a kindergarten shall not be issued to a male person.

(4) The person holding a permit to conduct or carry on a kindergarten shall not employ or suffer or permit any male person to take part in the conducting or carrying on of a kindergarten conducted or carried on by the holder of such permit.

(5) If any person shall conduct or carry on or be employed or engaged or serve or engage, whether as principal servant or agent or otherwise, in the conducting or carrying on of a kindergarten in contravention of any of the provisions of this section he shall be guilty of an offence.

Penalty—One hundred pounds or imprisonment with or without hard labour for a period not exceeding six months.

(6) The Minister may, on the recommendation of the Director—

- (a) grant or refuse permits to conduct or carry on kindergartens under this section; and
- (b) cancel and revoke at any time and without giving any reason, any permit granted by him under this section.

(7) Any person who desires to obtain a permit under this section shall make application in writing signed by her in the form prescribed by the regulations, shall address such application to the Director, and shall furnish therewith the prescribed particulars and such other particulars as the Director may require.

(8) Every permit granted by the Minister under this section shall, subject to paragraph (b) of subsection (6) of this section, have effect for one year from the date of the granting thereof and no longer. Provided that the Minister may, if in any case he deem it expedient, grant a permit for a period less than one year.

(9) (a) Every kindergarten being conducted or carried on under the authority of this section shall be subject to inspection by inspectors appointed under this Act in the same manner and to the same extent as Government schools are subject to inspection by such inspectors; and

(b) Where, in respect of any such kindergarten, the Minister so directs, the provisions of sections thirty-three and thirty-four of this Act with such adaptations as may be necessary, shall apply to such kindergartens.

Citation of
principal Act
as amended.

12. The principal Act as amended by the Act No. 43 of 1929 and by this Act may be cited as the Education Act, 1928-1943.